

FROM THE CARTEL TO A FIRST-TIME USER

The Challenges of Drug Prosecution in an
Opioid Epidemic







INDIANA CRIMINAL CODE - 2014

LEVEL	MINIMUM	ADVISORY	MAXIMUM
Murder	45 years	55 years	65 years
Level 1	20 years	30 years	40 years
Level 2	10 years	17.5 years	30 years
Level 3	3 years	9 years	16 years
Level 4	2 years	6 years	12 years
Level 5	1 year	3 years	6 years
Level 6	6 months	1 year	2.5 years
Class A Misd.	0 days		365 days
Class B Misd.	0 days		180 days



SENTENCES

- Indiana Department of Correction
- Marion County Community Corrections
 - Work Release
 - Home Detention / GPS
- Probation



SUSPENDABILITY

- Suspendable = Judge may sentence defendant to an executed sentence less than the minimum penalty required by statute
- The legislature determines which offenses carry “suspendable” sentences



2014 CRIMINAL CODE REVISION

3.5 grams (“eight ball”) of cocaine + prior Theft/FD conviction

- 2013 = minimum 20 years DOC
- 2015 = maximum 6 DOC, fully suspendable



HABITUAL OFFENDER

- Additional penalty based on criminal history
 - Three Level 6 prior convictions
 - Two prior convictions (one Level 6 + one major)



DRUG RECOGNITION



MARIJUANA









COCAINE



COCAINE

POWDER (COCAINE BASE)



“CRACK” COCAINE







digit7

HEROIN





12/03/2012



METHAMPHETAMINE



METHAMPHETAMINE

HOMEMADE



LABRATORY





THE DRUG TRADE







...the accuracy of the measurement is affected by the position of the weighing pan. The weighing pan should be placed on a horizontal surface. Press ON/OFF Switch to turn it on.

OPERATION

- Press the "TARE" key to zero the scale.
- Place the object to be weighed on the weighing pan.
- The weight is displayed on the LCD.
- Press the "MODE" key to switch the unit.
- Press the "ON/OFF" key to turn the scale off.

TARE WEIGHT

- Turn on the scale by displaying "0.00".
- Press the "TARE" key to zero the scale.
- Press the "MODE" key to switch the unit.
- Press the "ON/OFF" key to turn the scale off.

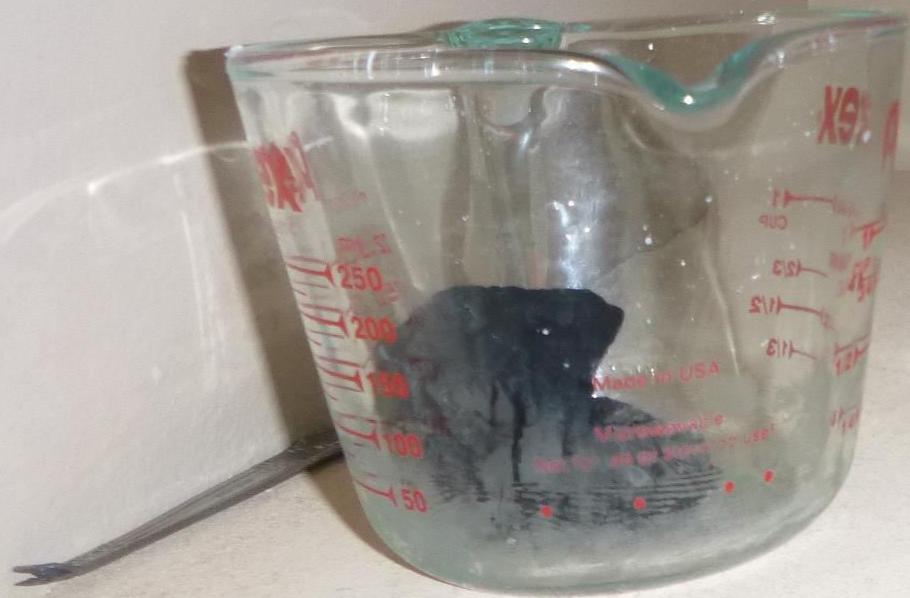
CALIBRATION

Place the scale on a level surface. Press the "ON/OFF" key until the display shows "0.00". Press the "MODE" key until the display shows "CAL". Press the "TARE" key until the display shows "0.00". Press the "ON/OFF" key to turn the scale off.

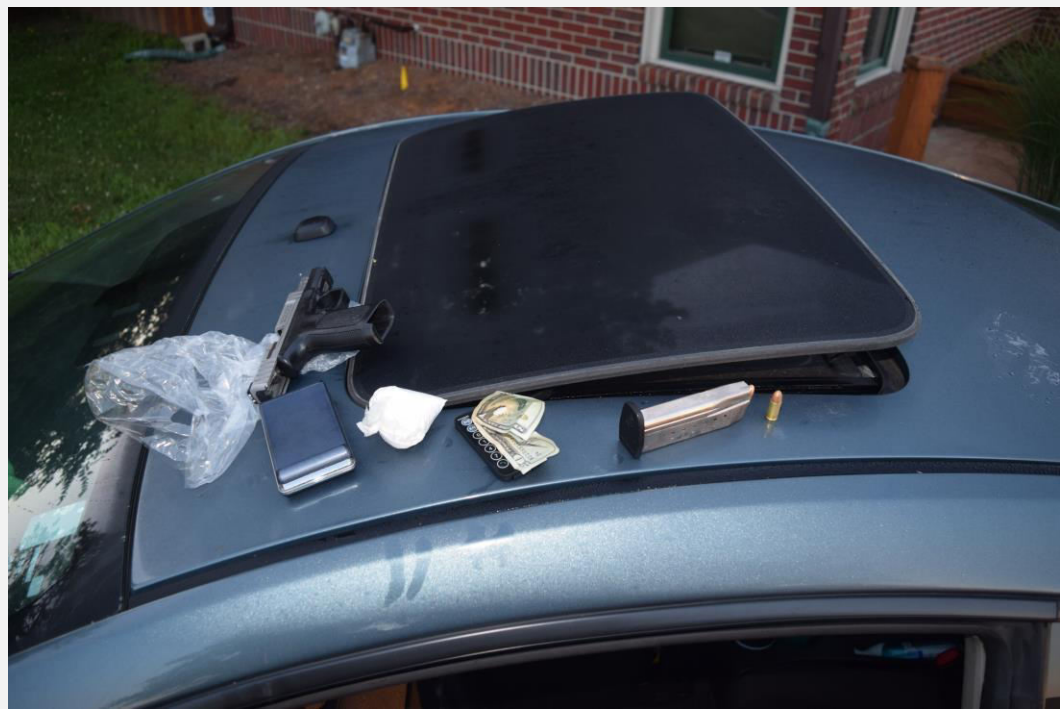
Capacity: 650g
Graduation: 0.1g

TARE MODE ON/OFF







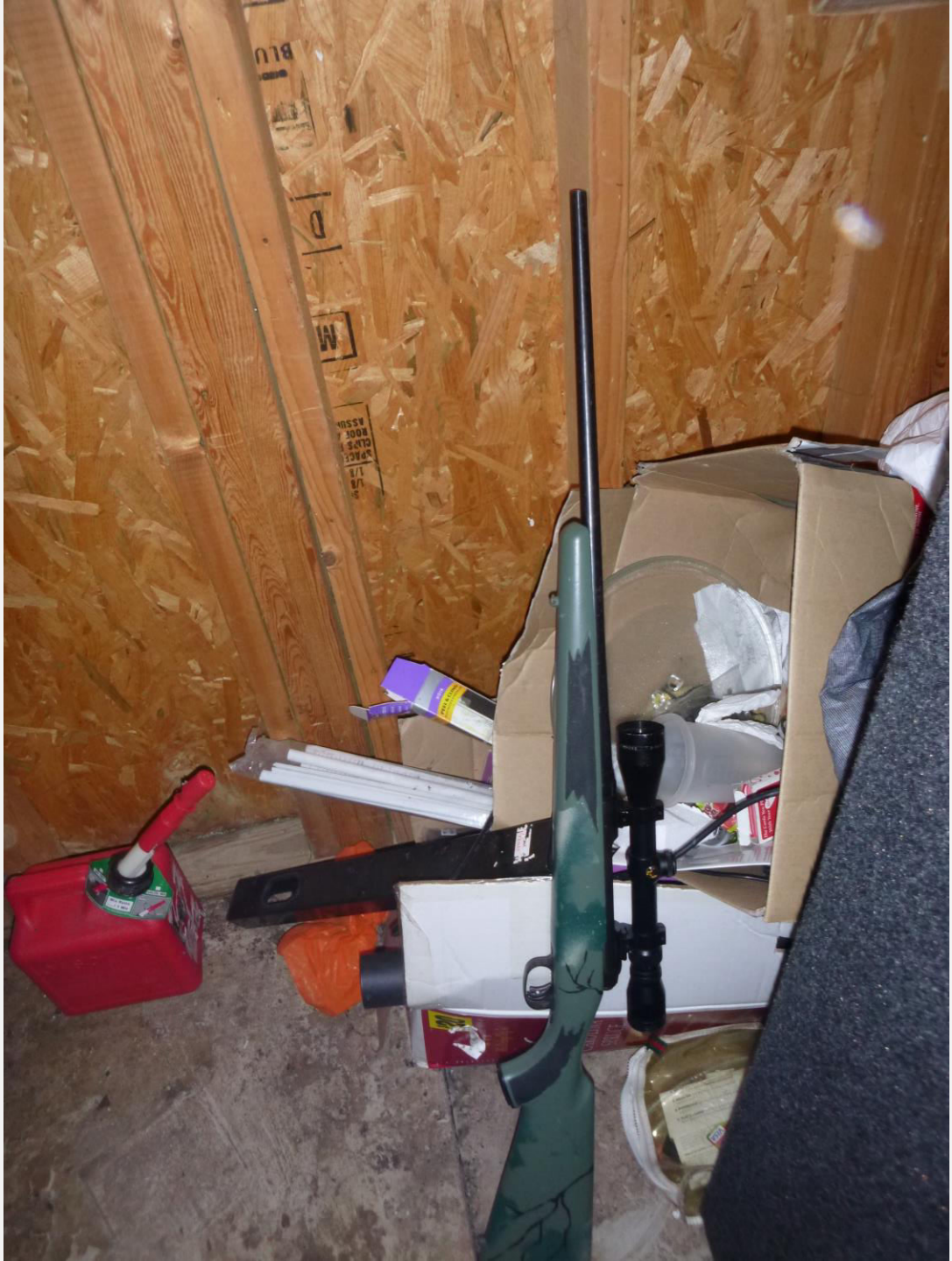




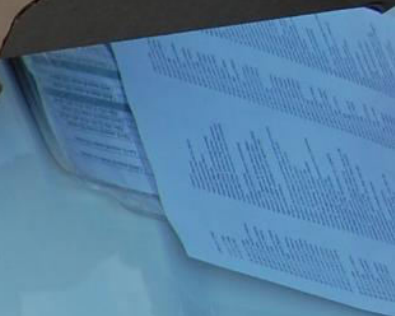












A VICTIMLESS CRIME?









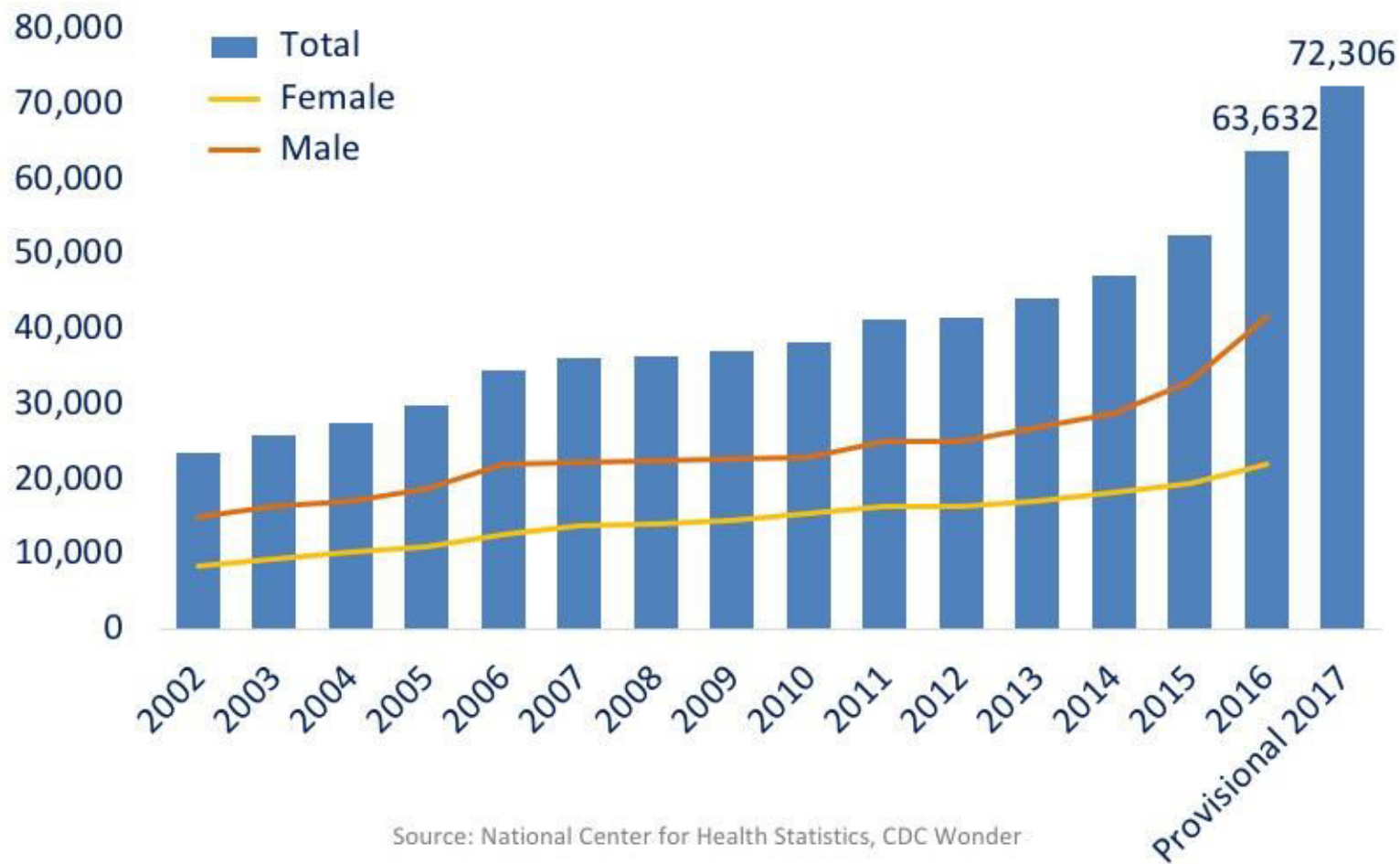
A PUBLIC HEALTH CRISIS





National Overdose Deaths

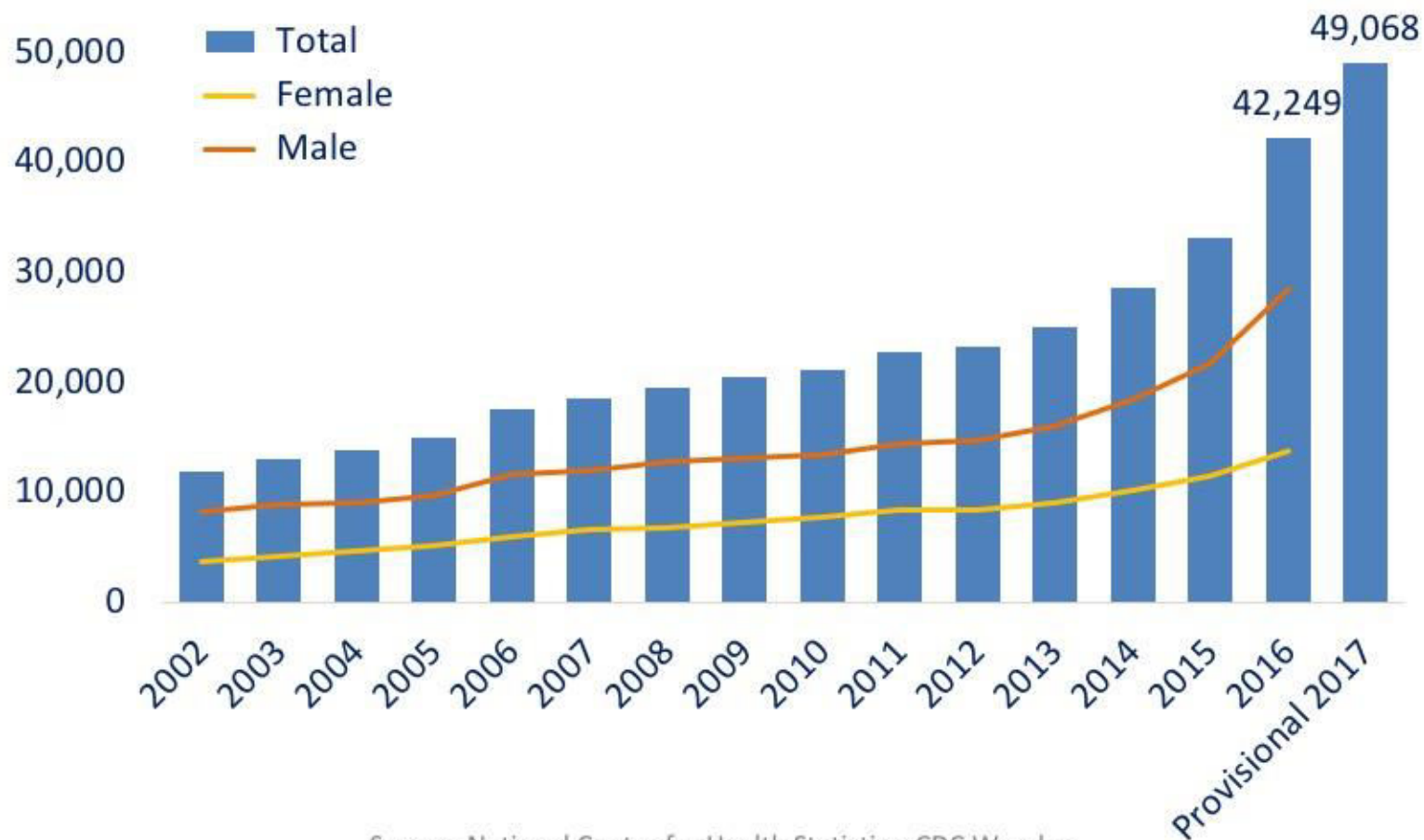
Number of Deaths Involving All Drugs





National Overdose Deaths

Number of Deaths Involving Opioids



Source: National Center for Health Statistics, CDC Wonder

POLICE STRATEGIES



INVESTIGATION STRATEGIES

- Search Warrant
 - Controlled buys using confidential informant
- Hand-to-Hand Transactions
 - Controlled buys using undercover detective



NEXUS TO VIOLENCE

- Violent criminal history
- Eligible for firearms possession offenses
- Ties to ongoing violent crime



PROSECUTION STRATEGIES



MARION COUNTY PROSECUTOR'S OFFICE

- 183 Deputy Prosecuting Attorneys
 - 31 handling drug crimes



COURT ORGANIZATION

- Major felony drug dealing
 - Criminal Courts 20 & 21
- Minor felony drug possession
 - Criminal Courts 14 & 25



2017 CASE FILINGS

- 877 drug dealing cases (cocaine, heroin, & meth)
- 2826 drug possession cases
- 1393 syringe cases



DRUG TREATMENT COURT

PHASE 1: ASSESSMENT

- 8 -12 weeks minimum
- Detoxification, planning
- Weekly court
- Random screenings
- Treatment sessions

PHASE 2: RELAPSE PREVENTION

- 12 -16 weeks minimum
- Stabilization; mental/physical health
- Bi-weekly court
- Random screenings
- Treatment sessions

PHASE 3: MAINTENANCE

- 5 – 7 months minimum
- Continued recovery
- Monthly court
- Random screenings
- Treatment sessions



DRUG TREATMENT COURT

- “Opt-in” period; screened by Prosecutor
- 124 active participants
- Long period of perfect compliance required for advancement
 - 90 days for graduation
- 39 graduates for 2018



FAST-TRACK DIVERSION

- Speedy resolution of first-time, non-violent offenders
- Focus on Syringe/F6 cases as a pilot program
- Self-evaluation and exposure to treatment opportunities
- Goal: resolve cases within 70 days of arrest



QUESTIONS?

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