

**GET
BACK
UP**



Franklin County, Pennsylvania

January 12, 2018

“Let me tell you something you already know.

The world ain’t all sunshine and rainbows. It’s a very mean and nasty place, and I don’t care how tough you are, it will beat you to your knees and keep you there permanently if you let it. You, me, or nobody is gonna hit as hard as life.

But it ain’t about how hard you hit. It’s about how hard you can get hit and keep moving forward; how much you can take and keep moving forward. That’s how winning is done!

Now, if you know what you’re worth, then go out and get what you’re worth. But you gotta be willing to take the hits, and not pointing fingers saying you ain’t where you wanna be because of him, or her, or anybody. Cowards do that and that ain’t you. You’re better than that!”

-Rocky Balboa

“Get up, you sonofabitch! ‘Cuz Mickey loves ya!”

-Michael “Mickey” Goldmill

PHILOSOPHY

Criminal law is simply a social compact or bilateral agreement. We are all signatories to the compact, agreeing that we will not commit acts against each other or engage in risky behavior that could threaten others. We agree to refrain from that conduct, and in exchange, everyone else agrees not to do harm or threaten us. Criminal law is really that simple; it protects all of us and binds all of us. There is no “us” or “them” as part of the compact. We are all “us.”

Generally, when we think of victims, we think of someone who was directly impacted by a crime. We think of a victim as someone who was physically assaulted, had something stolen from them, was threatened or put in danger. Citizens become officially referred to as victims when a crime is reported. And for those whose career is in law enforcement, whether as police or prosecutors, the primary motivator every day is the opportunity to help victims.

But we also serve our greater communities generally, and not everyone who suffers from crime is technically a victim. For example, at this point, many in our county have dealt with addiction within their family, or know someone who has. Indeed, one in four families across this country is impacted. Those families dealing with addiction are also suffering, whether they have the official moniker of “victim” or not. And make no mistake, many have in fact been victimized but decided not to report the crime. The individual’s behavior is often all-consuming for the family and their other extended family members and friends, and their unpredictable and risky behavior adds an incredible amount of heartache and worry and stress to all within that circle. Law enforcement cares about them as well, and certainly shares most everyone’s frustration with the endless cycle of the disease of addiction and its symptom of criminal behavior.

Not to be overlooked is the user, or addict. While not all addicts commit crimes, some do. In fact, one addicted offender may commit 2-3 crimes per day, 3-4 days per week. Such an individual is difficult for many of us to go so far as to classify as a “victim” of addiction as well, but our society better understands this disease today than it did years ago. Now, many of us know that opiate addiction is less about feeling “good” or “high” than it is about the desperation of not wanting to feel awful or physically ill. These days, people suffering with addiction and are dying at record rates across the country, leaving an unfortunate legacy of unrealized potential and leaving their families to suffer yet more heartache. Too often, the historic treatment options available have essentially been band-aids because they do not allow for long enough periods of treatment. Research indicates that having the person engaged in treatment services for 90 days enhances long-term recovery and reduces relapse and recidivism.

Law enforcement cares. No one has the market cornered on compassion, and law enforcement cares as much, if not more, than anybody. Police officers take an oath to protect and serve, and they know that each day could be their last. They would lay down their lives for their fellow citizens, and there is no greater love than that. We in law enforcement recognize that every single life is precious and a gift, and that we must do all we can to help victims who are suffering. The individuals who have fallen prey to the disease of addiction are our sons, daughters, husbands, wives, parents, and friends. They matter. This is not about “us” and “them.” In this great country and in this community, it must always be viewed as “us.” While much must be done in order to combat addiction and the scourge illegal drugs bring to our front doors, our current efforts move us yet closer to understanding the grayness of the line between addiction and crime. Consider the following parable:

Once upon a time there was a small village on the edge of a river. The people there were good and life in the village was good. One day a villager noticed a baby floating down the river. The villager quickly swam out to save the baby from drowning. The next day this same villager noticed two babies in the river. He called for help, and both babies were rescued from the swift waters. And the following day four babies were seen caught in the turbulent current. And then eight, then more, and still more!

The villagers organized themselves quickly, setting up watchtowers and training teams of swimmers who could resist the swift waters and rescue babies. Rescue squads were soon working 24 hours a day. And each day the number of helpless babies floating down the river increased. The villagers organized themselves efficiently. The rescue squads were now snatching many children each day. While not all the babies, now very numerous, could be saved, the villagers felt they were doing well to save as many as they could each day. Indeed, the village priest blessed them in their good work. And life in the village continued on that basis.

As everyone else was busy in the rescue efforts to save the babies, one of the townspeople started to run away along the shore of the river.

"Where are you going?" shouted one of the rescuers. "We need you here to help us save these babies!"

"I am going upstream to stop whoever is throwing them in!"

Franklin County Law Enforcement is heading upstream. The root cause of the overwhelming majority of criminal behavior is addiction. And with this effort of "Get.Back.Up.," we are heading upstream to keep the babies out of the water.

Stakeholders involved in the Franklin County LEAD Project include: DDAP; OMHSAS; PCCD; Franklin County District Attorney's Office; Franklin/Fulton Drug & Alcohol (Single County Authority); Franklin CAO; PerformCare (Behavioral Health MCO); and the following participating law enforcement agencies in Franklin County:

Franklin County Sheriff
157 Lincoln Way East
Chambersburg, PA 17201

Chambersburg Police Department
116 South Second Street
Chambersburg, PA 17201

Waynesboro Police Department
57 East Main Street
Waynesboro, PA 17268

Greencastle Police Department
60 North Washington Street
Greencastle, PA 17225

Mercersburg Police Department
113 South Main Street
Mercersburg, PA 17236

Washington Township Police Department
13013 Welty Road
Waynesboro, PA 17268

Shippensburg Police Department
60 West Burd Street
Shippensburg, PA 17257

University Police
Penn State Mont Alto
1 Campus Drive
Mont Alto, PA 1723

Any officers having contact with anyone entering the District Attorney's Office or any police station to request help with their addiction will be professional, compassionate and understanding at all times. As ever, all citizens will be treated with dignity and respect.

INFLUENCES

Get.Back.Up. is influenced heavily by a diversion program originally developed in Great Britain (entitled Arrest-Referral). Seattle, WA implemented its own program in October 2011 called Law Enforcement Assisted Diversion (“LEAD”). LEAD is a pre-booking diversion pilot program developed with the community to address low-level drug and prostitution crimes in the Belltown neighborhood in Seattle and the Skyway area of unincorporated King County. More recently, the project has been shaped and informed by the tremendous and groundbreaking efforts of the Police Assisted Addiction and Recovery Initiative and other partner law enforcement agencies.

Here in Franklin County, PA the District Attorney’s Office works to divert eligible individuals to residential drug treatment rather than jail, in an earnest and practical effort committed to improving public safety and public order, while also reducing the collateral criminal behavior of people who participate in effective, longer-term residential drug treatment. Law enforcement in Franklin County is totally committed to improving: the medical health and welfare of individuals; the health and welfare of the community *en masse*; public safety and public order; and reducing the criminal behavior of people who participate in the program.

OVERVIEW OF MECHANICS

Get.Back.Up. serves the community by addressing addiction and addressing the root cause. Whether someone has never been in trouble or is currently in trouble, we are committed to healing the individual and treating their sickness. Depending upon the circumstances, this all-encompassing helping hand can help the individual with treatment and to become a part of society again.

We support a three-prong approach to combatting illegal drugs - Enforcement, Education, and Treatment.

We recognize that addiction is a disease which can benefit from medical intervention and treatment.

Officers responding to any call for service or performing any police action will be cognizant for the potential that the involved parties may be suffering from heroin and/or opiate addiction. Officers interacting with persons suffering from addiction will be professional, compassionate and understanding at all times. Often times, people suffering from addiction ask for help only as a “last resort” and may be considering self-harm or suicide. In all instances, officers will continue to take enforcement action within their discretion and normal scope of duties to address criminal activity. At the same time, officers will recognize the fact that such criminal activity may result from a medical condition (addiction).

Walk-Ins

A citizen of the community may walk in to the Franklin County District Attorney’s Office, or any police station in Franklin County, and request help for addiction. If that citizen possesses illegal drugs or paraphernalia but appear voluntarily, they will not be charged with a crime or prosecuted, though those items will be taken and destroyed. A family member or other person who turns in drugs or drug paraphernalia in an effort to aid another person will not be criminally charged, in accord with the “Good Samaritan” law of Pennsylvania. No questioning of the person will be undertaken in an effort to collect drug intelligence, determine the origin or any drugs relinquished by the person, or any other effort which may undermine the intended purpose of this program namely to encourage persons to seek police assistance in getting help for their addiction without fear of arrest or police action.

If a potential program participant subsequently elects not to request assistance or continue with program screening, they will be allowed to depart and no force will be used to detain them or prevent them from doing so.

The responding Officer will take the following steps when a substance abuser request assistance:

1. Greet the participant and express support and congratulations for the participant seeking help. The participant will be treated with respect, care and compassion.
2. Conduct a search of the participant and his/her property.
3. If at any time the participant is noted to be in medical distress, EMS personnel will be called to respond as in any medical emergency.
4. Receive and document any drugs or paraphernalia which is voluntarily turned over, and then submit into evidence for proper disposal.
5. Make a photocopy of participant’s Government ID and Insurance card if available.

6. Contact the Get.Back.Up. Case manager from the District Attorney's Office and assign an officer to monitor the program participant while the Case Manager is en route. The participant can stay in the front lobby until the Case Manager arrives. The Case Manager will then meet with the potential participant in an interview room for a clinical drug evaluation.
7. Make sure that the Participant Authorization (See Appendix B, page 11) is completed.
8. Obtain a criminal history and perform a warrant check to determine if participant is eligible.
9. If needed due to mental health concerns or a crisis situation (such as overdose, psychosis, suicidality, homicidality, etc.), contact Keystone Health Crisis Intervention for Franklin County at 717-264-2555 or toll-free at 866-918-2555. Inform them that we have a person who is requesting help with their opiate addiction through the Get.Back.Up. program and that we are requesting them to be evaluated.
10. If the participant is unable to be placed after exhausting all possible methods, the participant is not to leave without being given a plan to continue with help.

Diversion

The program allows law enforcement officers to redirect low-level offenders engaged in drug activity to community-based services, instead of jail and prosecution. By diverting eligible individuals to services, Get.Back.Up. is committed to improving public safety and public order, and reducing the criminal behavior of people who participate in the program. The Franklin County Get.Back.Up. project will allow law enforcement officers to refer eligible offenders (see Appendix A, Page 8), who they come in contact with, to the SCA/Case Management Provider (or designee) for evaluation/assessment of the substance abuse treatment and recovery needs.

The diversion in Get.Back.Up. is made at the pre-charging stage, in the hopes of bypassing the costs and time entailed in booking, charging, and requiring court appearances of an individual. Get.Back.Up. provides participants with immediate case management services, and access to treatment and additional resources. Case management services will be provided by the Franklin County SCA/Case Management Provider or designee. The Case Manager will conduct a screening/assessment of the individual's needs and make appropriate referrals with clinical integrity to substance abuse treatment and other services as needed. The Case Manager will then be responsible for comprehensive case management oversight of all aspects of the individual's services. Oversight will also include monitoring of program participation, costs and savings. The Pennsylvania Department of Drug and Alcohol Programs oversees proper referral and monitoring practices.

Participation in Get.Back.Up. is voluntary, but criminal charges will be ultimately initiated if a suspect is unwilling to seek treatment or successfully complete treatment. After concluding a suspect should be made eligible for Get.Back.Up. diversion to drug treatment rather than criminal court, the investigating law enforcement officer will immediately contact the Get.Back.Up. Case Manager from the District Attorney's Office. The Case Manager will review the Participant Authorization form and meet with the participant to perform a Risk Assessment and Drug Assessment/Evaluation. If the participant is in need of treatment following a clinical evaluation, the Case Manager will coordinate the care with a drug treatment provider. Finally, the Case Manager will make sure that the participant is aware of what is expected in order to complete the program.

APPENDIX A

DIVERSION ELIGIBILITY

1. A person seeking help with their addiction to opiates may be deemed INELIGIBLE to participate in the Franklin County Law Enforcement Get.Back.Up. Program if:
 - The subject has an outstanding arrest warrant.
 - The subject has three or more drug-related CONVICTIONS on their criminal record if at least one of those CONVICTIONS from a possession with intent to distribute OR trafficking OR drug violation in a school zone.
 - The on-duty Supervisor expresses the reasonable belief that the attending staff could be seriously harmed by the subject.
 - The subject is under age 18 and does not have parental or guardian consent.
 - If the subject presents with any signs or symptoms of withdrawal or any other clear medical conditions, he or she will be immediately transported to the hospital.

2. LE Diversion will not be available for any of the following specific offenses in the PA Crimes Code or the PA Controlled Substance, Drug, Device and Cosmetic Act (or inchoate offenses):
 - Criminal Homicide (First, Second and Third Degree Murder, Voluntary Manslaughter, Involuntary Manslaughter)
 - Terrorism
 - Aggravated Assault
 - Rape
 - Statutory Sexual Assault
 - Sexual Assault
 - Institutional Sexual Assault
 - Indecent Assault, 18 Pa.C.S. §3126(a)(1) and (a)(7)
 - Aggravated Indecent Assault
 - Involuntary Deviate Sexual Intercourse
 - Indecent Exposure
 - Obscene and Other Sexual Materials and Performances
 - Unauthorized Administration of Intoxicant
 - Open Lewdness
 - Invasion of Privacy
 - Incest
 - Stalking
 - Corruption of Minors, 18 Pa.C.S. §6301(a)(1)(ii)
 - Sexual Abuse of Children
 - Unlawful Contact with Minor
 - Sexual Exploitation Of Children
 - Luring Child Into a Motor Vehicle
 - Promoting Prostitution of a Minor

- Failure to Register pursuant to “Megan’s Law”
 - Endangering the Welfare of Children
 - Intimidation of Witnesses or Victims
 - Retaliation Against Witnesses or Victims
 - Arson
 - Offenses Involving Firearms
 - Robbery
 - Robbery of a Motor Vehicle
 - Kidnapping
 - Unlawful Restraint
 - False Imprisonment
 - Interference with Custody of Children
 - Corrupt Organizations
 - Flight to Avoid Apprehension
 - Escape
3. Diversion will not be recommended for any of the following specific offenses in the PA Motor Vehicle Code:
- Homicide/Aggravated Assault by Vehicle
 - Accidents Involving Death or Personal Injury
4. Diversion will not be recommended for any of the following specific types of cases:
- Any case which implicates 18 Pa.C.S.A. § 6314 (Trafficking Drugs to Minors)
 - Any case which implicates 35 P.S. § 780-114 (Dist. To Persons Under Age Eighteen)
 - Any case which implicates 42 Pa.C.S.A. § 9712.1 (Offenses Committed with Firearms)
 - Felony offenses involving an act of violence on another person, when the facts are evident or the presumption great that there is a substantial likelihood the person’s release may result in great bodily harm to others.
 - Felony offenses when the facts are evident or the presumption great that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.
5. Diversion will not be recommended for the following persons:
- Any person who has been twice (or more) convicted of (a)(30) offenses.
 - Any person who is on supervision (state/local) for an (a)(30) offense, regardless of linear order of offenses.
6. Diversion will not be available to persons with a significant prior record of violent offenses. *(Prior consent decrees/juvenile adjudications will be determined on a case-by-case basis)*
7. On a case-by-case basis, the Franklin County District Attorney’s Office may reject an application for Diversion based on other factors not specifically listed herein.
8. References to specific offenses or gradings also apply to substantially similar offenses and gradings for convictions and dispositions (PBJ, STET docket, etc.) in sister jurisdictions.

9. No deviation from the above will be approved absent extraordinary circumstances, and then only by the Franklin County District Attorney.

APPENDIX B

PARTICIPANT AUTHORIZATION

I want to participate in Get.Back.Up. I want the Franklin County District Attorney's Office, and their agents, representatives and volunteers, to help me get drug and/or alcohol treatment. I give permission for them to discuss my personal medical information, mental health information, and drug history as needed to help me get into treatment. I also agree to allow any and all treatment centers to update the Franklin County District Attorney's Office on the status of my treatment and/or any other issues deemed relevant.

I will not be criminally charged for any drugs or drug paraphernalia which I currently have on my person or in my property as a walk-in participant, but I understand that I may be criminally charged if I am a diversion participant and do not comply with my treatment plan.

I give permission for law enforcement officers to search me and my personal belongings that I have with me.

I give permission for the District Attorney's Office and its law enforcement designees to obtain my NCIC criminal history report.

I do hereby assume all risk and responsibility for any and all property damage and/or bodily injury that I may sustain while participating in the Get.Back.Up. program.

Further, I, for myself, my heirs, executors, administrators and assigns do hereby release, waive and discharge the County of Franklin and all of its officers, directors, employees, agents and volunteers of and any and all claims.

Further, I expressly agree that this release and waiver Agreement is intended to be construed as broadly and inclusive as permitted by Pennsylvania and federal law and that if any portion thereof is held to be invalid, shall remain with the full force and effect of law.

I currently have no known mental or physical condition that would impair my capability to serve in the Get.Back.Up. Program.

I have carefully read this release and waiver Agreement and I understand the content therein and I sign this Agreement of my own free will.

_____ Date: _____
Participant Signature

Witness (must read above)

PARTICIPANT INFORMATION

Name:		<input type="checkbox"/> Male		<input type="checkbox"/> Female	
Street Address:					
City:		State:		Zip Code:	
Phone: () -		D.O.B: / /		Age:	
				SSN:	
Photo ID? <input type="checkbox"/> Yes <input type="checkbox"/> No		ID Type:		ID No.:	
Insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No		Carrier:		Ins. No.:	
Drug(s) of Choice?				Last Use?	
Mental Health Diagnosis?					
Mental Health Provider?					
Emergency Contact Person:				Phone:	