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Contact: Hilary Nemchik at hnemchik@sandiego.gov or (619) 533-6176

Criminal Diversion Offers Treatment Instead of Jail Time

Prosecutors and police create an alternative to arrest for individuals with substance addictions

As part of their ongoing effort to get low-level drug offenders off the streets and into treatment, City Attorney Mara W. Elliott and San Diego Police Chief Nisleit have teamed to launch Prosecution and Law Enforcement Assisted Diversion Services (PLEADS).

They announced the effort today at the Central Library in San Diego's East Village, along with County officials who will oversee the treatment components of the program. The library site was chosen because public libraries are experiencing ongoing problems from intoxication and illegal drug use on their premises, leading to bathroom closures and heightened security concerns.

PLEADS is a voluntary, pre-booking diversion pathway that allows individuals suspected of being under the influence of a controlled substance to avoid prosecution and jailtime by agreeing to seek support services. The Neighborhood Policing Division is issuing PLEADS referrals during first watch, which is between 5 a.m. and 3 p.m. In its first week, police made 9 referrals and six individuals agreed to treatment.

PLEADS is jointly funded by the City and the County. The City is contributing state Homeless Emergency Aid Program (HEAP) grant funds for its first year of operation. Individuals who are arrested for being under the influence of a controlled substance are often homeless or at risk of becoming homeless.

The City Attorney's Office created PLEADS with three primary goals:

- 1) Divert low-level drug offenders away from the criminal justice system and connect them to support services.
- 2) Save taxpayer dollars on time spent by police, attorneys, the court, sheriff staff, jail staff, and judges processing individuals for being under the influence of a controlled substance.
- 3) Reduce recidivism, allowing police officers and prosecutors from the City Attorney's Office to focus on other public safety priorities.

“Instead of perpetually prosecuting individuals who are addicted to drugs, we wanted to help them get to the root of the problem,” said City Attorney Mara W. Elliott. **“PLEADS gives people a chance to escape the revolving door of the criminal justice system, begin their recovery from addiction, and build a better life for themselves.”**

“When community-based organizations, prosecutors, law enforcement, and social services agencies come together to create a diversion program, there is a clear benefit for the community, said San Diego Police

Chief David Nisleit. **“PLEADS is one such program that will allow individuals to seek help while not impacting the already strained criminal justice system.”**

The PLEADS process begins when an individual is picked up by SDPD on suspicion of being under the influence of a controlled substance. During that initial encounter:

- Police inform the individual of their ability to seek treatment in lieu of being booked into jail and prosecuted by the City Attorney’s Office for the offense.
- If the individual decides to pursue treatment, they will be taken by police to the Sobering Services Center run by McAlister Institute, for an assessment and linked to existing county or other local programs.
- Depending on the individuals’ needs, the programs will include inpatient or outpatient services, detox, housing, government benefits, or other appropriate services.
- Due to the likelihood of relapse, individuals have three chances within a 90-day period to be referred by way of PLEADS.
- If the individual does not wish to participate in PLEADS, or exceeds three PLEADS visits to McAlister in 90 days, they will be arrested for being under the influence of a controlled substance and taken to jail.

Prior to PLEADS, the same support services were not offered until after criminal prosecution and sentencing.

Here is a breakdown of potential taxpayer cost savings:

- In 2017, there were 888 arrests of individuals for being under the influence of a controlled substance by the San Diego Police Department alone.
- The cost per case was at least \$2,000 (including staff time for police, attorneys, the court, sheriff staff, jail staff, and the judge).
- With PLEADS in place, the potential annual savings is more than \$1.5 million, not including savings from the reduction in calls for emergency services and taxpayer-funded hospitalizations.

“Getting people the care they need immediately will help us to keep people from cycling through both the criminal justice and healthcare systems,” said Luke Bergmann, Director of County Behavioral Health Services. **“PLEADS will improve people’s chances at recovery from addiction and keep them safe while they are struggling with substance abuse disorder. We appreciate the opportunity to partner with the City Attorney and the San Diego Police Department on this program.”**

“McAlister Institute is thankful for the opportunity to serve people who would otherwise not be served,” said Jeanne McAlister, Founder and CEO, McAlister Institute.

PLEADS is part of the City Attorney’s Office’s larger effort to divert low-level offenders away from the criminal justice system and provide them with opportunities to get their lives back on track. In 2015, the City Attorney’s Office launched the Community Justice Initiative (CJI), in which criminal conviction are dismissed if an offender performs community service. Participants also have access to educational, job training, and treatment programs.

The City Attorney’s Office also administers the San Diego Misdemeanants At-Risk Track (S.M.A.R.T.) Program, which aims to prevent low-level misdemeanor drug offenders from cycling through the criminal justice system without access to services. While PLEADS is an alternative to arrest, S.M.A.R.T. is a post-conviction alternative to jail time. S.M.A.R.T. safely connects chronic misdemeanor drug offenders, particularly those who are otherwise resistant to intervention, to a case manager and offers personalized treatment and tailored housing placements.

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