

Making York County safer by tackling complex issues in criminal justice through collaboration

Last month, Congressman Lloyd Smucker recognized York County on the floor of the United States House of Representatives as one of the leading counties in the nation for boldly addressing the heroin epidemic on all fronts. These measures included attacking the supply of illegal opioids through aggressive law enforcement and the prosecution of individuals distributing illegal opioids that result in the user's death. Early measures adopted by this office and law enforcement, along with our government and community partners, included naloxone use; extensive public outreach and youth education; advocating for an increase in treatment availability; and collaborating in the expansion of Wellness Courts and other evidence based criminal justice diversion practices.

The opioid crisis was yet another chapter highlighting the changing and complex methodology in which prosecutors must tackle criminal justice issues. On any given day in the York County District Attorney's Office, you will overhear conversations about how to get a defendant mental health treatment or substance abuse counselling. And right down the hall you may hear another team discussing how to keep a violent offender in prison for as long as the law permits.

Every case is different, and it is the ethical duty of prosecutors to evaluate the unique circumstances of each and every case to obtain justice. The National District Attorney's Association states that "the prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, including victims of crime, are vigorously honored.

This view underscores what I tell our new Assistant District Attorneys: Our job is to do the right thing every day for the right reason. Doing the right thing may mean that a defendant receives drug and alcohol or mental health treatment. Conversely, the right thing may be to zealously advocate for a conviction resulting in a mandatory sentence of life in prison, for the safety of our community.

When is a prison sentence appropriate? Regarding sentencing, our legislature provided guidance to the courts through the Sentencing Code which states in part that "the court shall follow the general principle that the sentence imposed should call for confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant."

Some crimes, due to the nature of the offenses and the impact on the victim outweigh rehabilitation as a sentencing consideration and incarceration is required. These principles require a balancing act, as the scales of justice demand. The prosecutor's job is to pursue the guilty and protect the innocent with the ultimate goal of keeping York County a safe and healthy place for everyone.

Although incarceration is the appropriate option for some individuals, another way we try to accomplish this is by keeping certain low-level offenders out of prison. This concept is not new to York County as we have been a state-wide leader in many criminal justice areas. Through collaboration, York County established many great initiatives, whose partners include the District Attorney's Office, Law Enforcement, the Courts, Probation Services, Human Services, York County Prison, Coroner's Office, County Commissioners, and the Criminal Justice Advisory Board (CJAB).

Rehabilitation focused initiatives in York County began with Wellness Courts, which started as drug treatment courts in 1997. The Wellness Courts expanded through the decades to include 7 more that serve York Countians, which now include: Legacy Drug Court, Heroin Opioid Court, Veterans Court, Mental Health Court, DUI Court, Juvenile Mental Health Court, Juvenile Drug Court, and Juvenile Fast Track Drug Court.

Wellness courts are reducing recidivism and saving money. In 2018 alone, York County's Wellness Courts saved York County taxpayers over 1.8 million dollars. At the same time, we see decreased recidivism, which keeps York Countians safe, reunites families, supports workforce development and establishes a continuous cost savings as these individuals are not entering back into the criminal justice system.

As an offshoot of DUI Court expansion, York County collaborated to create the nationally recognized Target 25 Initiative. Having its roots in studied and validated initiatives, Target 25 is a supervised bail program run through Probation Services. Repeat and multiple offenders within a 10 year period from the current offense are monitored by a probation officer through an order of supervised bail. Conditions are imposed to ensure that defendants are not consuming alcohol or drugs through the use of alcohol monitoring bracelets and/or random drug testing. Most importantly, defendants are encouraged through their supervised bail interactions with probation officers to engage in rehabilitation and treatment. Since the inception of Target 25 in 2012, York County reduced victims of DUI crimes by an average of 10%.

With the success of Target 25 and further implementation of evidence-based practices, Probation Services obtained a grant to expand their Pretrial Services Unit in order to engage more individuals in need of substance abuse or mental health services that would otherwise be incarcerated. Probation officers again actively link offenders with necessary treatment services to rehabilitate defendants through early intervention. Probation Services then notifies this office, defense counsel, and the Courts, of Defendants who successful engage with such services. The DA's Office then recommends these offenders for plea and sentencing incentives due to their rehabilitation successes on supervised bail, supporting the best practice of early rehabilitation intervention.

Regarding mental health, the DA's Office is an integral partner the "Stepping Up Initiative", which specifically focuses on diverting and managing defendants with mental health diagnoses from prison at the time of arrest and identifying incarcerated defendants with mental health needs so that they may be diverted for appropriate mental health treatment. Stepping Up case management will also look at other factors facing the mentally ill in the criminal justice system, like housing and basic health needs. We need initiatives like Stepping Up so that our prisons are no longer used to warehouse people with mental health issues who commit crimes.

As a companion to Stepping Up Initiative, the DA's Office is also engaged in the development of the "Community Action for Recovery and Diversion (CARD)" initiative. CARD is a private/public partnership aimed at diverting individuals with substance abuse issues in addition to mental health needs from the time of arrest. This collaborative effort will look to break down silos by using and harmonizing existing resources, as well as identify additional need areas, so that eligible offenders with substance abuse and mental issues may be diverted away from prison and provided community treatment and other necessary support services like housing and transportation.

It is abundantly clear that we must increase access to long term treatment for individuals in the throes of addiction. For every \$2 we spend on treatment we can save the community up to \$7 in community justice costs. The CARD initiative will be a positive and important step to further these ends.

For individuals who do receive jail sentences, especially in York County Prison, the DA's Office partnered with CJAB and many public and private community agencies to create the York County Reentry Coalition (YCRC). The purpose is to connect reentrants with necessary support services, like housing, employment, and transportation, without which an individual is more likely to commit crime. YCRC has already established successful partnerships, as well as holding two job fairs and one services fair. YCRC works closely with Stepping Up and CARD to make sure that the best services are provided without duplicating efforts and wasting resources or money.

These collaborations are examples of how public and private partners are joining together to make York County safer by improving responses and following best practices within the criminal justice system. Another illustration of this outside-of-the-box, collaborative thinking is illustrated as well through other responses by York County Law Enforcement to the devastating, generation altering opioid epidemic.

In the first instance, the District Attorney's Office along with York County Coroner Pam Gay spearheaded the Heroin Task Force, now the York Opioid Collaborative (YOC) a thriving non-profit with a full-time executive director. As the YOC Board Chair I have the pleasure of serving alongside members of the medical, treatment, education, non-profit, legal and recovery communities. The YOC's goal is to coordinate efforts in our region to reduce overdose deaths and to minimize the impact of the opioid epidemic in our community through 4 areas of focus: prevent, rescue, treat and recover.

Although not mandated by law, York County Police Officers were the second in the state to carry the lifesaving drug Naloxone. Many still do not. Since Naloxone became available in 2014, well over 700 lives have been saved by York County Law Enforcement. Also, when many of these individuals arrived at the hospital, they were greeted by a drug and alcohol counselor working for York County's "warm handoff" program. Individuals released from York County Prison are able to take advantage of a new program that provides Vivitrol to opioid addicts, a drug that blocks the effects of opioids and aids this highly at-risk population to avoid relapse during their first few months on the street. Like the criminal justice initiatives, the ultimate goal of these measures is to increase public safety by reduce the risk of these individuals committing more crimes, while preserving life, providing opportunities, and reuniting families of those in need.

Addicts need treatment and we will do everything in our power to help them get it. On the other hand, there must be a penalty imposed for engaging in an illegal act that kills people. Personal accountability must be a component of this multi-faceted approach.

Since 2014, York County also ranked second in the nation for Drug Delivery Resulting in Death (DDRD) charges filed. DDRD is a felony of the 1st degree and could carry a sentence up to 20 to 40 years in prison. The potential steep sentence requires careful charging considerations, which is why of the 65,000 criminal cases handled by prosecutors in the York County District Attorney's Office since 2011, only 70 have been DDRD cases.

To attack the supply side, York County Commissioners collaborated with my office to attack this issue head on through an increased the number of Drug Task Force Detectives. Those detectives work side by side with the York City Police Department, municipal police throughout the county, and the Pennsylvania State Police. Additionally, we continue to leverage strategic partnerships with the Office of Attorney General and our many Federal Partners.

And while we often think of our courts or legislature when criminal justice matters are discussed, we must never lose sight that the law enforcement officers on the street are on the front lines dealing with the harshness of addiction and mental health issues while they are happening. With each passing day, society puts law enforcement officers in the tenuous positions of protector, defender, servant, and social case worker – all at a moment's notice; many times all within an 8 hour shift. They are expected to have the answer to every question and solution to every problem. This all happens without the benefit of hindsight. We must do everything we can to get them the resources and training to do their job. And we must never forget that their work is the backbone of every initiative listed above.

With every arrow in our quiver, we simultaneously attack both the supply and demand side of addiction. Problem solving models such as this are currently being applied across a broad spectrum of criminal justice issues and will for decades to come.

In conclusion, U.S. Supreme Court Justice George Sutherland in 1935 famously wrote that the prosecutor's interest in a criminal prosecution is "not that it shall win a case, but that justice shall be done." The easy thing for us to do would be to ignore these unbelievably complex societal issues that impact victims, offenders, and ultimately justice. But that's not who we are as York County prosecutors; nor is it any of our great public and private partners throughout York County. York County is a state and national leader due to our collaborative approach. As a parent who happens to also be the District Attorney, I'm proud of the sustained, collaborative, forward thinking efforts of everyone working to ensure that justice shall be done.

Sincerely,

Dave Sunday, District Attorney