

- **Demetrius Thomas**

00:00:05

Hello! It is now two Pm. Eastern time. You have joined the two thousand and twenty-two field wide webinar possible to your diversion programming collaboration early intervention through re-entry to allow for additional findings past the hour. We will start the we will start the webinar in a few minutes.

- Good afternoon. Thank you for joining Today's field wide Webinar Prosecutorial diversion programming Collaboration Early Intervention for re-entry. I am Demetrius Thomas, Deputy Program Director at the Council State Governments Justice Center. I will be moderating today's Webinar, which is funded by the Us. Department of Justice. There are justice assistance commonly referred to as Bja,
- to give you an overview of today's Webinar. First I will introduce the presenters. Then I would do a brief overview of the justice of the Bureau of Justice Assistance Bja, the Council of State Governments, Csg. Justice Center, and the Justice and Mental Health collaboration program commonly referred to as Gmhcp Tta and the association of prosecuting attorneys Apa. After that presents will lead us to our presentation. After the present. After the presentation there will be good
- a question and answer portion, followed by a quick wrap up
- anytime during the Webinar. You can ask the question by dropping your question into the into the chat box at the bottom of your screen and answering your question. This includes both technical and content related questions. We would try to apply the technical questions in the chat window as we go, for those content related questions. We will keep a running list and address them at the end of the Webinar. We would do our best to get to as many questions as possible.
- If you encounter technical audio problems during this Webinar, please click on the link dropped in the chat box. Please understand that there are some technical issues that we may not be able to resolve. However, the the um record, the Webinar is being recorded, and we will post it on our website as soon as possible.
- Next slide, please. Oh, you already on it, introducing me to our speakers, we have David Leblanc, who's the Staff Attorney for the association of prosecuting the
- David joined the Apa just recently in September of two thousand and Twenty-two, after three and a half years, as an assistant district attorney with the Orleans parish district attorney's office, David, serve New Orleans in many roles. He was a trial attorney in the juvenile and fellow felony divisions before spending the past two years in the Appeals Division litigating direct appeals, State Post conviction, Relief in Federal Habeas corpus applications.
- David graduated cum Laude from Southern University Law Center in May of two thousand and eighteen. During law school, David, Clerk in the Louisiana Attorney General's Office Criminal Appeals Division. For two years David received his Bachelor in Science and Health and Human um performance from Magnes State University,
- also joining us as a presenter, is Todd Williams, who was the district attorney at Buckham County, North Carolina. Todd attended the Unc Chapel Hill, graduating in one thousand nine hundred and ninety-two, with the Ba. In English, while attending Northeastern University Law school, an internship in the law firm of a renowned civil

rights attorney turned hard to war, Criminal justice, Law Todd work for nearly fifteen years as a public defender

- by two thousand and fourteen. The integrity of the Bunkham County justice system was in an app. Entire brand, is a candidate for da to restore. It.
- Scott defended a twenty-four year incumbent, defeated a twenty-four year incumbent, it took office, at welcomed county, Ba. On January first two thousand, and fifteen how was being elected in two thousand and eighteen, and then again in two thousand and twenty-two,
- as a da todd in the office he leaves have resolved heinous crimes, while concurrently working to reverse questionable past convictions and expand access to dresses across the community.
- Also joining us today is Shawn O'ley. John only is the geodivers and case manager for Buckham County, North Carolina, and works with individuals who are incarcerated to assess their needs and link them with support in the community.
- She is a license clinical health counselor, associate in a license clinical addition. Addiction specialists associate prior to beginning her work with our H. A. Geo diversion. Shauna worked in various roles in the community, supporting individual with needs related to substance, use, mental health, and trauma.
- Shawn has been several years working with people experiencing intimate partner, violence providing science, crisis, counseling, and safety planning. Additionally, she spent gears working at the Justice Resource Center. We she implemented programming to support individuals with complex needs who were involved in the legal system.
- She graduated from the University of North Carolina in Asheville and December of two thousand and twelve, with a bachelor's in psychology. She graduated from Western Western Carolina University with a masters in clinical mental health counseling, and two thousand and twenty-one rounding out the part the presenters is Seven Napcom, who is the intensive for rising Service supervisor at the Do shoots. Counting behavioral health.
- Evan is a license clinical, social worker with fifteen years of experience in the field of forensic mental health.
- His current role manages a team that is responsible for providing treatment and support to individuals with severe, persistent mental illness, who are involved in a criminal justice system and a number of contact points, both pre and post sentencing. Thank you all to the presenters for being part of this presentation.
- Next slide next out provide overviews on the mission of the Bja Csg. Justice Center, Jmhcp. And Apa.
- Next slide.
- Bga Bja's mission is to provide leadership and services and grant administration and criminal justice policy development to support local state and tribal justice strategies, to achieve safe for communities. Specifically, Bja provides funding to support law, enforcement, combat, violence and drug related sign, and to combat victimization through the development and implementation of policy services and sound Grants management.
- Bja strengthens the nation's criminal justice system and restored security in communities

- next slide, please. Now i'm going to tell you a little bit about the background of the Council State Government's Justice Center.
- The desk center is a national nonprofit, nonpartisan organization that combines the power of the Membership Association representing State officials and all three branches of government, with the expertise of a policy and research team focus on assisting others to attend measurable results. Our staff develops research, driven strategies to increase public safety and strengthen communities.
- Next slide, please. Oh, this is great! No, Go back. You were right.
- This slide describes a bit more about our work style, and how we start to reflect just to center core values which include a commitment to being independent and nonpartisan. Every aspect of our work providing vigorous, trusted high quality analysis,
- developing practical and innovative solutions, informed by data and research,
- promoting collaboration and building consensus and being inclusive and respectful of diverse views and experiences. Next slide, please.
- Today's Webinar. It's part of the justice and mythical collaboration program commonly referred to as your Mhcp training and technical assistance Tca which many of you may already be familiar with. If you currently have or have had, a Jmh. Ctta, Grant,
- mit Ctl. And the Jmh. Cp. T. A. Promotes innovative Cross system collaboration, and provides grants directly to the States local government, and federally recognize indigenous nations to improve responses for people with mental illness and substance shoes, disorders who are involved in a criminal justice system. One hundred and fifty
- next slide, please.
- Next slide.



Unknown Speaker

00:11:03

I just did. Oh, okay.



Demetrius Thomas

00:11:06

The association of prosecuting its attorneys is a national nonprofit, whose mission is to support prosecutors in their efforts to create safer communities to a more just an equitable legal system, do publications, training and technical assistance and legislative analysis. Apa serves as a form for collaborating with

- the criminal justice partners across the globe, and an advocate on behalf of prosecutors on emerging issues related to administrative justice. Next slide three

- Thanks. Everyone for joining the Webinar. Now I'm going to turn it over to David will provide some contacts on prosecutor. Your diversion, David.
- David, you're You're on mute.
- It's. It's not a Webinar that someone is on mute embarrassing. Um!



David LeBlanc, Staff Attorney, Association of Prosecuting Attorneys

00:12:00

So first of all. Thank you all for coming. I appreciate it. Thank you, Demetrius, for having me. Um, So I just want to briefly talk about what prosecutorial diversion is um. So generally criminal cases are resolved in one of three ways, either through a guilty plea,

- a trial where someone is either found guilty or not guilty or by dismissal. So what diversion is? It's an alternative to that traditional prosecution of criminal cases where, instead of going to court and resolving your case, that way. There's um.
- There's a program through the District Attorney's office of the prosecuting Attorney's office in that jurisdiction that gives people an option that will result in a dismissal rather than a conviction if they successfully complete the program.
- So in a prosecutor in a prosecution led diversion program. Um, The Da's office of the the prosecutor's office sets all the parameters for the program, in terms of which defendants are eligible, based upon various criteria, such as criminal history age. Um whether they have other cases open uh middle illness, or whether they are veterans, those sorts of things. They also determine
- what type of cases are eligible, whether it be uh only drug cases, or only misdemeanors, or certain uh felonies. And then the last thing they determine is, what is the criteria for successful completion, and how you evaluate whether or not someone has completed the program successfully uh next slide.
- So um prosecution led to version has been around, for, you know, since the forties, and really it has um become more mainstream in the past fifteen to twenty years, because research has shown that the telephone crime policies of the seventies. Eighties and nineties have not been effective in enhancing public safety, or in reducing recidivism, or uh reoffending. So prosecutors, nationwide have made it their prerogative to engage with
- communities and with social services, and meet people where they are on justice, criminal justice issues, and reform
- next slide.
- Uh. And so, while prosecutors offices may um lead the diversion program. What a prosecution like diversion program really is is a collaboration between um. All these groups of people that the public,
- the the defense bar, the bench and law enforcement, social services and probation and parole services, and uh, next slide. And so all of those groups
- sort of fit into one of these three areas. So, and Todd is going to talk about this, I think later. But um, if you're in a case like, if you're in a state like Louisiana, where you're a

prosecution uh charging state. Well, then, there's an opportunity for law enforcement to be involved. Um, even at the pre booking stage. So in the city of San Diego, for example, they have a pre booking diversion where someone is arrested, and they believe that person to be suffering from substance abuse

- that person can. Instead of being booked into a jail, the the county jail. They can be checked into a treatment center and avoid the criminal justice system altogether. And you know. So these all these interactions, Um, with a diversion program are going to start with the public whether that's someone coming into contact with law enforcement, or somebody, a family member or another member of the public calling nine, one one, and law enforcement is involved, and it. Of course, in all three of these different
- uh sections, whether it's a pre booking diversion, a pre filing or pre trialed version, or a post um plea or admission diversion. Um. Social services and members of the public are going to be involved in this. And when we say members of the public what we're really talking about
- Are the defendants or the person who's involved in all in the criminal justice system, their support system, their family members, and the people that are are going to help them to make it through these programs. And so um at each level uh in each version of a of a diversion program. Um and the the district attorney's office, or the prosecuting attorney, will set parameters on which kind of cases are gonna fall into each one of these three categories based upon their
- severity or the circumstances of the defendant.
- Okay, uh, next slide.
- And then, of course, there are myriad of benefits. Um, for a prosecution led diversion program, you know. But in my view, the biggest, the biggest benefit of a diversion program is giving people a chance, giving them a chance to get the mental health or substance abuse treatment that they need,
- uh give them a chance to not bear the burden of a of a of a criminal conviction, but still be held accountable for their actions, and also to give them a chance to avoid the trauma of having to go to jail or prison. And um
- with that, Demetrius, i'll
- kick it to you to talk about
- sustainability.



Demetrius Thomas

00:17:14

Thanks, Thanks, David. And collaborations. Yeah, thank you.

- Um. Before we went into the presentation. We just wanted to highlight some best practices and key considerations when working with prosecute prosecutors and other collaborative partners in diversion programs. The first we wanted to focus on building successful collaborations. The first idea is to identify and to begin working with cross

system partners immediately to build your um cross systems, partnership collaboration. It's important to take advantage of already established councils,

- Mit. Ctl. And and Task forces to five partners, supporters, and or other champions of your work. Develop a collaboration team that is racially and ethnically diverse, and includes those with lived experience one hundred and fifty.
- Also, it's important to develop a shared mission and goals come to the table with reasonable goals and points of agreement. Be intentional about building positive relations, relationships, and avoid blame.
- Also, it's important to assign clear roles and responsibility. This may mean developing focus subcommittees that can enhance your program. Says it's marketing community outreach, outreach data and evaluation finance and other sustainability. Committees. Also, it is important to create, clear,
- to create clear policies and practices that details the commit not only details, the committee structures and functions, but as well as the telling the program programmatic information of your program.
- It's important to me often. Um! It also. It's important to be willing to adapt and readjust, particularly relying on the needs of your clients and program data evaluation which we'll talk about a little later next side, please,
- when thinking about collecting that it's important to think about these questions. Who are your clients? What are the data points that address the mission and go to support your clients? Is Um. That includes all that includes baseline data outcome measure data as well as input and output data.
- Who has the authority over these data points? Is it a private entity. Is it a government entity? Is it a not for profit? And, more importantly, are these partners a part of your collaborative team?
- These questions are important, as they will determine how it, how and is the data accessible, and how long would it take to receive it? Will you need to go through a form of request, such as a four year or four? Or is it a public record? It's an accessible through Internet?
- It is also important to ask yourself, How is the data collected? And where will it be stored? Is it collected by a staff person, or or the individual client, or both? Is it directly entered into a system, or is it enter at some later point?
- Is it stored in a central database, or among several documents, such as an excel, spreadsheet, or any other document.
- Also consider how often are you evaluating your data that evaluation should be done regularly and used to define and redefine your program. It's also important to ask yourself what information story, what your data needs to tail, to champion the work. This is essential to be to program sustainability, which we will, which I will be addressing shortly.
- Next slide, please.
- There's some important questions that you should be asking yourself when you're thinking about sharing your data is the information shareable? Does that sharing it violate any privacy, confidentiality, and or civil rights loss?
- What policies and procedures are in place to obtain clients information? For example, are you using informed consent forms

- what policies and practice are in place to share information amongst partners? Are you using ML. Us. Moas or business agreements, or a mixture of all three.
- It is also important to actions. Of what security measures are in place is the data stored in a secure location? Is there limited restricted access to the data. And how long will the data be stored?
- Another question to consider is, how and how often will the data be shared amongst the partners that is, should be shared and generally evaluated often into a secure means. There should be policies and procedures in place around data sharing
- Another question to consider is, Are there policies and procedures around publicly sharing the document? The data amongst the voting partners
- next slide, please?
- Here are some key considerations for financial sustainability. Financial sustainability should be considered at the start of into out your program. Far too many collaborations make the era of considering sustainability at the end of the program.
- There are some tips when thinking about financial sustainability design, a sustainable initiative
- and clarifying what your jurisdiction seeks to achieve through your initiative would help you identify relevant funding, develop the appropriate Sustainability Committee and bring funding to scale and to sustain it over time. Two hundred and fifty.
- It's important to develop a thing as a sustainability committee. A Sustainability Committee is a group of people representing various perspectives who are investing in the long term financial health of the initiative. It is critical for community to include impacted populations in diverse and diverse voices, as in their involvement. Initiatives and their related budgets are in danger of reflecting the priorities of government agencies rather than the actual needs of the populations. They are meant



Unknown Speaker

00:23:10

to serve.



Demetrius Thomas

00:23:11

A Sustainability Committee also provides strategic oversight of the initiative's budget, and drives efforts to secure future funding.

- Consider the various roles the committee needs to be successful when when when you help to staff. The committee in a meaningful way.

- The Sustainability Committee could source roles and stakeholders from existing initiative, planning and implementation committees as these members might be strong position to create sustainability plans as a result of their involvement and operating the initiative as a whole.
- It is also important to prioritize strategies to demonstrate impact to obtain additional grant funding and advocate for the use of tax dollars. You need to be able to demonstrate the initiative impact in a meaningful way and show that it is making a difference
- to do this. It is imperative to identify strategies that demonstrate impact, for example, discrete efforts that show the initiative effectiveness either to quantitative or qualitative data, or both.
- These strategies should be in service of the goals and program and policy Co. Components. You listed under the initiatives designed.
- It is also important to determine. The budget needs thank through each key cost over time before you begin calculations to develop a funding plan.
- Consider how much of your budget is invested in communities that are disproportionately impacted by the criminal justice system, as well as the behavioral health system, identify existing funding,
- and It's also important to maximize your current funding resources. Your initiative should make each dollar go as far as possible toward achieving measurable and path
- emphasis on measurable if through data and that evaluation you realize something Isn't working, it is important to retool it and redirect funding. Try to prioritize funding dollars, using funding with very limited discretion to what priorities would they are limited or no funding sources
- next slide,
- i'm. Now going to turn it over to the Buckham team, who's going to walk us through position presentations on their program.
- Todd Shana.



Shawna Ohle, Jail Diversion Case Mgr., Buncombe County, NC

00:25:36

I can get us started here next slide, please.

- So again. My name is Shauna. I am in Bunkham County. Um, I'm going to speak to you about some of the jail diversion that we have happening in Bunkham County.
- Um. I'm part of a program that provides case management, treatment, planning, and evidence-based group programming within the detention facility. We have three case managers that are embedded in the detention facility. Here,
- and we're in a unique position because we're in here, so we can provide information in the form of a recommendation to the court system.
- Um, What this person might need what plan this person might follow, and we can also serve as a resource to law enforcement. So this includes instances where someone comes in,

- and they might be exhibiting some mental health features. Um, or some signs of substance use, or someone who's come into the facility multiple times over the course of the past month.
- What we're really trying to do is increase engagement for individuals with community based services, and by doing so we want to reduce the likelihood that individuals will be re-rested and enter back into the jail
- next slide, please.
- So again, our main goal is we want to prevent unnecessary incarceration, and this is especially true among individuals who are dealing with a mental health diagnosis or issues with substance. Use the primary goals to reduce jail time. We don't want people staying in custody for longer than they need to be, especially if they're going to be better served in the community, either re engaging with services or resuming services that they have already been using.
- We also want to understand that we jail is not an ideal environment for people. It can sometimes be a critical intervention. Um, in which people are open to treatment or stabilization. Um, simply
- by the fact that they came into custody, and that option is being offered to them.
- Next slide, please.
- So anyone um
- that comes into the facility is eligible for our programming. Certainly their um legal situation stipulates what we're able to do. We're not able to create a reentry plan and recommendations for everyone. But we're going to engage them in any way we can, and oftentimes that includes engaging them in evidence based programming, engaging them in motivational interviewing and getting individuals to start thinking about what supports they're going to want in place whenever they do leave, because everyone
- we'll leave
- um,
- And of course we have. What i'll talk about later is special tracks for people who endorse steps into us as their primary challenge, or who have um a documented, severe, and persistent mental illness as their primary challenge.
- Next slide, please,
- we get referrals. This is the collaboration piece for us. We get referrals from everyone. We get bench referrals. So if a judge see someone for a first appearance and thinks that they would benefit from speaking to us. We can get referrals
- from the bench. We can get referrals from public defenders. We can get referrals from family members. Oftentimes we collaborate with other agencies in the community, whether that's open access, mental health agencies, domestic violence agencies, um homeless agencies that say, hey? A client of ours is in custody. Here are the support they have in the community, and then we can meet with that individual, and with their consent, make the recommendation that they continue utilizing those supports in the community to ensure that
- they don't come back into custody.
- Next slide, please.
- So the programs that i'm just going to briefly touch on today that fall under

- our umbrella, or the substance use diversion just which is specifically for folks with documented, severe, and persistent mental illness re-entry and then we also have a catch, All which we'll talk about, which is named the Familiar Faces Task Force
- next slide, please.
- So substance use diversion exactly what it sounds like. We have a unique opportunity here to
- ask for attorneys to go in front of the judge and ask for an individual's bond to be unsecured in order for them to attend residential treatment, instead of being in custody. Right now, we have two treatment facilities that we work with, and refer clients to directly from the detention facility. One of them is a two week program. The other one is a thirty day program.
- What these individuals also have the opportunity to do when they're in treatment is collaborate with their counselor and case manager while they're there to come up with an appropriate step down program.
- And then what folks have the option to do is their attorney can continue to get their bond in front of the judge again to see if it can be modified for that person to continue whatever that step down recommendation is, and these individuals are often monitored by pre-trial during that process.
- Some special considerations here. Unfortunately, these treatment facilities that graciously accept folks from custody will not accept folks with violent charges or assault of charges.
- Another special consideration is Lots of times folks come into custody, and they have out of county holds meaning. They have pending issues and other counties. Whether that's a failure to appear, or they have to have a first appearance.
- In those cases. We're not able to make these types of plans for individuals, because as soon as they're bonds and secured. Instead of going into a bed and treatment, they would have to go to another county to resolve those legal matters, and the plan was then kind of
- fall apart. So those are things that we have to think about when making this type of
- folks
- next slide, please,
- just is specifically for folks in the community that have
- a diagnosis in the state of a severe, persistent mental illness. Usually these folks are already engaged with enhanced services, which means they may have in a sort of community treatment team or a community support team or some other type of wraparound service, and just is essentially trying to make the case to the port that this is an individual that is benefiting from these supportive services. There's a high likelihood that this individuals mental health, factored in to whatever alleged crime they committed.
- And could we please make the case for this individual to resume these wrap around services in the community so that they can have continued access to social support, and the medication that we know is beneficial to them.
- Next slide, please.
- And then we have re-entry, services, which is essentially everyone, because everyone that comes to jail is leaving, whether they're leaving directly from the jail back into the

community, or whether they're gonna get sentenced to Doc and then come back into the community.

- So re-entry is offered to everyone, including those individuals that Don't meet the legal and clinical criteria to get into treatment or Don't have that diagnosis. So we meet with everyone and
- really start talking with them about what supports they're going to need in place. What have been the previous challenges, and start having conversations and giving them information about how they can connect with community resources when they are released from custody. If we're not able to
- make a recommendation that their bond be unsecured for them to engage.
- Next slide, please. And then familiar faces. Task Force is kind of a catch. All familiar faces. Task force is for that percentage of individuals that can be very difficult to engage, and that tends to utilize um the jail as a means of crisis. Stabilization, right? They're coming into custody frequently, whether it's into the jail or into the hospital, and for whatever reason they're never following up with whatever
- um step down, plan is made, whatever crisis plan is made, whatever continuing care plan is made, so familiar faces is a collaboration in which providers that work at all different types. Parts of the community come together in staff individuals, so that if this individual is seen at the local homeless shelter, people will know who this individual is working with when their next court dates are what providers they have, what needs they have, so that we can work together as a community to offer support to individuals that
- Aren't going to necessarily follow a written plan, but who would benefit and are receptive to some type of support?
- Next slide, please.
- So again, with familiar faces. What we really want to do is we want to meet individuals where they're at. We're hoping that this helps improve their health. We're hoping that we can help get them house. Of course we don't want to see these individuals consistently using the jail for crisis stabilization. Um. And we also want to hopefully prevent these individuals from using the hospital or the emergency department for crisis stabilization, because we want them to have access to caring individuals throughout the community that can intervene before it gets to the point.
- They're having to come into custody or utilize the hospital for stabilization.
- And then I think this is
- where you can chime in time.



Todd Williams, District Attorney, Buncombe County, NC

00:35:21

Thank you, Shawna. That was excellent, and thank you, Demetrius, for the introduction, and David for the setup.

- My name is Todd Williams, on the district attorney here in Bucham County, North Carolina. I was elected, as you heard, in two thousand and fourteen took office in two thousand and fifteen,
- and I ran under a banner of fairness, integrity, and justice.
- Um! And there were a lot of issues here in Bucham county. My predecessor was here for twenty four years, and things needed an update.
- I came from a background of public defense. I was a capital defender at the time that I ran for this office.
- Um,
- that being said, there were very few
- in the court system outside of
- prison probation. North Carolina Legislature did provide for a statutory deferred prosecution which would be judicially supervised.
- Um!
- There was drug Treatment Court, which generally, you know, obligated the offender to plead guilty and be placed on probation.
- But there was no prosecutor-led diversion program here in Bunkham County
- Ah, and what? When I came in in two thousand and fifteen, we did a systems analysis what we had here in Buckham County to achieve the aims of justice here
- as a Da. Is obligated to do.
- And there was a program where there was a um, a court that was utilized here, that for first first offenders charged with misdemeanor crime crimes, they would be referred to a court where they would be oxymoronically told.
- The way to get your charge dismissed, dismissed is to plead guilty.
- It was sort of modeled on the drug treatment Court protocol.
- So folks who are charged with nuisance crimes, petty theft, those kinds of things first offenders would be referred to this court.
- They would plead guilty, maybe do ten, fifteen hours of community service come back six months later, and if they didn't have new charges their charge, a motion would be filed to strike their plea, and and then, if granted by the court, then the State would take a dismissal,
- and the folks that were in this court heard my charge was dismissed, which was true.
- Um,
- However, we had multiple problems in that. We were constantly receiving calls from chiefly military recruiters who were asking, Was there a sentence imposed in the case,
- and there was. They were sentenced to the folks that were in that court were sentenced to unsupervised probation, and were told to do community service.
- They also had to pay cost of court in that program,
- and there was also a post-conviction motion that was granted, and then a dismissal post. The grant of that motion
- we had. We had an individual who had a professional license, who went to renew their license,
- and was told by the licensing board, that they lied on their application to renew their license, because they checked that they had never been convicted of a crime. Well, they heard that their charge was dismissed, but it was dismissed after a post-conviction. Motion was granted

- so
- Ah! You know, after being elected, I felt like the path to do justice here in Bunkham County and in North Carolina, was to utilize a prosecutor, led diversion program.
- What you need to understand here in Bulkham County about criminal procedure here in North Carolina is that we are a police charge State
- meaning police, make an arrest. They go to the magistrate. The magistrate then issues a warrant and sets a court date, sets a bond
- if that's appropriate,
- and the individual might receive services through the jail diversion program just described by Shauna.
- Ah! And that program was was implemented probably ten to fifteen years ago, in as a joint project between Bunkham County Government. The sheriff's office and court officials,
- perhaps including the da, but I think, largely driven by judges.
- What I wanted to do was different.
- I wanted a prosecutor-led diversion program, so that
- Ah, while we don't have discretion, we once a matter is charged by law enforcement, and the matter is initiated. We do have discretion about charges in terms of you know, reviewing for appropriate charges and that kind of thing, one hundred and fifty.
- But
- while many of you think that may think that that's bizarre, that you know the prosecutor doesn't really initiate the case here in Buckham County, and I've heard that as I've gone around and talk to my colleagues nationwide, What we do have here in North Carolina is,
- we can dismiss a case as prosecutors for any reason or no reason, and that's pretty much unchecked by Ah! The system outside of the voter. Um, and I just just reelected yesterday. Um! So the voters of Bucombe County have uh,
- have tacitly placed their impromatur.
- Thank you for the congratulations on this program They' about to describe. We created for first offenders the adult misdemeanor diversion program as indicated on the slide,
- and that includes a a track for the unhoused population here in Bunkham County. So,
- because their needs are, you know, some of those charges include sleeping in a park or public urination, or those kinds of yeah
- nuisance crimes which you know, if an individual is living in a Mc mansion, or where? What have you? Ah, sleeping in a park may indicate different issues than someone who is unhoused. So there are separate, ah individuated tracks of the adult misdemeanor diversion program that
- welcome County Justice Resource Center have put together. Then we have the felony drug diversion program as well. Oh,
- one of the critical things that I wanted to address in creating these programs, especially the adult misdemeanor diversion program is because, like I said, police charge and they come into the court system,
- we have a pre-screened set of charges that everyone who is charged is invited and notified of the program

- in Bunkham County folks in the Justice Resource Center are very kind to do this work. They analyze the dockets they look at, which charges are eligible, which offenders are first offenders,
- and then, as they come into the system, they're all given kind of a a greeting and advise of the program, and they can either voluntarily accept it
- or not.
- Perhaps it's time to
- go to the next line.
- Yes, so I guess I would say you know what we're trying to do is to be smart on crime.
- Um,
- my office, our chief, I think all of all of my colleagues around the country were always going to be focused on addressing violent crime.
- Keep in maintaining, you know, community safety by addressing violent crime chiefly
- Um.
- The The programs that I'm describing emanate from the use of prosecutorial discretion
- which is to create strategies to ensure accountability while addressing issues that lead to criminal behavior outside of the court system.
- And the reason for doing that is to
- there are the collateral consequences that sometimes stem from not only a conviction, but a potential, you know. Arrest, and then a dismissal, any kind of criminal record.
- Um. So we created the Bunkham County Justice Resource center to create that seamless linkage within the court system. I've always said that I wanted to create a program that would begin to transform our court system here
- from a place of of punishment that's recognized as a place of punishment and accountability via punishment to
- to increase um. You know access to health care, housing referrals to education, um vocational rehab and those sorts of holistic services. Next slide, please.
- Felony, drug diversion does Ah reach out to our community and uses a peer support model. So we we lean heavily on folks who have lived experience and can share that experience with folks who have been in in the position that the participants are are currently trying to to
- to heal from the drug diversion. Not only does it require meetings with a pure support specialist there, there is accountability through,
- I guess. You say restitution via community service, back to the to the community as as a point upon entry. All folks that are going in
- to either the adult misdemeanor version program or the felony drug diversion program
- Do A. I think it's about a fifteen to thirty minute
- class, if you will, or Powerpoint, and then take a quick little true or false test about collateral consequences. I want folks to understand um. You know the benefit of the program in terms of we're utilizing our discretion to take them out of the court system, and there's a benefit to that. Um, you know, as opposed to. You know you're asking me to do all this extra stuff. Well, can I just pay my court costs in the fine, and and go home and get out of here and have that guilty next to my name for the rest of my life, potentially. So there's a little bit of education about the benefit of the program. Two hundred and fifty.

- And then there's pure support and community accountability, and of course, implicit in all diversion Programs, you know, is pick up no new charges.
- Next slide, please.
- Um
- Again, adult misdemeanor diversion tracks this. The similar similarly described protocols of the that I just mentioned, three to nine months education, volunteer, and restitution is required, and
- we also have in the unhoused track created a kiosk and some other resources for unhoused folks, so that they can come to the Justice Resource Center and, you know, work on their resume log into their email and do those sorts of things.
- Next slide
- are. We?
- Is this back to Shauna?



Shawna Ohle, Jail Diversion Case Mgr., Buncombe County, NC

00:47:09

Yes, unless you had anything else that you wanted to.



Unknown Speaker

00:47:13

Um



Todd Williams, District Attorney, Buncombe County, NC

00:47:17

just that. Ah,

- I just. I think I made it somewhat clear that the jail diversion program that Shauna is involved with is separate and apart from
- the program that I just
- described, this is one of the the the things that i'm most proud of in terms of Ah, an infrastructure change here within the Buckham County Court community,
- the Justice Resource Center is actually housed at the Bunkham County, where the Bunkham County jail was prior to one thousand nine hundred and ninety, six, so I think

it's a good metaphor for change in our in our court system, and i'll end on that note, and I appreciate the ability to share.



Shawna Ohle, Jail Diversion Case Mgr., Buncombe County, NC

00:48:06

Thank you. Todd and congratulations.

- Um. And just real briefly before we pass it back to Demetrius. Want to talk about the one other service that we offer the Bunkham County Reentry Council. This is a program specifically for individuals that are being released from incarceration in prison, and the pillars that they focus on are linking individuals with employment, education, transportation, and housing. This was a pilot program at one time, because they noticed that individuals, especially individuals, coming out of lengthy periods of incarceration.
- We're really not given the skills, the tools, and the social support that was absolutely critical to them, being able to get their basic needs. Matt: when they were released from custody. Um, next slide, please.
- And again, basically what
- the Bunkham County Re-entry Council is meant to do is help. Individuals, especially after lengthy periods of incarceration, come back to the community with some semblance of support
- to ensure that the community is able to employ these individuals and work with these individuals to ensure that they get their basic needs met, including their physical health. Mental health needs. Um
- getting people back to full time. Employment is critical, especially when people are working to regain custody of kids. They post release finds um an increase community safety. We want to engage individuals. We want to give them a safe place to be so that they are not left with a difficult decision to resort back to
- any illegal activity that could then put them at risk for further incarceration.



Demetrius Thomas

00:49:45

And that concludes our portion. Thank you, Demetrius. Thank you, Shawna. Thank you, Todd. I do want to acknowledge that I see hands being raised after Evan goes through his presentation. We're going to circle back one hundred and eighty

- um, and acknowledged those who had hands raised, and all questions dropped into the chat. With that being said, I want to kick it over to Evan Napcom. Who um is the

- intensive forensic services supervisor at the Sheets County? Um, to talk a bit about their program. Evan:



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

00:50:21

Yeah, thanks to me, Chris. Uh hi! Everybody thanks so much for having me.

- Um. So uh as Demetrius mentioned, i'm a supervisor of a team here within uh county behavioral help that works with um
- several different groups of of clients that are all uh, forensically, or criminal justice involved, and have a severe and persistent mental illnesses. Um, in the presentation today, I'm going to focus and and highlight on one one, a specific group of clients. Um that has
- uh grown dramatically over the past several years, and just kind of give an overview of how we've been working with those folks. But just for a little bit of context for those of you who don't know uh to Shoots County. If you
- stuck a pin like right in the center of organ uh that's where you would find the Shoots County. Um! It's a county of about one hundred thousand people. Our biggest city is bend uh, and so just to kind of give you a little bit of context of uh, you know, sort of the size of the county, and and how some of the programs that i'm talking about might compare to. Uh. You know some of the places that you all are coming from
- uh next slide.
- So the the purpose of of my team and my team was was formed within the last couple of years to address a a growing population of forensically involved, uh, mentally ill clients. But really the purpose of our team is to provide uh high quality mental health care for people. Uh with severe and persistent mental illness. Um, who are somehow involved in the criminal justice system. And there there's a nexus between um the the commission of their their crime and their charges
- uh with their mental health.
- Um, our team's goal is really to try to stabilize and provide treatment to all of our all of our clients. But today i'm. I'm specifically going to be talking about um individuals who are found unable to aid and assist in other States. This is known as incompetent to stand trial.
- Um sort of synonymous with with that idea. Um! But folks who who um because of their mental health issues, are unable to uh understand what's going on with the legal process, and therefore are enabled to um assist in their own offense.
- Um, all of this well for protecting public safety and reducing recidivism. Um, you know just one note about this this population,
- let's say, in the past two to three years here in Oregon. Um, at least what we've seen, and I think it's pretty much throughout the State is that that this group of clients has grown by anywhere from three hundred to four hundred

- to the point where it has um completely overwhelmed State hospital. Um. At this point our State hospitals are no longer able to accept folks under civil commitment, because they're dedicating so many of their beds to um to aid and assist individuals.
- Um! And so we've seen this real increase. I, you know I don't know whether that's happening elsewhere in the in the country. In the same way. But um! It really has become sort of the funnel for um individuals who need some type of of mandated or involuntary treatment.
- Um, and you know our are otherwise not willing to participate in in the behavioral health treatment process. Uh: So we've seen this this ton of growth. Um, there's a lot of um, you know, attention, and
- and fortunately money um being, you know, directed towards it by the State Legislature because of that. Um, but it It has kind of reached this point where it's almost a a crisis, because it's It's bogging down on the whole system. So
- uh next slide.
- So you know in thinking about um. Not only you know sort of what we currently do right now. My longer term goal, and I think it's it's very much the same as what i'm hearing, you know, from the other presenters here, and probably all of you, as well as it's just
- trying to find ways of uh catching this further upstream, and and really um diverting these folks um before they even enter the criminal justice system. Um, certainly, before you know, they've got uh charges against them, and we're headed down that road.
- So you know, I think that that's likely all of our um, all of our shared goal. Um, probably, you know, for for years and years now we've been trying to figure out this this puzzle. But um, I do think when I think about um,
- you know our our process here, and kind of the the trend that we're seeing in the state of Oregon. Um, you know. I I think, that so often what we're bogged down by or like these bigger systemic challenges. And I think
- from my perspective Um, you know, waiting for these systems to change is a very slow process. And so i'm really focused on
- trying to um find like local grassroots uh processes that we can come up with um that involve collaboration with, You know other other partners here on a local basis that maybe we can can use as a model. And so um.
- So, my you know, my goal eventually is to sort of intercept this process earlier on, and and come up with some type of diversion. Model um that will hopefully reduce the number of people that are, or even found, unable to assist
- next slide.
- So in terms of eligibility, all of these individuals are ordered by the Court, I'll get into the process of how that works here in Oregon in just a moment. Um! This applies to both felony and misdemeanor crimes, and no limitations on the on the charges that are involved here. Um.
- The way that that works technically is essentially the the legal processes pause Well, uh the individual's competency is really addressed, and what sounds uh competent um that these folks then would move forward with entering a plea. Um! And and sort of the the justice system moves on as it normally would otherwise.

- Um, i'll. I'll get in to kind of how that actually happens in in reality a little bit later on. But but that's essentially the idea here. Um! About ninety-five, plus probably even a little bit higher uh of our folks are on medicaid. Many of them are uh initially houseless when they come to us.
- Um, we definitely see a pretty high um co current of of substance use
- um. So all of those things are are factors as well. Next slide.
- So just kind of a little bit about the process here. Basically when a defense attorney identifies that their client is having mental health issues that impact their their ability to understand what's going on in court. Um, The attorney will raise these issues to court the court will order a forensic evaluation, and that evaluation, if it finds that that person is indeed unable to an assist because of a a qualifying mental illness.
- Um, the court essentially, then turns things over to to my team to determine whether that individuals appropriate for placement in the community, or whether they require a State hospital level of care, usually because either their their symptoms are so cute that they're not even really
- able to or willing to participate in treatment on a community basis, or because of um, some some level of dangerousness.
- Um, our team uh for the folks who remain in the community or come back to us from the State Hospital. We work with these clients in the community um to try uh to restore them to the point of competency, so that they can move forward in their legal process. Obviously that um
- not only involves sort of skills around the legal system, and what's going on in their case and understanding of all of that, but
- also just, you know, stabilizing them or restabilizing them from a mental health basis. Um! So that they they've got a shot to to really learn um some of the things that they need to know to move forward
- next slide.
- Um. So just in terms of uh sort of care, coordination, and and referral sources that we utilize quite a bit. Um, our behavioral health clinic Here, um is is a clinic that has an embedded uh primary care clinic run through um a local medical organization. Um has an in-house pharmacy. So there's a lot that we can do for our folks from uh healthcare needs uh just basically in house uh which is really nice.
- Um: The The resources that we use most often are um resident residential treatment. Um, shelters
- uh food. Sampson food, banks, social security, Medicaid. You know all the things that you would expect for folks who are hostless. Um, and and maybe significantly, you know, lacking in in resources
- next slide.
- Um, just, I guess a couple of our like success points um in terms of the coordination piece. Um, I think most significantly that that our team has put a lot of investment in
- um developing relationships on a local level with um all these different resources, and and we have, you know people that we can just call directly when we need something, you know, for a client. And
- and you know that's I. I realize that that's not possible everywhere, you know, if you live in a bigger urban area. Um, this might not be quite as easy. We happen to be sort

of in a sweet spot with the size of our county, where we can actually know and and build a relationship with individual people in in each area of the system.

- Um, So that's helped out quite a bit. Um. And then, just you know
- frankly, the involuntary nature of this process. Um, it makes a lot of things easier, and um,
- you know an organ. But the court automatically orders for each of our cases that the information be allowed to be shared uh for the purposes of coordination. And so, you know, we don't have to run around getting a bunch of releases of information and sort of like
- um wrangling with clients over whether or not they're okay with that. Um. So the the coordination for this particular population is actually um much smoother than a lot of the other clients that we work with
- next slide.
- So the strategies that we're using are really just to provide wrap around mental health treatment, um case, management, resource, coordination, peer support um on our team. We have uh three uh clinicians who are either uh license professional counselors or or social workers. We have two case managers. We have two peer support specialists, and all of them are involved in some way. Uh wrapping around care of these of these folks.
- Um,
- you know. Again, we. We are looking at what is the most appropriate and safe level of care for them to be in, whether that is living independently in the community. Um being placed in some type of treatment facility, or going to the State Hospital. It's our biggest barrier here is that we have a huge shortage of treatment facility beds, and so um getting somebody into one of those is is pretty difficult. Um! One of the things that we've piloted over the last couple of years is um



Unknown Speaker

01:02:12

i'm actually paying for thing to reserve



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:02:15

um beds in a high barrier. Shelter um, and that we can place people in who are appropriate um, and can be managed at that level. Um, and that's that's actually worked quite well for people who are coming back of the State Hospital and have

stabilized, but without that that support or without a roof over their head, we could quickly expect them to, uh, to compensate in the community again

- next slide.
- So we also coordinate closely with the court, the Da's office Defense Attorneys and State Hospital to coordinate care um and facilitate the most appropriate treatment, setting
- um, and attempting to reduce the State Hospital backlog by coming up with alternative options like I mentioned um contracting with a hybrid or shelter, working closely with our residential treatment programs. You know, I I would say that for
- those of you who are wondering sort of like what the the magic answer is for working with with this population. Um, you know. I wish I had something that was a little bit easier. But to me it's really just. It's it's collaboration, and the relationships that you build. And
- um, those are priceless. And here in the Shoes County we've gotten to the point where every single week, every Monday morning. First thing we have a meeting that involves um our behavioral health team.
- The Da's office. Um,
- Pretty much all of the defense attorneys of all of the clients who are involved here. Um! And we all get together uh on zoom, and we we talk through the cases that are on the docket for that day, and
- um sort of what the plan is, what their current status is. Um, giving the defense attorney and the deputy district attorney a chance to sort through some of the issues that that they're going to be addressing in court. Um, and and you know, giving behavioral help. A a clinical voice in the room to kind of talk about what we think might be
- most appropriate or most helpful for the person. Um,
- and I will say that that has been probably the biggest game changer of all of this, because we all then go into court
- with a plan for each one of these cases, and it kind of knowing where it's going to go. And um, you know, I think that that has really uh helped not only to to streamline things, but just get everybody on the same page uh
- approaching this from um the perspective of both the individual and what's best for their their mental health. Um! And how we can uh hopefully achieve that. Um. But also, you know, setting up this is really collaborative nature uh of the relationship, and and that it's it's certainly less um
- contentious than what I've seen elsewhere in the State
- uh next slide.
- Other strategies are obviously like creating linkages uh with important resources like family um payees guardianships, you know. These are all things that we're using to try to help stabilize these folks in different ways. Um!
- And then really working towards uh, and this is sort of our team's. Ultimate goal is is working towards ongoing engagement with longer-term treatment and and i'll talk about this a little bit more later. But, um! We've had some data that has significantly correlated this with reduced recidivism. Uh in this group next slide

- uh, because the the competency restoration process only only pauses the normal um sort of flow of the the legal system. Um folks who regain the ability to assist They they wind up, still moving forward with entering a plea to their charges.
- Um, However, we've had some interesting data come out recently that um statewide here Once somebody is found able to aid in the system moves forward with their case. Only about thirty-three percent of these cases are reaching a disposition.
- Um the other Two thirds are dismissed. Um charges are dropped. Uh often because of this, like this, whole process has taken a year to a couple of years, and they've already sort of gone past the amount of time that they would have served otherwise. Um, you know. At other times it's just it's sort of
- clear that. Um that that is the best thing for for the individual. Um, So there's there's a number of reasons, that sort of factor into this, but I think it's just a key point that I want to highlight is that we're you know we're sort of doing all of this work in the interests of
- um reaching
- eventual justice. And yet um! Only about a third of these these cases are are actually reaching a disposition, and that's not to say that it's not a success. Um, but it. Again. I think again, it sort of highlights the need to try to intercept this process earlier upstream. Um and and
- kind of get all of these cases uh out of the the courts and find some other way of of managing them. Um!
- And and that being sort of a bigger, longer term goal uh next slide.
- So, in terms of how we think about success, we think about success by um. How many of these individuals continue to engage with behavioral health beyond the resolution of their case. That is how our team defines it. You know. I'm sure that our our da uh defense attorneys or State Hospital would define it differently. But
- but that's That's how I look at it. Um! Our The data that I track shows that for folks who have continued to engage with behavioral health, not even just my team, but somewhere in counting behavioral health
- uh, for forty-five days or more following the the resolution of their case, they are about half as likely to recidivate or or re-enter this competency process as compared to people who just kind of dropped off the map as soon as they were done so. Um, I think that you know it. It just really shows that even
- um, you know a relatively short term of ongoing engagement. Um can have some significant benefits. And and you know we just sort of see
- clients who restabilize, and then and then maintain that, and are able to continue to work with the behavioral health team and um, you know, for for long periods of time without any uh or citizens.



Unknown Speaker

01:09:00

Uh, I think.



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:09:02

Uh, okay, One more slide. Thanks. Uh. So

- you know, I think ultimately like our our sort of stated goal is to restore these folks to come and see. But, um! As I mentioned, I think an equal amount or more of our efforts are are really placed on trying to develop a positive relationship between uh, the individual and our behavioral health system, so that
- they will continue to work with us even beyond um beyond this process. And
- um, you know, I I again, I Just think that we've seen it work um again and again, where we get somebody who is extremely psychotic, extremely um unwilling to engage at the beginning of this process, and by the end of it we're actually able to, you know, maintain ongoing services for them.
- Uh, so those are really our real successes.
- I mean. That's the last slide. Thanks,



Demetrius Thomas

01:10:01

thanks, Evan. Um! Before we go into the facilitated questions piece Just wanted to hold some space to see if you all had any questions directly asking Shawn, Todd or Evan about their program. I see Miriam has dropped the question into the chat.

- Um, the and I believe this question is for Shawn and Todd Maryam. If I'm wrong, just let me know. And the question is, are these services available to people who are both in prison and in the county jail,



Todd Williams, District Attorney, Buncombe County, NC

01:10:36

in terms of the Justice Resource center, the Justice resource center and the pure support components

- and various other resources that they offer are actually
- open to the public. You don't need to be charged with with a crime to to access it.
- Um!

- Now uh in in regard to Shauna's program. I'll
- turn it over to you.



Shawna Ohle, Jail Diversion Case Mgr., Buncombe County, NC

01:11:07

So we have two separate tracks to support individuals with re-entry. We have the Bunkham County or entry council that has funding specifically to help folks that are getting released from prison, and then we work with a case manager in two peer supports in the community that are specifically meant to help individuals as they leave the jail. We have our presence. Our offices are in the Buckham County detention facility. The jail. We unfortunately don't have that same presence in the prison,

- but we do have those supports available to folks when they get out of prison, and what we try to do when folks are in the jail. Typically, they're incarcerated until they're shipped to Doc. We try to get them um a meeting with someone from their reentry Council before they go to do so that they can meet with talk with um and share some of what they're gonna need when they get out with the individual, so that they feel more comfortable to reaching out when they're released from prison.



Demetrius Thomas

01:12:02

Thank you. Oh, perfect, thank you, Mary, and this Thank you too. So. Um we have. I see, a hand raised. Um! If I pronounce your name, or I want to take you off the um

- mute to speak, just say your name for us. Um. The next hand, I see is Adeline cruise, Evelyn. Do you want to ask your question?



Adilen Cruz

01:12:22

Yes, thank you. You did very Well, by the way, in the pronunciation, I have a question for you, and even a and then i'm sorry the i'm talking about butchering names. Um, the

- you you for the people that are incompetent to proceed, or what we call it, for short. Um When you you offered first um impressed that the court system will reach out to you before

- um adjudication or competency, or anything like that. Congratulations that's something that we've been trying to do here in our circuit for a long time. Um! And we usually get pulled in a little way later than that. But um you you've mentioned that you the people you're able to to to put in the community.
- I I'm not sure where you're from. I I think I missed like the very beginning of the um of the introduction. And um,
- how do you deal with it? Informed consent, like the ability to provide consent for those people that are itp and that are coming into a community treatment for outpatient services.
- I I I've mentioned where you're from, because there are statues like required to press informed consent, and the whole signature of, of, of of signing it? And are people that do go to the community that are itp, are unconditional release, very strict, conditional or release
- um,
- and oftentimes they don't engage. So I want to know. How
- is it? It's everybody saying, Yes, I want to participate, or how do you deal with that?



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:13:56

Yeah, all good questions. Um,

- uh, I'm. I'm from Central Oregon to Shoes County, uh which our biggest city here is, Bend um. So uh
- here, yeah, I I think that Um, it's. It's basically a to address through the court order and um through the court order to participate in in services uh with us. So a lot of these folks are are certainly not voluntary. Um, far from it, and certainly
- um do not
- either want, or or also more often understand why they're suddenly involved with my treatment team. Um, and and so that certainly, you know, I think, that
- the piece of like the informed consent is is addressed by them being under this court order. But the piece of how we actually engage and work with somebody like that is um is definitely the more complicated one.
- Um, you know. I I guess I would just say that our our team was developed to approach things from um kind of like in a sort of community treatment, type of approach, meaning that we're. We are
- not waiting for people to come to us. We are going out, we're in the homeless camps. We are knocking on hotel room doors, you know. We are very assertively working to engage these folks, and quite honestly, like a lot of times we have to offer them some incentive initially to to start working with us,
- and there's a real balance of trying to get somebody in the door. Show that um that you can offer something of value to them, and then gradually work on on the relationship

from there. And it's it's certainly not successful, you know, all the time, but I would say that

- um, you know our our our team has just gotten really good at kind of
- finding that that balance and uh finding a way to engage with somebody that that doesn't come across as like we are representing the court, or we are some type of like, you know, monitoring arm of of a court that we're really here primarily with the goal of helping you and and helping you with whatever your goals and needs are, and that we're gonna prioritize that first. And then we're gonna work on. You know this this restoration to competency process.
- Um:
- And so yeah, I mean, I think that that's that's sort of how we've how we've approached it, and we just kind of take a like by any means necessary approach to it all, whether it's from a incentive basis or or just, you know. Uh, just going out and tracking.



Adilen Cruz

01:16:40

Thank you for your answer. It it I mean the competency portion is mandatory for our circuit. The treatment portion will community placed Individual. That's what becomes more, much more um a gray area,



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:16:55

right? And I see you shaking your head? What happens everywhere, I guess. Yeah. I mean, I think you know for for these folks that we're working with, they are ordered to participate in treatment, of course, whether that you know that that happens and they follow through or not. Um. And this is the question: Yeah,



Adilen Cruz

01:17:13

thank you so much for



Unknown Speaker

01:17:17

Oh,



Demetrius Thomas

01:17:18

all right, thank you. Um. Any other questions Feel free to raise your hand um, or drop them into the chat. I had a question um, and David feel free to jump in anytime.

- Um, I had a question. Um, And this question is for Todd. So you discussed um doing a systems analysis. Um! When you got into office to um, look at some potential diversion of programs.
- Um! Could you talk a bit about that process, and who was at the table. Um! As you thought through that process. Um! And any tips
- that you can give anyone on the on the team in terms of how, if they don't have d as as industrious and progressive as you. The idea of how to approach a da to do a type of systems or mapping analysis for folks who want to start working with um prosecutors and developing a potential diversion program.



Todd Williams, District Attorney, Buncombe County, NC

01:18:23

Well, a a lot of that systems analysis of it was initiated just by looking at the lay of the land. I I defeated my predecessor with about seventy percent of the vote in two thousand and fourteen.

- Ah! And Buckham County as a as a Shawna or Shauna's predecessor was in her role prior to that, and Bunkham County had made jail population management. Um, you know, a a real critical focus long prior to to me, being
- uh da.
- So
- there were municipal decisions made. You know the North kind of Legislature and Raleigh give us. They give us our statutes, they give us our penal code.
- Um.
- And you know there's so much talk about bond reform, bond reform has kind of been in slow motion development here in Bunkham County for two decades we had a risk assessment. Ah, the Virginia V Prey. I forget what the

- the initial stand. For Now it's the Arnold foundation algorithm. That Perhaps many of you are familiar with
- a lot of low-level offenses were referred out of the I mean they were not housed like maybe twenty, thirty, forty years ago in Buckham County. Folks that were charged with public urination would be locked up. Have to do a night or two in jail until they had
- their first appearance in court, and that was the hammer right? And potentially you're going to do longer you're going to do another week. You're going to do two weeks. But in North Carolina those kinds of offenses generally only carry about twenty days of maximum punishment.
- So what are we doing with with these tickets? Basically, And they might be arrested. They might be taken to Buckham County jail. But generally long, long prior to me being here. These had been deprioritized for carceral solutions, if you will right.
- But the Da's office
- hadn't really responded. And so the Da's office was still using workarounds in terms of formal court processing and an analysis of statistical, like conviction rates and those kinds of old school, if you will, approaches to criminal prosecution.
- We're not going to dismiss it. You've got to plead guilty. You can plead guilty because you're a first offender, and then we'll do this you do on the back end
- uh we'll dismiss the charge, and then we'll, and then you can maybe get it expunged if you've not picked up any new,
- and there are quite there questions about. Was it really a conviction like I said, we were always taking these calls from armed forces? Recruiters like somebody had Ah pled guilty to misdemeanor what marijuana possession! I understand The marm forces has changed their their approach to marijuana possession in the last
- a few years, but in two thousand and fifteen. We were getting these questions all the time.
- Um,
- you know. Did they go to court? Did they plead guilty? Were they sentenced.
- Um. So
- while
- our prosecution led diversion program
- has, I think, knock on effects to hopefully reduce jail population, its its main priority is to achieve justice.
- Ah, by basically the hammer! Here is
- the inducement to change behavior is the potential criminal conviction and the collateral consequences of that criminal conviction.
- And that's Why, when they're coming into the program, they're educated about collateral consequences of that conviction, the value of a dismissal that comes not through a formal guilty plea
- or I referenced very much in passing as I was gliding through. Ah, you know North Carolina law, a formal deferred prosecution, which again is an admission of guilt. It's not a guilty plea, but then it's Ah, it's a a form that's signed by a judge, and and there are probation officers on the case.
- All these things

- were criminal processes that we had in Bunkham County that were utilized, but they were formal, and they had collateral consequences.
- We wanted to transform that so that it was just a dismissal in the interests of justice, and that's all
- anybody could ask about it. We wanted the we wanted the you know in the in the formal court file, dismissal, check the box in the interest of justice. Prosecutor signs it. It's gone. It's out of the system.
- Then the next stage could be potentially an expansion petition for an expansion and wipe the charge from the record, wipe the arrest from the record, wipe all other records from the public record. We wanted to put people in that position,
- and so I lost my train of thought just to
- felt like I was going someplace next. I forgot where, but that was critical. I felt like there were too many um too many ethical uh issues people weren't understanding the process of like. Hey? The way you get relief as a first offender is to plead guilty. I just felt like that was um
- kind of toxic to our integrity as judicial officials here in Mucham County.



Demetrius Thomas

01:23:57

Is that is that responsive to the question? Yes, thank you. Todd. As you talk about looking up the laws and things, Evan. I'm going to come to you. We have a question um

- um about the structure of your team, but before I kick it to you um todd you were talking about looking at the loss. Someone think it's a Miriam. Just ask the question, Does no caroline it, still have the ninety ninety-six for the first felony offense. I guess that's the penal call there.



Todd Williams, District Attorney, Buncombe County, NC

01:24:26

I

- one thousand nine hundred and ninety-six is something that as a public defender. I used all the time. Yes, I believe that's still on the books. However, North Carolina
- again. This is Raleigh. When I say North Carolina has added some new provisions
- post-charge that allow for additional opportunities for diversion, and it's called conditional discharge. Again, Usually that requires a it's like treatment court for everybody
- and every kind of charge up to a class H felony, which is generally a non-violent
- um. You know property, type, crime,

- or drug possession you plead guilty. You go on probation, and after a year you get a review date. You come back to court, and your charge can be dismissed.
- So that's something that North Carolina has added to justice reform
- again. You know you some, I think Demetrius used the word progressive.
- A lot of justice Reform, I think,
- is conservative. It It goes beyond political labels you know,
- because our our legislature here in North Carolina has been
- Republican super majority veto-proof for a good while since I've been da
- and a number of justice. Reform initiatives have come from the North Carolina Legislature conditional discharge being one of them



Demetrius Thomas

01:25:54

good to know definitely good to know, Evan, this question is for you. How does your I coming back to you? Thanks, Todd. How does your behavioral health team operate? I You know. I guess the question is staffing um,



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:26:08

and that that type of thing,

- if you know, if you're on a new, i'm unmuting because specifically, if there's areas that you're that you're wondering about, I can tell you, kind of generally like the make up of our team and how we operate. But I want to make sure that i'm answering your question,



Demetrius Thomas

01:26:31

Eric. You should be allowed to speak no pressure if you want to, or feel free to drop, drop it in the chat. I think I've taken you off of mute.

- I feel free to drop your question in the chat.



Eric Witcher

01:26:50

I guess just generally that I would say that. Um, Yeah. Oh, yeah, I can hear. Oh, I was just, I guess, in general i'm wondering. Um, We're still in the behavioral health team here, and we have two two two doctors on board, and i'm the jail, the version coordinator here in Guilford County. So

- i'm just trying to get the infrastructure of that. So I was just when when you mentioned behavioral. I was just curious to see how you guys operated, and what was the infrastructure of that?



Evan Namkung, Intensive Forensic Services Supervisor, Deschutes County Behavioral Health

01:27:23

Well, so our you know our our team is a part of uh county behavioral help. And so we are sort of like the largest provider of of community mental health services. And then the area that we're in um. The county as a whole has a number of different uh

- teams, the the makeup uh the behavioral health system here. Um. So my My team specifically was created a couple of years ago specifically to work with um any
- uh individuals who had spare mental illnesses. And um, you know that I think that sort of from like a funding perspective. Initially, when we first started up, some of this was um was Grant funded with a combination of Grant funded. Um, you know public funding um just sort of cobbling together enough funding to be able to form a team and kind of hire the number of positions that we needed. Uh, we have. We have a total of of
- and staff on the team plus like a part time psychiatrist and a part time. Nurse? Um. But you know, I think that to me, in working with these populations almost more
- just as important as the sort of clinical uh staff like a you know, a a qualified mental health provider, a you know, a therapist, a social worker to me just as important are Um, the case managers, and and on our team we utilize peer support quite a bit as well. Um. And so you know, oftentimes like those are the staff that are actually able to connect with our clients.
- Um, you know, in a different way than maybe a clinician would connect them to different resources and that kind of thing. So if I were, if I were forming this team again, you know, I I would really like put a heavy emphasis on the case management elements of it on the staff who are going to be able to form connections based on lived experience with some of our our client Hell, and fortunately, like we've been able to come up with some really excellent uh people for our team. Uh, you know who who provide that piece?
- Um! And it makes a huge difference.



Eric Witcher

01:29:38

Thank you, Evan. I appreciate that. Yeah.



Demetrius Thomas

01:29:43

So we are exactly at three thirty. I want to be respectful of folks times. I'm going to do the wrap up really quickly, but in the middle. In the meantime of doing the wrap up, please feel free to drop any remaining questions into the chat. So these next two slides just address some resources that we all have available for you. Um, that have been developed, that Csg: And by some of the presenters. I really want to um, and i'll drop those into the chat just so that she'll have the links immediately.

- I really want to focus on some emphasis on
- the the financing, the future local for local initiative. That is a suite of um information, a suite of um material that includes a handbook.
- Um, a worksheet as well as local initiatives. Um, that you can potentially work with um it to think through how to develop sustainability measures for your program, as I know that's huge for a lot of you. Um! And i'll drop these links into the chat. Um. The next slide is the
- contact information in the next two. So yeah, it's the contact information for all of the presenters. Um, i'll put them as racially provided their direct contact information.
- I think you should feel free to reach out to them if you have any further questions. But please do that sparingly, and Don't just bombard them with a rack of questions that we, respectful of their time and appreciative that they were able to drop their contact information in
- um. And the next slide is to thank you all, and just to remind you that if you haven't done so already, so please sign up for the Council of State Government Justice Center. Um this Newsletter. Um! That's an opportunity to receive updates and announcements on our webinars, other resources, and other tools that we have
- for the population that you all are working to this to serve, and it also includes opportunities for you to hear about other funding um opportunities. So with that being said, it doesn't look like any other
- um
- any other. I'm trying to copy this for you all. It doesn't look like, and I don't think i'm going to be able to. But i'll definitely share this later. Um. We'll share the Powerpoint

later that we have all the resources link all right. If there are no other questions, I want to thank all of the presenters

- for participating. Thank you so much. I really appreciate all the efforts and work that it's into putting these slides together, and your participation in the overall. Um, Webinar. So thanks. Everyone have a great day. Um, and take care.