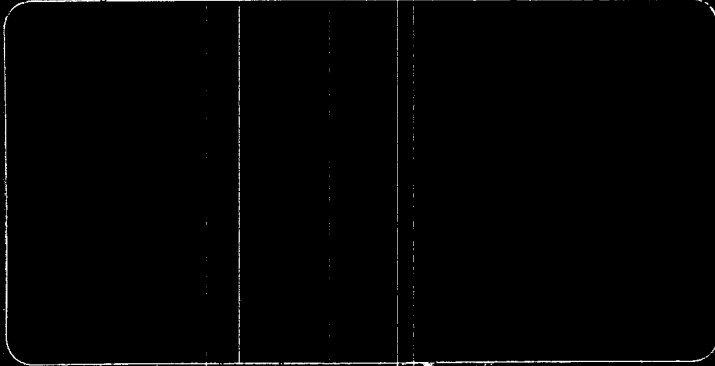
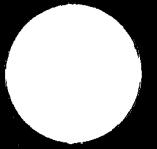




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**DRUG COURTS:
AN OVERVIEW OF OPERATIONAL
CHARACTERISTICS AND
IMPLEMENTATION
ISSUES**

June 1995

Prepared by:

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BJA Drug Court Resource Center**

**A Joint Project of
The American University
National Center for State Courts
National Consortium of TASC Programs**

DRUG COURT RESOURCE CENTER
A PROGRAM OF THE BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE

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Foreword

Drug Courts: An Overview of Operational Characteristics and Implementation Issues, provides a comparative profile of twenty Drug Court programs which have been operational for more than one year and presents the first comprehensive description of drug court program activities in the state and local courts. The *Overview* focusses on the operational elements currently deemed critical to program effectiveness and the implementation issues that have emerged. The *Overview* is designed to be updated, periodically, to reflect the continuing evolution of the drug court concept, as new programs emerge and existing programs fine-tune their operations. Volume One contains general program information provided primarily by Drug Court judges and court staff. Volume Two, which is still in preparation, will provide specific information relating to the activities and perspectives of prosecutors, public defenders, law enforcement officials, correctional administrators, and treatment coordinators and case managers involved in drug court programs.

The information in this *Overview* was derived from responses to a survey distributed by the Bureau of Justice Assistance (BJA) Drug Court Resource Center at The American University to 25 drug courts which had been operating for one year or more, and was designed to elicit information on program operations and impact to date. The 1995 survey, (an update and expansion of a 1993 survey of 17 drug court programs then in operation), consisted of six sections to be completed by the principal agencies involved in the drug court operations in each of the jurisdictions surveyed: (1) general program information to be completed by the court; and more specific information relating to (2) prosecution activities; (3) defense activities; (4) law enforcement activities; (5) correctional activities; and (6) the activities and services of the treatment coordinator.

Responses from twenty drug court programs were received and are summarized in this report. Where available, information is also reported on additional drug court programs which did not formally respond to the survey but have provided, informally, relevant information. Reference to these programs is indicated by ().

It goes without saying that the information contained in this report was made possible by the special efforts of drug court officials in the reporting jurisdictions who offered their time and insights to provide the responses upon which this report is based. Special appreciation is extended to the following Drug Court Judges, staff and other agency officials who contributed

to this volume:

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Judge Keith Brace
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Judge William Schma

Clark County (Las Vegas), NV
Judge Jack Lehman

Los Angeles, CA
Judge Stephen Marcus
Ed Brekke

Mobile, AL
Judge Braxton Kittrell

Multnomah County (Portland), OR
Judge Roosevelt Robinson
Judge Harl Haas
Jeanne Lindsay
Valerie Moore

King County (Seattle), WA
Judge Ricardo Martinez

Baltimore (Circuit Court), MD
Judge Joseph H.H. Kaplan

Jefferson County (Beaumont), TX
Judge Walter Sekaly

Denver, CO
Judge William Meyer
Lolita Curtis

Broward Co. (Ft. Lauderdale), FL
Judge Robert Fogan
Guy Wheeler

Jackson County (Kansas City), MO
Judge Donald Mason
Hon. Claire McKaskill

Little Rock, AR
Judge Jack Lessenbery
Terrell Rose

Maricopa County (Phoenix), AZ
Judge Susan Bolton

Escambia County (Pensacola), FL.
Judge John Parnham
Robin Wright

Berrien County (St. Joseph), MI
Judge Ronald Taylor
Joseph Foster

New Castle (Wilmington), DL
Judge Richard S. Gebelein
Beth Peyton

The second volume of this report is currently in preparation and will present the responses to the other five sections of the survey. Special appreciation is noted to the numerous prosecutors, public defenders, law enforcement and correctional officials, and treatment and case management staff who have contributed to those sections and who will receive individual acknowledgement in that volume.

PART ONE: RESPONSES FROM DRUG COURT JUDGES AND STAFF

I. GENERAL BACKGROUND INFORMATION ON THE RESPONDING DRUG COURT PROGRAMS

A. POPULATION SERVED AND DATE DRUG COURT PROGRAM BEGAN

Drug courts in the following jurisdictions have responded to date:

<u>Jurisdiction</u>	<u>Population</u>	<u>Program Start Date</u>
Austin	465,577	Aug. 23, 1993
Baltimore Circuit	700,000	Oct. 17, 1994
Baltimore District	700,00	March 2, 1994
Beaumont	239,337	March 1993
Crestview (Okaloosa County), FL	140,000	October 1993
Denver	503,000	July 1, 1994
District of Columbia	578,000	December 1993
Fort Lauderdale	1,300,000	July 1, 1991
Kalamazoo	223,411	June 1, 1992
Kansas City	650,000	Oct. 8, 1993
Las Vegas	1,000,000	Oct. 19, 1992
Little Rock	225,000	June 1, 1994
Los Angeles	10,000,000	May 1994
Maricopa County, AZ	2,500,000	March 1992
Mobile	378,000	Feb. 13, 1993
Pensacola, FL	262,000	June 1993
Portland	605,000	August 1991
St. Joseph, MI		Oct. 1, 1991 (case mgt)
	175,000	Oct. 1, 1992 (trtmnt)
Seattle	2,500,000	August 11, 1994
Wilmington/New Castle County	340,000	April 1, 1994

B. LOCUS OF PROGRAM IN JUDICIAL PROCESS

Many of the early drug court programs functioned primarily as pre-plea diversion programs for persons with minimal criminal history to provide them with the opportunity of having their charges dismissed upon successful program completion. As new drug court programs developed, many opted for other dispositional models. In addition to diversion or deferred prosecution, the most common of these models have been (a) programs which require defendants to enter a guilty plea which can be dismissed upon successful program completion, and (b) programs which target convicted defendants for whom participation in a drug court program is a condition of probation and/or suspension or reduction of a sentence of incarceration. Many of the current drug court programs are therefore targeting much broader populations than the early drug court programs and many have built in components to address probation-eligible offenders and other offenders not eligible for deferred prosecution and/or dismissal of their charges.

The following classifications reflect the judicial process locus of the reporting programs:

<u>Drug Court</u>	<u>Pre-Plea Diversion</u>	<u>Post Plea/ Plea Stricken Upon Complet.</u>	<u>Post Conv. For Prob. Elig. Defs.</u>
Austin	x		
Baltimore Circ.	some	some	some
Baltimore Dist.	50%		50%
Beaumont ¹	some		some
Crestview, Fl.	98%		2%
Denver	some	some	
Dist. of Columbia*			
Fort Lauderdale	since Oct. 1, 1993		pre 10/93
Kalamazoo	some		some
Kansas City ²	x		
Las Vegas	80%	10%	10%
Little Rock	(all clients stipulate to prob. cause after 3 months in the program)		
Los Angeles	some	some	some
Maricopa County			x
Mobile		x	
Pensacola ³	60%		38%
Portland	x		
St. Joseph	some	some	some
Seattle	x		
Wilmington	x (diversion track)		x (probation track)

* *The District of Columbia Superior Court Drug Court program targets all felony defendants who are released and have tested positive at least twice for drug usage. The U.S. Attorney has recently expressed willingness to expand the drug court program to defendants charged with misdemeanor drug offenses.*

¹ parole (some)

² Prosecution of the underlying offense is stayed while the defendant is in the program. Upon successful program completion, the defendant's case is dismissed with prejudice. Cases of defendants who are terminated unsuccessfully from the program are refereed for standard prosecution.

³ deferred sentencing for 2 %

C. PROGRAM GOALS

All of the reporting programs stated adherence to two primary goals: (1) to reduce recidivism of participants; and (2) to reduce substance abuse of participants. Most of the reporting programs (89%)⁴ also expressed adherence to a third goal: to enhance the likelihood of the rehabilitation of participants. Several of the reporting programs noted special additional program goals as follows:

Kalamazoo: divert from jail and prison

Kansas City: complete high school or obtain GED;
job training and placement
Beaumont:
further education and employment status

Little Rock: to find gainful employment for those in need

D. TYPES OF CASES TARGETED

All of the Drug Court programs target drug possession cases. Five programs also target minor drug trafficking cases (Baltimore Circuit Court; Denver; District of Columbia; Kansas City; and St. Joseph). Nine programs (Baltimore Circuit Court; Beaumont; Crestview, Florida; Kalamazoo; Kansas City; Las Vegas; Mobile; Pensacola; and St. Joseph) also target property offense cases.

Other cases targeted by individual programs include:

Baltimore Dist.: nonviolent substance abuse propelled offenses

Beaumont: also UUMV, other nonviolent drug-driven cases

Ft. Lauderdale: also drug purchase cases

Kansas City: nonviolent offenses (burglary, shoplifting, forgery, DWI)
who are substance abusers

St. Joseph: misdemeanor drug-related charges

⁴Austin; Baltimore Circuit; Baltimore District; Beaumont; Crestview, Florida; District of Columbia; Fort Lauderdale; Kalamazoo; Kansas City; Las Vegas; Little Rock; Maricopa County; Mobile; Pensacola; Portland; St. Joseph; and Seattle.

E. CATEGORIES OF DEFENDANTS TARGETED

Half of the reporting drug courts target persons with both minimum and substantial substance dependency. Five programs (District of Columbia; Kansas City; Los Angeles; Portland; and St. Joseph) target only persons with substantial substance dependency while one (Maricopa County) targets only persons with minimal substance dependency. (See Part Six for further information on substance abuse screening and assessment conducted by the programs and differentiated approaches for treatment service delivery to meet participant needs.)

Denver, Las Vegas, and Okaloosa County target persons with no prior adult or juvenile convictions. Fort Lauderdale and Kansas City target persons with no prior adult convictions. The remaining reporting programs permit varying degrees of prior convictions for nonviolent offenses. (See also section F "Eligibility Criteria" below.)

Several of the reporting programs noted special additional targeting requirements. The Kalamazoo program, for example, focusses upon women with at least one prior felony who are charged with a nonviolent felony offense with no more than five nonviolent prior felony offenses in their history. The population of the Kalamazoo program is therefore harder core offenders, 50% of whom were on probation and/or parole at the time of the new offense.

The Baltimore District Court program focusses upon individuals who commit crimes due to their substance abuse. Beaumont, too, focusses upon persons whose offenses are considered drug-driven. Little Rock limits program participation to persons with a current drug possession charge who have no violent offense history. Pensacola, also, limits participation to persons with no significant criminal history. Maricopa County limits participation to persons with no more than one prior nonviolent felony which is not a drug offense.

A summary of the principle targeting requirements of the reporting courts is provided on the next page.

CHART 1: CHARACTERISTICS OF DEFENDANTS TARGETED

Drug Court	No Prior Adult/Juv. convictions	No Prior Adult convictions	Up to 3 Prior Drug Convicts.	Unlim. Nonviol. Drug/Alc. Conviction	Min. Subst. Abuse	Substantial Subst. Abuse
Austin				X		
Baltimore Circuit				X	X	X
Baltimore District				X	X	X
Beaumont			X		X	X
Crestview	X					X
District of Columbia				(1)		X
Denver	X					X
Fort Lauderdale		X				
Kalamazoo				(2)	X	X
Kansas City		X				X
Las Vegas	X				X	X
Little Rock		(3)			X	X
Los Angeles				X		X
Maricopa County			(4)		X	
Mobile				X	X	X
Pensacola				X	X	X
Portland				X		
St. Joseph, MI				X		X
Seattle				X	X	X
Wilmington		X (diversion track)	X (probation track)			X

- (1) defendants are eligible as long as they are in release status
- (2) up to five nonviolent prior felony convictions
- (3) no prior violent offense convictions
- (4) one prior non-violent felony conviction

F. ELIGIBILITY CRITERIA

1. Criteria for Program Eligibility and Disqualifying Factors

Respondents were asked to indicate the eligibility criteria for their drug court programs as well as identify any factors that might disqualify an otherwise eligible defendant. Responses are summarized on Charts 2 and 3 which follow.

CHART 2: ELIGIBILITY CRITERIA

Drug Court	Current Drug Pos. Ch./No Prior Convs.	Current Drug Pos. Ch./No Prior Convs. for Viol. Offs.	Current Nonviol. Offense/Up to Three Prior Nonviol. Convs.	Other
Austin	X	X	X	
Baltimore Circuit				(1)
Baltimore District				(2)
Beaumont	X	X	X	
Crestview	X			
Denver	X			
District of Columbia				(3)
Fort Lauderdale	X			
Kalamazoo				(4)
Kansas City	X			
Las Vegas	X			
Little Rock		X		
Los Angeles	X			(5)
Maricopa County		X		
Mobile	X	X	X	(6)
Pensacola	X	X	X	
Portland				(7)
St. Joseph, MI	X	X		
Seattle			X	(8)
Wilmington			(9)	(8)

- (1) current nonviolent offense; no prior conviction of violent offense and other specifically designated offenses within the last five years
- (2) will consider any nonviolent drug driven offense excluding delivery
- (3) felony drug possession or sales charge; positive urinalysis; defendant in release status
- (4) women with substance abuse problems charged with nonviolent felony offense; usually at least one prior and up to five nonviolent felonies.
- (5) large amount of discretion regarding defendants with prior drug convictions excluding sales
- (6) only persons between 18 and 25 eligible for the program to comply with requirements of BJA Correctional Options Funding
- (7) possession of small amounts of illegal drugs for personal consumption; prior record will not disqualify defendant
- (8) current drug possession charge; no prior violent or sex offense convictions; no other pending nondrug felony charges
- (9) defendants in probation track must be arrested for a drug possession charge while on Superior Court probation for another offense

CHART 3: FACTORS THAT WILL DISQUALIFY AN OTHERWISE ELIGIBLE DEFENDANT

Drug Court	Pending Case	Current Probation	Current Parole	Non Co. Res.	Other
Austin	X		X		(1)
Baltimore Circuit	X	X	X	X	(2)
Baltimore District			X		
Beaumont	X	X	X	X	
Crestview	n/a	X	X		
District of Columbia					(3)
Fort Lauderdale	X (nondrug)	X (nondrug)	X (nondrug)	X (exc. Dade)	
Kalamazoo				X	(4)
Kansas City		X	X	X	(5)
Las Vegas					
Little Rock		X	X	X	(6)
Los Angeles		X	X		
Maricopa County				X	
Mobile	X	X	X	X	
Pensacola			X		
Portland		X	X		
St. Joseph, MI			X	X	(6)
Seattle	X				
Wilmington	X		X	X	

Other Disqualifying Factors:

- (1) defendant does not have a drug problem
- (2) any firearms offense
- (3) defendant not in release status
- (4) no substance abuse problem; violent criminal history
- (5) automatic disqualification for violence; weapons use or new criminal offense
- (6) prior violent offense

2. Changes made in eligibility criteria since program began

Eleven of the twenty responding drug court programs noted that they had modified the original eligibility criteria since initiating the program. In most instances, program eligibility criteria had been expanded. The principal modifications in eligibility criteria noted are:

- Baltimore Dist.:** changed exclusionary criteria from arrests to conviction; reduced period of time of prior convictions;
- Beaumont:** can now accept client with multiple nonviolent drug-driven cases;
- Kalamazoo:** now accept women who are on probation and parole who have committed new felony offense or technical violation (e.g., dirty urine/failure to report);
- Kansas City:** now restrict program to county residence (problem of using local tax money for out of county residents); now recognize that clients with mental health conditions and persons who are homeless present special problems; also have had very little success with persons charged with prostitution; exclude persons on methadone maintenance program;
- Las Vegas:** now taking in people with multiple offenses or those on probation (following discussions with Drug Court Committee and other judges);
- Los Angeles:** have become stricter in determining whether a defendant is eligible for release on recognizance (OR) so that he/she can be released to outpatient program;
- Maricopa County:** no longer accept IV drug users (through experience, have found they need more intensive treatment); do not accept methadone maintenance clients since program requires participants to be drug free;
- Mobile:**
- (1) The original drug court program accepted only persons with cocaine abuse; persons with other substance abuse problems are now also accepted;
 - (2) The age of persons considered for the program has been reduced to those persons between 18 and 25 years of age to comply with requirements of BJA Correctional Options Program grant;
- Pensacola:** started with diversion only; now include probation cases
- Portland:** now gang membership will not disqualify eligibility
- St. Joseph:** included misdemeanor charges for diversion program; included non-drug (drug-related cases).
- Wilmington:** as credibility of program increases, more serious non-violent offenders are eligible; new plea policy re trafficking has also made individuals eligible who otherwise would have been exposed to mandatory incarceration

G. TYPICAL SANCTION FOR TARGETED DRUG COURT POPULATION PRIOR TO INITIATION OF THE DRUG COURT PROGRAM

The typical sanctions applicable to the targeted populations of the reporting drug court programs prior to the initiation of the drug court program are summarized below. The sanctions vary significantly among jurisdictions as a result of differences in applicable sentencing provisions, sentencing practices, and characteristics of the targeted populations.

As noted earlier, the variations in targeted populations among current drug court programs is significant -- and this variation is increasing rapidly. Although many of the existing drug court programs began operation on a pilot basis with a relatively limited target population, focussing primarily upon first offenders, as experience with the drug court developed and the benefits of the drug court approach compared with the traditional case disposition and sanctioning process became apparent, many of these pilot programs have expanded to include individuals with more extensive criminal histories (primarily related to substance usage) and to persons charged with drug-related offenses in addition to drug possession. Consequently, comparisons of applicable sanctions and potential incarceration exposure for drug court program participants need to take into account these variations.

**APPLICABLE SANCTIONS FOR DRUG COURT POPULATION
PRIOR TO DRUG COURT INITIATION**

Probation Only

Baltimore District Court (diversion track)
Denver
Kansas City
Little Rock
Portland
St. Joseph
Wilmington (diversion track)

Probation Plus Incarceration

Austin:	up to 60 days in jail imposed and executed
Baltimore Circ.:	generally 121 - 360 days imposed and executed
Baltimore Dist.:	(Probation track): 120 days imposed; generally 40 days executed
Beaumont:	61- 120 days imposed and executed
Crestview:	up to 121 - 360 day sentences; information on actual execution time not available
Dist. of Columbia:	information on actual incarceration time imposed and executed not presently available
Fort Lauderdale:	jail or prison imposed for probation violations
Kalamazoo:	60 - 360 days in jail and longer prison terms, depending on criminal history (program targets women who are prison bound)
Las Vegas:	ranges between no incarceration to up to six years in state prison

Probation Plus Incarceration (continued)

Los Angeles: 61-120 days imposed; 50 days executed; defendant usually receives 30 -90 days for first felony possession offense; 180 days for second offense, etc.

Maricopa County: 61 - 120 days imposed and executed

Mobile: 61-120 days imposed

Pensacola: up to 121 - 360 day sentences imposed and 180 days actually executed

Portland: 10 days to 2 years, depending upon criminal history

Wilmington: probation track targets offenders who are prison bound

H. PROFILE OF POPULATION SERVED BY RESPONDING DRUG COURT PROGRAMS

1. Principle Offense Charges

Chart 4 below summarizes the most common offenses with which participants in the responding drug court programs are charged;

CHART 4: PRIMARY OFFENSE CHARGES OF DRUG COURT PARTICIPANTS

<u>Drug Court Program</u>	<u>Drug Pos.</u>	<u>Drug Traf.</u>	<u>Obt. Drugs By Frd/Forg.</u>	<u>Thft/Burg. Prostit.Property</u>
Austin	83%	11%	5%	
Baltimore Circ.	100%			
Baltimore Dist.	49%	2%		49%
Beaumont	98%	2%		
Crestview	85%	10%		5%
Dist. of Col.	n/a	n/a		
Fort Lauderdale	100%			
Kansas City	45%	25%	10%	10%
Las Vegas	60%	5%	5%	
Little Rock	95%		5%	
Los Angeles	98%			
Maricopa County	100%			
Mobile	80%		5%	15%
Pensacola	75%		10%	15%
Portland	100%			
St. Joseph	75%	15%	5%	
Seattle	90%		10%	
Wilmington	90%		10%	

Other offenses with which drug court participants have been charged include: under the influence; gambling violations; welfare fraud; and other nonviolent offenses in which the offender's basic problem is considered to be addiction.

2. Primary Drug Used

Chart 5 documents the primary drug used by participants in the reporting drug court programs.

CHART 5: PRIMARY DRUG USED BY DRUG COURT PARTICIPANTS

<u>Drug Court Program</u>	<u>marijuana</u>	<u>Crack/ cocaine</u>	<u>heroin</u>	<u>Metham.</u>	<u>Poly Drug</u>	<u>Alc.</u>
Austin		100%				
(Bakersfield)					52%	
Balt. Circ.		some	some		65%	
Balt. Dist.		45%	50%			5%
Beaumont		100%				
Crestview	5%	95%				
Denver		100%				
District of Columbia		n/a				
Fort Lauderdale	5%	65%				30%
Kansas City	40%	45%				
Las Vegas		some		some		
Little Rock	15%	70%		15%	n/a	
Los Angeles		67%	17%			3%
Maricopa Co.	40%	10%		50%		
Mobile	n/a	n/a				
Pensacola	10%	90%				
Portland		36%				23%
St. Joseph	15%	80%				
Seattle	3%	70%	25%	2%	20%	
Wilmington	20%	20%	8%	2%	50%	

Other drugs used by drug court participants include PCP (15% of Kansas City participants); amphetamine (17% of Portland participants; 4% of Los Angeles participants); cannabis (Portland: 12%; Los Angeles: 5%); hallucinogens (1% in Portland; 2% in Los Angeles); Opioid (9% in Portland); phencyclidine (2% in Portland); and barbiturates (4% in Austin);

3. Demographic Characteristics of Program Clients

Although the survey did not request specific demographic information, several programs reported information relating to the sex, ethnic background, and age of drug court participants. A summary of this information is provided below.

a. *Sex and Ethnic Background of Participants*

Several programs provided information on the gender and ethnic background of participants.

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Austin	58 (24%)	188 (76%)	246
African American			123 (49%)
Anglo American			97 (39%)
Hispanic American			31 (12%)
(Bakersfield)			
African American	8 (3%)	12 (4%)	20 (7%)
Caucasian	75 (25%)	97 (32%)	172 (57%)
Hispanic	43 (14%)	63 (21%)	106 (35%)
Other	1	1	2 (1%)
Beaumont			
African American	22 (25%)	50 (57%)	72 (82%)
Caucasian	5 (6%)	11 (13%)	16 (18%)
Hispanic			
Total	27 (31%)	61 (69%)	88 (100%)
Denver	29 (34%)	56 (66%)	85 (100%)
African American			46 (54%)
Asian Amer.			1 (1%)
Caucasian			36 (42%)
Native Amer.			2 (2%)
Portland			
African American	20%	18%	
Asian	3%	-	
Caucasian	72%	62%	
Hispanic	2%	14%	
Nat. American	3%	3%	

b. *Age of Participants*

Several programs also provided information relating to the age of program participants. In (Bakersfield), the average age was 35 for males and 32 for females. The ages for all participants ranged between 25 and 74 in (Bakersfield), and 21 and 56 in Denver, with the average ages in each of these programs 33.7 and 35.2 years, respectively. In Portland, the average age of program graduates was 35.1 years and 33.25 years for persons who failed to complete the program.

I. PROGRAM CAPACITY AND ENROLLMENT

Respondents were requested to provide statistical information in the following areas: (1) total annual capacity of the program; (2) total number enrolled; (3) total number of graduates; (4) total number of persons unsuccessfully terminated; (5) total number of persons in bench warrant status; and (6) total number of persons currently enrolled. Those programs which are operating under capacity or have few or no graduates are generally programs that have been operating for an insufficient period of time to permit a full complement of referrals and participant completion of program requirements.

As the program enrollment information below indicates, some programs provide for an initial period of two to four weeks of probationary participation before formally enrolling a defendant in the drug court program. This probationary period permits the prosecutor and defense counsel to further investigate the pending case, the defendant to better understand the implications of drug court program participation, and the court to have a more adequate basis for allocating the limited resources available through the drug court program to eligible defendants.

Note: Comparisons among programs in terms of "performance" should be made with great caution for numerous reasons, the most important of which is that their populations differ significantly in terms of risk factors and other characteristics.

**CHART 6: STATUS OF PARTICIPANTS IN THE RESPONDING PROGRAMS
AT THE TIME OF RESPONSE**

Drug Court and Date Program Began	Annual Progr. Capacity	Total Number Enrolled	No. of Graduates To Date	Active Participants	No. in Bench-warrant Status	No. Unsuccessful Termins.	Other
Albany (8/23/93)	300	274	18(7%)	197 (72%)	5 (2%)	54 (20%)	
(Bakersfield)	n/a	343	117(34%)	194 (57%)	32 (9%)	32 (9%)	
Balt. Circ.(3/17/94)	100+	n/a	n/a	n/a	n/a	n/a	
Balt. Dist.(3/2/94)	600	400	7	n/a	n/a	21 (5%)	
Beaumont(3/93)	150	177 ⁵	17(10%)	89(50%)	n/a	71 (40%)	
Westview(10/93)	55	81 ⁶	4 (5%)	60 (74%)	5 (6%)	11 (14%)	1 (1%)
Denver(7/1/94)	n/a	106 ⁷	n/a	85 (80%)	n/a	21(20%) ⁸	
Dist. of Col.(12/93)	n/a	n/a	n/a	n/a	n/a	n/a	

(continued)

⁵ A total of 202 persons were eligible for the drug court program. However, 25 of those eligible failed the two-week probationary period and prosecuted and were therefore never formally enrolled.

⁶ The prosecutor nolle prossed charges against one defendant who was therefore no longer eligible to participate in the drug court program.

⁷ A total of 262 offenders were referred to the program. The cases of three defendants were dismissed prior to program entry and 113 other defendants "opted out" during the initial opt-in/out period. An additional 40 were refused entry by the court.

⁸ 15 were terminated, 5 dropped out and one defendant died (from an overdose).

**CHART 6: STATUS OF PARTICIPANTS IN THE RESPONDING PROGRAMS
AT THE TIME OF RESPONSE (continued)**

Drug Court	Ann. Progr. Capacity	Total No. Enrolled	No. of Graduates To Date	Active Participants	No. Bench-warrant Status	No. Unsuccessful Termins.	Other
Ft. Lauderdale (7/1/91)	800	2,542 ⁹	456 (18%)	1,137 (45%)	300(12%)	n/a	679 ¹⁰ (27%)
Kalamazoo(6/1/92)	115	229	66 (29%)	75 (33%)	17(7%)	71 (31%)	
Kansas City(10/8/93)	600	635	10 (2%)	275 (43%)	100(16%)	250(39%)	
Las Vegas(10/19/92)	400	851	140 (16%)	417 (49%)	137 (19%)	157(18%)	
Little Rock(6/1/94)	416	131	n/a	90 (69%)	n/a	41 (39%)	
Los Angeles(5/94)	n/a	200	n/a	77 (39%)	49 (20%)	57 (28%)	
Maricopa Co.(3/92)	200	238	60 (25%)	83 (35%)	n/a	95 (40%)	
Mobile(2/13/93)	450	188	21 (11%)	114 (61%)	9 (5%)	44 (23%)	
Pensacola(6/93)	110	267	34 (13%)	140 (52%)	22 (8%)	71 (27%)	
Portland(8/91)	450	1943 ¹¹	496 (26%)	454 (23%)	100 (5%)	542(28%)	351(18%)
St. Joseph(10/92)	400+	515	240 (46%)	48 (9%)	20 (4%)	167(32%)	40(8%) ¹²
Seattle(8/11/94)	250	79 ¹³	n/a	55 (70%)	n/a	5 (6%)	
Wilmington(4/1/94)	500	340	82 (24%)	180 (53%)	37(11%)	41 (12%)	

⁹The cases of an additional 270 defendants deemed eligible for the drug court program were nolle prossed by the prosecutor and these defendants were no longer eligible to participate.

¹⁰ The cases of 679 (27%) defendants initially referred for the program were disqualified, primarily because charges were never filed, the defendants lived out of the county, or other factors making them ineligible for the program.

¹¹83 defendants withdrew without penalty during the initial 14-day period; 240 (12%) defendants are in a suspended status for failure to comply with program requirements and will either be reinstated with special conditions or terminated; an additional 28 (1%) of the participants were terminated for various reasons not related to program performance (e.g., moved out of the jurisdiction; died, etc.

¹²of the 515 persons enrolled, 20 (4%) are on a waiting list for special treatment services; 14 (3%) are detained in jail; and 6 (1%) are in inpatient treatment, moved, have had their supervision transferred to another jurisdiction, etc.

¹³An additional 60 persons are in the initial 30-day "opt in/out" status and have not yet formally enrolled in the drug court program.

J. CASE SCREENING PROCESS AND FINAL DETERMINATION RE PROGRAM ELIGIBILITY

1. Initial Screening of Cases and Defendants

All of the programs have established procedures for screening cases promptly after arrest to identify defendants who may be eligible for the drug court program. Although each program operates differently, these procedures generally operate as follows: (1) initial screening is performed by a designated prosecutor; and (2) cases potentially eligible for the drug court program are referred to an assigned public defender who then discusses the program with the defendant involved, including the defendant's legal rights under the traditional case process, program participation requirements, requisite waivers, and the implications of successful and/or unsuccessful program completion on the ultimate case disposition.

Chart 7 below summarizes the roles of the various justice agencies in performing initial screening for the reporting drug court programs.

CHART 7: INITIAL SCREENING OF CASES AND DEFENDANTS FOR PROGRAM ELIGIBILITY

P = principal

s = supporting

Drug Court	Prosecutor	Defense Counsel	Pretrial Services	Court	Other
Austin	P		s	s	
Baltimore Circuit	P	s	s		(1)
Baltimore District	P	s			
Beaumont	P		s		
Crestview		s			(2)
Denver					
District of Columbia			P		
Fort Lauderdale	P	s	s		
Kalamazoo	P		s		
Kansas City	P				
Las Vegas	P	s	s	s	
Little Rock	P	s			

- (1) Also use team of health specialists (addiction counselors);
- (2) Court and pretrial services agency jointly screen

(continued)

CHART 7: INITIAL SCREENING OF CASES AND DEFENDANTS FOR PROGRAM ELIGIBILITY
(continued)

P = principal

s = supporting

Drug Court	Prosecutor	Defense Counsel	Pretrial Services	Court	Other
Los Angeles	P	s	s		
Maricopa County					
Mobile	s		P		(3)
Pensacola	P	s			(4)
Portland	P				
St. Joseph	P	s		s	
Seattle	P				
Wilmington	P				

(3) Also use Alternative Sentencing and Pretrial Office

(4) Prosecutor is one of several referral sources

2. Final Determination Re Program Entry

Defendants eligible for pretrial diversion or deferred prosecution are provided an opportunity to determine whether they want to participate in the drug court program; those who chose to participate generally appear before the drug court judge who describes the program further and instructs defendants regarding program requirements. The final determination regarding program entry is made by the Drug Court judge, who relies upon the recommendation of the prosecutor and other comments, as relevant, from the public defender and treatment coordinator.

Participating defendants usually begin treatment the same day they appear before the drug court judge or shortly thereafter.

CHART 8: AUTHORITY FOR FINAL DETERMINATION RE PROGRAM ENTRY

	<u>Prosecutor</u>	<u>Def. Counsel</u>	<u>Court</u>
Austin	x		x
Baltimore Circ.			x
Baltimore Dist.			x
Beaumont	x		
Crestview			x
Denver			x
District of Columbia	n/a	n/a	n/a

(continued)

CHART 8: AUTHORITY FOR FINAL DETERMINATION RE PROGRAM ENTRY
(continued)

	<u>Prosecutor</u>	<u>Def. Counsel</u>	<u>Court</u>
Ft. Lauderdale	x		
Kalamazoo			x
Kansas City	x		
Little Rock	x		x
Las Vegas			x
Los Angeles			x
Maricopa Co.			x
Mobile			x
Pensacola			x
Portland			x
St. Joseph			x
Seattle			x
Wilmington	x	x	x

3. Screening Instruments Used to Assess Substance Abuse Dependency of Eligible Defendants Prior to Entry into the Drug Court Program

Half of the responding programs indicated that they use a standard instrument to assess the substance dependency of eligible defendants prior to their entry into the drug court program.¹⁴ Most of these programs use the Addiction Severity Index (ASI), frequently in combination with other instruments or protocols. Generally all of the programs conduct such assessments after defendants are admitted.

K. JUDICIAL ASSIGNMENT

Only three (Denver, Little Rock and Portland) of the reporting programs assign one sitting judge full-time to handle the Drug Court caseload. Most of the reporting drug court programs assign a sitting judge to the Drug Court calendar for a portion of his/her time. Two of the reporting programs utilize the services of a part-time magistrate hired specifically to handle the Drug Court calendar. In Beaumont, the special magistrate spends approximately two hours weekly on the Drug Court cases; in Austin, the special magistrate spends approximately 12 hours (30% time).

Those jurisdictions which assign a sitting judge to handle the Drug Court caseload in addition to other assignments reported that the time required for the Drug Court

¹⁴ Austin [ASI (Assessment Severity Index)]; Baltimore Circ. (ASI and PCLR); Baltimore Dist. Ct. (PCLR and ASI); Beaumont (ASI); Denver: ADS and DAST: screening tool for alcohol/drug use, ASUS and SUHM: classification tools, LSI: level of supervision instrument; Kalamazoo: (originally SHSSI; now addiction severity index); Little Rock: ASI, Alc. Dependency scale; drug abuse screening test and symptom checklist admin. by Central Intake Unit after eligibility determined; St. Joseph; Seattle (state adopted protocol for drug use assessment); and Wilmington (Offender Profile Index).

Calendar ranged between 5% and 75% of available docket time, depending upon the number of participants enrolled in the Drug Court program.

At least three Drug Court programs (Baltimore, District of Columbia and Wilmington) have developed two tracks for the drug court program and two of these programs (District of Columbia and Wilmington) utilize the services of two sitting judges, assigned part-time, to handle the two tracks simultaneously; the balance of their time is allocated to other types of cases. In the District of Columbia, these tracks are distinguished by the different supervision and treatment strategies (e.g., an enhanced treatment track and a graduated sanctions track). In Baltimore and Wilmington, one track focusses on diversion cases and the other on probation cases.

CHART 9: PERCENTAGE OF JUDGE TIME ALLOCATED TO DRUG COURT CALENDAR

<u>Drug Court</u>	<u>Percentage of Judge Time Allocated To Drug Court Calendar</u>
Austin (p-t magistrate)	30%
Baltimore Circuit Court	5%
Baltimore District Court	40%
Beaumont (p-t magistrate)	5-10%
Crestview, Florida	15%
Denver	100%
District of Columbia (2 judges)	30-40% each
Fort Lauderdale	75%
Kalamazoo	10%
Kansas City	33%
Las Vegas	40%
Little Rock	100%
Los Angeles	25%
Maricopa County	10%
Mobile	25%
Pensacola	30%
Portland	100%
St. Joseph	portion; also hears additional civil cases
Seattle	50%
Wilmington (2 judges)	80% each

L. RESOURCES REQUIRED FOR PROGRAM IMPLEMENTATION

1. Staff

Each drug court judge was asked to indicate the staff assigned to the drug court program. In most cases, the staff assigned were derived through part-time reassignment of persons already employed in the criminal justice system, with relatively few new hires. Unless indicated, these staff also do not include personnel working with other agencies involved in the drug court program -- prosecutor, defense, treatment providers, etc. -- which are reported in subsequent sections of this report.

<u>Drug Court</u>	<u>Staff</u>
Austin:	4 FT, with 3 volunteers
Baltimore Circuit:	1 pt judge
Beaumont:	6 FTE (coordinator; court liaison officer; court clerk; 2 counselors; one vocational/ed. specialist; 3 PT: drug screening technician; acupuncturist; and van driver; other: 2 contract: a magistrate and an acupuncturist)
Crestview, Florida:	1 FT (drug court coordinator)
Denver:	5 FT (court) plus DA, pub. def, probation staff; 1 pt staff
Fort Lauderdale:	judge, clerk, 2 bailiffs, prosecutor, public defender, probation officer
Kalamazoo:	Drug Court staff provided through Community Corrections Dept.: 1 FTE Program Coordinator/case manager; 1 admin. asst.; 1/2 time Program Mgt. analyst
Kansas City:	1 FT court clerk; 1/2 pt court clerk
Las Vegas:	7 PT (judge, judicial secretary, bailiff, law clerk; 2 court clerks; 2 court recorders; 1 volunteer (acts as public defender)
Little Rock:	20 FT (judge, court reporters, bailiff, case management and treatment staff); 3 PT (2 grad students and one courier)
Los Angeles:	FT drug court judge's clerk does drug court calendar as part of her overall duties; PT: a supervising clerk spends a portion of her time helping the drug court
Maricopa County:	4 FT (2 adult probation officers and two drug court counsellors; 2 PT (judge and courtroom clerk
Mobile:	10 FT; also contract with Community Corrections for two security guards
Pensacola:	1 FT (drug court coordinator)
Portland:	2 FT (judicial assistant and court clerk); 1 pt (docket clerk)
St. Joseph:	6 FT Court and counselling staff of Pretrial Service Agency, including drug court coordinator; file manager; rehab. specialists; counselor and secretary); 4 pt (2 prosecutors and 2 defense attorneys)
Seattle:	2 FT (judge/drug court coordinator; 1 PT (court interpreters for non-English speaking participants)
Wilmington:	2 FT (management analyst/project director and case scheduler)

2. Operational Costs and Funding Sources

The costs for operating the drug court programs focus primarily on the special additional costs incurred for program implementation, most of which involve the treatment services provided. Generally not included in these costs are the staffing, administrative and other costs that have been absorbed by the court, prosecutor, public defender, and other agencies supporting the drug court program effort. As indicated in the chart below, most of the drug court programs have pieced together funding from a variety of federal, state and local sources. In a number of instances, local prosecution and law enforcement agencies

have contributed a portion of asset forfeiture funds to the drug court program.¹⁵

CHART 10: DRUG COURT IMPLEMENTATION COSTS AND FUNDING SOURCES

<u>Drug Court Program</u>	<u>Special Costs</u>	<u>Funding Sources</u>
Austin:	\$450,000	local govt: \$ 200,000 state A&D: \$ 150,000 for treatment; \$ 100,000 from Byrne grant
Baltimore District:		BJA Cor. Opts. grant: \$ 1 million; state Alc and Sub. Abuse Agency: 25% contrib.
Beaumont:	\$300,000 (under \$ 9.00 per day per client for treatment)	currently use community supervision and corrections funds
Crestview, FL:	\$106,376 cost for treatment slots;	BJA Block grant (\$106,376 for treatment and grant from state alc. and subs. abuse agency (\$50,000) for residential treatment beds; FL Dept. of Cors. provided a probation officer; match money is supplied by trust fund and forfeiture money by police and sheriff
Denver:	\$178,745:	\$ 44,686 from local govt. for personnel: \$ 134,059 from fed. govt for personnel, software, computers, treatment, training and employment)
District of Columbia	\$1,000,000 (includes evaluation)	Center for Substance Abuse Treatment: (\$1,000,000) for treatment services; private foundation (\$130,000) for job development/food preparation; other agency contributions: D.C.Sup. Ct.: judicial supervision; Pretrial Services Agency: admin. support and drug testing;

¹⁵See Parts II and IV for further comment by prosecution and law enforcement agencies regarding drug court programs operating in their jurisdictions.

CHART 10: DRUG COURT IMPLEMENTATION COSTS AND FUNDING SOURCES (cont.)

<u>Drug Court Program</u>	<u>Special Costs</u>	<u>Funding Sources</u>
Fort Lauderdale:	\$822,000	local government: \$ 288,000; state Alc. and Sub. Abuse agency:\$ 104,000; jail fine: \$ 330,000; Sheriff's Office: \$ 100,000
Kalamazoo:	\$170,000: (total additional costs to implement: \$ 100,000)	n/a
Kansas City:		\$ 1.5 Million county tax provides funding; \$ 100,000 in-kind case management; \$ 500,000 for court from special surtax (sunset clause of 1995 - 96)
Las Vegas:	\$400,000	\$ 400,000 from local govt/ proceeds from traffic school); \$ 50,000 from private foundation
Little Rock:	approx. \$750,000	\$ 675,0000: State Alc. and Subs. Abuse Agency and \$ 75,000 from other state agency
Los Angeles:	\$250,000 costs for total program \$ 40,000 - \$ 50,000 to implement program (e.g., reno- vations and clean-up of old Superior Court required before treatment center could move in)	local government: \$ 290,000
Maricopa County:	approx. \$ 140,000	local government:
Mobile:	\$ 675,000 for all components; \$ 275,000 for implementation	local govt.:\$150,000; BJA Cor. Options Grant:\$ 970,466.00
Pensacola:	\$133,333 for treatment slots:	BJA Byrne grant (\$133,333) for treatment); \$ 100,000 from state alc and sub. abuse agency for residential beds; treatment; also local trust Dept. of Cors.:\$ 140,000 and

CHART 10: DRUG COURT IMPLEMENTATION COSTS AND FUNDING SOURCES (cont.)

<u>Drug Court Program</u>	<u>Special Costs</u>	<u>Funding Sources</u>
Pensacola (continued)		priv. foundation \$ 10,000 for fund generated by fines which provides local match
Portland:	judicial functions absorbed as part of routine court ops.: approx. \$600,000 for treatment	BJA Byrne grant:\$ 400,000 County: \$ 175,000; City: \$104,000
St. Joseph:		Local match: \$ 88,384 BJA Byrne Grant: \$ 146,661; tax millage and client fees: \$ 150,000 (for treatment) Co. Hlth Dept.Funding: \$ 100,000 for treatment
Seattle:	\$ 990,177	(not yet totally funded); \$ 400,000 (6-month demonstration); 1994:\$310,000; 1995: \$ 381,964; King County: \$ 210,000; 1995: \$181,964; City of Seattle: \$ 50,000;1995: \$ 200,000 (includes \$ 20,000 for process evaluation & \$18,000 for data automation); state Corrects. Dept.: \$ 50,000
Wilmington	\$ 800,000	BJA Corrections Options Discretionary Program

3. Program Income

Thirteen of the reporting drug courts indicated that fees were assessed for program participation, many on a sliding scale. In some cases, fees are reduced in consideration for successful participant performance. Many programs also indicated that, although efforts to enforce fee agreements had not received priority attention when the programs were being initially implemented, as program operations are becoming stabilized and record systems are becoming perfected, assuring participant compliance with fee agreements is becoming a priority.

CHART 11: DRUG COURT PROGRAM FEES AND COLLECTIONS

<u>Drug Court Program</u>	<u>Fee Required</u>	<u>Fees</u>	
		<u>Total Assessed</u>	<u>Total Collected</u>
Austin	\$ 800, reduced to \$ 400 if person compl. Phases I & II	n/a	\$ 6,800

CHART 11: DRUG COURT PROGRAM FEES AND COLLECTIONS (cont.)

<u>Drug Court Program</u>	<u>Fee Required</u>	<u>Fees Total Assessed</u>	<u>Total Collected</u>
Baltimore Circ. Ct.	n/a		
Baltimore Dist. Ct.	none at this time		
Beaumont	\$ 250		\$ 3,100
Crestview	n/a		
Denver	n/a		
District of Columbia	none at this time		
Fort Lauderdale	none at this time		
Kalamazoo	\$ 200		
Kansas City	\$ 250 (waived in increments for good partic.)		
Las Vegas	\$ 1-25 /week	\$ 215,000	\$ 48,000
Little Rock	\$ 260/year	\$ 25,000	\$ 2,000
Los Angeles	\$ 250/year	n/a	small amt.
Maricopa County	\$ 20/entry; \$ 16/week	n/a	\$ 19,488
Mobile	\$ 1,200	\$ 73,500	\$ 32,325.41
Okaloosa County	n/a		
Portland	\$ 300	n/a	n/a
St. Joseph	\$ 60 - 300		
Seattle	\$ 350	\$ 27,650	n/a
Wilmington	15% surcharge on fines at conviction		\$ 100,000

M. COST BENEFITS OF DRUG COURT PROGRAMS¹⁶

1. Savings in Judicial Time

Half of the reporting programs¹⁷ indicated that their drug court programs had reduced the drug caseload of other judges' dockets. Five of the reporting jurisdictions¹⁸ also reported that the programs had resulted in more trial time available for civil cases.

2. Reduction in Probation Caseloads

Eight of the reporting programs¹⁹ noted a reduction in probation supervision

¹⁶The District of Columbia indicated that a cost/benefit analysis of the drug court program is currently being conducted by the Urban Institute and deferred response to the survey questions on this topic until the results of that analysis are completed.

¹⁷ Crestview, Florida; Denver; Fort Lauderdale; Kalamazoo; Little Rock; Los Angeles; Mobile; Pensacola; Portland (program estimated to save the time of one judge FTE); and St. Joseph.

¹⁸ Denver; Kalamazoo; Little Rock; Portland; St. Joseph.

¹⁹ Fort Lauderdale; Kalamazoo; Little Rock; Los Angeles; Maricopa County; Mobile; Portland (estimated savings between \$ 150,000 and \$ 500,000 during life of program); and St. Joseph.

caseloads and/or a reduction in the term of probation as a result of the drug court program. Los Angeles noted that, although the drug court program absorbed functions traditionally performed by probation staff, the actual impact of the program on probation workload was negligible since minimal supervision is generally provided to the class of offenders targeted for the drug court program. St. Joseph also estimated that the reduction was probably minimal.

3. Avoidance of jail bed days

As noted earlier, the degree to which a drug court program can achieve savings in jail or prison beds and/or costs is a function of numerous factors: the timeframe within which the cases of defendants detained pretrial are disposed; the local sentencing provisions and policies of each jurisdiction, the pretrial release and sentencing practices relevant to the target population serviced by the drug court, etc.. In jurisdictions in which a defendant would be likely to receive -- and serve -- a six month jail sentence if convicted, a pretrial diversion drug court program can achieve substantial jail bed savings. On the other hand, in a jurisdiction in which a defendant would most likely receive probation or serve minimal jail time, minimal jail bed savings will be achieved.

Nine of the reporting programs²⁰ indicated that some savings had been achieved in the use of incarceration facilities and some of the programs provided estimates of the cost savings accrued. Beaumont, for example, estimated that approximately \$ 2,640 per program graduate had been saved (based on an average sentence of 120 days) with savings accrued to date estimated at \$ 279,840. Mobile estimated cost savings of \$ 875,520. The Multnomah County Department of Community Corrections estimated that the drug court in Portland had, as of March 1995, resulted in savings of \$ 153,300, based on a 10-day average sentence for the 220 graduates @ \$ 70/day, and projected additional savings for the 350 current active clients (assuming a projected 57% success rate) at \$ 140,000 for the current year. Jail bed savings in St. Joseph were estimated at \$ 31,000.

4. Savings in police overtime

Savings in police overtime accrued through drug court programs are generally derived from the costs savings resulting from not needing to have police officers appear at court proceedings relating to case disposition. The extent of savings achieved in any jurisdiction is a function of the number of police officer appearances required in a typical case. Five of the reporting programs²¹ indicated savings in police overtime costs, with one of the programs (Portland) providing a cost estimate of the savings accrued for the first forty-four months of the program at \$ 400,000.

²⁰Beaumont; Denver; Fort Lauderdale; Kalamazoo; Little Rock; Los Angeles; Mobile; Portland; and St. Joseph.

²¹Denver; Fort Lauderdale; Little Rock; Mobile; and Portland.

5. Savings in prosecution costs

a. *Grand Jury*

For jurisdictions which use an indictment process, drug court programs have generally resulted in savings in grand jury costs for cases which are assigned to the drug court prior to indictment. Most drug court programs that operate in jurisdictions which use the indictment process have developed procedures to permit prosecution without indictment of persons who have entered the drug court program and been terminated unsuccessfully. Five of the reporting courts indicated savings accrued in grand jury costs: Denver; Fort Lauderdale; Little Rock; Mobile; and Portland.

b. *Other prosecution costs*

Six of the reporting drug courts²² noted savings in prosecution costs other than grand jury functions. These savings are attributed primarily to the reduced prosecutorial activities relating to the case preparation and disposition functions associated with the traditional case process.

6. Savings in indigent defense costs

Eight of the reporting courts²³ noted savings in indigent defense costs associated, primarily, with the reduction in case preparation and court appearance time required for representation in drug court cases. Savings were generally calculated on a per case cost for representation, ranging from \$ 200 - \$ 400 per case. Portland's calculations were based primarily on attorney caseload efficiencies derived from the program, based on a finding that one attorney could handle three drug court cases in the same time required to handle one average criminal case processed through traditional procedures.

7. System Cost Savings Associated with Reductions in Recidivism Rates

Many of the reporting programs also noted cost reductions/avoidance associated with the reduced recidivism rates resulting when persons are no longer committing drug offenses or crimes to support their drug habits. These costs are necessarily spread throughout the justice system and have not, as yet, been quantified, but include the costs associated with apprehension, detention, prosecution, adjudication, disposition, sanctioning, and supervision of each person charged with an offense related to substance addiction.

²²Denver; Fort Lauderdale; Kalamazoo; Little Rock; Mobile; and Portland (estimated to approximate \$ 100,000).

²³ Beaumont (estimated at \$ 400 per client x 89 clients + 17 graduates clients = \$ 442,400); Denver; Fort Lauderdale; Kalamazoo; Little Rock; Mobile (estimated at \$ 18,200 based on 80% time required for 114 clients = 91 x \$ 200 = \$ 18,200); Portland (noting that 3 STOP cases can be handled for the same time required by one traditional case, resulting in a March 1995 estimate by the Multnomah County Department of Community Corrections of indigent defense savings of \$ 492,000); St. Joseph, estimated at \$ 15,000.

II. PROGRAM PROCEDURES

A. TIME BETWEEN ARREST AND PROGRAM ENTRY

Drug court diversion programs have been designed to capitalize on the trauma of arrest to motivate defendants to enter treatment immediately rather than wait weeks or months for case disposition, when defendants have returned to their communities and their substance abuse activities. An important element of drug court programs is the prompt intervention of the drug court judge after a defendant is arrested or otherwise referred to the drug court program and the immediate commencement of the court-supervised treatment program.

1. Time between arrest and initial appearance before the drug court judge

Nine of the reporting programs²⁴ indicated that three days or less elapsed between arrest and the defendant's initial appearance before the drug court judge. In three programs (Austin, Beaumont and Pensacola) the defendant sees the judge within four to seven days, and in three programs (Denver, Little Rock and Mobile) the defendant sees the judge within eight to fifteen days. In the Baltimore District and Circuit Court programs, the defendant generally sees the judge approximately 30 days after arrest (30 - 60 days in the Circuit Court program) although defendant and case screening occurs during the intervening period. In Maricopa County, where the drug court program targets convicted offenders on probation, the drug court judge does not see participants until after their sentencing by the regularly assigned criminal judge.

2. Time Between initial appearance before drug court judge and entry into treatment

Nine of the reporting courts²⁵ indicated that defendants reported for treatment services within less than one day after appearing before the drug court judge. In an additional six programs²⁶, defendants begin treatment services within 1 - 3 days of their initial drug court appearance. In three programs (Austin, Beaumont and Portland), defendants begin treatment within four to seven days and one program (Los Angeles) has defendants beginning treatment within eight to fifteen days. The Los Angeles drug court also requires that defendants attend the drug court treatment program for two weeks on a trial basis before the drug court judge makes a decision to formally accept them for the drug court program.²⁷

²⁴Crestview; Fort Lauderdale; Kalamazoo (defendant sees judge within 24 hours); Kansas City; Las Vegas; Los Angeles; Portland; St. Joseph; and Seattle.

²⁵ Baltimore District Court; District of Columbia; Fort Lauderdale; Kalamazoo (defendants appear for assessment and begin treatment program within 3 days); Kansas City; Las Vegas; Los Angeles; Seattle (defendants can opt in or out of the program for the first 30 days after appearing before the drug court judge); and Wilmington.

²⁶ Crestview; Kalamazoo; Little Rock; Mobile; Pensacola; and St. Joseph.

²⁷As noted earlier, several other programs require that defendants participate in the drug court program on a "trial" basis prior to being formally admitted.

For some of the reporting programs, the time between arrest and formal drug court program entry is more extensive, generally because of existing case processing procedures and timeframes with which the drug court program must comply. In most of these programs, however, defendant screening and assessment and some initial treatment begin prior to formal drug court enrollment. Defendants participating in the Baltimore Circuit Court drug court program begin treatment within 15 - 35 days following their arraignment (in the District Court) -- which is the time period required for a felony case to reach the Circuit Court. A defendant's first appearance in the Maricopa County Drug Court and subsequent entry into treatment occurs after the order for their participation is executed by the sentencing judge, the client participation contract is signed, and orientation and other program information provided. Although the elapsed time between initial appearance before the Denver Drug Court judge and commencement of treatment depends on how quickly a disposition is reached (currently the average time between arrest and disposition is 90 days), defendants are required to participate in urinalysis testing while on bond.

CHART 12: TIME BETWEEN ARREST AND COMMENCEMENT OF DRUG COURT PROGRAM

<u>Drug Court</u>	<u>Days Betw. Arrest and Init. Appearance Before Drug Court Judge</u>				<u>Days Between Drug Ct. Appearance and Treatment</u>			
	<u>w/in 3 days</u>	<u>4-7 Days</u>	<u>8-15 Days</u>	<u>16+ Days</u>	<u>w/in 1 day</u>	<u>1-3 days</u>	<u>4-7 days</u>	<u>n/a</u>
Austin		x					x	
Baltimore Circ. Ct.				x				x
Baltimore Dist. Ct.				x	x			
Beaumont		x					x	
Crestview, Florida	x					x		
Denver			x			x		
Dist. of Columbia	x				x			
Fort Lauderdale	x				x			
Kalamazoo:	x				x	x		
Kansas City	x				x			
Las Vegas	x				x			
Little Rock			x			x		
Los Angeles	x							
Maricopa Co.				x				x
Mobile			x			x		
Pensacola		x				x		
Portland	x						x	
St. Joseph	x					x		
Seattle	x				x			
Wilmington	n/a				x			

B. CHANGES IN EXISTING CRIMINAL CASE PROCESS REQUIRED

Depending upon existing practice, implementation of a drug court program has frequently required expediting a number of criminal justice system functions -- which, traditionally, occur weeks after an arrest -- so that they occur within hours following arrest to permit the immediacy of response characteristic a drug court program approach. These functions entail primarily (1) screening of cases to identify persons eligible for drug court program consideration; (2) obtaining the criminal history of the defendants involved; (3) early assignment of defense counsel for eligible defendants (4) communication between prosecutors and defense counsel regarding those defendants who might be eligible for the drug court program, including exchange of discovery; (5) establishing a special calendar(s) to which drug court cases can be individually assigned to the same judge(s) to maintain continuity of supervision; (6) scheduling an opportunity for an initial appearance before the drug court judge as soon as possible after arrest; (7) developing a system for conducting periodic status hearings for drug court participants before the drug court judge, which can also permit capability for scheduling emergency hearings for participants who are not complying with program requirements and/or in danger of relapse; and (8) developing procedures for immediate execution of bench warrants so that nonappearing defendants (either at treatment appointments or court hearings) can be immediately apprehended and brought before the court. In some jurisdictions, other special procedures have been required, such as expediting lab analyses.

A summary of the activities which the reporting drug courts have undertaken to address these functions is presented in Chart 13 on the following page.

CHART 13: SPECIAL JUDICIAL SYSTEM PROCEDURES TO IMPLEMENT DRUG COURT PROGRAMS

Drug Court	Screening Cases at Arrest	Exped. hrg. befr. Dr. Ct. Judge	Dr. Ct. Status Hrg.	Dev. of Spec. Exped. Lab Analysis	Indiv. Jud. Assgt. Cal.	Spec. Prosc. to Execute Bench-warrants	Spec. Assgnd Prosec.	Spec. Assgn Pub. Def.
Austin	X	X	X			X	X	X
Baltimore Circ.			X		X	X	X	X
Baltimore Dist.			X		X	X	X	X
Beaumont	X		X			X	X	
Crestview			X	X	X	X	X	
Denver	X	X		X		X	X	
Dist. of Col.	X	X			* 28			
Fort Lauderdale	X	X	X		X	X	X	X
Kalamazoo	X	X	X		X		X	
Kansas City	X	X	X		X		X	X
Las Vegas	X	X			X	X	X	X
Little Rock		X				X	X	
Los Angeles	X	X			X		X	X
Maricopa Co.			X		X	X	X	X
Mobile		X				X		X
Pensacola	X		X		X	X	X	X
Portland		X	X	X		X	X	
St. Joseph, MI	X	X	X	X			X	
Seattle	X	X	X	X	X	X	X	
Wilmington	X	X	X		X			

²⁸ Procedures for assigning drug cases to specially assigned judges were developed earlier as part of the Court's drug case management program.

C. PROGRAM PARTICIPATION AND GRADUATION REQUIREMENTS

1. Typical Program Participation Requirements

Most drug court programs consist of multiple phases, beginning with an intensive phase of detoxification and a variety of treatment services (therapy, counselling, education, etc.), and gradually adding community support and rehabilitation components (job development, education, life skills, etc.) as each offender progresses. Most of the programs require multiple weekly contacts with treatment providers (generally four to six), random and frequent urine monitoring, and regular appearances before the drug court judge (often weekly at first, with decreasing frequency as the participant progresses.) Most drug court programs have procedures for immediate response to participant failures to attend treatment, urinalysis, or court hearings, with bench warrants issued and executed promptly. A summary of the program participation requirements of the responding drug courts is included in Appendix B.

2. Typical Program Graduation Requirements

Graduation requirements generally entail the participant's completion of all phases of the drug court program; remaining drug free for all or a substantial portion of the period of program participation; and payment of all outstanding fees. Some programs also require offenders to be arrest-free during the period of program participation. (See Section 3 below for a more detailed discussion on the various responses of the reporting drug court programs to arrests of participants while they are enrolled in the drug court program.) The Kansas City and Maricopa County programs also require each participant to perform a period of community service. A summary of the graduation requirements of the reporting drug courts is provided in Appendix C.

3. Responses to Subsequent Arrests of Defendants While Participating in the Drug Court Program

All of the reporting programs have developed specific responses to subsequent arrests of defendants while they are participating in the Drug Court program. For the purposes of this analysis, arrests have been classified in terms of those involving (1) drug possession; (2) drug trafficking; (3) violent offenses; and (4) other crimes.

All of the reporting jurisdictions prosecute drug court defendants for any subsequent arrests. Chart 13 below summarizes the various program responses to new arrests in terms of whether they also permit the participant to remain in the drug court program and participate in its treatment services while the subsequent charge is pending. Those jurisdictions which permit the defendant to remain in the drug court program pending disposition of the new charge do so in an effort to continue to attack the defendant's underlying drug problem.

Chart 14: Program Responses to New Arrests

Drug Court	DRUG POSSESSION		DRUG TRAFFICKING		OTHER NON-VIOLENT OFFENDERS		VIOLENT OFFENDERS	
	Termin.	Contin.	Termin.	Contin.	Termin.	Contin.	Termin.	Contin.
Austin		x*				x	x	
Baltimore Circ.	x		x		x*	x*	x	
Baltimore Dist.		x	x			x	x	
Beaumont	x*	x*	x			x	x	
Crestview		x*	x		x*	x*	x	
Denver		x*		x*	x*	x*	x	
Dist. of Columbia		x**		x**		x**	x**	
Fort Lauderdale	x*	x*	x		x		x	
Kalamazoo	x		x		x		x	
Kansas City	x		x		x		x	
Las Vegas		x		x		x	x	
Little Rock		x	x			x	x	
Los Angeles	x		x		x*	x*		
Maricopa County	x		x		x*	x*	x	
Mobile		x	x			x	x	
Pensacola	x*	x*	x		x*	x*	x	
Portland		x	x			x		x
St. Joseph		x	x			x	x	
Seattle		x	x			x*	x*	x*
Wilmington	x		x		x		x	

* case by case determination

** participant continues in drug court treatment program if not detained on the new charge

4. Program Responses to Noncompliance of Drug Court Participants

For the purpose of this survey, participant noncompliance was analyzed in terms of two categories: (1) failure to appear in court and/or at scheduled treatment sessions and/or urinalysis appointments; and (2) continuing drug usage evidenced by positive urinalyses. Most programs indicated swift response to failures to appear in court, often evidenced by immediate issuance -- and execution -- of benchwarrants for missed appearances and decisive, though slightly less swift, responses to failures to appear at scheduled treatment appointments. Most programs also indicated a decisive response to positive urinalyses, generally geared to the individual's circumstances and frequently entailing a combination of intensified treatment services and short-term incarceration. Several of the programs also indicated that defendants will be subject to unsuccessful termination after a specified continuous period of positive urinalyses.

A summary of program responses to participant noncompliance with drug court program requirements is provided in Chart 15 below.

CHART 15. PROGRAM RESPONSE TO NONCOMPLIANCE

Drug Court	<u>FTA in Court</u>	<u>FTA at Treatment</u>		<u>Positive Urinalysis</u>
	Benchwarrant Issued/Executed	Trtm Staff Contact Def.	Trt. Prov Rpts. FTA to Court	Trt. Services Enhanced/Possible Incarceration
Austin	x	x	x	x
Baltm. Dist	x			x
Baltm. Circ.	x		x	x
Beaumont	x	x	x	x
Crestview	x*		x	x
Denver	x	x	x	x
Dist. of Col.	x	x		x**
Fort Laudrdl	x	x	x	x
Kalamazoo	x	x	x	x
Kansas City	x	x	x	x
Las Vegas	x	x		x
Los Angeles	x			x
Maric. Co.	x			x
Mobile	x	x	x****	x
Pensacola	x	x		x
Portland	x		x	x
St. Joseph	x		x	x
Seattle	x		x	
Wilmington	x	x	x	x

* depends on circumstances
 ** for Treatment Track

*** for Sanctions Track
 **** after two FTA's

5. Specific Program Responses to Relapse

a. General

In addition to the imposition of progressive sanctions, all of the programs indicated that specific responses to relapse have been developed, consistent with the treatment needs of the participant. Among the most frequent responses are (1) ordering more frequent court status hearings²⁹; (2) ordering short-term incarceration preferably with intensive jail-based treatment services³⁰; (3) ordering more frequent contact with the treatment provider³¹; and (4) ordering more frequent urinalyses³². Other responses include: use of alternative sanctions such as electronic monitoring or imposition of community service requirements (Kalamazoo); ordering increased intensity of treatment and/or change in treatment modality (Baltimore District Court); placing defendants in inpatient treatment programs if needed (Austin); ordering defendants into a residential program for at least 30 days (Los Angeles); ordering 30, 60, and/or 90 day in-custody treatment (Fort Lauderdale); ordering participant to repeat portion(s) of program sessions; requiring participants to attend special relapse prevention group and/or increase 12-step meeting requirements (Maricopa County).

b. Graduated sanctions

It is expected -- although not condoned -- that drug court participants will experience periodic relapses during their period of program participation. All of the responding programs indicated that immediate sanctions are imposed as soon as any relapse is noted, often complemented with more intensive treatment services. Sixteen courts³³ (80%) indicated that graduated/progressive

²⁹ Austin; Beaumont; Baltimore Circ. Ct.; Baltimore Dist. Ct. (if relapse accompanied by treatment nonattendance); Crestview; Denver; District of Columbia; Fort Lauderdale; Kalamazoo; Kansas City; Las Vegas; Little Rock; Los Angeles; Maricopa County; Mobile; Pensacola; Portland; St. Joseph and Seattle.

³⁰ Austin (up to 3 days); Baltimore Circ. Ct.; Beaumont; Crestview (ranging between 3 - 15 days); Denver; District of Columbia (ranging from one to fifteen days); Fort Lauderdale (up to 7 days); Kalamazoo: usually while waiting for long term treatment; Kansas City; Las Vegas (4-7 days); Los Angeles (up to 3 days and 8-15 days); Maricopa County (8 - 15 days); Mobile (8-15 days); Pensacola (ranging between 3 to 15 days); St. Joseph (up to 3 days); and Seattle.

³¹ Austin; Baltimore Circ. Ct.; Baltimore Dist.; Beaumont; Crestview; Denver; District of Columbia; Fort Lauderdale; Kalamazoo; Kansas City; Las Vegas; Little Rock; Los Angeles; Maricopa County; Mobile; Pensacola; St. Joseph and Seattle.

³² Austin; Baltimore Circ. Ct.; Baltimore Dist. Ct.; Beaumont; Crestview; Denver; District of Columbia; Fort Lauderdale; Kalamazoo; Kansas City; Las Vegas; Little Rock; Maricopa County; Mobile; Pensacola; Portland; St. Joseph; and Seattle.

³³ Austin; Baltimore Circuit Court; Baltimore District Court; Beaumont; Crestview; Denver; (District of Columbia, which has designated one of the Drug Court's three tracks as the graduated sanctions track); Fort Lauderdale (the specific sanction depends on the recommendation of the treatment provider but usually entails: (1) referral to the ATAC program [3 months in the city jail]; BSO Boot Camp [3 months at the stockade]; (3)

sanctions have been established to address noncompliance.

6. Unsuccessful Termination from the Drug Court Program

a. *Criteria for unsuccessful program termination*

In addition to the imposition of graduated sanctions for noncompliance, a number of drug court programs have articulated specific conduct constituting grounds for immediate program termination. Below is a summary of the grounds for termination reported by 12 of the responding courts.

Austin:	felony arrest of violence; absconding; nonparticipation
Baltimore Dist.:	two FTA's for treatment program sessions
Beaumont:	arrest on violent charge; unable or unwilling to stop using drugs; noncompliance with program requirements
Crestview, Florida:	defendant may opt out voluntarily; recommendation of treatment provider with order from the Drug Court judge
Dist. of Col.:	nonattendance at treatment sessions (treatment track participants)
Fort Lauderdale:	felony arrest
Kalamazoo:	new felony offense; refusal to comply with program requirements; two FTAs for treatment session or compliance with treatment program conditions
Las Vegas:	repeated failure to attend counseling, dirty urines and/or failure to attend court
Little Rock:	arrest for violent offense or possess. with/intent; nonparticipation in program
Mobile:	failure to meet requirements; not reporting; distrib. of drugs; arrest on new charges
Pensacola:	noncompliance with treatment and order of the court
Wilmington:	new arrest; fail to progress in treatment; fail to engage in treatment; too many missed treatment appointments; no progress in reducing drug usage per urinalysis results

See also Section 3 above relating to the impact of new arrests on program participation in the various drug court programs.

b. *Authority to Make Termination Decision*

All of the reporting programs indicated that the final authority to make the decision to unsuccessfully terminate a participant from the drug court program rested with the Drug Court judge, who took into consideration recommendations from the prosecutor, public defender, and the treatment provider staff in the termination decision.

BSO Substance Abuse Program [minimum of 60 days in county jail]; or (4) BARC Intensive Residential Treatment [minimum of 28 days]; Kalamazoo; Kansas City; Las Vegas; Los Angeles; Maricopa County; Pensacola; St. Joseph; and Wilmington.

D. DISPOSITION OF CASES OF DEFENDANTS WHO ARE UNSUCCESSFULLY TERMINATED FROM THE DRUG COURT PROGRAM

1. General

The method and timeframe for disposing of cases of defendants who are unsuccessfully terminated from the drug court program varies significantly among programs, depending, primarily, upon whether or not the drug court program operates as a diversion program only or whether it is part of a larger case management initiative. In some jurisdictions, cases of defendants unsuccessfully terminated from the drug court program are disposed of by the drug court judge at the time of termination. In other jurisdictions, they are referred to the prosecutor for standard or expedited prosecution and/or scheduled for standard court case disposition procedures. The principal methods and timeframes for disposing of cases involving defendants who are unsuccessfully terminated from the drug court program are summarized in Sections 2 and 3 below.

2. Method of Disposition

In nine of the responding programs (Baltimore District Court (if probation case); Baltimore Circuit Court (if probation case); District of Columbia; Mobile; Pensacola; Portland; St. Joseph; Seattle and Wilmington), cases of defendants who are terminated unsuccessfully from the drug court program are adjudicated by the drug court judge. In two of these programs (Portland and Seattle), the defendant is tried on the basis of the police report and the laboratory analysis, having previously waived the right to indictment, trial by jury, and other testimony as a condition of entering the drug court program. In Los Angeles, the Drug Court judge conducts the Municipal Court preliminary hearing following which the case is referred to the Superior Court for disposition.

In two of the jurisdictions (Austin and Kalamazoo), cases of defendants unsuccessfully terminated from the drug court program are referred to the prosecutor for expedited prosecution; in the nine other reporting programs (Baltimore District Court (diversion track), Baltimore Circuit Court (diversion track) Beaumont, Crestview, Fort Lauderdale, Kansas City, Las Vegas, Little Rock, and Los Angeles), cases of defendants who are unsuccessfully terminated from the drug court program are referred for prosecution through the applicable standard adjudication process. The method for disposing of unsuccessfully terminated defendants in the Denver program depends on a case-by-case determination. Generally, cases in Track 1 (diversion track) will be transferred to Track 2 (probation/community-based sanction track), depending on the circumstances of the termination.³⁴

³⁴ Since defendants in the Maricopa County drug court program have already been adjudicated, action taken pursuant to unsuccessful termination is limited to a determination regarding the defendant's probation status and other conditions imposed at the time of case disposition.

3. Timeframe for Disposition

Chart 16 below summarizes the timeframe within which the cases of defendants unsuccessfully terminated from the reporting drug court programs are disposed. Those courts that have instituted procedures for disposition to be handled by the drug court judge or have developed expedited drug case management programs generally dispose of these cases more promptly.

Chart 16: Timeframe for Disposing of Cases of Unsuccessfully Terminated Defendants

<u>Drug Court Program</u>	<u>immed. disp.</u>	<u>within 7 days of</u>	<u>8-30 days</u>	<u>31-60 days</u>	<u>60-100 days</u>	<u>over 100 days</u>	<u>not known</u>	<u>n/a</u>
Austin		x						
Baltmr Dis. Ct.			x					
Baltmr. Cir. Ct.				x				
Beaumont					x			
Crestview					x			
Denver								x
Dist. of Col.								x*
Fort Lauderdale							x	
Kalamazoo				x				
Kansas City					x			
Las Vegas			x					
Little Rock						x		
Los Angeles			x					
Maricopa Co.								x
Mobile		x						
Pensacola			x					
Portland	x							
St. Joseph			x					
Seattle	x							
Wilmington	x							

*depends on case status at time of termination

4. Sanctions Imposed for Unsuccessfully Terminated Defendants

Six³⁵ of the twenty reporting programs indicated that most defendants unsuccessfully terminated from the diversionary components of their drug court programs receive probationary sentences and a maximum incarceration period of 30 days in jail. In Maricopa County, defendants serve up to 60 days in jail and may have their probation revoked or transferred to standard probation supervision with no possibility of early termination. Four programs³⁶ indicated that unsuccessful defendants are generally sentenced to between 60 and 90 days in jail. The District of Columbia indicated that unsuccessfully terminated defendants will generally be sentenced to jail for terms which will vary according to the nature of the offense and the defendant's prior criminal history. The eight other reporting programs generally noted substantially longer periods of incarceration imposed on unsuccessful defendants. In the Baltimore Circuit program, the period of incarceration depends on the nature of the charge and the defendant's criminal history. In the Baltimore District Court program, defendants terminated from the diversion track may be sentenced to up to 30 days in jail while defendants terminated from the probation track may be incarcerated for up to two years. For the Denver program, defendants will be sentenced to some period of incarceration, depending on the nature of the charge and the track to which it was assigned. In Kalamazoo, no specific range of sentence is applicable but most defendants are sentenced to at least 90 days incarceration, although, depending upon criminal history, some will receive a prison term. Sentences in Las Vegas range between probation and six years in prison. Sentences in Pensacola are generally up to 11.5 months. No information on applicable sentences was available for the Little Rock program.

E. EFFECT OF PROGRAM COMPLETION ON CASE OUTCOME

Most of the early drug court programs functioned primarily as diversion programs and provided for the dismissal or nolle prosequere of charges upon the defendant's successful completion of the drug court program. However, the drug court approach is now frequently being extended to other cases and defendants with more extensive criminal histories who are not eligible to have their cases dismissed or nolle prossed but who need -- and want -- the intensive treatment supervision which the drug court program provides. Some prosecutors are also reluctant to defer prosecution for drug court participants but will agree to permit a plea that is entered as a condition of enrollment in a drug court program to be stricken upon successful completion of the prescribed

³⁵Austin, Crestview, Denver (if diversion case), Fort Lauderdale (depends on the case), Mobile, and Portland (although some defendants may be sentenced to six or more months, depending on criminal history).

³⁶Beaumont; Los Angeles (if the defendant has several prior drug convictions, the sentence will be 90 - 180 days in jail); St. Joseph (although the sentence generally depends on the underlying charge and may be up to one year in jail); and Seattle (the precise sentence depends on the defendant's criminal history; the average sentence is 75 days in jail).

program requirements.³⁷ Chart 17 below provides a summary of the case outcomes for defendants successfully completing the drug court programs reported in this analysis. For those programs in which various alternative dispositional outcomes are noted, the applicable outcome is generally determined by the nature of the charge and the defendant's criminal history.

CHART 17: EFFECT OF SUCCESSFUL PROGRAM COMPLETION ON CASE OUTCOME

<u>Drug Court Program</u>	<u>Dism/Nolle Prossed</u>	<u>Guilty Plea Stricken</u>	<u>Probation in Lieu of Incarceration</u>	<u>Probation Shortened</u>	<u>Fel. Red. to Misd.</u>
Austin (Bakersfield)	x				
Balt. Dist. (divers tr.)	x	x	x	x	x
Beaumont	x				
Crestview	x				
Denver	x	x	x		
Dist. of Col.			x		
Fort Lauderdale	x				
Kalamazoo	x		x		
Kansas City	x				
Las Vegas	x	x	x	x	
Little Rock	x	x			
Los Angeles	x				
Maricopa County				x	x
Mobile	x	x			
Pensacola	x		x	x	
Portland	x				
St. Joseph	x	x			
Seattle	x				
Wilmington	x	x	x	x	x

³⁷ Not all defense counsel will consent to defendants entering a guilty plea, however, particularly if lab analyses have not been provided or in instances in which the likelihood of successful suppression motions is considered high. This issue has received significant attention in the planning of most drug court programs and the manner in which it has been resolved has varied from jurisdiction to jurisdiction. (See also Part Three, "Defense Counsel Comments on Drug Court Programs".

III. METHODS FOR MAINTAINING INFORMATION ON DRUG COURT PARTICIPANT PERFORMANCE

A. INFORMATION SYSTEM CAPABILITIES OF THE DRUG COURT PROGRAMS

An important element in the conduct of drug court programs has been the provision of essential information *on a continuing basis* to the drug court judge regarding each participant's performance in the treatment program and compliance with other conditions of the drug court program. Generally, the compilation and transmittal of this information has been provided by the agency that is coordinating treatment services for the drug court program.

Most of the drug court programs have needed to devise special procedures for compiling and transmitting requisite information to the drug court judge regarding participant performance in treatment and participant compliance with other conditions of the drug court program. Complicating the task has been the need to compile *in one data base* information maintained by a variety of criminal justice and treatment agencies -- law enforcement, prosecutor, court, treatment coordinator/case manager, treatment provider, etc.

More than half of the responding programs³⁸ indicated that they did not have an automated information system to compile this information and a number of other programs which have not yet responded to the survey indicated that their delay in response was due to the lack of an adequate information system which could promptly provide the information requested. The responding programs which currently utilize automated information systems are: Denver, District of Columbia, Little Rock, Las Vegas, Los Angeles, Mobile and St. Joseph. The information systems developed by the District of Columbia Pretrial Services Agency and the Los Angeles Superior Court have been reviewed by a number of other jurisdictions for possible adaptation.

B. INFORMATION PROVIDED TO THE DRUG COURT JUDGE

1. Methods for Providing Information

Three of the programs (Denver, District of Columbia, and Las Vegas) indicate that on-line access to treatment information is accessible from the bench. The remaining programs indicated that information is generally provided in a written report,

³⁸ Austin, Baltimore Circuit; Baltimore District; Beaumont; Crestview; Kalamazoo; Maricopa County; Pensacola, Portland, and Wilmington.

with eleven programs³⁹ indicating that written information is supplemented at the status hearings with oral information provided by the treatment coordinator and/or the prosecutor.

2. Information Provided

At a minimum, the information provided to the drug court judge for each Drug Court participant has included: appearance at scheduled treatment sessions; appearance for requisite urinalyses; urinalyses results; appearance at scheduled court hearings; and new arrests. Many programs also collect other information relevant to participants' rehabilitation, such as educational activities, family relationships, changes in employment status, etc.

The monitoring information compiled is available to the prosecutor and the public defender and used specifically by the Drug Court judge, generally with additional recommendations from the treatment coordinator, to supervise and monitor each defendant's participation in the program. The Drug Court judge uses this information at each participant's status hearing to make decisions regarding the continuation of participants in the drug court program, any enhancements or other modifications needed in the plan for treatment and other rehabilitation services for each participant, sanctions that may be appropriate for participant noncompliance noted with program conditions, and other matters relating to each defendant's participation in the drug court program. This information is also used by the Drug Court judge to recognize/reward the progress made by program defendants. Although judges in all of the programs have expressed the need to have this information provided on a cumulative basis, the limitations of current information systems have precluded provision of cumulative information in some instances through the standard information system. In these instances, cumulative information for each participant is generally compiled manually. Chart 18a on the following page summarizes the most essential information items the reporting programs indicated are available to the drug court judge on a continuing basis.

³⁹ Austin; Baltimore Circ.; Baltimore Dist.; Beaumont; Fort Lauderdale; Kalamazoo; Los Angeles; Mobile; St. Joseph; Seattle; and Wilmington.

**CHART 18.A: INFORMATION REGULARLY AVAILABLE TO THE
DRUG COURT JUDGE: COMPLIANCE WITH
PROGRAM CONDITIONS**

<u>Drug Court</u>	<u>appearance at ct. hrgs</u>	<u>appearance at treatment appts.</u>	<u>appearance at urinalyses</u>	<u>urinalysis results</u>	<u>New Arrests</u>
Austin	c	c	c	c	c
Balt. Circ.	c	c	c	c	c
Balt. Dist.	mr	mr	mr	mr	mr
Beaumont	mr	mr	mr	mr	mr
Crestview	mr	mr	mr	c	mr
Denver	c	c	c	c	c
D.C.	c	c	c	c	c
Ft. Lauderdale	c	c	c	c	c
Kalamazoo	c	c	c	c	mr
Las Vegas	c	c	c	c	mr
Little Rock	c	c	c	c	c
Los Angeles	mr	c	c	c	mr
Maricopa Co.	c	c	c	c	c
Mobile	c	c	c	c	mr
Pensacola	mr	mr	mr	mr	mr
Portland	c	c	mr	c	mr
St. Joseph	c	c	c	c	c
Seattle	c	c	c	c	c
Wilmington	c	c	c	c	c

C = CUMULATIVE
MR = MOST RECENT

**CHART 18.B: INFORMATION REGULARLY AVAILABLE TO THE
DRUG COURT JUDGE: PERSONNEL INFORMATION
ON PARTICIPANTS**

<u>Program</u>	<u>Emplymt Status/ Changes</u>	<u>Educ. Activities</u>	<u>Family Status/ Changes</u>
Austin	c	c	n/a
Balt. Circ.	c	c	mr
Balt. Dist.	mr	mr	mr
Beaumont	mr	mr	n/a
Crestview	mr	mr	mr
Denver	c	n/a	n/a
Dist. of Co.	c	c	c
Fort Lauderdale	c	c	c
Kalamazoo	c	c	c
Las Vegas	mr	c	mr
Little Rock	c	c	c
Los Angeles	c	c	c
Maricopa County	n/a	n/a	n/a
Mobile	mr	mr	mr
Pensacola	mr	mr	mr
Portland	c	c	c
St. Joseph	c	c	c
Seattle	c	c	c
Wilmington	c	c	c

C = CUMULATIVE

MR = MOST RECENT

C. PROGRAM CONTACTS WITH PARTICIPANTS

1. Frequency of status hearings before the drug court judge

An essential component of all drug court programs is frequent status hearings which the drug court judge conducts for program participants. At the status hearing, the drug court judge reviews the progress of each participant, reviewing information provided by the treatment coordinator, prosecutor, public defender and other officials who may be involved in the case. The frequency with which defendants must appear at these hearings is determined by the supervision and monitoring needs of each defendant. Generally, status hearings are conducted more frequently during the initial period of program participation and gradually decrease as the participant progresses in the drug court program.

Chart 19 summarizes the frequency with which the reporting programs are currently conducting status hearings.

CHART 19: FREQUENCY OF DRUG COURT STATUS HEARING⁴⁰

Drug Court	PHASE I			PHASE II			PHASE III	
	at least weekly	at least bi-weekly	at least monthly	at least bi-weekly	at least bi-monthly	at least bi-weekly	at least monthly	at least bi-monthly
Austin	X			X			X	
Baltimore Circuit		X			X			X
Baltimore Dist.		X			X			X
Beaumont		X			X			X
Crestview	X			X			X	
Denver		X			X			X
Dist. of Columbia			X*					
Fort Lauderdale			X				X	X
Kalamazoo		X		X				
Kansas City		X						X
Las Vegas		X			X	X	X	
Little Rock			X					X
Los Angeles		X			X	X	X	
Maricopa County			X					X
Mobile		X			X	X	X	X
Pensacola	X			X				
Portland			X		X	X		X
St. Joseph, MI			X					X
Seattle			X					X
Wilmington			X		X			X

* weekly progress hearings also conducted, as required, by the Drug Court judge

⁴⁰ all of the reporting programs indicate that more frequent status hearings than normally scheduled are conducted if the treatment coordinator recommends. Immediate hearings are scheduled in instances of participant noncompliance.

2. Other justice system follow-up contact with Drug Court participants

In addition to the regular status hearings conducted by all drug court programs, many have initiated additional measures to promote participant accountability and to assure that the court is promptly notified of and responds to instances of participant noncompliance. The most common follow-up methods reported were (1) immediate execution of benchwarrants for participant failures to appear at court hearings; and (2) periodic follow-up by the prosecutor and defense counsel. A summary of the follow-up contacts conducted by the reporting drug court programs is summarized in Chart 20 below.

CHART 20: OTHER JUSTICE SYSTEM FOLLOW-UP CONTACT WITH DRUG COURT PARTICIPANTS

Drug Court Program	Immed. Exec. of Bchwts for FTAs			Periodic F-Up By Prosecutor			Periodic F-Up by Defense Counsel		
	Ph.1	Ph.2	Ph.3	Ph.1	Ph.2	Ph.3	Ph.1	Ph.2	Ph.3
	Austin	x			x	x	x	x	x
Balt. Circ.	x			x	x	x	x	x	x
Balt. Dist.	x	x	x						
Beaumont	x	x	x	x	x	x			
Crestview	x	x	x	x	x	x	x	x	x
Denver	x	x	x						
Dist. of Col.	x								
Fort Laudle.	x	x	x						
Las Vegas	x	x	x						
Little Rock	x			x	x	x	x	x	x
Los Angeles	x	x	x						
Mobile	x	x	x	x	x	x	x	x	x
Pensacola	x	x	x	x	x	x	x	x	x
St. Joseph	x	x							
Seattle		x					x		
Wilmington				periodic					

In the District of Columbia, Pretrial Service Agency staff maintain regular contact with each Drug Court participant; in Maricopa County, the probation officer maintains weekly (gradually decreased to bi-weekly) contact with program participants.

IV. TREATMENT AND REHABILITATION SERVICES PROVIDED TO DRUG COURT PARTICIPANTS

Note: The information in this section focusses on the organizational structure and components of the treatment programs of the reporting drug courts. More specific information regarding the treatment and rehabilitation services provided for drug court participants is provided in Part Six of this Overview.

A. OVERALL MANAGEMENT OF TREATMENT AND REHABILITATION SERVICES FOR THE DRUG COURT PROGRAMS

Nine of the reporting programs (Austin, Crestview, Denver, Las Vegas, Little Rock, Los Angeles, Pensacola, Portland, and St. Joseph), indicated that the court provided primary management and coordination of the treatment and rehabilitation services for the drug court participants. Several of these programs noted that the court's management of these functions was provided in conjunction with other criminal justice or treatment agencies. Seven programs [Crestview, Las Vegas, Los Angeles, Mobile, Pensacola, Portland and Seattle] indicated that private nonprofit organizations were providing these management services. Five programs [Austin, Baltimore Circuit Court; Baltimore District Court (Diversion Track); District of Columbia; and Kansas City) identified the pretrial services agency as the principal locus for management responsibility. Four programs identified the local probation department [Baltimore Circuit Court; Baltimore District Court (Probation Track); Maricopa County; and (Oakland). One program (St. Joseph) identified the local health department and one program (Wilmington) uses a TASC program. In Kalamazoo, the County Office of Community Corrections is providing these services. A summary of the principal agencies used to provide treatment coordination and defendant case management services for the reporting drug court programs is provided in Chart 21.

CHART 21: AGENCIES PROVIDING TREATMENT COORDINATION/CASE MANAGEMENT SERVICES FOR DRUG COURT PROGRAMS

	<u>Pretrial Services Ag.</u>	<u>Private Treatment Prov.</u>	<u>Probation</u>	<u>Other</u>
Austin	x			
Balt. Circ.	x*		x**	
Balt. Dis.	x*		x**	
Crestview		x		
Denver				Ct. coord multiple provs.
Dist. of Col.	x			
Fort Laud.				Co. Treatment Ag.
Kalamazoo				Co. Com. Courts.
Kansas City	x			
Las Vegas		x		
Los Angeles		x		
Maricopa Co.			x	
Mobile (Oakland)		x		
Pensacola		x		
Portland		x		
St. Joseph				Co. Health Dept.
Seattle		x		
Wilmington				TASC

* diversion track
 ** probation track

B. USE OF COMMUNITY RESOURCES

All of the reporting programs indicated that the specialized treatment services provided to drug court participants are augmented by a variety of community resources designed to provide education, vocational, medical, job placement, family support and other services needed by program participants.

The most frequently cited community resources used to augment the treatment components of drug court programs are summarized in Chart 22 below:

CHART 22: COMMUNITY RESOURCES USED BY DRUG COURT PROGRAMS

<u>Drug Court Program</u>	<u>AA/12-step program</u>	<u>Churches</u>	<u>Ch. of Com./ local bus.</u>	<u>pub. schools/ com. cols.</u>	<u>hospitals/ med. assocs.</u>	<u>Bar assocs.</u>
Austin	x	x				
Balt. Circ.	x	x	x	x	x	x
Balt. Dist.	x					
Beaumont	x	x	x	x		
Crestview	x					
Denver	x		x	x	x	
Dist. of Col.	x		x		x	x
Fort Laudl.	x		x		x	x
Kalamazoo	x	x	x	x	x	x
Kansas City	x		x			
Little Rock	x	x	x			
Las Vegas			x		x	x
Los Angeles	x	x		x		x
Maric. Co.	x				x	
Mobile	x	x				
Pensacola	x		x	x		
Portland	x					
St. Joseph	x		x	x		x
Seattle	x	x	x	x	x	
Wilmington	x					

The Baltimore District Court also provides transitional housing, job training, GED and life skills training through religious-based community groups. The Beaumont program provides special services through the local state employment commission. The Kalamazoo program provides a range of support services to program participants through local human services and community agencies including maternal support services, employment and housing resources, and special services to sexual assault and domestic assault victims.

VI. PROGRAM EVALUATION/ASSESSMENT

A. INFORMATION USED TO MONITOR PARTICIPANT PERFORMANCE

As noted in Section IV B above, drug court judges generally rely upon objective

indicators to monitor defendants' progress in the drug court program and make determinations regarding a participant's continuation or termination, modifications in program participation conditions, imposition of sanctions for noncompliance, etc. These indicators generally relate to participant performance in the drug court program as measured by urinalysis results and attendance at treatment sessions and court hearings, supplemented by recommendations from the treatment provider, the prosecutor and defense counsel.

The most frequently cited indicia of participant performance used by drug court judges have been: (1) percentage of urinalysis tests that are clean; (2) percentage of treatment sessions defendants are attending; (3) frequency of failures to appear at court status hearings; (4) frequency of new drug arrests; and (5) frequency of new nondrug arrests.⁴¹ Most drug court judges also look to other indicia of rehabilitation (e.g., employment, family relationships, etc., and information provided by each participant in the court's dialogue with him/her at the status hearing) as a foundation to review the progress or lack thereof of each participant and to obtain additional information from the participant regarding his/her progress.

B. INFORMATION USED TO ASSESS PROGRAM EFFECTIVENESS

In addition to information compiled for supervision purposes, the reporting programs cited a number of measures being used to assess program effectiveness. The most frequently cited measures are participant: (1) recidivism rates; (2) drug usage; (3) employment status; (4) family/household status; (5) educational status; and (6) physical and mental health. Many programs also track the number of drug free babies born to program participants. A synopsis of available follow-up information provided by the reporting courts is presented below.

C. AVAILABLE FOLLOW-UP INFORMATION

Note: All of the responding programs cited the importance of maintaining follow-up contacts with individuals who have participated in the drug court program, although resource limitations have generally precluded the extent of follow-up desired. Twelve of the programs⁴² indicated that follow-up contact is/will be maintained with program graduates for periods ranging between six to twenty-four months. Several programs (Kalamazoo, Las Vegas and Oakland) also noted that criminal history checks are conducted routinely for all program participants and graduates.

⁴¹As noted earlier, in some instances, a new arrest will result in a participant's termination from the drug court program altogether; in other instances, a participant will be permitted to remain in the drug court program while, concurrently, he/she is prosecuted on the new charge.

⁴² Austin (follow-up has been conducted with all graduates); Beaumont; District of Columbia; Fort Lauderdale (an alumni group is maintained); Kalamazoo; Kansas City; Little Rock; Las Vegas (follow-up has been conducted with all graduates); Los Angeles; Pensacola (this activity is being established in conjunction with the local Anti-Drug coalition); Portland; and St. Joseph.

1. Recidivism

All of the programs indicate that recidivism, measured in terms of rearrest rates, is an essential measure of program effectiveness in light of the goals which drug court programs seek to achieve. However, the task of compiling comprehensive data on recidivism for all of the programs has been difficult because of the multiple -- and often incompatible -- information systems involved. Many of the reporting programs indicated that they are currently addressing this problem and developing systems to provide this information on an on-going basis.

Nevertheless, since new arrest information on drug court participants is provided on an on-going basis to the drug court judge and, in many jurisdictions, criminal history checks are conducted regularly on defendants following program entry, some of the responding courts were able to provide available recidivism data, much of which has not otherwise been formally published.

Note: Comparisons among programs in terms of "performance" should be made with great caution for numerous reasons, the most important of which is that their populations differ significantly in terms of risk factors and other characteristics.

- Beaumont:** Between November 1992 and November 1994, 18 of the 177 program participants (10%) were arrested on a new charge and terminated from the program.
- Ft Lauderdale:** A February 1995 report prepared by the Broward County Auditor's Office indicated that the success rate of the Drug Court program, based upon rearrest of graduates, using a nationwide records search, over a 17-month average period was 90%. (Based on these findings, the County Auditor recommended that the drug court be expanded to all cases involving the primary offense of cocaine possession or purchase.)
- Kalamazoo:** Program staff indicated that the rearrest rate is 6% for all program participants since the program began. Arrest during the period of program participation is grounds for program termination. Of the 25 women who completed the entire program (successful completion requires a minimum of 15 months and generally 18-24 months, one woman has been rearrested for a nonviolent drug related charge.)
- Los Angeles:** As of April 1995, 16 of the 210 Drug Court participants have been arrested for new offenses since the program started. Although many variables need to be considered in reviewing recidivism information for program participants, local officials believe this rate is lower than would have occurred had this population been subject to the traditional case disposition process.

(Miami): Miami officials note a 33 percent reduction in arrests of drug court graduates, compared with offenders going through the traditional criminal process.⁴³

(Oakland): Periodic reports prepared by Judge Jeffrey Tauber, based on information maintained by the Alameda County Probation department for program participants during the first year of the program, indicate that the felony recidivism rate has been reduced by approximately 44% during the ensuing three year period.

Pensacola: Of the 150 participants currently participating in the program, three (1.5%) have had arrests for new offenses and these have been for minor matters; of the 51 program graduates, one graduate was arrested for drug dealing; (one additional graduate was not arrested but came back to the program voluntarily and is now in an aftercare program); Judge John Parnham, the Drug Court judge, estimates that, without the drug court program, the court would have expected at least 85% of the participants, including the 51 graduates, to have continued to use drugs and it would be only a matter of time until they would have been arrested. Judge Parnham indicates that it is also highly likely that most of these individuals would also have been committing crimes for which they might not have been immediately apprehended and that their drug usage would also have had a very negative impact on their employment, employment potential, family, children, and significant others.

Portland: Based on a Multnomah County Community Corrections Department June 1994 study of recidivism for a 12 month period following program termination for a sample of 54 clients who successfully completed the program compared with a sample of 50 clients who were unsuccessfully terminated, the following recidivism findings emerged:

	<u>successful termination</u>	<u>unsuccessful termination</u>
Total Participants	54 (52%)	50 (48%)
% with at least one arrest	15%	54%
aver. number of arrests per person	.20	1.08

(continued)

⁴³ John S. Goldcamp and Doris Weiland. *Assessing the Impact of Dade County's Felony Drug Court*. August 1993.

Portland: (continued)

	<u>successful termination</u>	<u>unsuccessful termination</u>
% with at least one conviction	9%	50%
avg. no. of convictions per person	.15	.66

St. Joseph: From program inception in October 1993 through December 31, 1994, the recidivism rate for all program participants has been under 11% - which is the total termination rate for both new arrests and repeated positive urinalyses. Local officials are now in the process of determining what percentage of the 11% recidivism rate constituted new arrests.

2. Other measures Provided by the Reporting Drug Court Programs

a. *drug usage*

In the District of Columbia Drug Court program, negative urinalysis rates for program participants in the graduated sanctions and enhanced treatment tracks have risen from 0% at program initiation to 85 - 90% by the sixth month for those remaining in the program at that point. In contrast, sixty-seven percent of the defendants whose cases were handled in the traditional manner, receiving neither enhanced treatment nor special sanctions but were still subject to periodic status hearings were drug free by the sixth month.

b. *employment status*

In Beaumont, 25% of the clients in Phase 1 are employed full time, increasing to 51% by Phase III.

c. *Drug Free Babies*

The birth of drug free babies to women who have been substance abusers is rapidly becoming one of the measures many jurisdictions are using to assess the impact of the drug court program. In (Bakersfield), five drug free babies have been born since the program began. In Portland, 25 such babies have been born, and in (Wilmington), five drug free babies have been born.

D. PROGRAM EVALUATION ACTIVITIES UNDERTAKEN TO DATE

Evaluation reports have been published for at least six programs⁴⁴ although the scope of these evaluations varies. A number of the reporting programs not already addressed by these evaluation reports⁴⁵ indicated that evaluation activities are currently underway. Most of the programs⁴⁶ reported that information is gathered internally on various aspects of program impact despite the absence of formal published reports.

All of the responding programs cited the capability to conduct comprehensive program evaluation as a critical need but most have not operated long enough to permit meaningful assessment of their impact.

VI. PROGRAM OPERATIONAL/PLANNING ISSUES

A. MOST SERIOUS PROBLEMS ENCOUNTERED

The most serious problems encountered by the responding programs related to the lack of available funding to provide necessary treatment services and stability for the programs. Of a secondary nature, various operational issues were noted relating, primarily, to the matching of court and treatment resources to the volume (often fluctuating) and needs of eligible drug court participants. On the following two pages is a summary of the problems noted by the responding sites:

⁴⁴ Austin (Resource Network. *Process Evaluation: 1993 - 1994*, October 1994); Bakersfield (Memorandum to Judge Frank Hoover from Liz Rozell, July 6, 1994); Fort Lauderdale (W. Clinton Terry. *Broward County Drug Court: A Preliminary Report*, November 1993; Broward County Auditor's Report, Feb. 1995); Kansas City (N. Andrew Peterson. *Evaluation of the First Year of Operation of the Jackson County Drug Court*, December 1994); Miami (American Bar Association. *Strategies for Courts to Cope with the Caseload Pressures of Drug Cases*, November 1991; John S. Gokdkamp and Doris Weiland. *Assessing the Impact of Dade County's Felony Drug Court*. August 1993); Oakland (Hon. Jeffrey Tauber. *An Evaluation of the Oakland Drug Court After Three Years*, Jan. 9, 1995, and prior reports prepared by Judge Tauber documenting earlier periods); Portland ("Client Impacts" data prepared by Multnomah County Department of Community Corrections, June 1994); and American University Adjudication Technical Assistance Project. *Preliminary Assessment of the S.T.O.P Program of Court Supervised Treatment and Deferred Prosecution for Eligible Drug Case Defendants*, draft report (1994).

⁴⁵ Austin; Baltimore District Court; Crestview; Little Rock (through University of Central Arkansas); Kalamazoo (through Western Michigan University); Maricopa County (presently the subject of a RAND follow-up study of program participants from March 1992 - April 1993); Pensacola; Portland; and Seattle.

⁴⁶ Baltimore Circuit Court; Beaumont; Denver; Kalamazoo; Los Angeles; Maricopa County; St. Joseph and Seattle.

CHART 23: MOST SERIOUS PROBLEMS ENCOUNTERED BY DRUG COURT PROGRAMS

<u>Drug Court</u>	<u>Adequ. Funding</u>	<u>Adequ. Info. Sys</u>	<u>Dev. Elig. Criteria</u>	<u>Dev. Progr. Proceeds.</u>	<u>Avail. of Adequate Treatment Services</u>	<u>Case Volume</u>	<u>Other</u>
Austin	X	X					
Balt. Circ.		X					
Balt. Dis.		X					
Beaumont	X	X					X ⁴⁷
Crestview	X						X ⁴⁸
Denver			X				
Ft. Lauderd.							X ⁴⁹
Kalamazoo	X						X ⁵⁰
Kansas City		X					
Las Vegas	X						
Little Rock		X					X ⁵¹
Los Angeles	X	X	X	X	X		X ⁵²

(cont. on next page)

⁴⁷ developing public acceptance of program

⁴⁸ developing support from judiciary

⁴⁹ the insistence by the prosecutor that the treatment should be post adjudication, requiring legislation which became effective October 1, 1993, permitting a pre-trial diversion program.

⁵⁰ ensuring that the DA referred all eligible defendants to the program

⁵¹ obtaining an adequate number of referrals from the prosecutor; delays because of differences of opinion about which program components should receive priority in terms of implementation (e.g., assessment of extent of substance dependency or physical condition of participant)

⁵² competition from an easier diversion program; addressing the needs of the high risk population that the drug court program serves.

CHART 23: MOST SERIOUS PROBLEMS ENCOUNTERED BY DRUG COURT PROGRAMS (cont.)

<u>Drug Court</u>	<u>Adequ. Funding</u>	<u>Adequ. Info. Sys</u>	<u>Dev. Elig. Criteria</u>	<u>Dev. Progr. Proceeds.</u>	<u>Avail. of Adequate Treatment Services</u>	<u>Case Volume</u>	<u>Other</u>
Mobile	X				X		X ⁵³
Pensacola	X						X ⁵⁴
Portland	X						X ⁵⁵
St. Joseph			X	X			X ⁵⁶
Seattle	X						X ⁵⁷
Wilmington	X	X	X		X	X	

⁵³ reducing the number of days for a client's entry into the program; determining the level of treatment each participant requires; securing residential facilities

⁵⁴ transportation, child care and vocational resources for participants

⁵⁵ developing the relationship between the court and the treatment provider

⁵⁶ realization that the program must have a single judge dedicated to handle drug court cases exclusively and difficulty in rearranging the overall schedule to accommodate this need; rotating judges reduces the degree of certainty among the participants; counsel and encourages "judge shopping"; also: dealing with the number of clients that come into drug court; one week may be extremely busy (several drug raids by narcotics unit) then the arrests may slack up. basically, a feast or famine situation; the difficulty arises when you "crunch" many clients into a quick timeframe.

⁵⁷ securing inpatient beds for heroin-toxic defendants in early phases of drug court program participation

B. UNANTICIPATED ISSUES ENCOUNTERED

As with most new programs, implementation of most drug court programs has brought about unanticipated problems requiring prompt resolution. While many of these problems have related to funding, many have also related to an array of additional issues, including: the process of referring eligible defendants to the drug court program; judicial attitudes toward the drug court program; attitudes of the community regarding the provision of treatment to persons involved in the criminal justice system; meeting the special -- and very diverse -- needs of the drug court population; and providing aftercare services to program participants. Below is a summary of the unanticipated issues identified by the responding courts and a synopsis of how they were resolved.

Austin

Problem:

- treatment funds reduced, resulting in interruption in capability for treatment referrals and services

Resolution:

- future funding plans are still being developed

Baltimore District

Problem:

- Difficulty in capturing nonjail population who were released pretrial

Resolution:

- streamline system; place necessary participants in one location for screening

Beaumont

Problem

- quality of initial intervention services failed to meet expectations; closing of service facility left drug court staff responsible for intervention services as well

Resolution:

- both drug court and intervention services were placed under "probation umbrella" and operated and administered by drug court coordinator

Crestview, Florida

Problem:

- treatment protocol wasn't always followed

Resolution:

- constant communication with treatment and HRS, Alcohol, Drug Abuse and Mental Health officials

Denver

Problem:

- volume of cases that the Drug Court is processing

Resolution:

- trying to implement some system change to relieve the Court's workload

District of Columbia

Problem:

- successful graduates began "slipping" after sentenced to probation

Resolution:

- set up special teams of probation officers to maintain drug testing, schedule sanctions hearings immediately before judge and develop new incentives to maintain sobriety

Fort Lauderdale

Problems:

- many; this has been a learning process for all of us. For example, determining how many positive urinalyses to permit before terminating a participant, etc.

Resolution:

- through the Court's understanding that drug addiction is a disease, that relapses will occur;
- by intensifying treatment in custody and/or with 28-day programs

Kalamazoo

Problems:

- identifying funding sources;
- ensuring referrals were administered through DA on all eligible defendants

Resolution:

- resolved through local representatives lobbying for funding; continued communication/development of referral procedures and expansion of program to include probation and parole violation cases

Kansas City

Problems:

- inadequate treatment space;
- reporting from existing treatment providers
- needs of special populations (pregnant women, homeless, dual diagnosis, etc.)

Resolution:

- resolved through (1) utilizing single treatment provider under contract to court; (2) use of existing community resources

Las Vegas

Problems:

- none, due to communication with both Miami and Portland programs before commencement and continued communications with other drug court programs

Little Rock

Problems:

- incarcerated clients who do not return to court after their release from the correctional facility;
- inconsistencies with the number of monthly referrals;

Resolutions:

- Drug Court judge is working on the resolution of these problems
- monthly meetings called with those who are responsible for making referrals to court

Los Angeles

Problems:

- Use of methadone maintenance program
- sending/transferring defendants to custody treatment program in county jail (initially, it took a week to get a defendant into custody program;
- lack of success with women defendants

Resolution:

- meetings, consensus

Problem:

Defendants trying to play the court against the Drug Court counselors. For example, the defendants would tell drug counselors the judge had not told them that they had to attend a certain number of meetings.

Resolution:

Judge now makes a point of telling each defendant what the specific requirements of the program are and also tries to back up the recommendations of the Drug Court counselors as much as possible. There are, of course, occasions when the judge reaches a different conclusion as to what should be done regarding a particular defendant.

Problem:

The number of benchwarrants has reached levels higher than anticipated. The problem that the court faces on a day-to-day basis is that a large number of referrals to Drug Court are transients who have unstable living arrangements and/or have no employment or family ties that would suggest they'd return to court. In addition, there is a good percentage of persons arrested for drug possession who are illegal aliens and who do not have strong community ties. It is estimated that 75% of Drug Court defendants are unemployed.

Resolution:

As a result, application of the eligibility criteria for participants in the Drug Court program is stricter and more consistent with the criteria for OR (on recognizance) release.

Problem:

The collection of Drug Court fees has been a problem. Although everyone involved with setting up Drug Court agreed that defendants should pay a portion of the money spent for their treatment, the socioeconomic backgrounds of our defendant has made this a difficult goal to attain. We originally decided that defendants should pay \$ 300 to \$ 350 for the program. It soon became apparent that many of our defendants could not afford these fees. Moreover, we did not emphasize the payment of fees in the beginning because we wanted to encourage people to try the program and realized that fees would discourage those prospective defendants living in South Central/Pico-Union from participating.

Resolution:

We have now set the fees at a more reasonable amount of \$200 and start collecting the monies in Phase II of the program are receiving installment payments of \$ 25 every six weeks and it appears that we might be lucky to collect the \$ 200 from 70% of the people who complete the program.

Problem:

There have been several disagreements between the public Defender's office and the District Attorney's office regarding the use of statements made by defendants in their interaction with the Drug Court judge. The Public Defender wanted their clients afforded a blanket immunity for anything they said. The District Attorney wanted to be able to use statements made in later prosecutions.

Resolution:

After several meetings (somewhat less than those involved in the baseball strike), a policy agreement was reached between the Public Defender and the District Attorney. Essentially, there can be no use of statements made by defendants relating to their drug use. However, if a defendant makes a statement about other criminal activity that is not related to drug use, the prosecution may use it. This presumes, of course, that the judge has not compelled the defendant to incriminate himself through a pinpoint question about criminal activity.

Mobile

Problem:

- delay in identifying potential participants in the judicial system

Resolution:

- case managers work closely with other alternative sentencing programs and also receive referrals from attorneys, law enforcement officials and others. Case managers also attend bond hearings and send letters to potential clients

Problem:

- time required for existing judges to handle the additional caseloads

Resolution:

- assignment of one judge to handle the Drug Court Docket and cooperation of other judges to handle bond hearings. Assignment of one judge actually freed up time for other judges dealing with drug cases.

Problem:

- clients not paying program fees

Resolution:

- created an agreement with the Community Service program to allow clients to work some of their fees through Community service.

Pensacola

Problem:

- serving of benchwarrants:

Resolution:

- state attorney's office has assigned an investigator to the drug court program

Portland

Problems:

- large number of benchwarrants
- first treatment provider was nonresponsive to program needs

Resolution

- now make rebuttable presumption of termination if FTA has lasted more than 90 days
- changed treatment provider

St. Joseph

Problems:

- lack of commitment to program on part of some members of the judiciary; lack of support for diversion program among those who are "gatekeepers": (nondrug court prosecutors and lower court judges)
- court docketing and scheduling were a problem when the program first started; getting clients/attorneys/defense attorneys all on the same wave length as far as expediting cases through the system;

Resolution:

- additional education for both groups as to the need for referral of appropriate candidates and constant reminders; this problem persists and the process is ongoing
- adjusted by trial and error; compromises by everyone regarding their specific schedules to meet the drug court requirements; all involved participants had faith in the drug court concept; all involved participants helped to promote the program

Seattle

Problems:

- heroin-toxic defendants who are unable to make choices early in program when expedited procedures have them before the court in 2-3 days from arrest

Resolution:

- eligible defendants are placed in the detox facility at the jail

Wilmington

Problems:

- cases scheduled without public defender assigned or lab reports;
- establishing firm trial dates;
- inadequate treatment resources

Resolution:

- established more realistic case processing timeframes
- reconfigured treatment resources

C. MODIFICATIONS/ENHANCEMENTS PLANNED

A significant characteristic of most current drug court programs is the continual evolution of program scope, procedures, services and activities that are underway. Almost all of the programs indicated that eligibility criteria, which had generally been conservatively designed initially, had been/were being expanded to reach as many eligible participants as possible, consistent with local public policy and program experience. Many also indicated the prospective expansion of services to program participants and enhanced management capabilities for program monitoring, tracking, and evaluation. The principal modifications noted by the responding programs were:

Austin

- enhance the program through evaluation and development of job training services and behavioral change classes and an MIS system

Baltimore District Court

- centralize more functions

Beaumont

- expand population to include probation

Crestview, Florida

- add a case manager to assist the offenders with child care, transportation, vocational and educational needs

Denver

- add magistrate to relieve workload

District of Columbia

- strengthen specially formed probation teams to supervise successful graduates; develop further outreach to community groups that can help with job training

Fort Lauderdale

- expand treatment facility and number of counselors because of increase in participants

Kalamazoo

- implement acupuncture component; expand program to include men

Kansas City

- instituted late afternoon/evening session for persons employed

Las Vegas

- increase number of participants above present 400 capacity level
- have an effective job training program and/or educational program (GED) for participants in last six months of program

Little Rock

- plan to refine assessment process further; also plan to expand the entry criteria to permit access to greater segment of population

Los Angeles

- admit defendants on a trial basis for first two weeks
- increase efforts to help women defendants
- expand Phase III resources

Mobile

- will add a job developer to the program within the next few months; this will increase fee payment by the clients and provide for improved individual self esteem
- will review urine testing procedures and also outpatient treatment methodology;
- will concentrate on providing additional residential drug treatment facilities

Pensacola

- now working with community coalition, including chamber of commerce, to develop employment and job training opportunities for persons in program while court simultaneously provides intensive supervision;
- will have a case manager follow-up with all graduates for one year and direct them to appropriate aftercare resources and also document follow-up experience

Portland

- expand program to probationers

St. Joseph

- place much more emphasis on the diversion program and include selected probationers in elements of the diversion program

Seattle

- would like to have a detox facility available with designated beds for drug court clients; install on-line computer connection to treatment center to obtain and process information faster

Wilmington

- develop data enhancements
- expand drug court methodology to property offenders

D. ADVICE TO COLLEAGUES

In response to a request for advice to colleagues in other jurisdictions contemplating the establishment of drug court programs, responding judicial system officials commented as follows:

Austin

- funding must be sound and dependable; develop secure partnerships between criminal justice and treatment agency officials

Baltimore District Court

- analyze design and procedures from other jurisdictions
- visit other sites

Beaumont

- conduct advance planning for funding and program operation;
- secure ample space for growth

Crestview, Florida

- communication with all parties involved is critical and ongoing

District of Columbia

- assemble team consisting of principals of judiciary, defense bar, prosecutors, treatment, case management functions and visit at least three existing drug court programs

Fort Lauderdale

- get started as soon as possible; work out problems as you get into them and see the results.

Kalamazoo

- establish group of involved parties to provide input into development of the program

Kansas City

- don't start until you have a written plan which sets forth the concept and method of operation
- anticipate and plan for your treatment needs; have treatment provider readily in place or available
- have fully operational management information system

Las Vegas

- make contact with an existing program and spend at least two days reviewing it: one day in Drug Court and one day at the clinic

Little Rock

- make sure that all parties agree with program protocol before the first clients are accepted;
- a flowchart should be developed and adhered to as closely as possible

Los Angeles

- get a good treatment provider;
- have all the criminal justice agencies on board before you start;
- have monthly or bi-monthly meetings in planning stages and after program starts

Mobile

- use an existing coalition or build a community based group to help with building community support
- study other programs and utilize the most effective methodology in the implementation of the program
- develop a spirit of cooperation with other agencies in the planning stage in order to make the program work smoothly when in operation
- secure funding commitments early
- allow suggestions on program development from both the public and private sector and incorporate those suggestions when possible into the program
- practice public relations at all times with regard to the program

Pensacola

- maintain constant communication with all parties involved

Portland

- obtain ongoing, stable funding
- develop competent procedure for collecting data for evaluation
- obtain competent entity to evaluate program

St. Joseph

- make sure that the leadership for the program is in the hands of the court, particularly under the control of a judge who is committed to the program and has credibility.
- seek consensus and agreement among all stakeholder, particularly the prosecutor and public defender

(continued)

St. Joseph (continued)

- seek out other drug courts for their policies and procedures; don't just "copy" another program and expect it to work within your system. programs must be designed to meet your specific target populations.

Seattle

- get all potential players on board early; plan thoroughly; then proceed slowly

Wilmington

- be flexible
- get commitment from all players
- know your target populations and set expectations realistically



APPENDICES



A. GENERAL CASEFLOW INFORMATION ON RESPONDING JURISDICTIONS

a. Total Criminal/nontraffic cases filed in 1993

Felony

Austin		
all cases:	n/a	
drug cases:	n/a	
Baltimore		
all cases:	n/a	
drug offenses:	n/a	
Beaumont:		
all arrests:	5,562	
drug arrests:	2,718 (approx.)	
Crestview, FL		
all offenses:	1,278	
drug offenses:	n/a	
Denver		
all offenses:	4,184	
drug offenses:	1,260	
District of Columbia		
all offenses	13,028	
drug offenses	n/a	
Fort Lauderdale		
all offenses:	n/a	
drug offenses:	n/a	
Kalamazoo:		
all cases:	2,900	
drug:	n/a	
Kansas City		
all cases:	6,472	(11/30/94:7,918)
drug:	1,292	(11/30/94:1,292)
Las Vegas		
all offenses:	n/a	
drug offenses:	n/a	

Los Angeles		
all offenses:	n/a	
drug offenses:	n/a	
Maricopa County		
all offenses	16,203	
drug offenses	5,395	
Mobile:		
all offenses:	9,811	
drug offenses:	n/a	
Pensacola		
all offenses:	6,312	
drug offenses:	n/a	
Portland		
all cases:	7,977	
drug offenses:	3,587	
St. Joseph, MI		
all cases:	1,097	(1994:1,019)
drug cases:	368	(1994:428)
Seattle		
all cases:	8,209	
drug cases:	2,000	
Wilmington/New Castle County		
all cases:	3,800	
drug cases:	1,700	

a. *Total Criminal/nontraffic cases filed in 1993 (cont.)*

Misdemeanor

Austin		
all cases:		n/a
drug cases:		n/a
Baltimore District Court		
all cases:		65,000
drug offenses:		approx 85% drug related
Beaumont		
all arrests:		13,466
drug arrests:		n/a
Crestview, FL		
all offenses:		3,780
drug offenses:		n/a
Denver		
all offenses:		n/a
drug offenses:		n/a
District of Columbia		
all offenses		18,928
drug offenses		n/a
Fort Lauderdale		
all offenses:		n/a
drug offenses:		n/a
Kalamazoo:		
all cases:		4,266
drug:		n/a
Kansas City		
all cases:		1,116 (1994:1,565)
drug:		n/a (coupled with felonies)
Las Vegas		
all offenses:		n/a
drug offenses:		n/a

Los Angeles		
all offenses:	n/a	
drug offenses:	n/a	
Maricopa County		
all offenses	n/a	
drug offenses	n/a	
Mobile		
total cases:	8,994	
drug cases:	n/a	
Pensacola		
all offenses:	9,822	
drug offenses:	1,526	
Portland		
all cases:	14,972	
drug offenses:	--	
St. Joseph, MI		
all cases:	4,265	(1994:4,676)
drug offenses:	--	
Seattle		
all cases:	1,200+	
drug cases:	350+	
Wilmington/New Castle County (Superior Court)		
all cases	950	
drug cases	480	

**B. PARTICIPATION REQUIREMENTS OF
RESPONDING PROGRAMS**
(See also Part Six of this *Overview*)

- Austin:** perform all treatment, testing, etc. requirements
- Baltimore Dist.:** comply with program requirements, court appearances
- Beaumont:** comply with treatment, testing, etc. requirement
- Crestview, Florida:** attend 2 hour treatment sessions 5 times per week initially, regular urinalysis, decreasing eventually to two times per week
- Fort Lauderdale:** treatment, testing, court appearances, etc., as required
- Denver:** must complete all three program phases of treatment, testing, ct. appearances, and other conditions
- Dist. of Columbia:** Sanctions Track: regular urinalysis; required court appearances; maintain regular contact with case manager Treatment Track: regular participation in a f-day/week, 6 month holistic treatment program and 5-day per week urine testing program
- Kalamazoo:** frequent treatment, testing 3-7 x week arrest free
- Kansas City:** frequent treatment, testing, court appearances, job training, education, etc.
- Las Vegas:** treatment, testing, court appearances and other program requirements
- Little Rock:** comply with testing, ct. appearance, treatment and other conditions
- Los Angeles:** defendant must test 5 times a week; do 6 12-step meeting a week; attend one individual counseling and 2 group counseling per week; try acupuncture and pay \$ 200 for program;
- Maricopa County:** placement on probation with term included to participate in Drug Court
- Mobile:** comply with treatment, testing, ct. appearance, and other requirements
- Pensacola:** attend 4 hour treatment sessions 4 times per week initially, decreasing eventually to two hour sessions two times weekly, with frequent urinalysis, and other conditions

Portland: three phased program of frequent treatment, testing, status hearings and other requirements

St. Joseph: frequent treatment, testing, etc.

Seattle: affirmatively opt in program after first 30 days; stringent requirements of random drug testing, mandatory group and indiv. counseling, etc.;

**Wilmington/
New Castle Co.** Diversion track: defendant makes majority of appointments; clean urines for two months; Probation track: defendant completes court ordered treatment; four months drug free; employed and with stable residence

C. GRADUATION REQUIREMENTS OF RESPONDING PROGRAMS

(See also Part Six of this *Overview*)

Austin:

complete all phases of program

Baltimore District Court:

complete treatment and remain drug free for 6 months

Beaumont:

complete three phases; obtain and maintain sobriety;
participate in education and vocational training and/or
be working full time

Crestview, Florida:

completion of at least 52 weeks of treatment
District of Columbia sanctions track: clear urine tests prior to
sentencing treatment track: complete level five of the treatment
program

Fort Lauderdale:

successful completion of treatment and no felony
(nondrug possession) arrests

Kalamazoo:

successful treatment program completion plus one year
drug free and no arrests; payment of restitution;
employment and education

Kansas City:

payment of drug court fee
complete 40 hours of community service
drug-free for one year

Las Vegas:

one year successfully completion of program with at
least last 3 months drug free

Los Angeles:

defendant must be drug free for at least six months
and complete the one year program

Maricopa County:

successful participation in at least 7 months
of counseling; drug free for at least 60 days immediately
prior to graduation and fulfillment of other terms of
probation (e.g., community service, etc.)

Mobile:

client must be drug free for six months; completed all 3 phases of program and paid fee in full

Pensacola:

complete treatment program

Portland:

successful completion of 12-month program conditions

St. Joseph:

1 year completion of treatment program; clean urine for last 180 days; payment of all fees due

Seattle:

complete all three phases of program

Wilmington/New Castle County

completes all phases of program and complies with other court-ordered conditions (see program participation requirements above)