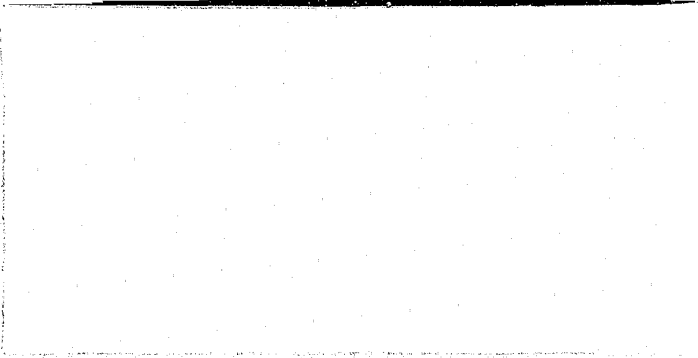


MERCANTILE



148796

J

• • • • •

148796



THE AMERICAN UNIVERSITY
WASHINGTON, DC

School of Public Affairs

Justice Programs Office

TEL: (202) 885-2875

FAX: (202) 885-2885

**BJA/SJI DRUG CASE MANAGEMENT
TECHNICAL ASSISTANCE AND TRAINING PROJECT**

**DRUG CASE MANAGEMENT AND
TREATMENT INTERVENTION STRATEGIES
IN THE STATE AND LOCAL COURTS**

VOLUME I

March 1994

By:

Caroline S. Cooper
Joseph A. Trotter, Jr.

This publication was produced under Cooperative Agreement Number 92-DD-CX-0016 awarded by the Bureau of Justice Assistance, Office of Justice Programs, of the U.S. Department of Justice to The American University to undertake the Drug Case Management Technical Assistance and Training Project. Funding for this project has been shared equally by the Bureau of Justice Assistance and the State Justice Institute pursuant to an interagency agreement. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the Department of Justice or of the State Justice Institute.

Department of
Government
885-6459

Department of Justice,
Law and Society
885-2948

Department of
Public Administration
885-2375

4400 Massachusetts Avenue, N.W., Washington, D.C. 20016-8159

148796

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been
granted by
Public Domain/OJP/BJA

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

DRUG CASE MANAGEMENT AND TREATMENT
INTERVENTION STRATEGIES IN THE STATE COURTS

TABLE OF CONTENTS

VOLUME I

	<u>Page</u>
I. INTRODUCTION	1
A. Overview	1
B. Background of this Compilation	3
C. Methodology	4
II. DISCUSSION	5
A. Management-Focussed Approaches	5
1. <u>Principal Characteristics and Goals</u>	5
2. <u>Strategies Used</u>	6
a. <i>Developing Multiple Case Processing "Tracks" for All or Most Criminal Cases</i>	6
b. <i>Special Assignment of Drug (and often Drug-Related) Cases to a Special Court Division</i>	9
c. <i>Achieving Disposition of Certain Classes of Cases at the Limited Jurisdiction Court Level or Consolidating the Limited and General Jurisdiction Court Processes</i>	14
d. <i>Improved Responses to Probation Violations (see also treatment program discussions below)</i>	16
B. Treatment Focussed Approaches: The "Drug Courts"	19
1. <u>Principal Characteristics and Goals</u>	19
2. <u>Strategies Used</u>	21
a. <i>Deferred Prosecution Programs</i>	22
b. <i>Post-Adjudication Programs</i>	24
3. <u>Legal Authority for Drug Treatment Courts</u>	25
4. <u>Characteristics of Drug Court Treatment Components</u>	26
a. <i>Non-adversarial Nature of the Drug Court Proceeding</i>	26
b. <i>Identification of Eligible Defendants and Entry Into Treatment Program as Soon as Possible After Arrest</i>	27

TABLE OF CONTENTS

	<u>Page</u>
c. <i>Active and On-Going Defendant Supervision and Motivation by the Drug Court Judge</i>	27
d. <i>Multiple Phases of Treatment Services</i>	27
e. <i>Combination of Treatment Modalities</i>	28
f. <i>Likelihood of Relapse Built Into Program Strategy</i>	28
g. <i>Drug Court Program Requirements Significantly More Intrusive Than the Applicable Sanction if Defendants Proceeded Through Traditional Adjudication</i>	29
5. <u>Treatment Providers</u>	29
6. <u>Implementation/Operational Issues</u>	29
III. SUMMARY DESCRIPTIONS OF REPRESENTATIVE LOCAL DRUG CASE MANAGEMENT AND TREATMENT PROGRAMS	31
<u>Chart: Listing of Individual Programs With Program Objectives</u>	31
<u>Program Descriptions:</u>	35
Alabama: Mobile Circuit Court Drug Court	35
Arizona: Maricopa County (Phoenix) Superior Court Drug Court	36
Arkansas: Pulaski County (Little Rock) Drug Diversion Court	38
California:	
Alameda County (Oakland) Municipal Court Drug Court (F.I.R.S.T. Program)	39
Los Angeles Superior Court	41
(1) Early Disposition Project	41
(2) Differentiated Calendars	42
(3) Drug Diversion Court	43
(4) Intensive Supervision Probation Program	43
San Diego Superior Court Drug Probation Revocation Court	44
Santa Cruz Municipal and Superior Court Expedited Disposition Program	44
Colorado: Relevant State Activities	46
Delaware: New Castle County (Wilmington) Superior Court Drug Court Division	47
District of Columbia: District of Columbia Superior Court Drug Court Division	48

TABLE OF CONTENTS

Program Descriptions: (cont.)

Page

Florida:

I. Relevant State Activities	50
II. Local Programs	50
Broward County (Fort Lauderdale) Drug Court	50
Dade County (Miami) Drug Court	51
Escambia County (Pensacola) Drug Court & Okaloosa County (Crestview and Shalimar) Drug Courts	53
Leon County (Tallahassee) Drug Court	53

Illinois:

Cook County (Chicago) Circuit Court	55
(1) Drug Night Court	55
(2) Fast Track Calendar Using Graduated Sanctions for Probation Violations	55
Treatment Services Generally Offered to CJS Clients	56

Maryland:

Baltimore City Circuit Court	58
(1) Drug Court Division	58
(2) Drug Court	58
Montgomery County (Rockville) Criminal Differentiated Case Management Program	59

Michigan:

I. Relevant State Activities	60
II. Local Programs	60
Berrien County (St. Joseph) Circuit Court Drug Court Division	60
Kalamazoo County (Kalamazoo) Prison Diversion Program for Nonviolent Female Offenders	63
Wayne County (Detroit) Recorder's Court Differentiated Case Management Program	64

Minnesota: Ramsey County (St. Paul) District Court Criminal Drug Case Management With Fast Track Calendar for Drug Cases	65
--	----

Missouri: Jackson County (Kansas City) Circuit Court Drug Court	70
---	----

Nevada: Clark County (Las Vegas) District Court Drug Court	71
--	----

New Jersey: Middlesex County (New Brunswick) Superior Court Drug Court Division	73
--	----

TABLE OF CONTENTS

<u>Program Descriptions: (cont.)</u>	<u>Page</u>
New York:	
I. Relevant Activities in the State	77
II. Local Programs	77
Manhattan	
(1) Part N Expedited Disposition Programs	78
(2) Midtown Community Court	78
Kings County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program	79
Queens County Supreme Court Drug Treatment Programs	80
(a) Drug Treatment Intervention Program for Youthful, Nonviolent Offenders	80
(b) Queen's County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program	81
North Carolina: Mecklenburg County (Charlotte) Superior Court Drug Court Division	82
Oregon: Coos County (Coquille) Circuit Court Drug Reduction of Probationers (DROP) Program	83
Multnomah County (Portland) Circuit Court Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.)	83
Pennsylvania: Philadelphia Court of Common Pleas Expedited Drug Case Management Program	87
Puerto Rico: Puerto Rico Special Drug Courtroom Program	91
Texas:	
I. Relevant State Activities	92
II. Local Programs	92
Bexar County (San Antonio) Drug Impact Court	92
Dallas County (Dallas) Drug Impact Courts	93
El Paso County (El Paso) West Texas Drug Impact Court	93
Harris County (Houston) Drug Impact Courts	94
Jefferson County (Beaumont)	95
(1) Jefferson County Drug Impact Court	95
(2) Jefferson County Drug Intervention Court	95
Tarrant County (Fort Worth) Court Drug Impact Court	96
Travis County (Austin) Drug Diversion Court	97
Webb County (Laredo) Drug Impact Court	98
Washington: Pierce County (Tacoma) Superior Court Differentiated Case Management Program	99

TABLE OF CONTENTS

<u>Program Descriptions: (cont.)</u>	<u>Page</u>
Wisconsin: Milwaukee District Court Drug Court Division	102

VOLUME II

APPENDIX

- A. Operational Materials Used By Drug Case Management and Treatment Programs
- B. Drug Court Survey Responses and Operational Materials

I. INTRODUCTION

A. Overview

As most justice system practitioners know all too well, the national "War on Drugs" has caused tremendous dislocation in most court systems. Not only has the volume of drug cases increased without a corresponding augmentation of judicial system resources, but a far greater percentage of drug arrests have culminated in felony case filings, with police and prosecutors often reluctant to recommend diversion or other alternative dispositions which had heretofore provided a "safety valve" to maintain the precarious balance between law enforcement and judicial functions.¹ By the late 1980's, many courts found that the potential benefits of traditional delay reduction strategies had been exhausted; existing procedures could not be streamlined further to accommodate the surging drug caseloads, the existing case management system could not be worked any harder, and the traditional case disposition process could not keep pace with the volume of cases generated by this aggressive law enforcement strategy. Many judicial system officials also recognized that traditional case processing and sentencing strategies were unresponsive to the special characteristics of many drug-dependent defendants, particularly with respect to deterring the repetitive criminal behavior characteristic of substance abusers and addressing the medical, social, economic and other problems associated with their drug dependency.

In response, many justice system officials re-examined the standard case disposition process, with its uniform timeframes and procedures. In its place, they began to introduce methods for differentiating the management of criminal cases to permit use of a variety of case processing mechanisms, varying in applicable procedures, events, timeframes and judicial system resources, which could be adapted to the individual characteristics of the cases filed and the litigants involved.²

¹ Between 1982 and 1987, the proportion of drug arrests that were indicted and convicted increased from 37% to 51% in some jurisdictions. Source: Bureau of Justice Statistics: A National Report: Drugs, Crime, and the Justice System. December 1992.

² In 1986, the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice initiated the Differentiated Case Management (DCM) Demonstration Program which provided seed money, technical assistance and training to jurisdictions willing to develop case management systems with multiple case processing "tracks", each with varying events and timeframes appropriate to the management needs of the individual cases assigned. In 1989, BJA launched the Expedited Drug Case Management (EDCM) Demonstration program which built upon the principles of Differentiated Case Management but added two new dimensions: (1) the application of DCM principles specifically to drug cases, and (b) coordination of

The Differentiated Case Management (DCM) concept, premised on the recognition that all cases are not alike and should therefore not be expected to proceed according to the same procedures and timeframes, was used initially as a tool to maximize the use of available judicial system resources by varying their allocation to different classes of cases, based on their management needs and the degree of judicial supervision required for their resolution. Cases which could be disposed of promptly were slated for disposition with minimal judicial system "events" and time; other cases requiring more extensive discovery, judicial supervision, expert testimony, etc., were scheduled for longer dispositional timeframes, with interim pretrial hearings and discovery deadlines.

As the benefits of DCM as a case management tool became quickly apparent in increased judicial system productivity, resource utilization, and case processing efficiencies,³ many justice system practitioners soon began to practice case differentiation for purposes other than management, using the DCM approach as a tool to target classes of cases requiring specialized treatment based on such factors as prosecutorial priority, special litigant/witness issues, and, for drug cases, the potential eligibility of defendants for diversion to treatment programs.

The application of case differentiation principles to both the management and treatment/rehabilitation needs of drug dependent defendants has provided a vehicle through which courts -- and judges -- have been able to more efficiently handle the drug caseload as well as to tailor the disposition process and associated treatment intervention and sanctioning to the needs of the individual cases and defendants involved. The principal characteristics of these various case management and defendant supervision strategies, described in the following sections of this compilation, encompass both case management issues and defendant treatment and rehabilitation goals. Some court strategies focus on the entire criminal caseload, particularly in jurisdictions where drugs are associated with a high percentage of criminal activity generally; others focus on drug (or drug related) cases; others target a segment of the drug caseload, either by

expedited adjudication functions with expedited treatment intervention and other court-supervised programs designed to promote the rehabilitation of defendants deemed appropriate for such services.

³ Jurisdictions participating in the BJA DCM Demonstration Program (Detroit, Michigan; Philadelphia, Pennsylvania; Tacoma, Washington; and St. Paul, Minnesota, for example) experienced substantial increases in case dispositions and backlog without any concomitant increase in judicial system resources allocated.

charge (e.g., "possession" cases) or by defendant characteristics (e.g. "first offenders"). All of these strategies represent far more than simply changes in court procedures; they build upon the collaboration -- not simply cooperation -- of local criminal justice system officials and, frequently, other local public and private agencies as well.

At this point, only a few jurisdictions have implemented these strategies within a comprehensive framework which addresses the management and treatment needs of all drug cases and defendants; most courts have focussed on a "piece" of the issue, some emphasizing the treatment needs of certain classes of drug defendants, others stressing management and/or processing needs of certain categories of drug cases. Ultimately, it will be important for individual courts to implement a variety of strategies that address the full continuum of management, treatment and sanctioning requirements presented by the drug involved offender. These strategies must be built on a foundation of early review of each case filed and the screening of each defendant to ascertain the nature and extent of his/her drug involvement and the type of treatment services and/or sanctioning responses that would be appropriate and effective in the individual case in both the pretrial and post-adjudication periods.

B. Background of this Compilation

In December 1992, The American University began a two-year project sponsored jointly by the State Justice Institute (SJI) and the Bureau of Justice Assistance (BJA) designed to (1) identify and document the various drug case management and treatment intervention strategies being developed in general and limited jurisdiction courts, and (2) to develop training and technical assistance materials based on these strategies for use by judges and other justice system officials interested in adapting them to their local caseload processes and case processing priorities.

This compilation, the result of the first component of the project, provides a synopsis of the various approaches courts are using to manage the drug caseload and to promote earlier treatment intervention and rehabilitation of drug-dependent defendants. While it is by no means an exhaustive listing or description of all court programs operating, it does present the range of strategies currently being used and a cross-section of court environments in which they are being implemented. While most of the approaches described in this compilation have not undergone extensive formal

evaluation, all of the strategies included have been deemed effective in dealing with the drug caseload by the local officials involved, based on the program goals sought.

The project's training and technical assistance services, the second component of the project, have been on-going since the project began and will include two additional statewide workshops for judicial system officials during the summer and fall of 1994.

C. Methodology

The methodology used to identify drug case management strategies for inclusion in this compilation has had both a "formal" and "informal" component. The "formal" process consisted of (a) surveying each state court administrator for suggested local court programs to explore; (b) reviewing recent grant awards by the State Justice Institute (SJI) and the Bureau of Justice Assistance (BJA) to identify special drug case management initiatives that might be relevant to the project; and (c) contacting judicial service organizations to identify other relevant programs. A number of jurisdictions involved in drug case management strategies were identified through this process, particularly in states where BJA funding of drug prosecution programs occurred. However, far more drug case management initiatives were identified through informal conversations with judicial system officials around the country to whom project staff were referred through "word of mouth" references or who independently requested information and/or technical assistance regarding drug case management issues. In addition, in response to a tremendous interest among judges in incorporating drug-treatment strategies in the drug case adjudication process which developed during the project's first year, a special survey of Drug Court judges was conducted to obtain information relating to each court's operation and treatment services. The survey responses are included in Appendix B.

A discussion of the goals and operational characteristics of current drug case management and treatment strategies is presented in the following section. For the purpose of this compilation, these strategies are discussed within two broad categories: management and treatment, with programs designed to improve the handling of probation violations included within each of these categories. In reality, many of the management strategies include varying degrees of treatment, and a number of the treatment approaches also have management components. These features are referenced

in the specific program descriptions included in Section III. Taken together, the various judicial case management and treatment intervention approaches described in this compilation provide a framework for addressing both management and treatment issues presented by the drug caseload and providing timely and effective treatment and rehabilitation services to those defendants who can potentially benefit from them, whether this be through pretrial diversion or incorporated into sanctioning strategies utilizing correctional resources and intermediate sanctions.

II. DISCUSSION⁴

A. Management-Focussed Approaches

1. Principal Characteristics and Goals

Courts have developed a number of different methods for managing the drug caseload, ranging from improved management of the criminal docket generally to creation of special court divisions to handle drug cases specifically. These strategies, more specifically described below and in Section III, build upon delay reduction techniques involving early and continuous court management and monitoring but, in addition, share the following characteristics: (1) early entry of defense counsel, including special status hearings to assure indigent defendants have contacted the public defender; (2) assignment of senior prosecutors and public defenders for case screening and plea discussion purposes to promote early, credible negotiations; and (3) redesign of the case process to assure that each event scheduled meaningfully contributes to the case disposition process.

Although courts are using a variety of different management strategies to handle the drug caseload, they share common goals:

- o to provide for more expeditious disposition of the drug caseload generally
- o to designate drug cases for scheduling priority which they might not otherwise receive if mixed with the general criminal caseload; and

⁴ All of the programs referenced in this section are described in greater detail in Section III which also includes the names, addresses and telephone numbers of judges and other justice system officials to contact for further information.

- o to address the "revolving door" syndrome characteristic of drug cases, with defendants frequently committing new drug offenses while awaiting disposition on pending charges;
- o to develop mechanisms to conserve the use of judicial system resources and assure their availability for serious cases by limiting their application in those offenses which are less complex to process;
- o to provide management continuity for complex drug cases or cases warranting multiple court hearings; and
- o to deal more effectively with convicted drug defendants who violate their probation.

Many management strategies have also been designed to expedite the time when a substance abusing defendant initially comes before the court so that court ordered treatment and other rehabilitation measures can begin much earlier, as either conditions of pretrial release or diversion or post adjudication sanctioning. Highlights of the variety of judicial system approaches being used to manage the drug caseload are summarized below.

2. Strategies Used

a. *Developing Multiple Case Processing "Tracks" for All or Most Criminal Cases*

A number of jurisdictions have developed case differentiation systems for most -- or all -- of their criminal caseload, using multiple case processing tracks to which criminal cases are assigned shortly after filing. Jurisdictions adopting this approach point to the need to more efficiently manage the total criminal caseloads, not just drug cases; a recognition that the problem of substance abuse is reflected in different classes of criminal offenses, not just drug cases; and the need to evaluate all offenders for substance abuse treatment/supervision needs, not just those arrested on drug charges. A few examples of the various ways in which case differentiation is being applied to the criminal docket are the following:

Los Angeles, California: Criminal cases in Los Angeles are generally assigned to a specific calendar on the basis of the timeframe and events required for disposition. Among the calendars currently in use are:

- Cases which can be disposed at the Municipal Court level ("Early Disposition Cases"): Thirty to forty percent of the felony caseload is disposed of

approximately two weeks after arrest by certified plea at the time of arraignment in the Municipal Court before the Municipal Court judge who has authority to accept felony pleas. After the plea is taken in the Municipal Court, the case is transferred to the Superior Court for a probation and sentencing hearing, usually held 14 - 21 days later.

- Short-Cause (non jury) Calendars: The short-cause calendars are used for single defendant cases, most of which plead or require minimal non-jury trial time. Senior judges are generally assigned to these calendars who manage all phases of case disposition, from filing to sentencing.

- Calendar Courts: Cases not disposed of through the Early Disposition program at the Municipal Court and not assigned to the Short-Cause calendar are assigned through an individual calendaring system to a Calendar Court judge in the Superior Court for trial within sixty days. If for any reason the assigned Calendar Court judge cannot hear the case when scheduled, a judge from the Protracted Trial Calendar will be assigned.

- Protracted Trial Court Calendars: Approximately five percent of the criminal caseload is referred to one of eight protracted trial court calendars which handle cases estimated to require three or more weeks for trial. These cases include those involving the death penalty, insurance fraud, complex drug charges, and cases involving multiple agencies and large numbers of defendants such as statewide drug rings, accusations against government officials, etc. The protracted trial court calendars can also accept overflow from other calendar courts when assigned cases are concluded in a shorter time than originally scheduled.

Detroit, Michigan: The Detroit Recorder's Court, one of the early BJA DCM demonstration sites, initially developed a series of different case processing tracks to which cases were assigned based on the defendant's potential sentence exposure indicated by the Michigan Sentencing Guidelines score calculated shortly after arrest. The premise of Detroit's system was that the nature of the potential sanction was directly related to the time and events associated with case disposition and, conversely, only those events necessary for disposition of an individual case should be scheduled. The early DCM scheme was subsequently modified to accommodate numerous special classes of cases which local officials determined to treat with special procedures, such as diversion, Probation Violations, Welfare Fraud, and Prison Escapes, which are now generally assigned to the Chief Judge for disposition very shortly after

filing.

Berrien County (St. Joseph), Michigan: Berrien County, also one of the early BJA DCM demonstration sites, developed a criminal DCM program with three case processing tracks to which cases were assigned on the basis of management complexity and prosecutorial priority. Unlike other DCM programs, Berrien County used the DCM system to also expedite special "high profile" criminal cases which local officials determined warranted prompt disposition. In 1991, Berrien County established a "Drug Court" to expedite both case disposition and treatment intervention (further described below) in response to a sharp increase in drug cases associated with urban decay generally and the convergence within the county of two major interstate highways which serve as the main link between Chicago and Detroit, resulting in large amounts of controlled substance transportation as well as substantial off-highway crime.

Philadelphia, Pennsylvania: Philadelphia's approach to case differentiation focussed initially on the seventy percent of the criminal cases which has comprised the "Waiver Program". Cases assigned to the Waiver Program are generally less serious felonies, almost all of which currently involve drug offenses or property or other nonviolent offenses associated with drug dependency. When a case is assigned to the Waiver Program, court officials anticipate that it will be disposed of by plea or court trial; if the defendant subsequently requests a jury trial, the case is reassigned to the "Majors" Program.

An unusual feature of Philadelphia's early DCM program was the fluidity of track assignments used. Initially, four tracks were created, with cases being reassigned from one track to another, as appropriate:

Track A cases are those deemed eligible for diversion or amenable to disposition at the time of arraignment in the Court of Common Pleas (approximately 30 days following arrest). Track A was established to transform the arraignment in Common Pleas Court⁵ into a meaningful screening and disposition mechanism whereby defendants charged with certain nonviolent offenses can be offered an opportunity to

⁵ Following arrest, defendants are arraigned initially in the Municipal Court where a preliminary hearing may also be conducted. The arraignment in the Court of Common Pleas occurs approximately thirty days following arrest.

enter a guilty plea on their first appearance or have their case otherwise disposed⁶; Track A cases not disposed of at the Common Pleas arraignment are then reassigned to Track B or D, as appropriate.

Track B cases are primarily those of incarcerated defendants whose cases are not eligible for Track A disposition. Track B was established to enhance trial date certainty for custody cases, regardless of the charge, by providing for a trial readiness conference 21 days after arraignment; ensure timely completion of discovery; screen out cases in which defendants requested a jury trial; and provide for stipulations to testimony so as to reduce the necessity of witness appearances on the day of trial.

Track C was designed to consolidate at a single proceeding multiple cases pending against a defendant, regardless of the charges involved⁷; if a consolidated disposition of the pending cases can not be achieved, the cases will then be assigned to Track B if the defendant is in custody, Track D (see below) if he/she is released, and possibly to other "Programs", depending on the nature of the pending charges. Since the DCM program began, the volume of Track C cases has been steadily declining because the accelerated pace with which cases are now disposed has eliminated the delays during which these multiple pending cases occurred. Track D is reserved for all other cases.

Since 1992 case differentiation in Philadelphia has been expanded to the rest of the criminal docket, using a system of team calendaring and case tracking.

b. Special Assignment of Drug (and often Drug-Related) Cases to a Special Court Division

A number of courts have established special "drug court divisions"⁸ on the premise that, by assigning drug cases to a special court division, these cases can achieve scheduling priority which cannot otherwise be achieved if they compete for trial time with other criminal matters. Most of these special Drug Divisions also use

⁶ Gathering of relevant information to identify cases appropriate for Track assignments in the Court of Common Pleas begins during the Municipal Court process.

⁷ When Philadelphia began its case differentiation program, some defendants had eight or more unrelated cases pending.

⁸ Since there is no standard definition of the term "drug court", for the purpose of this Compilation, a "drug court" will refer to a court-supervised treatment program for substance abusing defendants, as more specifically described in Section C; a "drug court division" will refer to the assignment of drug cases to a special judge or judges within the court primarily for case processing and management purposes. It should be noted, however, that some of the "drug court divisions" also have treatment program components.

expedited case processing procedures which are not necessarily used for other criminal cases and some of them also use special treatment intervention strategies.

Within the general rubric of creating a special "Drug Court Division", a variety of approaches are used. One of the most common approaches used by jurisdictions which have established special "Drug Court Divisions" is to have all drug cases assigned to one or two courtrooms or judges immediately after filing. The individual court assignment then provides continuity and consistency for subsequent case disposition activities and defendant supervision and/or sentencing. Having a specially designated "Drug Court Division" also permits a judge to be available to expedite the scheduling of pleas as well as trials. The following are examples of this approach:

Milwaukee, Wisconsin: Milwaukee's Drug Court division was established in 1990 to eliminate lengthy delays that were occurring when narcotics cases were forced to compete with violent felonies for scheduling. The purpose of the drug court division was to reduce the time required to dispose of narcotics cases, thereby reducing the time accused dealers had to continue their activities while on pretrial release and increasing public confidence in the justice system and willingness to report drug activity. The goal of the Drug Court Division was to bring narcotics cases to trial within 90 days of charging. In addition to segregating drug cases for assignment to the special court, various management procedures were instituted to promote much earlier plea negotiations, greater scheduling certainty, and much firmer trial dates. The Court's Felony Rules Committee developed a pretrial scheduling order which served as the vehicle to implement the 90-day case disposition goal and provided for reciprocal discovery; filing of motions within 15 days of the Scheduling Order; a plea cut-off date; and a final pretrial conference and omnibus motion hearing two weeks before the scheduled trial date to dispose of all motions and to take pleas.

Bexar County (San Antonio), Texas: Bexar County's Drug court, established in 1986, was the first of a number of "drug courts" in Texas with a goal of expediting the disposition of drug cases which might not otherwise occur if they were mixed with other criminal cases. The Court is staffed by a visiting judge and has instituted several special procedures to expedite the case disposition process, including direct filing in lieu of grand jury indictment and greater coordination with the U.S. Attorney regarding drug case prosecutions.

Webb (Laredo) County, Texas: The Drug Court in Webb County, established as a division of the District Court in 1990, handles all felony drug cases. These cases are assigned following indictment. Like Bexar County the Court is served by a visiting judge and was established to promote scheduling priority of drug cases and to thereby speed their disposition.

Baltimore City, Maryland: All drug cases in Baltimore City are individually assigned to one of three specially designated "Drug Court Division" judges who handle all case proceedings, from initial filing through disposition.

New Castle County (Wilmington), Delaware: Drug cases in New Castle County are assigned to one of four tracks. Track I is for defendants arrested while on Superior Court probation and charged with one or more drug offenses that do not carry minimum, mandatory sentences. The purpose of this track is to permit an assessment of the defendant's drug dependency for court-ordered treatment referral purposes and to dispose of the new charge and alleged probation violation at the same hearing. Track II is for defendants with no prior drug or felony convictions charged with drug possession who may be amenable to pretrial diversion or intermediate sanctions. The purpose of this track is to permit an early assessment of each defendant's drug dependency and initiate court-supervised treatment and other support services as needed.

Track III is for defendants facing multiple mandatory or second offense mandatory sentences. The purpose of this track is to expedite the plea negotiation process and to schedule trials for those cases requiring them as soon as possible. Track IV is for all other drug cases (which usually involve multiple charges). The procedures used for cases on this track include provision of a one-time plea offer which, if not accepted, will result in the scheduling of a firm trial date.

Middlesex County (New Brunswick), New Jersey⁹: Middlesex County's "Drug Court Division", began as a pilot BJA program in New Brunswick, the county seat, where half of the County's 500,000 population resided. All drug offenses were referred to the Drug Court Division where they were assigned to one of two case processing tracks: Track A for cases subject to which mandatory incarceration; and Track B for all

⁹ Middlesex County's Drug Court also placed heavy reliance on community involvement. Under the leadership of the Drug Court judge, local businesses, civic leaders, educational institutions and other community groups organized into various committees to provide a job bank, vocational training, tutoring assistance, defendant supervision, and other support to the Drug Court program.

other drug offenses. Track B cases not disposed of at the pretrial conference seven days following arrest were then assigned to Track C and referred for grand jury indictment.

Multnomah County (Portland), Oregon: All drug offenses are assigned to one of two case processing tracks: a deferred prosecution program with court-supervised treatment and other required conditions relating to defendants' educational and vocational development, family counselling or other rehabilitation needs; or an expedited adjudication track designed to initiate earlier plea negotiations and case disposition.

In addition to the drug case tracks, a special track to accelerate the disposition of property offenses has also been established, most of which involve drug dependent defendants who require the same drug dependency assessment and treatment supervision as defendants in drug offenses.

In some jurisdictions, only a segment of the drug cases is assigned to a special Drug Division. Generally, the determination of which drug cases to assign to the special drug division is based on local officials' assessment of how to best allocate available judicial system resources to promote efficient disposition of the drug caseload. Examples of various approaches for selecting drug cases for the special drug division are the following:

St. Paul, Minnesota: First offenders or individuals with minor criminal histories and charged with less serious drug and drug-related charges are assigned to a special fast track calendar for drug cases designed to achieve early case disposition and treatment intervention for defendants. The program includes both pretrial diversion treatment services as well as the use of treatment as a condition of probation and/or treatment in conjunction with sentences of incarceration ranging between 15 and 60 days.

Washington D.C.: All drug possession cases in Washington D. C. are assigned to one of three special court divisions to expedite the disposition of cases amenable to pleas or other nontrial dispositions. Defendants whose cases are disposed of by these divisions are then assigned to one of three post disposition treatment programs: a standard probation program using existing pretrial and probation supervision practices; a graduated sanctions/intermediate sanctions program which requires no mandatory treatment but promulgates consequences for noncompliance with

court ordered conditions of release -- which include a requirement that defendant remain drug free; and an enhanced treatment program including multiple levels of in-patient and community treatment, geared to defendant's needs.

Cook County, Illinois: Cook County Circuit Court's "Drug Night Court" (more precisely an "afternoon-evening" court) was designed to handle all narcotics cases not requiring a jury trial operated from 1990 - 1993 as an emergency measure to permit timely disposition of the surging drug caseload in the absence of an adequate number of courtrooms for daytime case scheduling. As the capacity of the Drug Night Court became exhausted, the regular Criminal Divisions began to handle the overflow of drug cases which the Night Court could not accommodate in addition to those drug cases requiring a jury trial. In 1993, when supplemental courtroom space was made available to the Criminal Division of the Circuit Court, the "Drug Night Court" program was terminated.

Mecklenburg (Charlotte), County, North Carolina: All drug cases which do not involve allegations of trafficking or other additional serious charges are assigned to the "Drug Court" which meets at night, for 5:30 p.m.- 10:30 p.m. sessions on alternating weeks to conduct arraignments (approximately 45-60 days following arrest) and achieve early dispositions in appropriate cases.¹⁰ If a plea offer is not accepted by the time of the arraignment (currently approximately 25% of the cases), the case is scheduled for trial during the alternating weekly "day" sessions.

Dallas, Fort Worth, and El Paso, Texas: In Dallas, El Paso and Fort Worth Texas; "Drug Impact" courts handle mainly the serious drug cases, including those arising out of local Task Force activities, on the premise that the regular District Court judges in these counties can accommodate the less serious offenses within the general District Court Docket. Each of these Drug Impact Courts has special attributes, more specifically described in Section III.

Houston, Texas: In Houston, only those drug cases which are deemed "trial ready" by the District Court are assigned to the "Drug Impact Court". All pretrial matters are handled by the District Court and cases are not transferred to the Drug Impact Court until all opportunity for plea disposition have terminated. Once cases are

¹⁰ Like Cook County, Mecklenburg County officials resorted to night court sessions because of a lack of facilities to conduct timely daytime proceedings for these cases.

assigned to the Drug Impact Court, they can be scheduled for a prompt and certain trial date.

c. Achieving Disposition of Certain Classes of Cases at the Limited Jurisdiction Court Level or Consolidating the Limited and General Jurisdiction Court Processes

Since felony case disposition in most states requires the involvement of two distinct courts -- the limited jurisdiction and the general jurisdiction -- a number of judicial systems have attempted to reduce the duplication of procedures and unnecessary delay associated with these two levels of court activity. One of the two principal strategies for achieving this is to obviate (by defendant's waiver) the grand jury indictment phase of the case process by proceeding on the prosecutor's information. Since many jurisdictions do not require grand jury indictment for drug cases, most "consolidation" activity is focussing on achieving felony dispositions at the limited jurisdiction court arraignment or at a consolidated limited/general jurisdiction court proceeding. Drug cases appear to be particularly appropriate for these "consolidation" efforts because many are ripe for disposition (by plea, diversion, dismissal, etc.) very shortly after filing and, most important, many justice system officials feel that treatment intervention has the greatest likelihood for success if it begins as soon as possible after arrest.

Manhattan "Part N" Program: One of the earliest programs to achieve early disposition of drug cases at the court of first appearance was Manhattan's Part N Court program which, in 1987, began targeting for disposition within six days of arrest -- and prior to indictment -- cases involving incarcerated defendants. First offenders in felony drug possession cases could be offered a plea disposition prior to indictment which, if accepted, would entail a sanction less severe than the defendant would otherwise be exposed to if his/her case proceeded through indictment and disposition in the general jurisdiction court where mandatory sentencing provisions would be applied. Since the Part N program began, a number of other jurisdictions have adopted similar strategies to dispose of certain classes of drug cases at the limited jurisdiction court level or through procedures which expedite the time within which cases reach the general jurisdiction court.

Middlesex County, New Jersey: In New Brunswick, New Jersey, referenced above, felony drug cases came under Superior Court review within twenty-

four hours of arrest and defendants were offered plea dispositions within seven days; those who accepted these plea offers waived grand jury indictment and proceeded to disposition on the basis of an information. The remaining cases in which defendants did not accept the plea offer were referred to the grand jury within the following twenty-one days.

Multnomah County (Portland), Oregon: In Multnomah County (Portland), Oregon, eligible defendants who agree to participate in the drug diversion program begin treatment within 3-5 days of arrest, waiving the right to a grand jury indictment and agreeing that, in the event they are terminated from the diversion program for nonperformance, they will proceed to disposition on the basis of an information.

Bexar County (San Antonio), Texas: In San Antonio, Texas, cases are not referred to the grand jury for indictment until a pre-trial hearing has been held approximately thirty days after arrest at which time the prosecutor and defense counsel can discuss possible non-trial dispositions. Only those cases which are not amenable to disposition at that point are referred to the Grand Jury.

Los Angeles, California: As described in Los Angeles' Early Case Disposition Program¹¹ above, a substantial percentage of felony drug cases are disposed of during pretrial proceedings in the Municipal Court shortly after arrest. These dispositions are achieved through early case review by senior prosecutors and defense counsel, and early exchange of discovery and plea negotiations.

Berrien County, Michigan: In Berrien County (St. Joseph), Michigan, a key element of the new Drug Court Division procedures has been to consolidate into one hearing events which previously required multiple District and Circuit Court settings. Within five days of arrest, the Circuit Judge conducts the Drug Court Hearing at which he/she sits first as a District Court Judge to conduct the District Court arraignment. If the defendant does not waive a preliminary examination, the examination is held immediately; if the examination is waived or the defendant is bound over after the examination, the Circuit Judge then conducts the Circuit Court arraignment. If the defendant requests a trial, a trial date is scheduled within 14 days. If

¹¹ A number of other California courts have adopted certified plea procedures or similar mechanisms permitting felony dispositions at the Municipal Court level.

the defendant does not request a trial and agrees to enter a plea disposition, the plea agreement previously reached between defense counsel and the prosecutor is entered into the record, the prosecutor files an amended information -- often to reduced charges -- and the defendant pleads guilty, and a sentencing date is set. Defendants in three of the Drug Court's five case processing tracks are referred for immediate treatment intervention.¹²

Philadelphia, Pennsylvania: Although Philadelphia's expedited drug case management program focusses on cases once they are filed in the Court of Common Pleas, a major component of the program is early case screening and assessment of defendant's drug dependency during the Municipal Court process. This screening is initiated by the Public Defender, who attempts to identify cases amenable for diversion, early disposition, or other special processing procedures shortly after arrest and while they are still at the Municipal Court level, and refers them to appropriate Probation Department and Common Pleas Court staff for follow-up screening. This initial review at the Municipal Court level permits certain of these cases to be disposed of on the first day that they reach the Court of Common Pleas.

d. *Improved Responses to Probation Violations (see also treatment program discussions below)*

Many justice system officials are recognizing that probation violations in drug cases require a response from the judicial system which is prompt and, at the same time, tailored to the nature of the violation. Attention to this issue appears to be focussing in two areas: assuring that the commission of new crimes by persons on probation receives a swift judicial response; and providing more active judicial monitoring of other probation conditions, particularly those relating to defendants' treatment and rehabilitation.

Concerning those VOP's generated by the commission of new crimes, several jurisdictions have established special procedures to expedite probation violation hearings and, where appropriate, to proceed with revoking probation for the original charge in lieu of prosecuting the new offense. Jurisdictions which use this approach find that, for appropriate cases, the benefits of immediately resolving the VOP, with

¹² Defendants whose cases are assigned to the other two tracks are, for the most part, subject to mandatory incarceration.

attendant savings in the pretrial detention and judicial system costs associated with prosecuting the new offense, and the enhanced credibility it provides to the judicial process, significantly outweigh any advantage to prosecuting the new offense. Examples of this approach are the following:

San Diego, California: In San Diego, California, a Drug Probation Revocation Court has been established which hears probation violation complaints within ten days of the defendant's arrest on the new charge. In instances where the new offense is less serious than the original offense for which the defendant is on probation, the revocation proceedings focus upon revoking probation for the original offense, based on the new arrest information, and instituting the original sentence without proceeding on the new criminal charge.¹³

Kings County (Brooklyn), New York: Kings County, New York has instituted a similar procedure, with VOP hearings scheduled promptly following arrest at which a defendant may plea to the VOP in exchange for dismissal of the new charge.

Judicial monitoring and intervention, as needed, regarding defendants' performance of other probation conditions, particularly as these conditions relate to the defendant's progress in drug treatment and rehabilitation, is, in some jurisdictions, also occurring much sooner and with much greater case by case attention -- even in jurisdictions where a Drug Court (See Section C below) has not been formally established. These approaches often entail the use of pre-revocation and other judge-conducted status hearings and the application of graduated sanctions rather than strict probation revocation to probation violations which do not involve a threat to public safety. Examples of these approaches include the following:

St. Paul, Minnesota: A significant component of St. Paul's Fast Track Calendar for drug offenses includes a prompt response to probation violations -- heard within one day of apprehension -- and designed to provide sanctions short of strict findings of violations in cases in which the probation violation does not involve a new offense. Special efforts are made to impose various intermediate sanctions such as Sentence to Service, home confinement on electronic monitoring or use of the Day Reporting Probation Center program before holding actual violation hearings.

¹³ Determinations of probation violations generally follow a less stringent evidentiary standard than applicable to the adjudication of new charges.

Middlesex County, New Jersey: A key component of the Middlesex County Drug Court program was the use of "pre-revocation" hearings at which the Drug Court Division Judge could counsel a defendant whom the probation officer reported as at risk of violating probation conditions and attempt to motivate the defendant to comply.

Cook County, Illinois: Almost a decade ago, a judge of the Cook County, Illinois Circuit Court instituted a "graduated sanctions" approach for handling probation violations in drug cases in an effort to promote -- and support -- defendants' efforts to participate in drug treatment and rehabilitation programs, and this approach has been adapted by other jurisdictions, as described below.

The underlying premise of a graduated sanctions approach is to impose a limited sanction for the first probation violation, such as two days in jail, which is then increased -- often by a set formula -- for each subsequent violation until the defendant has committed the maximum number of violations permissible at which time a standard probation violation hearing is conducted. The benefit of the graduated sanctions approach is not only the potential benefit that might be derived from the limited "shock" incarceration associated with its imposition but the capacity it offers a judge to make adjustments in the type of treatment a defendant is receiving to maximize his/her chances of recovery. For example, defendants who return temporarily to a jail setting are often also provided with more intensive treatment services while incarcerated so that they will be in a better position to comply with the conditions of their probation when they are released.

Washington D.C.: As described above, one third of the defendants in Washington D.C.'s Drug Division program are randomly assigned following adjudication to a probation supervision program entailing the imposition of graduated sanctions for violations of probation conditions. Defendants in this program are required to comply with standard court-imposed conditions for release, including the requirement to remain drug-free, and report periodically for drug testing. Violations of the terms of probation for defendants assigned to this track are treated with the imposition of graduated sanctions involving increasingly longer periods of short-term incarceration. Defendants can remain in this program for up to six months during which time their performance may be reflected in the court's ultimate sentencing decision.

Coos County, Oregon: In 1988, the Coos County, Oregon District Attorney implemented the DROP (Drug Reduction of Probations) program with the cooperation of the County sheriff, local corrections Department officials, and the courts. Under the DROP program, all convicted offenders are referred to the Coos County Correctional Treatment Center for a full drug usage assessment to determine the level of service needed. All persons in the DROP program undergo urinalysis testing at least once per month for six months. When urinalysis tests indicate that a probationer has returned to drug usage, the offender is immediately arrested and detained in the local jail and a violation report is immediately delivered to the district attorney. The defendant's probation can continue following a period of incarceration imposed on a graduated basis as follows: 1 day for the first violation; 10 days for the second violation; and 30 days for the third violation.

Maricopa County, Arizona: Maricopa County operates a modified graduated sanctions program under which a defendant's period of probation can be either expanded or reduced, depending upon his/her performance. Under a Rand Corporation study to determine the effect of urine testing on drug usage, defendants convicted of a first drug possession offense are randomly assigned to one of four probation tracks, one of which is called the "Drug Court" where the modified graduated sanctions approach is applied. Defendants assigned to the "Drug Court" sign a series of three sixty-day contracts with the Drug Court judge which provide the specific conditions of their probation and the number of points they will either earn or lose, depending upon their performance. Defendants appear before the Drug Court Judge every sixty days unless they have problems in completing their contract or their probation officer recommends that they appear more frequently. Depending upon the defendant's performance and the credits earned or lost, his/her period of probation will be either reduced or expanded.

B. Treatment-Focussed Approaches: The "Drug Courts"

1. Principal Characteristics and Goals

During the past several years, there has been an unprecedented experimentation among state courts with incorporating drug treatment programs into the adjudication process, and these "Drug Courts" have captured great interest among both

justice system practitioners and treatment providers. While drug testing and/or treatment have long been common components of pretrial release and probation conditions, as well as of prosecutor diversion programs for first offenders, what makes these Drug Courts unique is the non-adversarial nature of their proceedings and the active and on-going role which the Drug Court judge plays -- generally with the support of both the prosecutor and defense counsel -- in working with the treatment provider and motivating the defendant to participate in and complete the treatment program. Essentially, most of these "drug courts" are not courts at all, but, rather, diversion-to-treatment programs which are supervised through regular (at least monthly, initially) quasi-judicial status hearings at which the Drug Court Judge enters into a dialogue with each Drug Court defendant for the purpose of reviewing his/her past performance -- primarily through reports of urinalyses, treatment program attendance, and face to face discussion. The judge strives to reinforce progress and sanctions "slippage" in a nonpunitive manner designed to enhance the defendant's assumption of responsibility for his/her rehabilitation, including augmentation of treatment and monitoring services, as needed. In those situations in which the defendant clearly does not or cannot conform with the requirements of the Drug Court program, judge terminates his/her participation and the case is reassigned to the conventional adjudication process.

In sum, the defining characteristics of a "Drug Court" are that the court:

- o Treats the non-violent drug dependent defendant differently from other criminal defendants by focussing on treatment rather than punishment and by providing those defendants who successfully complete a treatment program with dismissal of their current charges or some other mitigation of their sanction exposure or sentence; and
- o Uses judicial authority (rather than a probation officer's) to directly supervise and support the defendant's performance in treatment and rehabilitation programs.

The Miami "Drug Court", begun in 1989, was the first of these programs and introduced the basic philosophy which characterizes all subsequently developed programs. The major premises of this philosophy are:

- drug dependency is a disease as well as a factor promoting criminal behavior and judicial system officials should expect that defendants with this illness will experience a cycle of relapse and progress as part of the recovery process;

- if the disease can be cured (or placed in remission), associated criminal activity will cease;
- drug treatment has the greatest chance of success if it begins when the defendant is most motivated and, for criminal defendants, a defendant's highest point of motivation generally occurs at the time of arrest;
- a judge exercises significant moral as well as legal authority over criminal defendants and, with a "tough love" orientation, can provide motivation and support for their rehabilitation;
- a well structured court supervised drug treatment program can promote rehabilitation of defendants and encourage their assumption of responsibility for their rehabilitation process in a manner which often cannot be achieved through the traditional case disposition process; and
- it is in the best interests of both the prosecution and the defense to work together to promote defendants' entry in and successful completion of drug treatment programs.

2. Strategies Used

To date, more than fifteen "drug courts" have begun operating, and a number of other Drug Court programs are in various stages of planning. No two programs alike; each is adapting to the local environment in which it functions and the operational goals sought to be achieved. Although, with several exceptions, most of the Drug Courts at this point address a small segment of total drug defendants in their jurisdictions -- less than five percent in most cases -- many believe that Drug Court defendants may have accounted for a significantly larger percentage of criminal activity in their communities prior to entering the Drug Court program.

Drug Courts generally target primarily first offenders charged with drug possession who are appropriate for pretrial diversion and who have no history of violent offenses, although a few programs have expanded eligibility criteria, taking in persons who may have violent criminal histories or repetitive prior offenses.¹⁴ Those Drug Courts which operate within a specially designed drug case management system, however, are

¹⁴ From its initiation, Multnomah County's deferred prosecution program has been open to defendants in drug possession cases regardless of criminal history. Miami's program initially focussed on first offenders but has since expanded to include defendants with additional prior felony convictions for drug possession and/or other non-violent offenses.

targeting a broader range of defendants for treatment which, in some instances, is provided in conjunction with a period of incarceration or intensive probation supervision.¹⁵

A summary description of current "drug court" program approaches is provided below:

a. Deferred Prosecution Programs

The most common Drug Court "model" targets drug defendants for diversion to treatment within a day or two following arrest and defers the prosecution for those defendants who agree to participate in the treatment diversion program¹⁶. For those defendants who successfully complete the program, charges are nolle prossed or dismissed. The cases of those defendants who are terminated from the treatment program by the Court for repeated failure to perform are referred for standard adjudication and sentencing.

The basic premise of these programs is to capitalize on the trauma of arrest to begin treatment intervention immediately rather than wait until the case would be disposed under the traditional disposition process, and to offer those defendants who successfully complete the treatment program the opportunity of not having a felony conviction on their record -- a particularly important incentive toward their ability to obtain/retain employment.

The common case processing procedures adopted for most of the Drug Courts generally entail:

- screening (usually by the prosecutor) for eligible cases and defendants very shortly after arrest;
- consultation between defendants and their counsel regarding the pending case and deferred prosecution program requirements;

¹⁵ For example, within the expedited management program established, the Drug Court Division in Middlesex County, New Jersey targeted all drug case defendants not in custody for expedited treatment referral, both pretrial and as a condition of probation; the Drug Court in Washington D.C. targets all defendants in drug possession cases for expedited treatment referral; see also the Drug Court Division in Berrien County, Michigan and the Fast Track Drug Calendar in Ramsey County, Minnesota described in Section III.

¹⁶ Although this immediate intervention is a goal of most Drug Treatment Courts, not all of them have been able to institute intervention as promptly as desired.

- preliminary appearance of the defendant before the "Drug Court" judge at which time the defendant's legal rights are explained and the voluntary nature and requirements of the deferred prosecution program described;
- immediate referral of defendants who choose to participate in the deferred prosecution program to the treatment program, with treatment generally beginning the same day as the court appearance;
- periodic status hearings (usually monthly initially) conducted by the Drug Court judge at which he/she discusses with each defendant -- in the presence of all Drug Court participants -- the defendant's progress in the treatment program and other issues relating to his/her rehabilitation;¹⁷ and
- a graduation ceremony for those who successfully complete the Drug Court program.

All of the Drug Court programs require defendants to waive their right to a speedy trial to provide adequate time and opportunity for the defendant to participate in the required drug treatment program. Some of the Drug Courts also require defendants to waive other legal rights as a condition of treatment program participation. In Multnomah County, Oregon and New Castle County, Delaware, for example, defendants waive their right to grand jury indictment and to trial by jury and agree that, if they cannot complete the treatment program, the pending charges will be adjudicated on the basis of the laboratory analysis and police reports. Multnomah County also permits defendants to withdraw from the treatment program during the first fourteen days for any reason without jeopardizing any legal rights; these cases are then referred for traditional adjudication.

Among the jurisdictions which have instituted deferred prosecution programs (and which are more specifically described in Section III) are:

California:	Los Angeles and Oakland
Florida:	Fort Lauderdale, Gainesville, Miami, Pensacola, Shalimar and Tallahassee

¹⁷ Defendants who have failed to comply with treatment program requirements, such as attendance at treatment sessions, etc., also often appear at these status hearings after having been picked up on bench warrants and the court's response to their "nonperformance" often includes a "peer review" by other Drug Court defendants attending the status hearing.

Michigan:	Kalamazoo
Missouri:	Kansas City
Nevada:	Las Vegas
Oregon:	Portland
Texas:	Austin and Beaumont

Deferred Prosecution programs are currently being planned in Little Rock, Arkansas; Baltimore, Maryland; Seattle, Washington, and a number of other jurisdictions.

With the exception of Multnomah County, Kalamazoo, Pensacola, and, recently, Miami, most of these deferred prosecution programs target first offenders or persons who do not have serious criminal records. In Kalamazoo, the deferred prosecution program targets female offenders who, if convicted, would be subject to mandatory incarceration. Defendants eligible to participate in the Kalamazoo program are identified by the prosecutor shortly after arrest and are offered the opportunity to participate in the treatment program as a condition of their bond.

Deferred prosecution as one component of a comprehensive drug case management/treatment program (as described in more detail in Section III) has been adopted in Mobile, Alabama; Wilmington, Delaware; and Berrien County (St. Joseph), Michigan.

b. Post-Adjudication Programs

In several jurisdictions where, for policy or other reasons, a deferred prosecution program has not been feasible, the "Drug Court" targets drug cases which have already been disposed. In at least one jurisdiction, Washington D. C., the Drug Treatment Court focusses on drug cases after their adjudication and prior to sentencing. The rationale for this approach is that deferral of sentencing may provide an incentive for the defendant's rehabilitation and any progress made toward rehabilitation will be relevant to the sentencing determination.

In Maricopa County (Phoenix), Arizona, the "Drug Court" is administered by the Probation Department with a Superior Court judge presiding over the periodic status hearings. As noted above, drug case defendants on probation are assigned to one of several "tracks" which have been established for research purposes to ascertain the degree to which required urinalysis contributes to defendants' rehabilitation. Successful completion of the Probation Department's treatment program

may result in a reduction in the defendant's period of probation. Until Florida's recent statute permitting pretrial diversion of certain drug offenses, Broward County's Drug Court focussed on defendants following their conviction, with any sentence of incarceration stayed pending completion of the treatment program.

3. Legal Authority for Drug Treatment Courts

Administratively, Drug Treatment Courts are special divisions of existing trial courts and have been established pursuant to the Chief Judge's administrative authority for calendar management and case assignment. Most of the Drug Court programs operate under interagency agreements (most of which are informal) between the local prosecutor, public defender, and court. These agreements generally focus upon the types of cases and defendants who can be eligible to participate in the Drug Court program; the special case processing procedures that will apply; the requirements for treatment program participation; and the impact which program completion or termination will have on the pending charges. In most instances, these agreements are general, with detailed aspects of program operations, such as the specific components of the treatment/rehabilitation program, the nature of monitoring information the court will require, and the degree of nonperformance that will be tolerated for participating defendants, as well as necessary modifications in procedures addressed as the programs are being developed.

In a few states -- most notably California and, recently, Florida¹⁸ -- specific statutory authority exists permitting courts to assign drug case defendants with no prior criminal records to treatment diversion programs which, if successfully completed, can result in dismissal of current charges. The existence of these statutes removes the pressure which might otherwise be imposed on prosecutors to publicly support treatment diversion programs while, at the same time, promoting the "war on drugs". In many jurisdictions, specific statutory authority frequently exists permitting the Court to suspend the entry of a guilty finding following adjudication pending the defendant's performance of specific court-ordered conditions, which may include completion of a treatment program, refraining from further criminal activity, etc.

¹⁸ See Appendix A for copies of these statutes.

Those court-supervised treatment programs which focus on cases after adjudication generally operate under the sanctioning authority of the court but the support of the prosecutor and public defender is often important in assuring that the expedited schedules for bringing defendants under the court's active supervision can be adhered to.

4. Characteristics of Drug Court Treatment Components

The long-term goals of most Drug Court treatment programs generally entail the provision of an array of substance abuse and individual rehabilitation services designed to enable each participant to become drug free as well as to address other problems in his/her life necessary to becoming a productive citizen. The services which most Drug Courts seek to provide include: multiple levels and multiple phases of substance abuse education and counseling (group and individual); frequent drug testing; medical, vocational, educational, family and other referral services as needed; peer support groups for individuals with special needs (e.g., victims of sexual abuse; persons who are HIV positive, etc.); and an adequate after-care program which can continue the support needed to sustain rehabilitation after the court's jurisdiction has terminated. However, because of the tremendous difficulties courts have encountered in obtaining treatment resources to support Drug Court programs, most have not had been able to fully implement these long-term goals and have therefore concentrated -- at least initially -- on those areas of drug treatment services deemed most critical. The diversity of approaches and range of services reflected in existing Drug Court treatment programs is evident in the program descriptions provided in Section III. Below is a brief summary of the most salient features of these programs.

a. Non-adversarial nature of the Drug Court proceeding

Although the prosecutor and defense counsel are present at most Drug Court proceedings, the purpose of each hearing is to promote the treatment and rehabilitation of the defendant and it is to this end that all parties direct their effort. The prosecutor agrees to defer prosecution of cases that might be easy convictions; defense counsel forego arguing motions which might be dispositive and the Drug Court Judge abandons his/her sanctioning role and, instead, motivates defendants to enter treatment and often inspires them with the court's confidence that they can rehabilitate

themselves and rid themselves of drug dependency. When, in subsequent status hearings, it becomes apparent that the defendant is not progressing satisfactorily, the remedy is usually to enhance treatment -- not to litigate.

b. Identification of eligible defendants and entry into treatment program as soon as possible after arrest

Since a basic premise of the Drug Courts is to capitalize on the trauma of arrest to motivate defendants to enter treatment, all of the Drug Courts with deferred prosecution programs strive to identify eligible defendants and have them begin treatment as soon as possible after arrest -- two to three days in many cases.

c. Active and on-going defendant supervision and motivation by the Drug Court judge

A central element of all Drug Court programs is the scheduling of regular status hearings for each defendant before the Drug Court judge. At these status hearings, the judge reviews with each defendant his/her progress, including reports provided by the treatment provider regarding urinalyses results and attendance at counselling sessions, and any other problems or issues the defendant wishes to raise. The Drug Court judge attempts to reinforce positive progress with praise and address "slippage" with an individualized therapeutic response which may include enhanced treatment, a brief period of incarceration, more frequent urinalyses, more frequent appearance at status hearings, or a combination of these responses. The principal objective of these status hearings is to do what is necessary to maintain defendants in treatment.

d. Multiple phases of treatment services

Most of the treatment programs are organized into three or more phases, with the most intensive phase occurring during the individual's initial treatment participation. Many Drug Court programs are designed to be very intensive during the first 30 - 60 days -- which most Drug Court officials consider to be a critical period in achieving Drug Court goals. At such time as the individual completes the first phase, he/she can then enter the second phase, etc. Some jurisdictions (Berrien County, Michigan, for example), also assign defendants to treatment "tracks" within each program phase, based on the results of a substance abuse assessment conducted shortly after arrest. In some instances, promotion from one phase to another is determined by the treatment provider based on established performance measures (attendance at

counselling sessions; urinalysis results, etc.); some jurisdictions have established point systems (Oakland, California, for example) to provide defendants with a tangible measure of their progress -- or deterioration. Most programs are designed with a one year duration, recognizing that some individuals will require a longer period for completion and that a few individuals may require a shorter period.

e. Combination of treatment modalities

Most programs use a combination of treatment modalities, including regular urine testing, one-on-one counseling, group therapy, and, where warranted and available, in-patient treatment. A few Drug Courts have established culturally sensitive program components as well as focussed programs for special classes of defendants (e.g., females). Approximately three-quarters of the current treatment programs also use acupuncture as an adjunct to the treatment services provided.

Many of the programs also offer various ancillary support services including public health services (including TB and HIV testing); assistance with housing, food, child care and clothing; job development and placement; GED programs, vocational training, etc. Although Chicago does not have a formal "Drug Court", Cook County's T.A.S.C., Inc. program in Chicago operates one of the most comprehensive treatment programs which includes a Day Reporting Center; Violence Interruption Counselling; a Jail Treatment Program as well as first offender substance abuse counselling -- all designed to support an array of defendants, including those being diverted as well as those convicted and incarcerated.

f. Likelihood of relapse built into program strategy

In designing Drug Court programs, Drug Court officials expect that participants will have periods of progress -- and relapse. Mechanisms for both court supervision and treatment services are geared to being able to address slippages as they occur by modifying treatment modalities, as needed. Continued dirty urines -- or even the arrest of a defendant for drug possession while enrolled in a Drug Court program -- are often not grounds for termination but, rather, an indication of the defendant's continuing drug dependency and his/her need for enhanced treatment.

g. Drug Court Program requirements significantly more intrusive than the applicable sanction if defendants proceeded through traditional adjudication

Unlike traditional diversion programs, compliance with the requirements

of the Drug Court program is, for most defendants, significantly more onerous than the sanction they would be exposed to if they proceeded with traditional adjudication of their case. The frequency of required counselling, education, and other treatment session attendance and urinalysis, let alone the difficulties of the introspective analysis they are required to undergo, make the Drug Court program far more intrusive in the daily life of a Drug Court defendant than any condition of probation that might be imposed if he/she simply pled guilty. The fact that so many defendants nevertheless enter and complete these programs is an indication of their strong desire to become drug free.

5. Treatment Providers

Most of the identified Drug Courts are using treatment services provided by private providers under contract. Several Courts use the services of local county health departments or pretrial services or probation departments. The Dade County Drug Court has established a court-based treatment capability, augmented by the services of local community colleges and other community based organizations. Funding for treatment services has come from a variety of sources, including public and private funding with many programs also requiring participant fees, based on a sliding scale. Funding for the Las Vegas Drug Court is provided by the proceeds of a county-run traffic school. Funding for the Kansas City Drug Court is derived from the proceeds of a local sales tax assessment.

6. Implementation/Operational Issues

The most critical implementation tasks most Drug Courts have confronted include:

- o determining the operational procedures for the Drug Court process, including developing agreement among local justice system officials as to criteria for eligibility, methods for early defendant screening, and procedures for expediting the case disposition process to assure that eligible defendants enter treatment programs as soon as possible after arrest;
- o obtaining necessary funding for treatment services;
- o developing operational relationships with treatment providers, particularly in regard to the provision of treatment services to Drug Court defendants and necessary reporting and communication between treatment providers and the Drug Court; and

- o developing meaningful evaluative measures and an adequate information system to permit monitoring of Drug Court cases and defendants, evaluation of the Drug Court process and treatment services, and assessment of the impact of the Drug Court program in the community in which it functions.

Examples of the various implementation materials developed by local Drug Courts are included with the "Drug Court Survey Responses." included in Appendix B. These include court orders implementing local drug court programs and other materials used for operational purposes, such as defendant orientation brochures, intake forms, participant waivers, and client participation agreements.

More detailed descriptions of Drug Court programs currently in operation are provided in Section III, which follows.

III. SUMMARY DESCRIPTIONS OF REPRESENTATIVE LOCAL DRUG CASE MANAGEMENT AND TREATMENT PROGRAMS

Chart: Listing of Individual Programs With Program Objectives

PROGRAM DESCRIBED	PROGRAM OBJECTIVES		
	Imprvd Case Mgt	More Effective handl of prob. violations	Earlier/more effective trtmt intervention
Alabama Mobile Circuit Court Drug Court			x
Arizona Maricopa County Superior Court Drug Court		x	x
Arkansas Pulaski County Drug Diversion Court			x
California Alameda County (Oakland) Municipal Court Drug Court (F.I.R.S.T. Program)			x
Los Angeles Superior Court (1) Early Disposition Project	x		
(2) Differentiated Calendar Program	x		x
(3) Drug Diversion Court			x
(4) Intensive Supervision Probation			
San Diego Superior Court Drug Probation Revocation Court		x	
Santa Cruz Municipal and Superior Court Expedited Dispositions	x		
Colorado Statute Requiring Treatment Assessments Prior to Sentencing			
Delaware Wilmington Superior Court Drug Court	x	x	x
District of Columbia Superior Court Drug Court Division	x	x	x

PROGRAM DESCRIBED

PROGRAM OBJECTIVES

PROGRAM DESCRIBED	Imprvd Case Mgt	More Effective handl of prob. violations	Earlier/more effective trtmt intervention
Florida			
Broward County (Fort Lauderdale) Drug Court			x
Dade County (Miami) Drug Court			x
Escambia County (Pensacola) Drug Court			x
Leon County (Tallahassee) Drug Court			x
Okaloosa County (Crestview and Shalimar) Drug Court			x
Illinois			
Cook County (Chicago)			
(1) Drug Night Court	x		
(2) Use of Graduated Sanctions for Probation Violators		x	
Treatment Services Generally Offered to Criminal Justice Clients			
Maryland			
Baltimore City			
(1) Drug Court Division	x		
(2) Drug Court (in planning stages)			x
Montgomery County (Rockville) Criminal DCM Program	x		
Michigan			
Berrien County Drug Court Division	x		x
Kalamazoo County Prison Diversion Program for Nonviolent Female Offenders	x		
Detroit Recorder's Court DCM Program	x	x	
Minnesota			
Ramsey County (St. Paul) Drug Court Division	x	x	x
Missouri			
Kansas City Drug Court			x
Nevada			
Clark County Drug Court			x
New Jersey			
Middlesex County (New Brunswick) Drug Court Division	x	x	x

PROGRAM DESCRIBED

PROGRAM OBJECTIVES

	Imprvd Case Mgt	More Effective handl of prob. violations	Earlier/more effective trtmt intervention
New York			
Manhattan:			
Part N Expedited Disposition Programs	x		
Midtown Community Court	x		x
Kings County:			
District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program			x
Queens County:			
Supreme Court Drug Treatment Program			x
North Carolina			
Mecklenburg County (Charlotte) Drug Court Division	x		
Oregon			
Coos County (Couquille) Drug Reduction of Probationers (DROP)		x	
Multnomah County (Portland) Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.)	x		x
Pennsylvania			
Philadelphia Expedited Drug Case Management Program	x		x
Puerto Rico			
Special Drug Courtroom Program	x		
Texas			
Bexar County (San Antonio) Drug Impact Court	x		
Dallas Drug Impact Courts	x		
El Paso: West Texas Drug Impact Court	x		
Harris County (Houston) Drug Impact Courts	x		
Jefferson County (Beaumont)			
(1) Jefferson County Drug Impact Court	x		
(2) Jefferson County Drug Intervention Court			x
Tarrant County (Fort Worth) Drug Impact Court		x	
Travis County (Austin) Drug Diversion Court			x
Webb County (Laredo) Drug Impact Court	x		

PROGRAM DESCRIBED

PROGRAM OBJECTIVES

	Imprvd Case Mgt	More Effective handl of prob. violations	Earlier/more effective trtmt intervention
Washington Pierce County (Tacoma) DCM Program	x		
Wisconsin Milwaukee Drug Court Division	x		

PROGRAM DESCRIPTIONS

ALABAMA

Mobile Circuit Court Drug Court

Number of Judges (Circuit Court): 11

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The goal of the program is to identify eligible defendants at time of booking who may be willing to plead guilty, with their sentencing deferred for a one-year period to permit them to complete the treatment program. Upon successful completion, these defendants can then withdraw their guilty plea, and their charges will be dismissed. The program which began in February 1992 targets drug-dependent defendants involved in drug and drug-related offenses not involving crimes of violence. The program focusses on persons addicted to illegal substances, not just first offenders.

Screening was initially made possible by a grant from the Edna McConnell Clark Foundation through which two screeners have been provided. Judges also refer other defendants they identify at various stages of the adjudication process. Although the Court would like to have defendants referred to the program immediately after arrest, current resources do not permit such early referral at this point. Eligible defendants are therefore referred as soon as they are identified--which may be at all stages of the process, including after adjudication.

The Court's Chief Judge serves as Drug Court Judge, handling all of the Drug Court cases and holding status hearings every 30 days until the treatment provider indicates the interval between status hearings can be extended. One prosecutor has been designated to handle the "drug court" cases and follow-up with them. Although Mobile does not have a public defender office and uses contract attorneys for all indigent defense work, the Court has begun to contract with one attorney to provide public defender services for drug court cases so as to develop consistency and familiarity with program operations and objectives.

Treatment Services: Treatment currently consists of acupuncture, frequent drug testing, counselling and education. Most treatment services have been provided under contract by a local hospital. It is anticipated that a recent grant from the Bureau of Justice Assistance Correctional Options Program will provide substantial assistance in this area. A local Coalition for Drug Free Mobile recently indicated it will donate \$10,000.00 for treatment purposes. With this combined funding, it is anticipated that two treatment/sanction tracks will be available: one for community based treatment, the other to provide for split-sentencing with some incarceration in addition to the community-based treatment. One facility will be established to provide the treatment, counselling, drug testing, case management, etc. and serve as a day-reporting center. Defendants are charged \$100 per month for treatment costs.

For further information contact:

Judge Braxton Kittrell, Chief Judge
Thirteenth Judicial Circuit
County Courthouse
Mobile, Alabama 36602
Tel.: 205/690-8474

Elizabeth Pearson, Court Administrator
Thirteenth Judicial Circuit
County Courthouse, Room 211
Mobile, Alabama 36602
Tel.: 205/690-8771

ARIZONA

Maricopa County (Phoenix) Superior Court Drug Court

Number of Judges (Superior Court): 56

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention
- other: provide foundation for a research study conducted by the Rand Corporation to determine the effectiveness of drug testing for defendants on probation; now continued to provide more effective supervision of defendants on probation for drug offenses.

If court-based treatment program, point of intervention:

- pretrial
- a few post-adjudication, pre-sentencing
- post-conviction

Program Description: The Maricopa County Adult Probation Department Drug Court was developed to provide community based treatment and supervision to selected offenders identified as having substance abuse problems and who might benefit from drug education and treatment. The stated goals of the program include: expanding the sentencing continuum of community based treatment available; providing assessment, education and treatment for drug offenders to promote rehabilitation; diminishing the likelihood of defendants' reinvolvement in criminal activity; and promoting a positive interaction between the offender and the Court. The program targets probation-eligible defendants convicted of their first offense for drug (any drug) possession; have minimal substance use history and limited prior participation in treatment; and are in need of drug education, substance abuse outpatient counseling and drug monitoring. Persons eligible for the program must not pose a serious risk to the community; be in need of drug education/substance abuse counseling on an outpatient basis and have no other identifiable treatment issues which would retard and/or prevent completion of the program.

Defendants participating in the program are randomly assigned to one of four probation tracks, of which one is the "Drug Court." Sentenced offenders who successfully complete the program can receive an early termination of probation. Eligible defendants first come in contact with the Drug Court Program approximately 60-90 days after arrest when they appear for their adjudication hearing. Other referrals are persons who fail the prosecutor's diversion program¹ and defendants with more serious drug problems who have had their sentences deferred pending program completion. Eligible defendants are randomly assigned at time of disposition to one of four probation tracks:

- Track 1: No urinalysis - frequency of defendant's visits with the probation officer determined by the risk/needs score of the psi report - probation period up to three years.
- Track 2: One random urinalysis per month - two visits with the probation officer - probation period up to three years.
- Track 3: Two urinalyses weekly - supervised by probation officer for probation period up to three years.

¹ The prosecutor's diversion program, "Do Drugs Do Time" provides for deferred prosecution by the county attorney of first time minor drug offenders who are offered the option of participating in the diversion program, which includes periodic urine testing, payment of a substantial fine and performing other required program requirements (e.g., may include weekend jail time, community service, treatment, etc.). These cases are not filed in court unless the defendant fails to comply with program requirements. Contact for additional information: Leslie Blum or Abigail Kennedy, Maricopa County Attorney's office, 602/506-8484.

Maricopa County (Phoenix) Superior Court Drug Court (Continued)

Track 4: Drug Court: Defendants sign a series of contracts with the Drug Court judge covering each of three phases of program participation; under the contract they acknowledge that they will earn/lose points depending upon their performance; most defendants can finish the program and probation within 6 months but some, if not successful, may stay in longer.

The Drug Court Team consists of the Drug Court Judge, a prosecutor and a public defender. Defendants come to court every 60 days unless they have problems in completing their contract or probation officer recommends that they appear more frequently.

Rand has indicated that the Track 4 program is more effective than the other tracks, and all efforts since April 1993 have therefore focussed on that track; a report of the program is scheduled for July 1994.

Treatment Services: Treatment services provided to Drug Court (Track 4) defendants include:

- (1) Group education/counselling (addiction, relapse, etc.) - 4-hour class per week
- (2) Participation in a 12-step program (1 hour per week)
- (3) Random, frequent urinalysis
- (4) Court contact every 60 days
- (5) Weekly contact with their sponsor (not a court-referred person and program discourages contacts between Track 4 participants.

Participants are required to pay \$16/week for counselling.

For further information contact:

Judge Susan Bolton
Maricopa County Superior Court
201 West Jefferson
Phoenix, Arizona 85003
Tel.: 602/506-3347

Jill Heuer
Drug Court Program Manager
Maricopa County Adult Probation Department
201 West Jefferson
Phoenix, Arizona 85003
Tel.: 602/506-8093

Libby Deschenes
Peter Greenwood
Rand Corporation, Inc.
1700 Main Street
P.O. Box 2138
Santa Monica, California 90407-2138
Tel.: 310/393-0411

ARKANSAS

Pulaski County (Little Rock) Drug Diversion Court (anticipated start-up date: April 1, 1994)²

Number of Judges (Circuit Court): 6

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: A Drug Diversion Court, scheduled to begin operation in April 1994, will divert eligible first-time drug offenders from the criminal justice system into a comprehensive treatment program which will include family, group and individual counseling, random drug screening, peer-support groups, and liaison services with community agencies.

For further information contact:

Judge Jack Lessenbery
Administrative Office of the Courts
Justice Building
625 Marshall
Little Rock, Arkansas 72201-1068

Joe Hill, Director
Division of Alcohol and Drug Abuse Prevention
400 Donaghey Plaza North
P.O. Box 1437
Little Rock, Arkansas 72203

² Although most programs that are not operational have not been reported in this publication because no experience is available to assess their effectiveness, the extensive planning for the treatment component of the prospective Little Rock Drug Diversion Court which has been undertaken under through the Center for Substance Abuse Treatment, the Arkansas Bureau of Alcohol and Drug Abuse Prevention and Department of Health, and the Arkansas Judiciary (State Supreme Court, Pulaski County Circuit and Municipal Courts) have resulted in the development of a comprehensive proposed treatment program which may be of current interest to other jurisdictions.

CALIFORNIA

Alameda County (Oakland) Municipal Court
Drug Court (F.I.R.S.T. Program)

Number of Judges (Municipal Court)

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description³: First offenders charged with drug offenses can enter a plea of not guilty in the Municipal Court, waive their speedy trial rights, and begin a treatment program the following day. Defendants sign a diversion contract with the court and performance is reviewed at periodic status hearings before the Drug Court judge. A point system establishes incentives for performance and sanctions for nonperformance, with specific consequences noted. Graduated sanctions, beginning with one day in custody, are applied for noncompliance.

The prosecutor identifies defendants eligible for the program based on a review of current charges, prior history, etc.. The Court then reviews program requirements with eligible defendants. For defendants accepted into the program, diversion is granted on the day after court referral, generally within two days of arraignment. Within one hour of being granted diversion, defendants are ordered to report to the Probation Officer for a diversion orientation session. They sign a diversion contract setting forth the mutual obligations of the defendant, probation officer and the court. The defendant's compliance with the diversion contract is evaluated at progress hearings; the probation department provides the Court with progress reports at months two, six, and every six months thereafter until termination. Treatment services are coordinated by the Probation Department, supported with BJA funding through the Correctional Options Program.

The incentives/sanctions point system provides the defendant with notice of specific consequences for both compliance and noncompliance and provides a basis for evaluation and placement of the defendant within the program. Incentives earned may reduce the term of diversion from 24 to six months and the diversion fee from \$220 to \$50. Volunteer work and/or incarceration can be imposed as a penalty for lack of compliance.

The likelihood of drug relapse is built into the diversion program treatment capability so that defendants who perform inadequately may be permitted to repeat phases of the program or be reinstated on diversion if previously terminated for one time only. Progressive sanctions are imposed by the court for program failure, beginning with one day of incarceration, to complete program termination.

Defendants successfully terminated from the program have their cases dismissed; defendants terminated for unsuccessful performance have their cases reinstated and referred to the Superior Court for disposition.

The time frame for program operations is as follows:

³ The program operates pursuant to Ch. 2.5 "Special Proceedings in Narcotics and Drug Abuse Cases" of the California Penal Code. Eligible defendants charged with drug offenses can be diverted to supervision and treatment programs administered by a county probation department.

Alameda County (Oakland) Municipal Court
Drug Court (F.I.R.S.T. Program) (Continued)

Phase I: Diversion

- Day 1: Arrest
- Day 3: Arraignment: felony drug defendants are arraigned in the Arraignment Court (generally within 2 days of arrest) and, if the prosecutor determines them eligible, the judge presiding over the Arraignment refers the defendant to the Drug Court and requests a combined OR report and Diversion report to be sent to the Drug Court Judge for Diversion Referral the following day.
- Day 4: Diversion Referral/OR/Attorney and Plea Hearing

- in custody defendants:

Probation Department's Diversion recommendations considered by prosecutor, defense and court; when appropriate, the court releases the defendant on OR

- out-of-custody defendants

At Diversion Referral/Attorney and Plea hearing, the defendant is interviewed by probation department staff and by the public defender and scheduled for diversion hearing the following day.

- Day 5: Defendant appears the following morning for formal grant of diversion and goes directly from court to the Probation Department for orientation (Phase I)

Phase II: Intensive Treatment

Days 5-65: Phase II: two month intensive treatment evaluation and supervision phase.

Each of four probation officers is assigned one week a month to receive all diversion referrals for the week. Probation officer's caseloads are limited to approximately 25 defendants per month, with a total caseload of 50 defendants maximum. Defendants are graduated to Phase III at the two-month progress report hearing. The Probation Officer appears before the Court monthly to report on defendants and bring defendants who perform poorly to the one-month progress report hearing rather than wait until the two month hearing.

Phase III: Final Treatment Phase

Days 65+: Phase III: Final Supervision and Treatment Phase

Treatment Services: Treatment services are provided as follows:

Phase I: Defendants entering the Diversion Program must appear at the Probation Department for an initial group orientation. These orientation sessions are conducted daily, at which time defendants are briefed on the rules and regulations of the FIRST Diversion contract.

Phase II: Intensive Treatment: Day 5-65

For the next eight weeks, defendants are responsible for completing fourteen separate tasks under the contract:

- seeing the diversion officer four times
- attending four drug education and one AIDS class
- taking two urine tests with negative results
- registering/participating with a community counseling program
- making one payment toward the \$ 220 diversion fee

Alameda County (Oakland) Municipal Court
Drug Court (F.I.R.S.T. Program) (Continued)

Phase III: Final Supervision and Treatment Phase: Days 65+

Defendants are placed in one of two Phase III tracks on the recommendation of the diversion officer:

Track 1: Defendants who have complied substantially with all Phase II requirements (at least 11 of 14 points) are assigned to less intensive supervision (1 contact per month)

Track 2: Defendants who have complied satisfactorily (7 to 10 points) are placed in high intensive supervision (one contact per week plus additional requirements)

Defendants who score 6 points or less are evaluated for program termination, special problems (mental disorders, learning disabilities), etc. and recommended for:

- individual supervision
- graduation to Phase III, track 2
- one time only repeat of Phase II; or
- unsuccessful termination

The Court is now considering extending the treatment approach of the diversion program, augmented with intermediate sanctions, as appropriate, to eligible cases on probation.

For further information contact:

Judge Jeffrey Tauber
Oakland Municipal Court
661 Washington Street
Oakland, California 94607
Tel.: 510/268-7638

Frank Tapia
Deputy Probation Officer
Alameda County Probation Department
400 Broadway Street
Oakland, California 94604
Tel.: 510/268-7036

Los Angeles Superior Court

Number of Judges (Superior Court): 221

(1) Early Disposition Project

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The Early Disposition Project disposes of approximately 40% of the felony drug cases in Los Angeles County at the Municipal Court level through certified felony pleas taken in appropriate cases at the time of Municipal Court arraignment. The project requires use of experienced Felony Municipal Court Case Coordinators who are assigned by the prosecutor and Public Defender's Offices. The deputy district attorneys and deputy public defenders have considerable felony Superior Court experience which permits them to evaluate the worth of a felony case.

The operational design for the program builds upon an earlier program in which prosecutors and public defenders were vertically assigned, thereby achieving plea rates of 30-40% at the Municipal Court level, compared with plea rates of five-six percent without such assignments.

Los Angeles Superior Court (Continued)

The program operates as follows:

After the plea is taken in Municipal Court, the case is transferred to Superior Court for a probation and sentencing hearing, usually twenty-one days later to allow time for a probation report to be prepared (fourteen days for in-custody cases). Aside from sentencing, the balance of the court process (municipal court preliminary hearing, superior court arraignments, pretrial conferences, pretrial motions, trailing for trial and actual trial) are eliminated for those cases disposed of at the Municipal Court level. In addition to the substantial reduction in case processing time and costs, the program has achieved significant resource savings in other areas such as jail bed-days and prisoner transportation costs. There has also been a significant reduction in custody transportation costs. Prior to instituting the program, the average felony defendant made an estimated five-eight trips to court from the time of first arraignment in municipal court to disposition in the superior court. Under the early Disposition projects, only two trips are required.

For further information contact:

Ed Brekke, Director
Criminal Court Operations
Los Angeles Superior Court
210 W. Temple Street
Los Angeles, California 90012
Tel.: 213/974-5270

(2) Differentiated Calendars

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Criminal cases in Los Angeles are generally assigned to a specific calendar on the basis of the timeframe and events required for disposition. Among the calendars currently in use are:

- Cases which can be disposed at the Municipal Court level ("Early Disposition Cases"): (See above)
- Short-Cause (non jury) Calendars: The short-cause calendars are used for single defendant cases, most of which plead or require minimal non-jury trial time. Senior judges are generally assigned to these calendars who manage all phases of case disposition, from filing to sentencing.
- Calendar Courts: Cases not disposed of through the Early Disposition program at the Municipal Court and not assigned to the Short-Cause calendar are assigned through an individual calendaring system to a Calendar Court judge in the Superior Court for trial within sixty days. If for any reason the assigned Calendar Court judge cannot hear the case when scheduled, a judge from the Protracted Trial Calendar will be assigned.
- Protracted Trial Court Calendars: Approximately five percent of the criminal caseload is referred to one of eight protracted trial court calendars which handle cases estimated to require three or more weeks for trial. These cases include those involving the death penalty, insurance fraud, complex drug charges, and cases involving multiple agencies and large numbers of defendants such as statewide drug rings, accusations against government officials, etc. The protracted trial court calendars can also accept overflow from other calendar courts when assigned cases are concluded in a shorter time than originally scheduled.

Los Angeles Superior Court (Differentiated Calendars) (Continued)

For further information contact:

Ed Brekke, Director
Criminal Court Operations
Los Angeles Superior Court
210 W. Temple Street
Los Angeles, California 90012
Tel.: 213/974-5270

(3) Drug Diversion Court

Principal Program Objective(s):
— improved case management/expedited disposition
— improved handling of probation violations
x earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

x pretrial
— post-adjudication, pre-sentencing
— post conviction

Program Description: The Drug Court began operation on January 1, 1994 to offer approximately 300 first offenders annually a treatment option without a conviction. Treatment services will be provided by a private organization under contract with Los Angeles County.

For further information contact:

Judge Stephen Marcus
Los Angeles Municipal Court
110 North Grand Avenue
Los Angeles, California 90012-3055
Tel. 213/974-6037

(4) Intensive Supervision Probation Program

Principal Program Objective(s):
— improved case management/expedited disposition
x improved handling of probation violations
— earlier/more effective treatment intervention

Program Description: The Intensive Supervision Probation Program is designed to hold the narcotics offender more closely responsible for his/her actions by providing for immediate hearings for probation violations and prompt revocation of probation as appropriate.

For further information, contact:

Ed Brekke, Director
Criminal Court Operations
Los Angeles Superior Court
210 W. Temple Street
Los Angeles, California 90012
Tel. 213/974-5270

San Diego Superior Court Drug Probation
Revocation Court

Number of Judges (Superior Court): 58

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The Drug Probation Revocation Court expedites the scheduling of probation violation hearing for drug offenders on probation. In those instances where the new offense is less serious than the one for which the defendant is on probation, the suspended incarceration period will be imposed for the original offense, based on the VOP hearing determination.

The program operates as follows: The district attorney requests that a defendant targeted for the Drug Revocation Court be held without bail and uses the arrest evidence to file for probation revocation instead of filing a new criminal charge. No plea bargaining is permitted. A hearing is set within 10 days of arrest and follows the less stringent evidentiary and burden of proof standards than would apply if the new charge was adjudicated.

For further information contact:

Kent Peterson, Court Administrator
San Diego Municipal Court
220 West Broadway, Room 2004
San Diego, California 92101
Tel.: 619/531-3114

Sharon Cole, Deputy Court Administrator
San Diego Municipal Court
220 West Broadway, Room 2005
San Diego, California 92101
Tel.: 619/531-3062

William B. Holman
Chief, Drug Enforcement Unit
District Attorney's Office
220 West Broadway, Sixth Floor
San Diego, California 92101
Attention: Major Narcotics Unit
Tel.: 619/531-4351

Santa Cruz Municipal and Superior Court
Expedited Disposition Program

Number of Judges (Superior Court): 5
(Municipal Court): 5

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Santa Cruz Municipal and Superior Court
Expedited Disposition Program (Continued)

Program Description: Since 1992, the Santa Cruz County Municipal and Superior Courts have designated three judges (one Superior Court and two Municipal Court) to handle all criminal felony cases from the time of filing and encourage early dispositions.⁴ Under the restructured system, each felony case has been handled vertically, and assigned to a single judge from filing through disposition. Each of these judges has been cross-designated by the Chief Justice to sit on the Municipal and/or Superior Court, as the case may be. Beginning March 1, 1994, one additional Superior Court judge will be cross-designated as a Municipal Court judge to hear misdemeanor cases filed in that Court.

For further information contact:

Christine Patton
Trial Court Administrator
Santa Cruz Municipal Court
701 Ocean Street, Room 120
Santa Cruz, California 95060
Tel.: 408/454-2012

⁴ Municipal Court judges gained jurisdiction over felony cases under the Court Efficiency and Realignment Act of 1991 which permits them to make dispositions in felony cases in which the defendant has entered a guilty plea. A number of other California jurisdictions have instituted felony disposition programs at the Municipal Court level (San Diego, Los Angeles, etc.) under the authority of this statute. The Santa Cruz Court, however, has extended the involvement of Municipal Court judges in the felony case disposition process under the authority granted by the Chief Justice to permit Municipal Court judges to conduct all necessary pretrial and trial proceedings (including jury trials) in felony matters.

COLORADO

Relevant State Activities:

HB 91-1173 was enacted to "curtail the disastrous effects of substance abuse in the criminal justice system by providing for consistency in the response to substance abuse throughout the criminal justice system and to improve and standardize substance abuse treatment for offenders at each stage of the criminal justice system and to provide punitive measures for offenders who refuse to cooperate with and respond to substance abuse treatment while such offenders are involved with the criminal justice system." The Act provides for (a) a standardized procedure for assessing CDS use by offenders; (b) an education and treatment program for offenders on probation; and (c) a system of punitive sanctions for offenders who test positive for the use of substances subsequent to their initial test and after being placed in an education or treatment program.

Under the Act, any offender who tests positive for CDS or alcohol is to receive intensive testing, treatment supervision, or other sanctions designed to control substance abuse. The Act further requires:

- All persons convicted of felony, misdemeanor or petty offense to be evaluated for substance abuse during presentence or probation investigation. Further, the Court must order person to comply with recommendations of evaluation;
- A standardized method for assessing offenders in terms of substance abuse use and risk to community, including initial pretrial screening and testing; assessment is to result in objective recommendations for treatment;
- A complete and flexible continuum of intervention programs to be provided to educate and treat offenders who are incarcerated or placed on probation, parole or in community corrections;
- Offenders to receive systematic drug testing as appropriate;
- A system of fair, consistent, punitive sanctions to be applied to those offenders who test positive after their initial urine test and been placed in education or treatment program;
- Development of a comprehensive plan to implement legislation by AOC, Dept. of Corrections, Board of Parole, Criminal Justice, Division of Public Safety, and Alcohol and Drug Abuse Division of Department of Health; and
- A systemwide management information system developed to track individual offender assessment, drug testing, treatment and intervention/sanction records across all sectors of criminal justice system.

A surcharge is imposed on each offender, the amount of which graduates according to level of felony classification and ranges from \$100 to \$3,000 which will be earmarked to implement the legislation. Convicted offenders, unless indigent, will be required to pay for their evaluation and treatment at their own expense.

For further information contact:

Bradford M. Boguc
Colorado Judicial Department
1301 Pennsylvania, Suite 300
Denver, Colorado 80203-2416
Tel.: 303/861-1111

DELAWARE

New Castle County (Wilmington) Superior Court
Drug Court Division

Number of Judges (Superior Court): 8

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: New Castle County (Wilmington) has instituted a Drug Court, beginning October 1993 on a pilot basis, with full implementation January 1994. The program uses multiple case processing tracks for drug cases, with a special effort to provide early treatment to less serious offenders and expedited management for all drug cases. The TASC program, begun in late 1992, will provide treatment services to offenders at all stages of the criminal justice process. The program will operate as follows:

Track I: Targets defendants arrested while on Superior Court probation and charged with one or more drug offenses that do not carry a minimum mandatory sentence (e.g., not trafficking or certain repeat offenses). A probation violation hearing will be held within 14-21 days of arrest; an effort will be made to dispose of the new charge and the VOP at the same hearing. If there is no disposition, then the trial on the new charge and the VOP hearing will be held within 90 days of arrest. TASC will provide a treatment needs assessment of all defendants and community supervision, as appropriate.

Track II: Targets offenders with no prior drug or felony convictions who are charged with drug offense other than trafficking or delivery. It is anticipated that various intermediate sanctions will be appropriate for many of these defendants. Track II defendants will be assigned to one of two groups:

(a) diversion-eligible group (supervised by pretrial services for one year. These defendants will waive their right to a jury trial; appear at monthly status hearings before the Drug Court Judge; agree to a stipulated fact trial if they do not comply with diversion conditions; and will have their case dismissed if they successfully complete the program requirements. Case dismissal will result not only in their not having a felony conviction but, in addition, retention of their driving privileges which would otherwise be revoked pursuant to state statute.

(b) offenders offered pleas with suspended sentences within 45 days of arraignment.

Track III: Defendants are those facing multiple mandatory or second offenses with mandatory sentences. Plea offers will be made to these defendants prior to their first case review (e.g., within 70 days of arrest); if there is no plea, trial will be scheduled within 4 weeks.

Track IV: Reserved for all other drug offenses (usually those involving multiple charges). Defendants will be offered a one-time plea offer which, if not accepted, will be followed by the prompt scheduling of their trial.

For further information contact:

Judge Richard S. Gebelein
1020 N. King Street
Wilmington, Delaware 19801
Tel.: 302/577-2400

Beth Peyton, Director
Treatment Access Center
820 N. French Street, Fifth Floor
Wilmington, Delaware 19801
Tel.: 302/577-2711

DISTRICT OF COLUMBIA

District of Columbia Superior Court
Drug Court Division

Number of Judges: 51

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: On October 14, 1992, a Drug Court Division was established in the Superior Court to dispose of pending drug cases, with full start-up January 1, 1993 for all cases filed after that date. The goal of the Drug Court Division has been to achieve earlier disposition of drug cases and achieve earlier and more intensive treatment intervention for drug dependent defendants. Drug cases are assigned to one of three specially assigned calendar judges for the purpose of disposing of cases which can be resolved by plea agreement, particularly. Defendants are simultaneously assigned to pretrial supervision pending case adjudication and, following adjudication, assigned to one of three categories of supervision and treatment (see below), with sentencing deferred to incorporate the defendant's progress in the sentencing determination.

In October 1993, the Drug Court was expanded to provide treatment intervention, both pre and post trial. Using the three master calendars already established for the Drug Court division, defendants are randomly assigned to one of three treatment modalities:

- Track I:** Uses existing pretrial and probation supervision practices;
- Track II:** Uses Graduated Sanctions/intermediate sanctions approach; no mandatory treatment is ordered but conditions of release (e.g., defendant must remain drug free, etc.) and consequences for noncompliance are clearly articulated. Graduated sanctions for each violation are then applied (e.g., one day in jail, then 2 days, etc.)
- Track III:** Uses enhanced treatment. Beginning with the treatment assessment of each defendant conducted by the Pretrial Services Agency, defendants are referred to community treatment programs with several levels of intensity, depending upon the individual's needs reflected in their assessment (e.g., regular outpatient; intensive outpatient, 30-day residential/community corrections; etc.). Defendants may move within these levels, depending upon their performance.

Defendants eligible to participate in the Drug Court program are those charged with felony drug offenses (with mandatory sentences), eligible for pretrial release (e.g., not held in preventive detention), and having a history of substance abuse.

The procedural time frame within which the Drug Court operates is as follows:

- Weeks 1-2: Arrest, pre-arraignment assessment, drug testing
- Weeks 4-5: Plea offer/acceptance
- Weeks 6-10: Adjudication
- Weeks 10-36+: Defendants participate in post adjudication track requirements; sentencing deferred for at least six months to determine results of treatment program.

District of Columbia Superior Court
Drug Court Division (Continued)

For further information contact:

Judge Eugene Hamilton, Chief Judge
Superior Court of the District of Columbia
500 Indiana Avenue N.W.
Washington D. C. 20531
Tel.: 202/879-1600

John Carver, Director
District of Columbia Pretrial Services Agency
500 F Street N.W.
Washington D. C. 20001
Tel.: 202/727-9852

FLORIDA

I. Relevant State Activities:

Pursuant to Florida Statute 948.08, passed April 2, 1993 and effective January 1, 1994, the chief judge of each of the state's judicial circuits is authorized to institute a pretrial diversion program for defendants charged with a first-time drug offense.

II. Local Court Programs:

(1) Broward County (Fort Lauderdale) Circuit Court Drug Court

Number of Judges (Circuit Court): 43

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- (formerly) post conviction

Program Description: The Broward County Drug Court, established in June 1991, has, until January 1994, provided drug treatment as a condition of probation for defendants charged with possession or purchase of cocaine. Eligible defendants were offered the opportunity of participating in a treatment program in lieu of incarceration. Although the prosecutor would not consent to a pretrial diversion program, recent legislation now permits the court to refer eligible first-time offenders charged with any drug offense to a pretrial diversion treatment program on its own initiative which, if completed, will result in dismissal of their charges.

Prior to January 1994, the program operated as follows: As soon as a defendant was arrested, a Drug Court staff member reviewed the list of arrestees in the jail to identify those who might be qualified for the program and a criminal history search was then conducted by the Pretrial Services Program. Eligible defendants were given the option of entering the Drug Court probation program or of having their case proceed through the felony case process. Defendants who agreed to participate in the program could begin treatment services immediately following their first appearance, generally within twenty-four hours of arrest. During the following ten days, the preliminary records check conducted by the Pretrial Services Agency was verified by the state attorney's office to confirm eligibility. Prosecutors then filed the criminal information for qualified individuals which resulted in accelerated plea agreements. If defendants opted for the Drug Court, they pled guilty or no contest to their charges and began their treatment program. Defendants who successfully completed the program were entitled to have their arrest record sealed. Monthly status hearings were held before the Drug Court judge who reviewed each defendant's progress. In preparation for each of these hearings, defendants completed a form indicating the number of days he/she has remained clean.

Beginning January 1, 1994, with the Drug Court program becoming a pretrial diversion program, defendants participating in the program are no longer required to enter a plea. While they must waive their speedy trial rights and sign an agreement acknowledging program participation requirements, prosecution of their charges is deferred and, upon successful completion of the treatment program, defendants' charges will be dismissed.

The Drug Court judge, who also handles a regular criminal docket, also applies the treatment and intensive court supervision philosophy of the Drug Court to other criminal defendants who are eligible for probation treatment intervention.

An unusual feature of the Broward (and adjoining Dade County) Drug Court programs is the authority the Judge of the Drug Courts in these counties have, pursuant to the recent administrative orders of the chief judges of these respective courts, to transfer the venue of cases involving defendants eligible for Drug Court participation in their counties but who reside in the other County.

(1) Broward County (Fort Lauderdale) Circuit Court Drug Court (Continued)

Treatment Services: Treatment services are provided by the Broward Addiction Recovery Center (BARC) -- one of the largest public treatment programs in the country. Because of the resources BARC has at its command, treatment for Drug Court defendants can be individualized and modified, as defendant needs require. Treatment services include daily and evening group counselling and regular drug testing. Acupuncture is also available on a voluntary basis and provided for 15 sessions during the first 30 days of treatment and less frequently during subsequent phases, depending upon the individual client's needs. Job training and GED education are provided through a local community college and other support services are available as needed.

A special feature of the Broward County Drug Court Treatment program is the intensity of intervention provided during the first thirty days -- which local officials deem critical to the rehabilitation process. This intervention includes daily assessment, counselling and education sessions and daily urinalysis -- more frequent than clinically required but deemed essential to the daily discipline the program seeks to instill in its clients. The program has also developed a relapse prevention model, and has also incorporated the NA and AA model in its treatment programming.

The treatment provider is also developing a capability to deal with the dually diagnosed defendant, retaining a psychiatrist for individual client evaluations when needed. Trained clinicians are also available. Further needs in this area are currently being assessed.

Other special features of the treatment program include provision of culturally sensitive programs geared to African Americans and Hispanics, with special support services to address their specific needs (these programs are open to everyone, however); and a Women's Group which women can choose to attend.

Community support and some funding for the program has been provided by the Broward County Commission on Drug Abuse -- a county-wide organization of business, professional, educational, county organizations and officials

For further information contact:

Judge Robert J. Fogan
Broward County Circuit Court
Broward County Courthouse
201 SE 6th Street, Room 425
Fort Lauderdale, Florida 33301
Tel.: 305/831-7095

Guy Wheeler, Director
Drug Court Treatment Program (BARC)
601 South Andrews Avenue
Fort Lauderdale, Florida 33312
Tel.: 305/765-5106

(2) Dade County (Miami) Drug Court

Number of Judges (Circuit Court): 60

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

(2) Dade County (Miami) Drug Court (Continued)

Program Description: The Dade County Drug Court was implemented in June 1989 as part of a county-wide strategy to combat drug and alcohol abuse. The major goal of the Dade County Drug Court has been to treat the offender and break the cycle of addiction and crime. The objectives of the Dade County "Drug Court" have therefore been to develop a parallel system for handling selected defendants in drug cases to provide immediate court-annexed treatment and supervision. Defendants charged with drug possession can enter a pretrial treatment program supervised by the Court which, if successfully completed, results in the dismissal of the case. For those defendants who fail to comply with the program's requirements and are terminated, their cases are referred for traditional adjudication. Program eligibility was initially limited to first or second time offenders arrested for possession of cocaine but has been subsequently expanded to include offenders with some prior felony arrests for drug possession and/or other non-violent offenses.

The program operates as follows: Eligible defendants are identified by Pretrial Services staff at the time of booking in the county jail. At their first appearance (generally within twenty-four hours of arrest), they are provided with an explanation of the Drug Court Program and offered the opportunity of participating. Those defendants who agree to participate are released to the pretrial services program and taken by bus to the treatment center. Within approximately twenty-one days of the first appearance, the prosecutor files formal charges and offers the defendant (who has already begun treatment) the option of participating in the pretrial diversion program at arraignment. Those defendants who agree to participate in the program waive their rights to a speedy trial and enter a plea of not guilty. Defendants also sign a waiver of confidentiality of information derived during their treatment program participation for purposes of the Drug Court's monitoring of their treatment program participation.

Defendants appear regularly (30 to 90 days, depending upon their progress) before the Drug Court judge who reviews their progress (urinalysis results, attendance records, etc.). Defendants who miss treatment sessions or urinalysis testing or who test consistently dirty may have their pretrial release revoked and be detained in the county jail where they receive enhanced treatment. At the Drug Court judge's discretion, upon their release they may be returned to the program or referred for traditional prosecution. The cases of eligible defendants who complete the treatment program are nolle prossed. The arrest record can also be expunged, generally one year following the defendant's graduation if he/she is not rearrested.

Treatment Services Provided: Treatment services for Drug Court defendants are provided by treatment specialists employed by the Court. Treatment services include individual and group counselling and substance abuse education. Acupuncture is available as an adjunct to treatment and additional support services are provided, including educational development provided through a local community college.

The diversion program is divided into three phases: Phase I (which averages thirty days duration) includes two weeks of daily urinalysis and outpatient treatment as well as three to four weeks of residential treatment in a private program or two weeks in the county jail's treatment program. After the defendant has had several consecutive clean urine samples, he/she will be assigned to Phase II, which involves outpatient treatment and urinalysis three times a week and individual and group counseling. Phase III involves group therapy sessions twice a week and other support services (e.g., GED courses, vocational training, job placement assistance, etc), much of which is provided on the Miami Dade Community College campus.

Defendants are assessed fees for participation, based on a sliding scale.

For further information contact:

Hon. Stanley M. Goldstein
Criminal Division
Dade County Circuit Court
1351 N.W. 12th St., Room 521
Miami, FL 33125
Tel.: 305/545-3467

Timothy J. Murray
Director
Office of Substance Abuse for Dade County
111 N.W. 1st Street, Suite 2740
Miami, FL 33128
Tel.: 305/375-2676

(3) Escambia County (Pensacola) Drug Court & Okaloosa County (Crestview and Shalimar) Drug Court

Number of Judges (First Judicial Circuit): 16

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The program was initially designed for first offender defendants charged with drug possession who can be referred for pretrial diversion and treatment involving substance abuse treatment, regular urinalysis, and educational and vocational assistance which, if successfully completed, results in dismissal of their charges. Since the program began, it has expanded its services to defendants on probation who are deemed to be good candidates for the treatment services offered.

Treatment Services: Treatment services in each county are provided by a private non-profit organization, with referrals to local county social service agencies, as appropriate. The treatment program extends for a twelve-month period, in three phases as follows:

Phase I: Provides assessment and intensive outpatient treatment plus urinalysis.

Phase II: Addresses participants' receptiveness to substance abuse treatment in an outpatient setting, emphasizing a drug free lifestyle and developing mechanisms for coping with stressful situations.

Phase III: Provides ongoing substance abuse support with a focus on available community resources such as educational and vocational referrals.

For further information contact:

Judge John Parnham
First Judicial Circuit Court
190 Government Center
Pensacola, Florida 32501
Tel.: 904/436-5733

(4) Leon County (Tallahassee) Circuit Court Drug Court

Number of Judges (Circuit Court): 9

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

(4) Leon County (Tallahassee) Circuit Court Drug Court (Continued)

Program Description: Defendants with drug possession charges can enter a pretrial treatment program supervised by the Court which, if successfully completed, results in the dismissal of their case. A goal of the program, established in early 1994, is for eighty percent of the participants to refrain from criminal activity for a period of one year following graduation.

Treatment Services: Treatment services include individual and group counselling, drug treatment, including treatment for persons incarcerated in the local jail. Acupuncture is also provided five days a week initially. In addition to the treatment services, public health, education, vocational training, job development, and placement assistance are also available.

For further information contact:

Judge Philip Padovano
Second Judicial Circuit
Leon County Courthouse, Room 365D
Tallahassee, Florida 32301
Tel.: 904/488-3615

Tom Long, Court Administrator
Second Judicial Circuit
342 Leon County Courthouse
Tallahassee, Florida 32301
Tel.: 904/488-1357

ILLINOIS

Cook County (Chicago) Circuit Court

Number of Judges (Circuit Court): 365

(1) Drug Night Court

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention
- other: To provide additional judicial resources to reduce the drug case backlog without waiting for new facilities to be acquired.

Program Description: All narcotics cases involving no other charges have been assigned to one of eight night courts, operating from 4:00 p.m. through 10 p.m. or later, which handle all aspects of case disposition except jury trials. Night courts have been staffed by additional judges assigned from other divisions in the Court. The goal of the "night court" was to permit Cook County to efficiently handle its drug caseload in the absence of adequate physical facilities.

(2) Fast Track Calendar Using Graduated Sanctions for Probation Violations

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Since the mid-1980's, graduated sanctions have been applied to appropriate cases involving drug offenders in Cook County. In May 1989, the Court formalized the use of graduated sanctions in a special Fast Track Calendar which also relies on an expedited management process to achieve earlier treatment intervention for eligible defendants. The goal of the program has been:

- to expedite treatment intervention for drug abusing offenders;
- to apply graduated sanctions, ranging from short-term incarceration to increasing intensity of treatment, as a response to situations of noncompliance with their probation conditions; and
- to promote the rehabilitation of convicted substance abusers by treating probation violations in a manner that reflects the clinical aspects of the rehabilitation process rather than as solely violations of criminal case disposition orders.

The Fast Track Calendar initially focussed on drug offenders and, in February 1990, was expanded to all nonviolent offenders statutorily eligible for treatment program participation as a condition of probation. The program uses graduated sanctions for probation violations arising out of noncompliance with treatment program requirements. These sanctions entail the defendant's commitment to the local jail for brief periods of time (increasing in length for subsequent violations) and/or increasing the intensity of treatment services. The program operates as follows:

- Defendants are arraigned shortly after arrest at which time defense counsel for defendants deemed eligible for the Fast Track Calendar, based on the current charge, may request a presentence investigation report which will include the defendant's criminal history; a subsequent court hearing is scheduled for the following week;
- The prosecutor provides discovery to the defense counsel within three days and defense counsel can then review the strength of the case before the next court hearing and determine whether the Fast Track Calendar is appropriate;

Cook County (Chicago) Circuit Court (Continued)

- At the subsequent court hearing, defendants choosing to participate in the Fast Track program enter a plea of guilty and the Fast Track Judge imposes a six month sentence of incarceration in the local jail which is suspended pending the defendant's performance of the Fast Track program requirements which are:

- (1) To obtain an evaluation of his/her substance abuse treatment needs by the Chicago TASC;
- (2) to visit his/her probation officer once a week;
- (3) to provide a weekly urine sample; and
- (4) to make restitution if ordered.

If any of the defendant's urine samples are dirty, he/she must enter a Treatment Readiness Group.

Defendants generally appear before the Fast Track Judge six - eight weeks after they enter the Treatment Program at which time their progress is reviewed; defendants who are evidencing problems in complying with program requirements appear sooner and more often. Those defendants who continue to use drugs are committed to the local jail for one week, initially, and then, for subsequent violations, for two weeks, then four weeks, and, then, eight weeks for subsequent violations. When a defendant is committed to the jail for an eight week period, he/she is also referred to the substance abuse unit and, when released, begins an intensive out-patient program.

For further information contact:

Judge Michael Getty
Cook County Circuit Court
1560 Sandburg Terrace, # 1104
Chicago, Illinois 60610
Tel.: 312/890-3183

Treatment Services Generally Offered to Criminal Justice Clients: The Chicago TASC (Treatment Alternatives for Special Clients) is the principal provider/ coordinator of treatment services for Cook County Circuit Court defendants. Treatment services are provided primarily through a collaboration between criminal justice agencies and treatment programs to expand and strengthen the array of services and sanctions available for abusers charged with criminal offenses.

Special treatment programs for criminal justice offenders include:

- The State's Attorney's First Offender Program, which includes six weeks of drug education for first offenders;
- A Day Reporting Center administered by TASC which provides a comprehensive treatment and supervision of pretrial defendants for two - three months and also includes Afro-Centric Programming;
- An Alternatives to Incarceration program through which TASC accesses community-based treatment programs with a duration of at least six months for substance abusing offenders;
- Project "Impact" through which the Cook County Health Department provides up to four months of treatment services to inmates (primarily pre-sentenced) in the Cook County Detention Center; and
- Community-based Women's Treatment.

Special Latino Programming, including counselling in Spanish, is also included in these programs.

Cook County (Chicago) Circuit Court (Continued)

In addition to these treatment services, a wide array of other services are available to criminal justice clients including: TB and HIV testing; GED programs, vocational training, job development and placement; and psychological screening and referral; advocacy assistance for entitlements; and transportation, as needed.

For further information contact:

Judge Thomas R. Fitzgerald, Presiding Judge
Cook County Circuit Court
Criminal Building, Room 101
2600 South California Avenue
Chicago, Illinois 60608
Tel.: 312/890-3160

Melody M. Heaps, Director
T.A.S.C.
1500 N. Halsted
Chicago, Illinois 60622
Tel.: 312/787-0208

MARYLAND

Baltimore City Circuit Court

Number of Judges (Circuit Court): 24

(1) Drug Court Division:

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: A special Drug Court Division was established in 1990 providing for individual assignment of all drug offenses at time of arraignment to one of three designated judges who handle all aspects of case disposition. Prior to the creation of the Drug Court Division, drug cases, like other criminal matters, were assigned on a master calendar system, which, local officials found, promoted continuances and delay in the disposition of drug cases. The procedures established for the Drug Court Division include case screening by experienced prosecutors and defense counsel shortly after filing; early exchange of discovery among counsel; and early plea or other dispositions for appropriate cases.

(2) Drug Court (in planning stages):

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- * pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: Building on the success of the Drug Court Division in the Circuit Court in improving the efficiency of the disposition process for drug cases, planning is underway to develop a special Drug Court to provide early treatment intervention for eligible defendants charged with drug possession. It is anticipated that the Drug Court will initially target defendants drawn from both the Circuit and District Courts. Eligible defendants will be persons with no or limited criminal history. Drug distributors and violent offenders will be excluded from the program.⁵ Participating defendants will not enter a plea when they begin the program but will participate under a contract with the Court; if successful, their charges will be dismissed. Intensive supervision will be provided primarily by the Department of Corrections. One District Court judge and one Circuit Court judge (one of the current Drug Court judges) will oversee participating defendants, with one judge designated to provide general program oversight.

For further information contact:

Judge Joseph H.H. Kaplan
Administrative Judge
Circuit Court for Baltimore City
208 Courthouse East, 111 North Calvert Street
Baltimore, Maryland 21202
Tel.: 410/396-5060

⁵ Because of the program criteria, it is anticipated that many of the defendants will be drawn from the District Court caseload since many of the Circuit Court's drug offenders are generally more serious than would qualify.

Montgomery County (Rockville) Circuit Court
Criminal Differentiated Case Management

Number of Judges (Circuit Court): 15

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The Montgomery County Circuit Court has developed a differentiated case management program for criminal cases, with particular focus on expediting the disposition of de novo appeals and jury trial requests for misdemeanor cases filed in the District Court, many of which involve drug possession charges and which might be considered felonies in other states. Program procedures include offering "instant jury trials" in the Circuit Court for defendants requesting a jury trial in the District Court, and the scheduling of early case disposition conferences in the Circuit Court for cases appealed from the District Court.

For further information contact:

Judge Paul Weinstein
Administrative Judge
Circuit Court for Montgomery County
50 Courthouse Square
Rockville, Maryland 20850
Tel.: 301/217-7445

Pamela Quirk
Court Administrator
Circuit Court for Montgomery County
50 Courthouse Square
Rockville, Maryland 20850
Tel.: 301/217-7223

MICHIGAN

I. Relevant State Activities:

Pursuant to Supreme Court Order, limited jurisdiction courts (District) can accept pleas to felony cases at the time of arraignment and certify them to the General Jurisdiction Court (Circuit) for disposition. Several jurisdictions have begun the use of certified pleas, with significant reductions in case disposition time resulting. Information sharing between the pretrial and probation/presentence report process is also occurring in a number of jurisdictions which is expediting the preparation of presentence reports. With the assistance of the State Court Administrator's Office, several local jurisdictions have instituted delay reduction programs focussing on drug cases and the need for early assessments of defendants for treatment needs (Battle Creek and Marshall in Calhoun County; Flint in Genessee County; and Grand Rapids in Kent County). Grand Rapids has also instituted a special drug case docket to which judges are assigned on a rotating basis.

For further information contact:

Margie Good
Office of State Court Administrator
611 West Ottawa
P.O. Box 30048
Lansing, Michigan 48909
Tel.: 517/373-5596

II. Local Court Programs:

Berrien County (St. Joseph) Circuit Court Drug Court Division

Number of Judges: 4 (Circuit); 7 (District)

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention
- other: reduce the pre-trial detainee population of the jail

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: In 1988, the Berrien County Circuit Court developed differentiated case management systems for both criminal and civil cases. Building upon the success of these programs in terms of the efficiency and delay reduction achieved, a Drug Court Division was established in October 1991 to expedite the adjudication of defendants charged with drug offenses, reduce jail crowding, and provide speedy and effective treatment services to defendants deemed amenable to rehabilitation.

The program was initially funded with a \$109,000 federal grant awarded by the Michigan Office of Drug Control Policy and approximately \$36,000 in county matching funds and was limited to drug arrests made in Benton Harbor and Benton Township. After the first year of the program's operation, the Drug Court's jurisdiction was expanded to the entire county and Berrien County Commissioners voted to supplement these funds with a special millage assessment allocated for drug enforcement and treatment purposes, of which approximately \$30,000 is anticipated to be available for treatment.

Berrien County (St. Joseph) Circuit Court
Drug Court Division (Continued)

The program operates as follows: A Case Management Conference is held five days following arrest. The special prosecutor assigned to the Drug Court, defense counsel, the drug rehabilitation specialist and the Drug Caseload Manager meet to recommend one of five case processing tracks for assignment of each case. Track assignment depends on a number of factors including the severity of the offense, the amount of drugs involved, the defendant's prior criminal history, the recommendation of the drug rehabilitation specialist, and the defendant choosing to accept a plea offer or a trial. The majority of drug court cases involve crack cocaine.

The case processing tracks and corresponding treatment approaches are as follows:

Track 1 (diversion track): for offenders who have no prior record and no prior contact with drug related enforcement, who were caught with less than five rocks of crack cocaine and who were not selling drugs. Offenders placed on this track are diverted from prosecution and placed into substance abuse treatment. Treatment for Track 1 offenders consists of an all-day drug education class offered on the first Saturday of each month and a treatment program taking approximately 30 days to complete.

Track 2 (the Section 7411 expungement track): Under Michigan Statute⁶ first-time drug offenders who are caught with less than five rocks of crack cocaine can enter a plea of guilty. The court can then defer further proceedings and place the defendant on specific conditions of probation, including substance abuse treatment. Upon completion of the probation period and conditions, the Court can discharge the defendant and dismiss the proceedings without entering a guilty finding. If a defendant violates his/her probation conditions, his/her Section 7411 status may be terminated. Treatment for Track 2 defendants involves individual counseling and group therapy and requires approximately 90 days to complete.

Track 3 (the possession track): For drug offenders with prior drug convictions who are caught with between 5 and 15 rocks of crack cocaine. Defendants in this track generally receive sentences involving some jail time, probation, community service, and substance abuse treatment. Comprising approximately 80-90 percent of the Drug Court's caseload, they must attend a 12-week group therapy program at the county health department and 2-3 self-help substance abuse meetings per week (such as Narcotics Anonymous) as well as participate in weekly individual (1 on 1) substance abuse counseling and family counseling, if necessary. This treatment program takes approximately 90 days to complete.

Track 4 (the delivery track): For drug offenders with prior drug convictions who are caught with more than 15 rocks of crack cocaine and who repeatedly sell drugs for a profit. Sentences on this track generally involve mandatory imprisonment although some defendants may negotiate pleas outside of the mandatory term, with substance abuse treatment ordered. Track 4 defendants may be referred to either residential treatment provided by one of several local treatment centers or intensive outpatient treatment provided by the Horizon Recovery Center in Benton Harbor.

Track 5 (the trial track): Defendants who reject a plea offer and go to trial will be placed in Track 5 regardless of criminal history and/or the nature of current offense. The Court's experience has been that most defendants who elect trial are commercial drug dealers involved in direct drug sales and not eligible for placement in any of the other four tracks. If convicted, these defendants are usually sentenced to substantial periods of incarceration. Most Track 5 defendants have previous drug convictions and have not responded to prior treatment. However, they are not disqualified from treatment simply because they choose to exercise their right to trial if otherwise qualified.

⁶ MCL 333.7411; MSAA 14.15 (7411).

Berrien County (St. Joseph) Circuit Court
Drug Court Division (Continued)

Drug Court sessions are held each Wednesday; events which previously required multiple District and Circuit Court settings are now consolidated into one hearing. The Circuit Judge sits first as a District Court Judge to conduct the District Court arraignment. If the defendant does not waive a preliminary examination, the examination is held immediately. If the examination is waived or the defendant is bound over after the examination, the Circuit Judge then conducts the Circuit Court arraignment. If the defendant requests a trial, a trial date is scheduled within 14 days. If the defendant does not request a trial, the plea agreement is entered on the record, the prosecutor files an amended information -- often to a reduced charge, the defendant pleads guilty, and a sentencing date is set.

Below is a summary of applicable case processing events and time frames:

<u>Event</u>	<u>Day</u>
Arrest	Day 1
First Appearance (pretrial rel. dec. made)	Day 2
Drug Case Mgt.Conference/ Track Recommendation	Day 5
Arrgt/Plea	Day 7
Trial	Day 21
Sentencing	Day 7-28

Treatment Services: Treatment services for Drug Court defendants are provided by the Berrien County Health Department. Under the Berrien County Drug Court Program guidelines, treatment intervention begins as early as the second day after arrest for defendants released pretrial (approximately 60%), and within 30 days of arrest for all eligible defendants as either a condition for diversion, deferred prosecution, or probation. Defendants are screened by a Drug Rehabilitation Specialist within five days of arrest to determine the severity of the offender's drug problem as well as the type of treatment appropriate. Using the addiction Severity Index questionnaire to aid in the identification of substance abusers, together with the recommended treatment program requirements of the case processing track to which each defendant is assigned, the Drug Rehabilitation Specialist makes a recommendation at the Case Management Conference as to what type of treatment is needed. After defendants complete their treatment program, they must meet periodically with health department substance abuse counselors to make sure they continue drug free. A variety of treatment modalities are used, depending upon the severity of the defendant's treatment needs, including regular urine testing, one-on-one counseling, group therapy and, where warranted, in-patient treatment. Acupuncture is also provided as an adjunct to treatment. The intensive phase of treatment is generally completed within one to six months following arrest, with additional follow-up as warranted. In addition to specific treatment services, referrals are also made to other county agencies to assist with job placement, family services, and other client needs.

For further information, contact:

Judge Ronald Taylor
Circuit Court
811 Port Street
St. Joseph, Michigan 49085
Tel.: 616/983-7111 ext. 8386

Joseph Foster
Berrien County Health Department
769 Pipestone
Benton Harbor, Michigan 49022
Tel.: 616/927-5607

Kalamazoo County (Kalamazoo) Prison Diversion Program
for Nonviolent Female Offenders

Number of Judges (Circuit Court): 4

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention
- other: Rehabilitate offenders and thereby reduce recidivism.

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: Nonviolent female offenders with substance abuse problems who are charged with substance abuse offenses and who would otherwise face possible incarceration in jail or prison are eligible to enter the prison diversion program. The Prosecutor's office screens potential participants and eligible persons are screened for substance abuse dependency. Eligibility criteria include lack of a criminal record indicating a pattern of violent offenses, no alleged violence at the time of the present arrest, no weapons usage at the time of arrest; and no prior participation in the diversion program.

If the drug screening results indicate a substance abuse problem, the offender is arraigned before the Drug Court Judge, who has been authorized by the State Court Administrator's Office to conduct District Court arraignments for the diversion program. At the arraignment, the Drug Court Judge makes participation in the diversion program a condition of bond and the offender waives the right to an attorney and to a speedy trial.

The program originally targeted females against whom arrest warrants were sought but has now been expanded to include female offenders who have been formally charged but not convicted and offenders who have been charged with violating their probation. All participants appear biweekly before the Drug Court judge. The severity of sanctions imposed for noncompliance depends on a case by case review and may include changing treatment modalities, participation in the electronic monitoring program, incarceration or revocation of bond, automatic dismissal from the program and formal prosecution.

Treatment Services: Treatment services are provided by a private nonprofit organization and include a variety of modalities, depending upon the individual client's needs, including intensive outpatient, standard outpatient, and sheltered stabilization (residential). Assistance is also provided with other support needs including housing, child care, and personal and family subsistence.

For further information, contact:

Judge William G. Schma
Circuit Judge
227 West Michigan Avenue
Kalamazoo, Michigan 49007
Tel.: 616/383-8947

Nancy McDonald, Director
Substance Abuse Case Manager
Office of Community Corrections
1500 Lamont
Kalamazoo, Michigan 49001
Tel.: 616/384-8712

Wayne County (Detroit) Recorder's Court
Differentiated Case Management Program

Number of Judges (Recorder's Court): 29+

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: In 1988, the Detroit Recorder's Court developed a Differentiated Case Management Program, using multiple case processing tracks, with varying time frames and events, geared to a defendant's sentence exposure based on applicable sentencing guidelines. The DCM program applied to all criminal cases of which an estimated eighty percent involved either drug or drug related offenses or drug dependent defendants. The DCM program has been premised on the assumption that cases with the greatest sentence exposure would require the most time and judicial resources for processing and, conversely, cases amenable to diversion or minimal sentence exposure should require the least time and resources for disposition. Since the DCM program was first instituted, various modifications have been introduced with the following track program now in place:

<u>Track</u>	<u>Types of Cases</u>	<u>Time Frame</u>
A	Diversion Welfare Fraud Diversion Welfare Fraud Plea Prison Escapes Probation Violations	12 days
B	"0" Guideline Cases District Court Pleas Other Noncapital Cases	27 days: plea 60 days: trial
C	Intermediate Sanctions Cases	27 days
D	Drug Cases Over "0" Cases Eligible for Lifetime Probation	27 days: plea 60 days: trial
E	Juvenile Waivers	91 days
F	Jail Cases: Noncapital Multiple Offenders, etc.	91 days
G	Capital Cases	91 days

As a result of the DCM program, the court has reduced case processing time significantly despite a more than 30% increase in case filings without any concomitant increase in judicial resources.

For further information contact:

Hon. Dalton Roberson, Chief Judge
 Recorder's Court for Detroit/Wayne County
 Frank Murphy Hall of Justice
 1441 St. Antoine Street
 Detroit, Michigan 48226
 Tel.: 313/224-2444

George Gish, Clerk/Administrator
 Recorder's Court for Detroit/Wayne County
 Frank Murphy Hall of Justice
 1441 St. Antoine Street
 Detroit, Michigan 48226
 Tel.: 313/224-2506

MINNESOTA

Ramsey County (St. Paul) District Court

Criminal DCM Program With Fast Track Calendar for Drug Cases

Number of Judges (District Court): 24

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: Building on a civil DCM case tracking program begun in 1988, the Court developed a four-track criminal DCM program which includes a special fast track for drug cases involving first offenders and/or individuals with minor criminal histories charged with less serious drug and drug-related charges. The Fast Track Drug program relies on special treatment programs for defendants eligible for pretrial diversion and/or post conviction probation for which defendants are screened and referred within one week of arrest.

The four track DCM program involves all criminal offenses; the fast track for drug cases targets first offenders and/or individuals with minor criminal histories and defendants with less serious drug and drug-related charges. Pretrial diversion program defendants who successfully complete the treatment program will have their guilty plea stricken and their case dismissed. Defendants who are not eligible for pretrial diversion can receive probation in lieu of incarceration and/or have their probation period shortened upon successful completion of the treatment program.

The overall goal of the criminal DCM program in Ramsey County has been to expedite the criminal case process generally and, particularly, to achieve trial date certainty, improve the management of the growing arraignment court calendars, and to comply with recent amendments to the Rules of Criminal Procedure which require all issues relating to probable cause and suppression of evidence to be resolved within 30 days of arraignment. (Previously, the judge could make a finding of probable cause and then defer contested evidentiary issues, frequently dispositive of the case, to the day of trial.) As part of the criminal DCM program, several new criminal calendar events were created, time frames between events were changed, modifications were made in procedures for handling summary judgment motions and the special term civil docket, and the assignment and rotation of judges through the criminal calendar was formalized.

The fast track drug calendar is designed to reduce court processing time as well as facilitate treatment, placement and supervision by the Department of Corrections and Remand at the earliest time.

The criminal DCM program and fast track for drug cases operates as follows: Three processing tracks for felonies and gross misdemeanors are created and cases are assigned to these tracks on the basis of whether there are contested Rasmussen/Florence issues⁷. Track Assignment occurs at the Omnibus Hearing which is held 14 days after arraignment. In addition, a special eligible cases for the fast track drug case program are identified at arraignment and assigned to a fourth track for special processing.

Track A is for those cases in which there are no contested Rasmussen issues to be decided. The right to a contested omnibus hearing is waived and the case is set for a pretrial to be heard 30 days after the first omnibus hearing.

⁷ Rasmussen issues are evidentiary; Florence issues refer to alibis.

Ramsey County (St. Paul) District Court

Criminal DCM Program With Fast Track Calendar for Drug Cases (Continued)

Track B is for those cases in which there may be some Rasmussen issues but those Rasmussen issues are not considered to be dispositive of the case or the judge feels that there is good cause to bifurcate the omnibus hearing and continue the Rasmussen issues to the trial date. The judge is responsible for determining whether the issues raised are dispositive, based on analysis of the evidence to be suppressed, whether the prosecutor has independent evidence to continue prosecuting the matter or whether the case would most likely be dismissed if the evidence was suppressed. Like Track A cases, Track B cases are also set for a pretrial if they are not resolved at the first Omnibus hearing. Any omnibus issues still unresolved are heard on the trial date.⁸

Track C is for those cases in which there are contested omnibus hearings (including Florence and Rasmussen issues). On this track, a second, contested omnibus hearing (OH2) is scheduled 14 days after the first omnibus hearing (OH1). Any evidentiary rulings made at the OH2 hearing are binding on the trial judge. If the case is not resolved at the second omnibus hearing, the matter is set for a pretrial 14 days later.

The Fast Track Calendar for drug cases is designed to expedite certain, "targeted", drug-related felony offenders through the court and into treatment or supervision plans. These offenders are generally first offenders and/or individuals with minor criminal histories and charged with less serious drug and drug-related charges.

Two levels of cases are targeted for the Fast Track Drug Case Program:

Level One cases are sentenced to strictly structured probation/treatment sanctions instead of additional jail time. Eligibility requirements for Level One Cases are:

- 5th degree possession of a controlled substance or attempt to procure forged prescriptions;
- Small amount of drugs possessed for personal use;
- Defendant confesses with full admission of guilt; no Goulett or Alford pleas;
- Defendant cooperates with Rule 25 chemical assessment and follows recommendation;
- Defendant has no felony convictions;
- Defendant has no gross misdemeanor or misdemeanor convictions for crimes against persons or other violent crimes;
- Defendant is eligible for Chapt. 152.18 (e.g., deferred prosecution);
- Defendant has no previous unsuccessful diversion to REMAND, no previous felony diversions to REMAND, no previous application of Chap. 152.18, and no previous "Fast Track" pleas;
- Defendant is determined by Probation to be a good candidate for treatment or targeted drug supervision program; and
- Defendant provides other community service and/or pays fines as recommended by probation and complies with targeted drug supervision program.

Level Two cases are sentenced to 15 to 90 days of jail time, followed by strictly structured probation/treatment sanctions. Eligibility requirements for Level Two are:

- Defendant's history indicates all "above the line"⁹ possession of controlled substance violations;
- Defendant may have felony or misdemeanor convictions, as long as total criminal history points don't make complaint a "below the line" felony on Sentencing Guidelines grid;
- Defendant must confess with a full admission of guilt; no Goulett or Alford pleas;
- Defendant must serve 15 to 90 days of workhouse time (this can include electronic monitoring release or "sentence to service" after service of 30 days of workhouse time.)

⁸ An omnibus issue relates to probable cause or evidence.

⁹ "above the line" violations refer to the Defendant's score on the Minnesota Sentencing Guidelines which would not mandate incarceration.

Ramsey County (St. Paul) District Court

Criminal DCM Program With Fast Track Calendar for Drug Cases (Continued)

The defendant must serve a minimum of 15 days if he or she has a previous record of crimes against property and 30 days if previous record consists of crimes against persons. The defendant does not have to be eligible for treatment.

The County Attorney identifies appropriate cases for the "Fast Track" program at the time of arraignment. The County Attorney can veto a recommendation for including a particular case in the fast track program at the Omnibus Hearing if the defendant is alleged to be a "dealer" and not a simple "user" or because of other unusual facts. For those cases deemed eligible for the Fast Track program, the County Attorney makes the files available to the probation/diversion staff at the time of arraignment for subsequent case preparation purposes.

A summary of the case processing events and time frame applicable to fast track drug cases is as follows:

Day 1: Arrest

Day 2: Arraignment

- (a) Project Remand makes a recommendation release recommendation to the judge and conditions of release are set. These conditions include regular drug testing, cooperation with criminal history checks, and regular reporting to the Remand counselor.
- (b) The County Attorney indicates on the complaint whether the case meets fast track criteria, either for Level One or Level Two.
- (c) Police and victim approval is obtained verbally by the Remand counselor prior to the first Omnibus Hearing. Police may veto the County Attorney's recommendation for the Fast Track Drug Case program if the defendant is also alleged to be a drug dealer or has other major charges likely.
- (d) Probation Staff begin pre-plea PSI preparation after the case is identified for the fast track.
- (e) Defense counsel approval is obtained as soon as possible after a case is designated by the prosecutor as eligible for the Fast Track Program.

Days 2-9:

- (f) All defendants designated for the program report to a Probation Branch Office for a chemical assessment within one week following arraignment and the case is screened to determine whether Probation or Remand will complete further case processing.

Days 9-16:

- (g) Remand and Corrections staff then review the files that are forwarded by the County Attorney. Prior records are checked through defendant interviews, the Remand records, the prosecutor's records and probation computer, telephone and correspondence checks. A date is set for preliminary completion of these record checks, generally within 14 days, to coincide with the production of the written chemical assessment.

Ramsey County (St. Paul) District Court
Criminal DCM Program With Fast Track Calendar for Drug Cases (Continued)

Day 16: Omnibus Hearing

- (h) At the Omnibus Hearing, the defendant is recommended for (1) a diversion study if he or she meets preliminary criteria (See Appendix A) for consideration in the Fast Track Drug Case Program.¹⁰ Those defendants rejected for these programs, as well as those who are placed in these programs and fail, are returned to the regular judicial process at the first Omnibus Hearing. Those Defendants accepted for the Fast Track Program plead guilty according to Level One or Level Two criteria and a formal pre-sentence investigation is ordered, to be completed within 30 days. For those defendants accepted into the Fast Track Drug Case program, the judge withholds final adjudication of guilt and sentencing on a tendered plea agreement until Probation Staff can complete a thorough criminal history review and presentence investigation.

Days 16-46:

- (i) The PSI is completed, drawing upon the prior criminal history check, and a Minnesota Sentencing Guideline worksheet is prepared. Normal victim contacts are made per 611A.037¹¹ including requisite neighborhood impact statements required for violations of Chapter 152 offenses involving the sale or distribution of controlled substances.
- (j) During the course of preparing the pre-sentence investigation, treatment placements are made. Coordination with Project Remand's conditional release unit continues when the PSI is underway for enhanced communication between agencies and with the defendant.

Day 46: Sentencing Hearing

- (k) A sentencing hearing is held four weeks after the first Omnibus Hearing at which time the court reviews the defendant's social history and goal plan prepared by the probation officer. If approved, the defendant is referred immediately to a treatment facility which he or she enters the same day and remains in the program for one year.¹² At the Sentencing Hearing, a "Fast Track" probation officer explains the Probation agreement to the defendant and transports him or her to the treatment facility to begin the treatment program. (In the event, the defendant is serving some local jail time, he or she is transported to the treatment facility immediately upon release.)
- (l) Referral to Treatment facility is made immediately after the sentencing Hearing concludes. Upon arrival at the treatment facility, the facility representative, probationer and agent discuss expectations and clarify issues; this interview is considered a key event in the fast track case process and is intended to further enforce the need for establishing close ties between the probationer, treatment staff and the probation officer.

¹⁰ Although successful completion of a diversion program and the Fast Track Drug Case program both result in the dismissal of the case, these programs are separate. Diversion programs generally have minimal supervision; the Fast Track Drug Case program has intensive supervision and treatment.

¹¹ The Minnesota Victim's Rights Bill recognizes a neighborhood as a "victim" in drug cases and permits testimony on the impact of drug offenses in the neighborhood in which the offense occurred.

¹² In order to assure that defendant who have been detained pretrial can be admitted into the treatment facility the same day as sentencing and not require one additional day of jail time, sentencing hearings are scheduled for 1 pm and defendants are permitted to come to the hearing in street clothes so that they can go immediately to the treatment facility.

Ramsey County (St. Paul) District Court
Fast Track Calendar for Drug Cases (Continued)

Defendants participating in Fast Track treatment programs submit to random urinalysis and frequent unscheduled contacts with their case manager assigned. Caseloads for these case managers are kept to a maximum of 30. For those offenders who successfully complete the "Fast Track" probation process and one year of follow-up supervision, a special notice is sent to the sentencing judge requesting consideration for discharge from supervision, providing that all other conditions of probation have been met (restitution, etc.)

A swift response to probation violations is a key ingredient of the Fast Track Drug Calendar. Violations are heard within one day of apprehension and strong sanctions are recommended for violations. Special efforts are made to impose various intermediate sanctions such as Sentence to Service, home confinement on electronic monitoring or use of the Day Reporting Probation center program before holding actual violation hearings.

Below is a summary of the events and timeframes applicable to the criminal DCM process and the special Fast Track for drug cases:

EVENT	Track A	Track B	Track C	Fast Track Drug Cases
Arrest	1	1	1	1
Arraignment/Bail Determination	2	2	2	2
Omnibus Hearing (1)	16	16	16	16
Omnibus Hearing (2)	n/a	n/a	30	n/a
Pretrial Conference	46	46	46	n/a
Trial	67	67	67	n/a
Sentencing (custody)	81	81	81	46
(noncustody)	95	95	95	46

For further information contact:

Judge J. Thomas Mott
 Second Judicial District Court
 Ramsey County Government Center
 50 West Kellogg Boulevard
 7650 West Building
 St. Paul, Minnesota 55102
 Tel.: 612/266-9187

Suzanne Alliegro
 Judicial District Administrator
 Second Judicial District Court
 1001 Ramsey County Courthouse
 St. Paul, Minnesota 55102
 Tel.: 612/266-8276

MISSOURI

Jackson County (Kansas City)

Circuit Court Drug Court

Number of Judges (Circuit Court): 27

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Jackson County Drug Court program, begun in October 1993, is designed to identify persons with substance abuse problems which appear to have played a role in the commission of their current offense and to offer them the opportunity of participating in a deferred prosecution treatment program. The program is strictly voluntary and participants can withdraw at any time -- in which event their case is referred for standard prosecution. Program participation requires that defendants waive their preliminary hearing and their right to a speedy trial. Defendants are currently referred to treatment within two to three weeks after arrest but efforts are underway to reduce this period to five days. Defendants appear before the Drug Judge every three weeks initially and then return to court periodically thereafter. The goal of the program is to use the authority and power of the court to keep clients in treatment with the expectation of improved treatment outcomes (i.e., lower relapse and higher treatment completion rates).

Treatment Services: The treatment program is being funded by proceeds from a special anti-drug assessment on the local sales tax. The County Prosecutor's Office coordinates treatment program resources using a combination of existing treatment programs and additional services acquired by contract.

No one treatment model is being used. Every defendant receives acupuncture and is then referred to one of three geographic areas of the County to existing service providers. The treatment program has three phases:

- First Phase: 5 acupuncture and counselling treatments per week.
- Second Phase: Counselling for 14 weeks (3 x week).
- Third Phase: Treatment services arranged on an as needed basis.

A standard outpatient treatment model is presently being developed that will offer some flexibility, depending on the current substance abuse treatment needs of each participant. Urinalysis testing is three times weekly for the first three weeks, twice weekly for the next 14 weeks, and monthly thereafter.

Additional services are presently being developed to address participants' health, education, employment, family and other needs.

For further information, contact:

Judge Donald L. Mason
Sixteenth Judicial Circuit Court
for Jackson County
Division Eleven
415 E. 12th Street
Kansas City, Missouri 64101
Tel. 816/881-3611

Claire C. McCaskill, Prosecutor
Jackson County Prosecutor's Office
415 East 12th Street, 11th Floor
Kansas City, Missouri 64106
Tel.: 816/881-3366

Neil Hartell
Prosecutor's Office of Jackson County
415 East 12th Street, Eleventh Floor
Kansas City, Missouri 64106
Tel.: 816/881-3110

NEVADA

Clark County (Las Vegas)
District Court Drug Court

Number of Judges (District Court): 16

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Clark County Drug Court began October 19, 1992 with a goal of keeping drug addicts (first time offenders) out of the criminal justice system and treating their drug addiction so as to permanently rid them of their drug dependency. At this point, resource limitations have required persons addicted to marijuana only to be excluded from the program so that resources can be directed toward offenders addicted to crack and cocaine. Program eligibility is being expanded, as resources permit, to include defendants charged with drug related, nonviolent crimes such as check forgery, grand larceny, cheating at gaming (a felony in Nevada) as long as the defendant's primary problem is drug addiction.

Defendants are screened at Intake in the Clark County Detention Center and eligible defendants are given the option to participate in the program; if they choose to participate, they then go to the public defender's office which advised them of their legal rights and their responsibilities if they choose to participate in the program. If they still desire to participate in the program, they are taken to the Drug Treatment Clinic and begin their acupuncture and counselling sessions. After two weeks of program participation, they appear before the Drug Court Judge who again informs them about the program requirements. They then appear at least once each month before the Drug Court judge who reviews their progress.

Two Drug Court sessions are held each week: 1:30 and a 5:30 p.m. session, primarily for those who are employed. If the defendant is not performing adequately, the Drug Court Judge may send him/her to the Clark County Detention Center for four days, followed by two acupuncture and counselling sessions, prior to the next Drug Court appearance the following Wednesday.

Treatment Services: The treatment program, conducted by a private non-profit organization, is one year in duration, divided into three phases:

Phase I: Detoxification: three weeks of acupuncture and counselling five times per week.

Phase II: Stabilization: acupuncture and counselling sessions three times per week for the remaining weeks of the first six month period.

Phase III: Maintenance: six months: acupuncture/counselling at least once per week and more if needed.

Participants must leave a urine specimen at each clinic visit; if positive urines continue, participants are required to spend four days in the Clark County Detention Center as a therapeutic measure.

The treatment provider provides information to the Court prior to each defendant's appearance relating to the number of counselling sessions conducted and missed; the number of positive and/or negative drug analyses, and explanatory comments if needed.

Clark County (Las Vegas)
District Court Drug Court (Continued)

Funding for the treatment program has been provided by the County from the proceeds derived from a county-run traffic school which was established to replace the use of private traffic schools deemed unsatisfactory. Participants also pay \$ 20 per week.

For further information contact:

Judge Jack Lehman
Las Vegas District Court
200 S. 3rd Street -- Department X
Las Vegas, Nevada 89155
Tel.: 702/455-4668

John Marr
Choices Unlimited
2975 South Rainbow, Suite H
Las Vegas, Nevada 89102
Tel.: 702/252-0922

NEW JERSEY

Middlesex County (New Brunswick) Superior Court
Drug Court Division

Number of Judges (Superior Court): 28

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Middlesex County Expedited Drug Court Management Program operated from 1990 - 1992 as a pilot BJA program¹³ and consisted of two components which were closely interwoven: an adjudicatory component which utilized differentiated case management principles to assign cases within a 3-track system; and a treatment/community supervision component which relied heavily upon corporate, university, agency and individual volunteers to provide alternatives to incarceration and augment probation supervisory resources and placement opportunities. The program was designed to ensure that (1) all drug offenses were adjudicated as promptly as possible; (2) those defendants who were in need of rehabilitative services received them as soon as possible after arrest; and (3) all defendants convicted of serious drug crimes and who deserved punishment did not pass through the system unpunished.

To accomplish these objectives, the Court designated a special judge to handle all drug cases, and developed a differentiated case management (DCM) system which segregated drug cases from the rest of the criminal docket and assigned them to appropriate case processing tracks, each involving special procedures to expedite their adjudication. In addition, the network of community leaders established to support the program provided resources for monitoring compliance with pretrial and probation conditions, job placement and restitution assignments and provided other related support to expand existing community-based programs.

The adjudication component of the Middlesex County Drug Court Division was designed to address the common problems causing delay in both the adjudication and treatment referral of drug offenders. The adjudication component was premised upon (a) performing comprehensive case screening and defendant evaluation within five days following the filing of the complaint in the Superior Court; (b) conduct of a pre-indictment conference before the Drug Court judge five days following case filing at which time the prosecutor and defense counsel were prepared to enter into plea agreements or, if disposition was not possible at that time, determine what needed to be done to dispose of the case either through plea or trial.

Drug cases were initially assigned to one of two primary tracks, each with selection criteria geared to the nature of the offense, case characteristics, sentence exposure and offender profile. Less serious offenses not disposed of at the time of the five-day pre-indictment conference were referred to the Grand Jury and, when indicted, assigned to a third track. The specific tracks created and their criteria were as follows:

¹³ The EDCM Program in Middlesex County was not continued in its initial form for reasons unrelated to the merits of the program, although the concepts of case differentiation and community support were adapted in subsequent programs.

Middlesex County (New Brunswick) Superior Court
Drug Court Division (Continued)

Track A: Drug cases in which incarceration was either mandated or presumed, cases involving drug trafficking and recidivist drug offenders. Track A cases not disposed of at the five-day conference were referred to the Grand Jury for indictment within 21 days. All pending motions were heard prior to Grand Jury referral.¹⁴

Track B: Cases in which incarceration was neither statutorily mandated nor presumed to be appropriate, such as cases involving small scale distribution outside of a school zone, possessory offenses and non-recidivist drug offenders.

Track C: Track B cases not disposed of at the five-day conference and which had no pending motions were referred to the Grand Jury under the procedures applicable to Track A cases and set for trial on a third track, Track C. At the prosecutor's discretion, a Track B case could proceed on an accusation rather than by Grand Jury indictment.

Cases were assigned to either Track A or B within five days of filing by the Criminal Case Manager, based on an assessment of the charges and the defendant's prior history. Track B cases were assigned to Track C when the arraignment on the indictment was held.

Track A and B cases proceeded similarly from the time of filing to the Pre-Indictment Conference held five days after arrest. For those cases not disposed of at the pre-indictment conference, a review was made of the defendant's custody status. Those defendants released pretrial or deemed eligible for release at that time were placed under a series of court-ordered conditions including urine testing, drug counselling, job placement, etc. Following the five-day conference, pending motions in Track A and B cases were scheduled for hearing within 14 days. Those cases not disposed of at the pre-indictment conference or the motions hearing if motions were filed then proceeded as follows:

Track A cases were referred to the Grand Jury for indictment within 21 days and filing in Superior Court within an additional 7 days.¹⁵ An arraignment on the indictment was held in 7 days for jail cases (14 days for bail cases) and a trial scheduled within 50 days for jail cases and 43 days for bail cases -- i.e., within 90 days of arrest.

Track B cases not disposed of at the five-day conference were also referred to the Grand Jury in accordance with the procedures applicable for Track A cases and assigned to Track C.

The program operated as follows:

Defendants arrested on felony charges appeared before a Municipal Court judge immediately at which time bail was set or other conditions of release established. On the following day, staff of the Superior Court Criminal Case Manager's office interviewed the defendant, reviewed the bail setting, determined his/her eligibility for indigent defense services and PTI¹⁶ program participation and gathered relevant personal history which would also be used for presentence investigation purposes. At that time the defendant was also notified of the five-day hearing. During the next two days, the prosecutor and defense counsel screened each case and discussed potential plea offers.

¹⁴ Motions were heard within two weeks of filing and, frequently, a case was disposed of very shortly after the Court's ruling on the motion.

¹⁵ Under New Jersey's Speedy Trial procedures, the Grand Jury should return an indictment within 30 days for a detained defendant and 60 days for a defendant not in custody. However, the prosecutor in Middlesex County accelerated this timeframe to assure return of indictments within 21 days for all defendants.

¹⁶ Pretrial Intervention which provides for deferred prosecution in eligible cases.

Middlesex County (New Brunswick) Superior Court
Drug Court Division (Continued)

At the pre-indictment conference five days after arrest before the Drug Court judge, those cases in which a plea was accepted were disposed of. In cases in which laboratory tests or action on a PTI application was still pending, a plea could be made conditional on the results of the lab tests and/or PTI application. In the event the lab tests did not support the offense pled to or the defendant was accepted for PTI program participation, the plea was stricken when the lab report or PTI application report was completed. If a motion to suppress or other dispositive motion was pending, a hearing on the motion was scheduled within 14 days.

Track A and B cases¹⁷ not disposed of at the pre-indictment conference (and which had no pending motions) were referred to the Grand Jury for action (indictment or no bill) within 21 days. Pursuant to the program design, the prosecutor was required to file a complaint in Superior Court within seven days for custody defendants and within 14 days for released defendants; an arraignment on the indictment was held the following day. If the case was not disposed of at the arraignment, it was scheduled for trial. Custody cases were scheduled within 50 days; bail cases were scheduled within 43 days. Generally a pretrial conference was held at some point prior to trial, the precise scheduling depending upon the issues presented in each case.

The events and timeframes for the Expedited Drug Case Management Program were as follows:

	<u>Track A</u>	<u>Track B</u>	<u>Track C</u>
Arrest	Day 1	Day 1	n/a
Mun. Ct. Pr. Hrg.	Day 1	Day 1	n/a
Interview by Sup. Ct. Crim. Case Mgt. Staff	Day 2	Day 2	n/a
Pre-Indictment (five- day) conference	Day 5	Day 5	n/a
Grand Jury Indictment	Day 26	n/a	Day 26
Filing of Complaint in Superior Court	Day 33	n/a	Day 33
Arraignment on the Indictment	Day 40-Jail Day 47-Bail	n/a	Day 40-Jail Day 47-Bail
Post-indictment conference scheduling		Day depends on issues presented.	
Trial	Day 90-Jail Day 90-Bail	n/a	Day 90-Jail Day 90-Bail

¹⁷ Track B cases then become Track C cases.

Middlesex County (New Brunswick) Superior Court
Drug Court Division (Continued)

Treatment/Community Supervision/Services: The treatment/community supervision component of the program was premised upon very early screening of each defendant and, for those defendants who were released pretrial, placement of him/her on a comprehensive and closely monitored court-imposed program of drug treatment, job placement, educational program development, etc., which continued after adjudication. Regardless of the pace with which the defendant's case was adjudicated, within five days of arrest, defendants who were released pretrial were placed under immediate court ordered conditions of release conducive to assuring that necessary drug treatment, job placement, educational program participation and other support which the Court deemed appropriate for each defendant.

An essential element of the Middlesex County's Drug Court program was the creation of a network of community resources which could supplement those currently available to the Court for disposition purposes. Shortly after launching the program, the Drug Court judge formed a community advisory committee consisting of approximately 50 community leaders representing the religious, educational, law enforcement, commercial and industrial sectors of New Brunswick, the Middlesex County seat. The community advisory committee functioned in seven subcommittees which focussed their efforts on developing education, job placement, restitution, monitoring, public relations and coordinating functions to support release conditions imposed by the court on defendants pretrial or on adjudicated offenders placed on probation. Each subcommittee included volunteers who served as daily monitors for defendants released pretrial and on probation to assure their compliance with the court-ordered conditions for their release.

An initial reluctance of local community agencies to provide restitution opportunities to offenders was removed with the passage of a statute by the New Jersey General Assembly immunizing agencies accepting offenders for placement from civil liability (See Appendix). Community service sites to which defendants were assigned included government owned housing projects, offices, parks, etc. Each defendant assigned wore an orange vest imprinted with "community service".

Through an arrangement with Rutgers University graduate and undergraduate schools of criminal justice and social work, student interns were provided to assist volunteers in the operation of some of the network units. These interns received university academic credit for their participation in the program as well as on-the-job training from experienced, professional court staff.

Treatment services for EDCM defendants included regular urinalysis, individual and group counselling, and other support services. By special arrangement with the local probation department, one officer was assigned to provide both pretrial and post adjudication supervision of defendants -- in lieu of the standard method used for supervision in other criminal cases requiring different officers to be assigned pretrial and for probation purposes.

For further information contact:

Judge George Nicola
Superior Court of New Jersey
Middlesex County Courthouse
1 JFK Square
New Brunswick, New Jersey 08903
Tel.: 908/745-3423

NEW YORK

I. Relevant Activities in the State

New York courts have undertaken a number of drug case initiatives, particularly in regard to integrating treatment services in the adjudication process. Although they do not fall into specific "strategies" for documentation in this publication, the diversity and significant potential impact of these initiatives on the management of drug cases and drug dependent defendants warrants their reference.

Among the initiatives which focus on early treatment intervention in drug cases are:

Case Processing Task Force: appointed by former Mayor Dinkins and former chief Judge Wachtler to facilitate processing of cases. The Task Force, composed of court, corrections, police, prosecution and probation officials, has resulted in several initiatives to promote criminal case processing by expediting discovery; improving coordination of schedules among courts, prosecutors, defense attorneys and witnesses; reducing time between indictments and filings; and increasing use of intensive supervision as a sentencing option.

Legislative Proposals: A number of legislative proposals have been introduced which, if passed, will impact the handling of drug cases and court-sponsored treatment intervention. These include:

- Interim Supervision: A proposal to approve new dispositional alternatives to provide wider range of options in criminal matters including authority to defer sentencing and place a defendant on interim supervision with specified conditions. Defendants' compliance would be reviewed at the end of one year to assist the court in making a more informed decision as to whether a particular defendant would be a suitable candidate for probation.

- Intermediate Sanctions: A proposal that a defendant who violates one of the conditions of probation face a series of graduated sanctions prior to court intervention. This proposal is designed to strengthen probation as a form of punishment and better enable courts to deal effectively with large number of cases involving probation violations.

- Deferred Prosecution: A proposal, recommended by The Advisory Committee on Criminal Law and Procedure, that courts be given authority to defer prosecution in certain felony cases (similar to statutes in California, Florida, Colorado and Arizona and the federal courts)

- Discovery Reform: A proposal to expedite processing of criminal cases and provide for more efficient use of judicial resources. The proposal, recommended by the Advisory Committee on Criminal Law and Procedure, includes eliminating the need for formal discovery demands, expands information which must be disclosed in advance of trial, reduces time within which discovery must be made, and addresses an array of other situations relating to the provision of discovery which previously delayed case dispositions.

II. Local Programs

Note: In light of the diversity of activities underway in local New York courts to improve the management of drug cases and achieve earlier and more effective treatment intervention for appropriate defendants, the programs summarized below are presented solely for the purpose of conveying examples of the range of activities underway. For further information on drug case management and treatment initiatives in the New York courts, contact:

Judge Robert G. M. Keating
Administrator
New York City Criminal Courts
100 Centre Street
New York, New York 10013
Tel. 212/374-3200

Manhattan

(1) Part N Expedited Disposition Programs

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: In 1987, the New York City Courts in Manhattan introduced an expedited disposition program designed to achieve dispositions in selected drug offenses in the Part N (Narcotics) Courts, the courts to which drug cases are assigned for first appearance. The strategy used in these Part N Courts -- to identify cases amenable for disposition within days of arrest and to achieve their disposition at the first court appearance -- has subsequently been adapted by a number of other jurisdictions.

The Part N Court provides the first appearance hearing, held within six days of arrest, for all defendants arrested in Manhattan on a drug charge and for certain defendants arrested in other boroughs for narcotics offenses. Under New York statute, if an indictment is not filed within six days of arrest, the defendant must be released. Therefore, the appearance at the Part N Court is important for all defendants and particularly important for defendants who are not released pre-trial.

At the Part N Court hearing, almost all defendants except those charged with Class A-1 felonies are presented with plea offers, the characteristics of which will vary depending upon the nature of the charge and the defendant's background and whether or not the defendant falls within a "special treatment" group requiring more severe treatment which will be reflected in the plea offer. The "special treatment" groups include:

- defendants who qualify for career criminal treatment (two prior felony convictions)
- defendants who have a prior felony conviction (e.g., are "predicate felons"
- defendants who are charged with the sale of narcotics within 1000 feet of a school; and/or
- whether special community interests should be considered in dealing with the defendant

In addition, plea offers can be adapted to the particular prosecution needs of the case; for example, in cases involving multiple defendants, the plea offer can be conditioned upon all defendants accepting the plea offers.

The plea offer provides the defendants with an opportunity to dispose of the case with a sentence below the statutory minimums required by New York's mandatory sentencing statute by virtue of having the case prosecuted through an information rather than a grand jury indictment. If the defendant accepts the plea offer, a sentencing date at a Part N proceeding 21 days later is scheduled, with the case disposed of within 28 days of arrest. All plea agreements are made subject to a positive lab report submitted by the sentencing hearing. If the defendant does not accept the plea offer at the time of the Part N hearing, the case is referred to the Grand Jury and the plea offer is not renewed.

For further information contact:

Robert Silbering, Esq.
Special Narcotics Prosecutor
80 Centre Street
New York, New York 10013
Tel.: 212/815-0400

(2) Midtown Community Court

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

(2) Midtown Community Court (Continued)

Program Description: The Midtown Manhattan Community Court on West 54th Street, which became operational in October 1993, has jurisdiction over all Penal Law and other offenses up to and including Class A misdemeanors committed in the geographic area served by the Court. The Court's services include a needs assessment component performed by the New York City Criminal Justice Agency for the purpose of evaluating defendants and assessing their suitability for work projects and education and treatment programs. Staff identify available programs to provide the Court with meaningful sentencing options. Over 25 community-based sentencing, education and treatment organizations have offices in the new Court and offer programs to which defendants can be directed, including drug, health and mental health counseling, voluntary on-site AIDS testing, literacy classes, and various citywide projects with capability and willingness to supervise defendants who are performing community service. These programs include a variety of community service programs to which defendants can be sentenced.

For further information contact:

John Feinblatt
Coordinator
Midtown Manhattan Community Court
314 West 54th Street
New York, New York 10019
Tel.: 212/484-2727

Kings County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program¹⁸

Program Description: The Kings County District Attorney has instituted a deferred prosecution program supervised and coordinated by the King County District Attorney's Office. The District Attorney's Drug Treatment Alternative-to-Prison (DTAP) offers second felony drug offenders residential drug treatment as an alternative to prison. The goal of the program is to have participants return to society in a better position to resist the return to drug usage and crime after treatment than if they had spent a comparable period of time incarcerated -- and at greater public expense.

The program targets defendants arrested for B felony "buy and bust" drug offenses who have previously been convicted of a non-violent felony. If these defendants are convicted, they would be subject to mandatory prison under New York's second felony offender law. Defendants are given the option of deferring their prosecution and entering a residential drug treatment program for 15-24 months which, if successfully completed, results in their charges being dismissed. Dropouts from the program are brought back to court for prosecution on the original charge by a special warrant Enforcement Team. The prosecutor has also formed a Business Advisory Council to assist defendants who complete treatment with employment and housing.

The treatment program consists of long-term residential treatment, which is highly structured and uses program graduates as peer counselors. Services include individual, group and family therapy, with the last phase of "reentry" focussing on the participant's return to the community. Participants must have employment and housing plans before leaving the program and also receive assistance in budgeting and techniques for conserving their money during their first month on their own. Participants also receive assistance in relocating to different neighborhoods with new "family" support members if their families and previous communities are deemed not supportive in promoting their rehabilitation.

¹⁸ Although the programs reported in this publication have generally been restricted to court-initiated programs, the program developed by the District Attorney's Offices in Kings County and Queens County are reported because they demonstrate the initiative local prosecutors have taken to develop structured prison diversion programs providing a treatment and rehabilitation alternative when adequate court resources to supervise and coordinate such programs are lacking.

Kings County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program (Continued)

The prosecutor identifies eligible defendants at arraignment. Eligible defendants sign appropriate waiver and consent forms and their case is then further reviewed by the prosecutor; DTAP's Enforcement Team then verifies the defendant's residence through a home visit. The prosecutor rejects cases for which information provided by the defendant cannot be verified. Defendants who have severe psychiatric or medical problems or who are not drug addicts, are also rejected. Assessment of treatment needs for each eligible participant is performed by TASC. Treatment is provided primarily through state funding, with some private foundation assistance also.

Defendants have little court contact but progress reports are sent to the court and the defendant returns to court after one year. Defendants are monitored for compliance by the DA office and referred back to court for indictment and standard adjudication if they fail to participate in treatment or violate the conditions of program participation.

For further information contact:

Susan Powers
Deputy District Attorney
Kings County District Attorney's Office
210 Joralemon Street, Room 407
Brooklyn, New York 11201
Tel.: 718/802-2072

Queens County Supreme Court Drug Treatment Programs

(a) *Drug Treatment Intervention Program for Youthful, Nonviolent Offenders*

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Supreme Court in Queens County has instituted a drug treatment program involving geared to drug dependent individuals between the ages of 16 and 20 who do not have a high school diploma, have not been convicted of a violent crime, and have no history of failure to appear in court. Candidates who are screened and selected for the program are allowed to enter pleas to reduced charges, provided they participate for a specified time period in a residential drug treatment program at the Phoenix Academy, located in Westchester County, which includes a full-time high school. Upon successful completion of the program, a defendant's plea will be vacated and the original charges dismissed.

For further information contact:

Kenneth Holder
Chief of Narcotics Trials
Office of the District Attorney for Queens County
121-01 Queens Boulevard
Kew Gardens, New York 11415
Tel.: 718/286-6220

Queens County Supreme Court Drug Treatment Programs (Continued)

(b) *Queens County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) Program*

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Queens County District Attorney's Drug Treatment Alternative-To-Prison (DTAP) program operates similarly to the Kings County District Attorney's program (see above) with the exception that defendants are required to enter a guilty plea prior to entering the program which will be vacated if the defendant successfully completes the treatment program. Queens County's DTAP program targets defendants who would be considered predicate felons if convicted and subject to mandatory penalties of incarceration. The District Attorney's office tries to identify defendants eligible for the program prior to indictment, both through the screening conducted by its office as well as through special motions filed by defense counsel. Occasionally, eligible defendants are not identified until after indictment and enter the program at that time. Until recently, defendants eligible for the program could include any defendant who might be considered a predicate felon for sentencing purposes based on his/her prior criminal history and were placed on interim probation pending completion of the treatment program, with their ultimate sentence dependent upon their performance in the drug treatment program. However, as a result of a recent New York Court of Appeals decision holding that this sentencing deferral violated the state's sentencing guidelines, program procedures and eligibility requirements have been modified. Only defendants currently on probation at the time of the new offense are now eligible for the program and their treatment participation is made a condition of their probation for the old offense. If they fail to complete the treatment program, they are considered in violation of their probation and can then be resentenced for the original offense. If they successfully complete the treatment program, their plea to the new charge is vacated and the case is dismissed.

Treatment Program: The treatment program for the Queens County DTAP program consists of an 18 - 24 month intensive residential and outpatient program coordinated by TASC. Defendants appear in court every six months at which time the judge reviews their progress. Periodic reports are sent bi-monthly to the court and, if the defendant fails to comply with treatment program conditions, will appear more frequently.

For further information contact:

Kenneth Holder
Chief of Narcotics Trials
Office of the District Attorney for Queens County
121-01 Queens Boulevard
Kew Gardens, New York 11415
Tel.: 718/286-6220

NORTH CAROLINA

Mecklenburg County (Charlotte) Superior Court
Drug Court Division

Number of Judges: 7

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention
- other: to develop a mechanism for expediting drug case dispositions in the absence of adequate physical facilities

Program Description: In response to a burgeoning drug caseload and a number of additional drug case prosecutors assigned, Mecklenburg County officials established a Drug Court Division to which all drug cases are assigned except for major trafficking and/or conspiracy cases. The Drug Court conducts arraignments at night every other week in an effort to dispose of those drug cases not requiring trial.

The Night Court component of the Drug Court was instituted because facilities were inadequate to accommodate timely drug case arraignments during the day. Drug Court night arraignment sessions begin at 5:30 p.m. and continue through 10:30 p.m. or until the docket is concluded. The night court is staffed by one prosecutor and disposes of approximately seventy-percent of the drug caseload. On the alternating weeks, the Drug Court meets during the day for trials.

Arraignments occur approximately 45 days following arrest, after the probable cause hearing and indictment has occurred. Any plea offers must be accepted by the time of the night court arraignment; if not, the case is scheduled for trial and, although the defendant may plead on the trial date, the plea must be to the original charges.

For further information contact:

Judge Robert Burroughs
Senior Resident Judge
Superior Court
700 East Fourth Street, Room 3304
Charlotte, North Carolina 28202
Tel.: 704/347-7800

Peter Gilchrist
District Attorney for Mecklenburg County
700 East Trade Street, Suite 300
Charlotte, North Carolina 28202
Tel.: 704/347-7891

OREGON

Coos County (Coquille) Circuit Court
Drug Reduction of Probationers (DROP) Program

Number of Judges (Circuit Court): 2

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The DROP (Drug Reduction of Probationers) program was implemented in September 1988 by the Coos County District Attorney, with the cooperation of the Sheriff, the Director of the local State Department of Corrections, and the Coos County courts. The program's goal is to provide a certain and swift response when urinalysis tests show a probationer is involved with drug usage. The program initially targeted defendants convicted of drug and drug-related offenses but has since been expanded to include most defendants on probation.

All convicted offenders are referred to the Coos County Correctional Treatment Center for a full assessment to determine the level of service needed. Offenders who do not comply with treatment program requirements are immediately arrested and detained in the local jail; a violation report is immediately delivered to the district attorney who is then prepares to proceed with a probation violation. Each violation results in a recommendation that probation be continued along with: 2 days in jail for the first violation; 10 days in jail for the second violation; and 30 days in jail for the third violation.

Upon release from jail, the defendant is sent to a treatment facility and, if necessary, a follow-up assessment of his/her treatment needs is conducted. Any person arrested through the DROP program is tested at least once per month for six months for THC and amphetamines, with some clients tested for other drugs also.

Since implementing the DROP program, local officials have found that drug usage by probationers in the DROP Program has significantly declined and, in addition, a significant decrease in dirty urines among other persons on probation and parole has also been noted.

For further information contact:

Steve Liday, Director
Coos County Community Corrections
155 North Adams
Coquille, Oregon 97423
Tel.: 503/396-3173

Multnomah County (Portland) Circuit Court
Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.)

Number of Judges (District and Circuit Courts): 34

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Multnomah County (Portland) Circuit Court

Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.) (Continued)

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: In December 1991, an Expedited Drug Case Management Program (EDCM) was instituted, using differentiated case management principles for drug and drug related cases. Cases are screened within 2-7 days of filing and assigned it to one of three tracks: a deferred prosecution track, a special track for drug offenses; and a special track for property offenses involving drug dependent defendants.

All felony cases are screened upon arrest by the pretrial release agency and drug cases are flagged for expedited processing. Within 2-7 days of arrest, each case involving a drug offense is screened by the special drug court prosecutor and assigned to one of two tracks: (a) the deferred prosecution track (STOP Program) or the special drug case trial track. Cases involving drug related offenses¹⁹ are assigned to an expedited trial track which is slightly longer than the drug case track to accommodate the schedules of civilian witnesses.

Defendants in the deferred prosecution track begin receiving acupuncture treatment, counseling and other treatment services beginning on the third day following arrest and must remain in the program for 12 months before they can be considered for successful completion.

The EDCM and STOP program components operate as follows:

Deferred Prosecution Track (STOP Program): Approximately 25% of the drug cases filed each month are deemed eligible for the deferred prosecution program²⁰. Eligibility requirements include (1) no evidence that the defendant is involved in drug dealing; (b) no other felony or Class A misdemeanor cases pending or charged against the defendant; (c) no detainers lodged against the defendant from other jurisdictions; and (d) no DUI charge against the defendant arising out of the same incident giving rise to the current drug charge. Defendants are notified of their eligibility at their arraignment²¹ and provided with a Notice which describes the STOP program, including eligibility criteria and program participation requirements. Ninety-five percent of the STOP program participants are referred by the prosecutor; a few are referred by private defense counsel following arraignment. A special public defender is appointed for eligible defendants who are indigent and cases are set for hearing two days following arraignment before the special judge assigned to the STOP program. During this 48 hour period, the defense attorney meets with the defendant, describes the program, and determines whether the defendant is interested in entering. At 11 a.m., the following day, all eligible defendants appear before the STOP Program Judge and may either petition to enter the STOP program or decline to participate and proceed along the standard Drug Case track.

¹⁹ e.g., cases determined by local judicial system officials as being the product of drug dependency of the defendant. These cases are primarily property offenses.

²⁰ This relatively large percentage of drug cases eligible for the deferred prosecution program, compared with "Drug Court" programs in other jurisdictions, is a result of a number of factors including (a) the minimal weight given to offenders' prior criminal history providing they are not currently charged with crimes of violence, and (b) the fact that most serious drug offenses are filed in federal court as a result of the relatively lenient sentencing provisions for drug offenses in Oregon.

²¹ The day following arrest for detained defendants and seven days following arrest for released defendants.

Multnomah County (Portland) Circuit Court

Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.) (Continued)

A defendant who agrees to participate in the STOP program has 14 days to withdraw his/her agreement to participate in which event the case goes back into the regular adjudication process as though it had never been delivered to treatment. If the defendant withdraws his/her participation after 14 days, he/she waives the right to a jury trial and proceeds to trial before the court on a stipulated statement of the facts in the police report. Defendants who wish to challenge the legality of their arrest or the search which produced the controlled substances giving rise to their charges, or have other concerns regarding the legality of their charges, may file appropriate motions upon which the Court will rule regardless of whether or not they agree to participate in the STOP program. If the motion is granted, the charges will be dismissed and the defendant may terminate STOP program participation or continue voluntarily.

Standard Drug Case Processing Track: Drug cases not assigned to the STOP program are assigned to the standard Drug Case Processing Track which averages approximately 60 days to disposition. Almost all of these cases involve drug possession since cases involving drug trafficking are generally filed in the federal court which can impose more stringent sanctions. Some defendants eligible for the STOP program may be assigned to the Standard Drug Case Processing Track if, for various reasons, they are unable to meet participation requirements (e.g., live too far away to come for daily acupuncture, etc.) Approximately 75 of the defendants assigned to the Standard Drug Case Processing Track are assigned to a special pretrial drug evaluation and monitoring program. To promote the program's success, jail beds have been set aside to accommodate defendants who violate pretrial conditions.

All defendants in this track who are convicted of drug offenses receive sentences which include a probationary period of various treatment program participation. Treatment services are provided by a number of local treatment providers under contract with the Multnomah County Department of Community Corrections and/or the Multnomah County Department of Social Services. A variety of treatment modalities are used.

Property Offense Track: The treatment needs of defendants charged with drug-related property offenses are assessed and addressed in the same manner as used for defendants in the standard Drug Case Processing Track.

Treatment Services: For defendants in the Deferred Prosecution program, a combination of treatment modalities are used, including regular urine testing, acupuncture, one-on-one counseling, group therapy and, where warranted, in-patient treatment. The intensive phase of treatment is generally completed within one to six months following arrest, with additional follow-up as warranted; treatment generally continues for up to one year.

Defendants in the Deferred Prosecution Track submit to daily acupuncture, beginning within 24 hours of court appearance, and proceed with this regime for several weeks, after which the frequency of their acupuncture treatments is gradually reduced. STOP Program participants also receive on-going counselling and random urinalysis. They appear monthly before the STOP Program Judge who reviews their performance. Failure to perform can result in sanctions ranging from reprimand, to a period of incarceration, to complete program termination. If the defendant completes the prescribed one year program successfully, he/she receives a certificate in a special ceremony in the Court and the case is dismissed.

Treatment needs of defendants assigned to the other two tracks are assessed during the pre-trial period and treatment services generally begin after a defendant is placed on probation.

Multnomah County (Portland) Circuit Court

Expedited Drug Case Management and Deferred Prosecution Programs (S.T.O.P.) (Continued)

For further information contact:

Deferred Prosecution Program

Judge Harl Haas
Multnomah County Circuit Court
1021 Southwest Fourth, Room 512
Portland, Oregon 97204
Tel.: 503/248-3052

Judge Roosevelt Robinson
District Court
1021 Southwest Fourth
Portland, Oregon 97204
Tel.: 503/248-3731

Valerie Moore, Director
InAct, Inc.
1135 S.E. Salmon
Portland, Oregon 97216
Tel.: 503/234-4993

Expedited Drug Case Management Program

Judge William Keys
District Court
1021 S.W. Fourth Avenue
Portland, Oregon 97204
Tel.: 503/248-3214

Doug Bray
Court Administrator
Multnomah County Circuit Court
1021 S.W. Fourth Avenue
Portland, Oregon 97204
Tel.: 503/248-3957

PENNSYLVANIA

Philadelphia Court of Common Pleas
Expedited Drug Case Management Program

Number of Judges (Court of Common Pleas): 84

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Summary: The Philadelphia Court of Common Pleas implemented its Expedited Drug Case Management (EDCM) Program on January 2, 1990, focussing initially on felony cases assigned to the Court's Felony List Program.²² All cases filed after that date have been assigned to one of four tracks, based upon the speed with which adjudication and disposition can be expected. In September 1990, the EDCM program was expanded to the Major Felony Case Program.²³

In structuring the Philadelphia EDCM program, local officials attempted to address the constraints imposed on the judicial process by (a) the relatively low threshold for application of mandatory sentencing provisions for drug offenses; (b) the provisions imposed by state sentencing guidelines; (c) the fact that many drug dependent defendants were not necessarily charged with specific drug offenses; and (d) the fact that many defendants had multiple charges (drug and non-drug) as well as multiple cases pending. In response to these factors and their interrelationship, a decision was made to focus the EDCM program on expediting all felony cases rather than to single out drug cases alone. Case differentiation and track assignment is made by the Trial Court Administrator's Office immediately upon filing in the Court of Common Pleas on the basis of (1) defendant's custody status and (2) the likelihood of early case disposition.

Simultaneous with expediting the adjudication of felony cases has been the expedited referral of drug cases to the County Department of Probation and Parole which is responsible for presentence reports, mental health evaluations and supervision. To this end, Probation officials have launched several special initiatives:

- (1) Expedited screening of defendants whose cases are eligible for Track A (see below);
- (2) Expansion of alternatives to incarceration; and
- (3) Expansion of community based correctional services.

²² The Felony List Program handles felony cases with less serious charges, less serious prior records of defendants and in which no jury trial has been requested at time of filing. The estimated trial time for Felony List Program cases is a maximum of 1 to 1.5 hours. The Felony List Program caseload accounts for approximately 70% of the Court's total felony caseload.

²³ The Major Felony Program handles all jury trial requests as well as the more serious felony cases, including rape, major arson; robbery cases involving mandatory incarceration; felonies with a firearm; and drug offenses in which a sentence of incarceration is mandated. Estimated trial time for cases in the Major Felony Program exceeds 1.5 hours.

Philadelphia Court of Common Pleas
Expedited Drug Case Management Program (Continued)

Although the initial purpose of the EDCM program was to expedite the disposition of drug offenses and to accelerate the point at which defendants in drug cases came under court supervision and treatment. Attention initially focussed on those drug cases which could be diverted or be disposed of through pretrial diversion. As program planning progressed, however, it became apparent that a far greater segment of the court's caseload was amenable to the expedited case management program. In addition, it also became apparent that many non-drug offenses were committed by defendants with drug problems who could benefit from accelerated probation referral even if they had not been charged specifically with a drug offense.

Accordingly, when the program was implemented on January 2, 1990, all cases (drug and non-drug) filed in the Court's Felony List program were included. Based on the Court's success in disposing of these cases, the EDCM program was expanded to cases in the Major Felony Division on September 1, 1990. In February 1991, the Pennsylvania Supreme Court approved a phased-in expansion of the Differentiated Case Management procedures introduced in the Felony List Program to the entire criminal docket.

The EDCM program operates as follows:

Track A cases which are eligible for diversion from trial (e.g., through the Accelerated Rehabilitation Program) or for disposition on the day of arraignment through a guilty plea. If an "A track" case is not disposed on the day of arraignment, it will be reassigned to Track B if the defendant is in custody or to Track D if the defendant is released. Track A was established to transform the arraignment into a meaningful screening mechanism whereby defendants charged with certain non-violent offenses can be offered an opportunity to enter a guilty plea on their first appearance in Common Pleas Court; initially, Track A cases included primarily retail theft, auto theft, bribery, illegal use of credit cards, etc. As the EDCM program progressed, Track A was expanded to include burglary, arson, certain drug cases and escape.

Track B cases involve primarily incarcerated defendants whose cases are not eligible for Track A or whose cases are not disposed of through the Track A process. Track B was established to enhance trial date certainty for custody cases, regardless of the charge, by providing for a trial readiness conference 21 days after arraignment. The initial intent of Track B was to ensure the timely completion of discovery, screen out cases in which a defendant requested a jury trial, and to provide for stipulations to testimony which would reduce the necessity of witness appearances on the day of trial.

Track C cases involve defendants in custody with multiple open cases which can be consolidated and disposed of at or shortly after arraignment. Track C was designed to consolidate at a single adjudicatory proceeding multiple cases pending against a defendant in custody, regardless of the charges involved. These cases are identified at the time an EDCM case is filed and scheduled before the EDCM judge for a consolidation hearing. If a consolidated disposition of these pending cases cannot be achieved, the EDCM case is assigned to Track B or D, as appropriate, and the other pending cases proceed as originally scheduled.²⁴

Track D cases are those which do not fall into Track A, B, or C (generally bail cases and complex custody cases). Track D serves as the standard track on which all cases would be assigned if they were not adjudicated through the mechanisms established by Tracks A, B or C.

A fifth track, Track E, was created eight months after the initial EDCM program began, to target for expedited disposition more serious felony cases and cases in which jury trials had been requested. Track E was subsequently incorporated in the DCM program developed for the Major Case Division.

²⁴ The Track C procedure was important when the EDCM program began because of the large number of defendants who had multiple pending cases; as the EDCM program has progressed, the number of Track C cases has necessarily declined.

Philadelphia Court of Common Pleas
Expedited Drug Case Management Program (Continued)

The track assignment process occurs as follows:

Immediately following the preliminary hearing in the Municipal Court, the public defender provides the Court Administrator of the Court of Common Pleas with a list of defendants who appear to be eligible for diversion programs or who seem likely for disposition through Track A. A copy of this notice is also sent to the Probation Department for purposes of obtaining criminal history information and screening for treatment programs. Approximately two days prior to arraignment in the Court of Common Pleas, the Deputy Court Administrator for Criminal Listings reviews each case and assigns it to the appropriate Court administrative division (i.e., Felony List, Major Felony, or Homicide). At that time, cases assigned to the Felony List program are also assigned to the appropriate track based on the criteria established. This information is also entered into a personal computer in the Court Administrator's Office which permits the Court to monitor the operation of the EDCM program.

Cases proceed in the EDCM tracks as follows:

Track A cases are heard before the Arraignment Court judge and disposed of on the day of arraignment; if an A case is not disposed of that day, it becomes a B or D Track case depending upon whether the defendant is in custody;

Track B cases generally involve custody defendants and are scheduled for a trial readiness conference 20 working days after arraignment before the EDCM judge. The purpose of the trial readiness conference is to monitor discovery, discuss stipulations to testimony, screen jury demands and identify additional non-trial dispositions. Trials of Track B cases are scheduled for 49 days after arraignment. In the event a continuance is required, it does not exceed 30 days.

Track C cases are scheduled for a pretrial conference within 21 days following identification. Because of difficulties in retrieving files for pending cases scheduled shortly after the Defendant's arraignment on the EDCM case, a decision was made to exclude from Track C consideration of any pending case scheduled within 30 days of the arraignment because of the difficulty in (a) locating the file for the pending case and (b) reassigning it to the public defender and district attorney handling the consolidated Track C hearings. However, if a case, otherwise suitable for Track "C", is assigned to Track "B" because of these scheduling problems, pending multiple charges will be dealt with at the Track B trial readiness conference. If the cases are not disposed of at the conference, the new case continues in Track B for disposition and the pending cases proceed as scheduled.

Track D cases are set for trial 45 days following arraignment, with no intervening events. Most Track D cases are disposed of at the first trial setting; if a continuance is essential, disposition occurs in any event no later than 90 days following arraignment.

Below is a comparative summary of the case processing events and timeframes applicable to each track in the EDCM program:

Philadelphia Court of Common Pleas
 Expedited Drug Case Management Program (Continued)

Event	<u>All Cases</u>			
	Track A	Track B	Track C	Track D
Arrest	Day 1	Day 1	Day 1	Day 1
Mun.Ct. Pr.Hrg	Day 10	Day 10	Day 10	Day 10
Arrgnt. in C.P. Court	Day 1*	Day 1*	Day 1*	Day 1*
* 30 days after arrest but Day 1 as a Court of Common Pleas Case				
Dispos. Hearing	Day 1	n/a	n/a	n/a
Pretr. Conf.	n/a	Day 21	Day 21 ²⁵	n/a
Trial	n/a	Day 49	n/a	Day 49

Treatment/Supervision Services: Concurrent with the goal of expediting the adjudication of drug offenses is the goal of accelerating the point at which drug offenders come under the supervision of the Court and its supervision and treatment programs. To this end, focus has been initially directed toward early probation screening of incarcerated defendants suitable for "A" track disposition so that the EDCM judge handling the disposition of "A" track cases at the time of arraignment has adequate presentence information at that time for sentencing and probation referral.

In addition to various intensive supervision programs, concurrent with the implementation of the EDCM program, funding from the State Board of Probation and Parole permitted the Probation Department to establish the Drug Offender Work Program (DOWOP) which provided multiple weekly contacts, urinalysis on demand, job training, and community service to defendants with low levels of drug involvement and minimal criminal histories. Generally, these defendants were adjudicated through the Track A process. Each defendant referred to the DOWOP program was required to spend the first sixty days following referral at a private non-profit residential and vocational group center known as the Greater Philadelphia Center for Community Corrections. During this period, staff prepared a structured program of drug counselling, vocational assessment and preparation for conditions of supervision along with arrangements for a medical assistance card, determination of training services, and other personal support, as needed. The assessment of the defendant's needs made during this sixty-day period then became the basis for the probation officer's subsequent supervision.

In addition to the DOWOP program, the probation office also provides intensive drug supervision, electronic monitoring, and other specialized services, as appropriate, for other drug dependent defendants.

For further information contact:

Judge Legrome D. Davis
 Judge, Court of Common Pleas
 506 City Hall
 Philadelphia, PA 19107
 Tel.: 215/686-9534

²⁵ e.g., 21 days following identification of the pending cases by the Trial Court Administrator's Office.

PUERTO RICO

Puerto Rico Special Drug Courtroom Program

Number of Judges (Superior Court): 92

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: In August 1991, three special Courts were created to handle drug cases, funded with BJA block grant funds. Three additional judgeships were created for the courts, along with 15 additional staff positions. The three Drug Courts, located in different geographic areas of Puerto Rico, were intended to increase the judicial system capacity to handle drug cases, reduce drug case processing time and reduce the caseloads of the other judges.

For further information contact:

Mr. Alfredo Riviera-Mendoza
Court Administration Office
P.O. Box 19017
San Juan, Puerto Rico 00919-0917
Tel.: 809/763-5460

TEXAS

I. Relevant State Activities:

Texas courts receive a high volume of drug cases resulting from the work of the Narcotics Task Forces which operate in over 200 counties in the state and generate a high volume of cases. Statutory provisions exist for deferred adjudication of criminal cases, permitting an eligible defendant to enter a plea of guilty with the imposition of guilt withheld pending the defendant's successful completion of a probation and treatment program generally ranging between two and ten years. If a defendant successfully completes 25% of the probationary period and all conditions imposed he/she can apply for early discharge. A deterrent factor regarding defendants' agreeing to participate in the deferred adjudication process, however, is that, if they are terminated for noncompliance, they are then exposed to the entire sentence sanction applicable to the original charge, including incarceration.

II. Local Programs:

Bexar County (San Antonio) Drug Impact Court

Number of Judges (Bexar County District Court): 19

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Bexar County instituted a drug court in 1986 -- the first drug court in the state -- to expedite the adjudication of drug cases which were receiving secondary scheduling priority when they competed for trial time with the general criminal docket. One result of the Drug Court has been that plea dispositions are occurring earlier in the District Court -- presumably because of the trial certainty the Drug Court provides. Although it is not statutorily created, the Drug Court functions as a regular District Court, with identical procedures.

The Court uses retired judges and can also use visiting or former judges, who are assigned by the administrative judge for the county. In addition to the visiting judge, the court is staffed by four prosecutors, two investigators, one secretary and other support staff. It is presently proposed that the Drug Court be expanded to include violent crimes as well (cases involving violent crimes doubled in the past year); these cases now included in the Drug Docket when possible. By having a judge available for trial, earlier pleas are resulting.

Several other innovations being used in Bexar County to expedite the disposition of drug offenses are:

(a) Direct filing prior to indictment: In lieu of the previous procedure of obtaining a grand jury indictment before scheduling any court appearance for the defendant, cases can now be directly filed and a hearing scheduled within 30 days of booking at which both prosecutor and defense counsel appear and can discuss possible plea. In some instances, an extension for an additional thirty days may be granted to achieve a plea. For those cases not resolved at this point, indictments are then sought. As a result of this procedure, cases are being disposed of much sooner and substantial cost savings in grand jury expenditures have been achieved.

(b) Closer cooperation with the U.S. Attorney through the Weed and Seed Program: this cooperation is designed to permit the U.S. Attorney to handle cases that can receive more severe sanctions through the federal courts (in Texas, offenders sentenced to federal prison serve 80% of their sentence compared with a much smaller percentage of time served by offenders sentenced to state prison in Texas.)

Bexar County (San Antonio) Drug Impact Court (Continued)

For further information contact:

Ed Coffee
Assistant District Attorney
Bexar County District Attorney's Office
Bexar County Justice Center
300 Deloroso
San Antonio, Texas 78205
Tel.: 210/220-2322

Dallas County (Dallas) Drug Impact Courts

Number of Judges (Dallas District Court): 30

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Three auxiliary Drug Courts were established in Dallas, served by regular District Court judges who rotate, generally weekly. The Drug Courts handle the serious drug cases.

The three Drug Courts have been in operation since 1990 and are designed to expedite drug case dispositions by having judges available to concentrate on the drug cases, hearing motions (the volume of motions is estimated to be slightly higher in these courts than in the regular District Courts) and assuring that scheduled jury trials can be conducted when scheduled.

For further information contact:

Shannon Ross
Assistant District Attorney
Dallas County District Attorney's Office
133 North Industrial, Lockbox 19
Dallas, Texas 75207
Tel.: 214/653-3600

El Paso County (El Paso)

West Texas Drug Impact Court

Number of Judges (El Paso District Court): 11

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The West Texas Drug Impact Court in El Paso, funded through a BJA block grant to serve a three-county area, is designed to handle the criminal cases arising out of the local/regional Narcotics Task Force as well as drug cases associated with civil asset forfeiture proceedings. The Drug Impact Court came into existence two years after the expanded Task Force became operational and therefore inherited a substantial case backlog along with current cases. Less serious drug cases continue to be handled by the District Court.

El Paso County (El Paso)

West Texas Drug Impact Court (Continued)

Although a number of Texas Districts have established Drug Impact Courts, El Paso's illustrates a number of unique features including : the assignment of the same judge to the Drug Impact Court (rather than rotating visiting judges); the judge's involvement in the case from the moment of the search warrant application, his 24-hour availability, the continuity of pretrial/probation services through assignment of the same officer, and the vertical assignment of prosecutor and defense counsel.

The Drug Impact Court is staffed by a fulltime court coordinator, reporter and part-time bailiff and project coordinator. The County has provided permanent facilities and a retired judge from the Court of Appeals is on 24-hour availability (via a beeper) with the presiding judge for the 23-county region serving as his back-up. The same Drug Impact Court judge hears all matters involving a case from start to finish.

The effectiveness of the Drug Impact Court is attributed to the early, continuous and continuity of supervision which the judge exercises over each case, the cooperative efforts among federal, state and local justice system agencies, and the vertical assignment of prosecutors, public defenders (though an estimated 95% of the defendants use private counsel), and probation officers. (The Probation Department agreed to permit probation officers to assume pretrial functions when the program began).

An estimated 80% of the cases handled by the Drug Impact Court involve illegal aliens as one of the co-defendants. If the illegal alien receives probation, a border patrol and INS officer are in the courtroom to escort him/her to INS authorities.

For further information, contact:

Susan Hatch
West Texas Impact Court
500 East San Antonio, Suite 905
El Paso, Texas 79901
Tel: 915/546-8135

Harris County (Houston) Drug
Impact Courts

Number of Judges:(Houston District Court): 59

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Two special courts were created in 1992 to permit drug cases which were trial ready to be scheduled sooner than would be permitted if the drug cases competed with other criminal matters for trial. Trial ready drug cases are referred to the Drug Impact Courts by the regular District Courts in which they were initially filed; generally two trial-ready cases are referred to the Drug Impact Courts each week with additional cases referred as these cases are disposed. All pre-trial matters relating to these cases are handled by the regular District Courts.

For further information, contact:

Judge Miron Love
Administrative Office of the District Courts
301 San Jacinto
Room 100
Houston, Texas 77002
Tel.: 713/755-6575/755-6332

Jefferson County (Beaumont)

(1) Jefferson County Drug Impact Court

Number of Judges (Jefferson County District Court): 7

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: Funded with BJA Block grant funds, the Drug Impact Court was created to handle all drug cases filed in the County. The Court is staffed by one visiting judge -- generally a retired judge who volunteers for the assignment -- and is overseen by two regular judges. Cases are referred to the Drug Impact Court after indictment.

For further information contact:

Denise Botcher
Criminal Victim Coordinator
Jefferson County District Attorney's Office
P.O. Box 2553
Beaumont, Texas 77704
Tel.: 409/835-8558

(2) Jefferson County Drug Intervention Court

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Drug Intervention Court was established to reduce the number of felony offenders who are "recycled" through the criminal justice system by focussing on the drug usage and addiction of those defendants for whom drug usage is deemed a major cause of their criminal behavior. Defendants eligible for the program are:

- first offenders/possession cases involving a small amount of drugs (generally cocaine)
- property (theft) offense defendants

Eligible defendants must be residents of Jefferson County, have no history of violent offenses, and have served no state prison time. Cases involving drug delivery are not eligible.

The Pretrial Release agency reviews all arrests each day and identifies any drug or drug related offense involving a defendant who has drug dependency and no violent criminal history. Persons identified during this screening are referred to the prosecutor for potential assignment to the drug intervention program. If a victim is involved (e.g., for property offenses), the victim is consulted regarding the defendant's potential program participation.

(2) Jefferson County Drug Intervention Court (Continued)

Defendants selected for the program are sent to the Court's Intake office where he/she signs a drug diversion contract (modelled after other diversion contracts used in the county and after TASC contracts) and are then referred immediately to treatment (generally within 2-3 days of arrest), where he/she is assessed and enters the treatment program. The defendant is scheduled for the next available court setting -- generally within 2-3 weeks at which time the Drug Court judge reviews the defendant's progress, and the diversion contract is executed by the judge and prosecutor. The prosecutor sets aside the case for grand jury presentment, pending the defendant's successful completion of the treatment program.

The program began with two judges assigned but, as it developed, it became necessary to assign a special judge to the program and a part-time magistrate has been hired for this purpose.

Treatment Services: Treatment consists of a 12-month program incorporating acupuncture with traditional 12-step support groups, intensive drug screening and assessment which may initiate include referral to out-patient or residential treatment if necessary. Eligible defendants also must attend individual and group counselling sessions, NA and AA, and appear periodically in court (generally every six weeks unless they have problems in which case they appear every two weeks.) As long as a defendant receives acupuncture, he/she receives daily urinalysis.

For further information contact:

Walter M. Sekaly, Magistrate
Jefferson County Drug Intervention
and Diversion Program
Longfellow Building
1110 Longfellow
Beaumont, Texas 77706
Tel.: 409/899-2051

Cheryl N. Davis, Coordinator
Jefferson County Drug Intervention Program
Jefferson County Courthouse
1149 Pearl Street
Beaumont, Texas 77706
Tel.: 409/839-2388

Tarrant County (Fort Worth)
Court Drug Impact Court

Number of Judges (Fort Worth District Court): 19

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The Drug Impact Court in Fort Worth, funded with a BJA block grant in FY 92, was established to handle serious drug cases and to assure that they receive scheduling priority they might not otherwise receive if scheduled as part of the general criminal docket. The Drug Impact Court operates along with the eight existing District Courts which were constitutionally or statutorily created. Cases are assigned to the Drug Impact Court at some point after indictment, generally by one of the District Judges. Assignment to the Drug Impact Court ("Courtroom C") can also be requested by the Prosecutor's Office for cases referred by the local Narcotics Task Force. The District Court retains authority to take back a case referred to the Drug Impact Court, though this is not commonly done.

The Drug Impact Court is staffed by a court coordinator and other staff (bailiff, prosecutors, and others) like the District Courts but is served by a visiting judge.

Case processing and scheduling procedures vary among the District Courts and, so, may also vary in comparison with the Drug Impact Court but no special procedures have been implemented for the Drug Impact Court.

Tarrant County (Fort Worth)
Court Drug Impact Court (Continued)

For further information contact:

Les Smith
Criminal Justice Analyst
100 East Weatherford
Fort Worth, Texas 76196-0102
Tel.: 817/884-1734

Bill Koos
Chief Prosecutor for Drug Cases
Tarrant County District Attorney's Office
6845 Manhattan Boulevard, Suite 300
Fort Worth, Texas 76120
Tel.: 817/496-9402

Travis County (Austin) District Court Drug Diversion Court

Number of Judges (Travis County): 3

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

If court-based treatment program, point of intervention:

- pretrial
- post-adjudication, pre-sentencing
- post conviction

Program Description: The Travis County Drug Diversion Court began in July 1993 as a deferred prosecution program for defendants charged with felony drug possession under 10 grams. The Court is staffed by a part-time magistrate hired specifically for the Drug Court, a public defender, prosecutor, and bailiff.

Potentially eligible defendants are identified by the Pretrial Services department which refers them to the Court for further screening. Upon release from jail, defendants are further screened by the district attorney and, if approved, can enter the program. The defendant then appears before the Drug Court Magistrate and signs a program agreement, along with the magistrate, district attorney and public defender. Persons entering the program do not enter a plea; they sign the program participation agreement. If they withdraw from the program or are terminated, their case is referred to the District Attorney for indictment.

The Drug Court meets twice a week at night with defendants appearing 1 -3 times per month.

Treatment Services: There are two components of treatment services: drug abuse and vocational assistance. The drug abuse treatment component of the program has three phases:

- First Phase: Two weeks has daily urinalysis, counseling and acupuncture:
- Second Phase: Twelve weeks of sessions meeting three times each week
- Third Phase: Counselling and other services provided in accordance with defendants' needs.

Throughout the program, defendants are referred for educational and vocational assistance, as needed.

For further information contact:

Judge Joel B. Bennett
Travis County Drug Diversion Court
316 W. 12th Street
Austin, Texas 78701
Tel.: 512/476-8596

Diane Magliolo, Drug Court Coordinator
c/o Pretrial Services Office, Room 105
P.O. Box 1748
Austin, Texas 78767
Tel.: 512/473-9381 ext. 5381

Webb County (Laredo) Drug Impact Court

Number of Judges: (Webb County District Court): 4

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: The Webb County Drug Impact Court was established in 1990 to promote scheduling priority for drug cases. Because the three existing District Courts in the County handled civil and criminal matters, drug cases consistently received secondary scheduling priority when criminal jury trials were set, and drug cases were consistently deferred on the day of trial for jury trial assignment.

The Webb County Drug Court handles all felony drug cases, operating under the umbrella of the 49th District Court. Cases are assigned following indictment and the court is served by visiting judges. The dispositional time goals for the Drug Court are within 2-3 months from indictment. Although the volume of drug cases has tripled since the Drug Court was established, local officials feel that the Drug Court has permitted more timely disposition of drug offenses and scheduling priority for drug cases. Pleas also appear to be arrived at earlier.

For further information contact:

Cordy Dominguez
Court Coordinator
Webb County Drug Impact Court
Courthouse Annex Building
1001 Houston, Second Floor
Laredo, Texas 78040
Tel.: 210/721-2500

WASHINGTON

Pierce County (Tacoma) Superior Court
Differentiated Case Management Program

Number of Judges (Superior Court): 18

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- * earlier/more effective treatment intervention

* desired if treatment resources can be obtained

Program Description: The criminal DCM Program in Pierce County, Washington was launched on July 1, 1988, focussing initially upon felony drug cases. "Drug" cases were defined as the following:

- cases involving only drug charges
- cases involving both drug and non-drug violations (regardless of whether the drug charges subsequently were dismissed) as long as the primary charge involved a drug offense;
- sentence violations involving a pre-DCM case drug conviction.

In July 1989, the DCM program was expanded to include sexual assault cases and, in April 1990, the rest of the criminal docket was incorporated into the DCM system. An essential component of the DCM program was the transfer of case calendaring responsibilities for the DCM cases from the prosecutor to the newly established court administrator's office.

The goals of the DCM program were to promote the speedy disposition of drug cases; to reduce jail crowding; to provide firm, reliable trial dates; and to significantly reduce the continuances of trials and other scheduled hearings.

The underlying premise of the program has been to provide court control, certainty and consistency to the caseload process and to dispose of cases in a manner consistent with their processing requirements. Specific intermediate events were instituted to permit the Court to better monitor case progress and encourage meaningful pre-trial negotiation. In addition, the Court has required each continuance request to be submitted to the judge presiding over the proceeding who, upon inquiry, grants such requests only upon a showing of good cause. Stipulation by both sides is no longer sufficient.

The DCM Program consists of four plans (tracks)²⁶: A, B, C, and D. Plan D is used primarily for Sexual Assault (SAU) cases and very serious felonies. The tracks and their criteria were developed jointly by the Court, the Prosecuting Attorney and the Department of Assigned Counsel. Since the DCM program in Pierce County was phased in by case type, i.e., first applied to drug cases, then to SAU cases, etc.

The following is a description of the track criteria and case processing procedures for drug cases under Pierce County's criminal DCM system:

Criteria for track assignment and disposition time standards, including intermediate event deadlines, have been established for each of the three DCM tracks (plans) as follows:

²⁶ Local officials felt the term "track" offensive to the concept of quality and justice which the DCM program was designed to support and therefore chose the term "plan" to distinguish the case categories adopted for the DCM program.

Pierce County (Tacoma) Superior Court
Differentiated Case Management Program (Continued)

Plan A cases have no complex factors such as multiple defendants, suppression issues, etc. The disposition time standard for Plan A is a maximum of thirty days from arraignment to disposition. Cases assigned to Plan A include cases involving the following:

- A charge of unauthorized possessions of controlled substances with no suppression issues or pretrial motions involved.
- An in custody defendant.
- A single defendant.
- A simple analysis of drugs.
- Minor criminal sanctions.
- A defendant who has pled at the Pre-Trial Hearing.
- A defendant for whom a plea date has been set.

A typical case assigned to this Plan involves a single defendant, with one or two charges to which a guilty plea is considered likely.

Plan B cases include cases in which a plea is not initially anticipated and which are more complex than Plan A cases, involving multiple defendants and/or more serious charges, and defendants with prior records; however, these cases do not involve complex motions or special proceedings. The disposition time standard for Plan B cases is a maximum of 120 days from arraignment to disposition. Since the Washington State speedy trial statute requires disposition of felonies within 60 or 90 days, depending on custody status, Plan B cases which extend beyond these limits are those in which the defendant requests a waiver of the speedy trial requirement. Typical Plan B cases include:

- Drug cases with stop/search issues;
- A search warrant with a small amount of drugs, no search/seizure issues or deliveries;
- A defendant who has prior felony convictions; and
- An out of custody defendant.

Plan C is reserved for complex cases such as those in which many or complicated motions are anticipated, multiple defendants are involved, conspiracy issues are relevant, or substantial sentences may be imposed. This category may also be used for cases involving informants. The disposition time standard established for this track is a maximum of 150 days from arraignment to disposition. Typical Plan C cases would include cases

- Involving search warrants;
- Multiple defendants;
- Conspiracy allegations;
- Ongoing related investigation(s);
- An amount of drugs which involve extensive testing; and
- A serious potential prison sentence.

Preliminary determination of the appropriate DCM plan for each case is made by the attorneys prior to or at the pretrial hearing. As noted in Section IB5 above, the plan selected, along with the dates agreed to for future events and cleared with the court, are indicated on the Scheduling Conference Order (See Appendix A) submitted to the judge who reviews the plan and schedule with the attorneys involved. The Scheduling Order is then signed, with modifications if appropriate, and governs all future events through trial.

Pierce County (Tacoma) Superior Court
Differentiated Case Management Program (Continued)

At arraignment, a date is set by the court for a pretrial hearing which is scheduled within ten days (See Appendix A). Immediately prior to the pretrial hearing, prosecuting and defense attorneys confer and fill out a Scheduling Conference Order (Appendix A) on which they indicate the DCM Plan requested and proposed dates for subsequent hearings/events consistent with the specific scheduling requirements of the applicable Plan. At the pretrial hearing, discovery is exchanged and the scheduling-order is submitted to the judge for approval. The judge may modify the Plan or the dates depending on his or her assessment of the case. Once agreement is reached, the judge, attorneys and the defendant sign the Scheduling Order and it becomes the order of the court setting the schedule for all future events and is placed in the case file, with copies given to all parties. Further notice of the assigned dates is waived and the dates are entered in the pc computer case tracking record by the Criminal Case Manager.

The events and timeframes applicable to each Plan are as follows:

<u>Event</u>	<u>Plan A</u>	<u>Plan B</u>	<u>Plan C</u>
Case Filed By Pros. Atty.	Day 1	Day 1	Day 1
Arraignment	Day 2	Day 2	Day 2
Exchange of Discovery	Day 10-15	Day 10-15	Day 10-15
Attys. File Sched. Conf.Order ²⁷	Day 10-15	Day 10-15	Day 10-15
Pretrial Hrg	Day 10-15	Day 10-15	Day 10-15
Omnibus Hrg.	-----	as sched.	as sched.
Trial	Day 30	Day 60-120	Day 120-150

Sentencing generally occurs at time of plea or trial, particularly for simpler cases, unless a presentence investigation (psi) is deemed necessary.

For further information contact:

Judge J. Kelly Arnold
Pierce County Superior Court
930 Tacoma Avenue, South
Tacoma, Washington 98402
Tel.: 206/591-3655

Beverly E. Bright
Superior Court Administrator
Pierce County Superior Court
930 Tacoma Avenue, South
Tacoma, Washington 98402
Tel.: 206/591-3654

²⁷ The Scheduling Conference Order is prepared by the attorneys and includes their requested track assignment for the case and dates agreed to for remaining events consistent with the track timetable. The judge will honor the proposed Order if it complies with the DCM program guidelines regarding track assignment and applicable case processing timeframes; if it does not, the judge will discuss the matter with the attorneys and attempt to resolve any special problems the case presents. Generally, proposed scheduling orders have been consistent with the DCM program guidelines.

WISCONSIN

Milwaukee District Court
Drug Court Division

Number of Judges: 46

Principal Program Objective(s):

- improved case management/expedited disposition
- improved handling of probation violations
- earlier/more effective treatment intervention

Program Description: In 1990, Milwaukee established a special narcotics court to eliminate lengthy delays occurring when narcotics cases were forced to compete with violent felonies for scheduling. The goal of the drug court has been to reduce disposition time for narcotics cases, thereby reducing the time accused dealers have to continue their activities while on pretrial release, and to increase public confidence in the justice system and public willingness to report drug activity. The special drug court began operation with the goal of bringing narcotics cases to trial within 90 days of charging. In addition to segregating drug cases for assignment to the special court, various management procedures have also been instituted to promote earlier plea negotiations, greater scheduling certainty, and firmer trial dates.

The Court's Felony Rules Committee has developed a pretrial scheduling order which has served as the vehicle to implement the 90-day case disposition goal. The Pretrial Scheduling Order stipulates that drug cases will come to trial within 90 days of filing, although judges often set trial dates much earlier -- 60 days after filing. The Scheduling Order also provides for other procedural changes, including reciprocal discovery, with information to be exchanged within 10 days of preparing the Scheduling Order: the filing of motions within 15 days of the Scheduling Order; a final pretrial conference and omnibus motion hearing two weeks before the scheduled trial date to dispose of all motions and to take pleas. Numerous inter-agency meetings have also been held to plan and implement the Drug Court program.

For further information contact:

Ronald Witkowiak
District Court Administrator
Milwaukee County Courthouse
9012 North Ninth Street, Room 609
Milwaukee, Wisconsin 53233
Tel.: 414/278-5115