

# Umatilla County Drug Court *Process Evaluation*



*Submitted to:*

**Michael Graber**

Program Manager

Umatilla County Community Corrections

4705 N.W. Pioneer Place

Pendleton, OR 97801

*Submitted by:*

**NPC Research**

Portland, Oregon

March 2009



4380 SW Macadam Ave., Suite 530

Portland, OR 97239

(503) 243-2436

[www.npcresearch.com](http://www.npcresearch.com)



# Umatilla County Drug Court *Process Evaluation*

*Submitted By*

NPC Research

Judy M. Weller, Research Coordinator

Juliette R. Mackin, Ph.D., Study Manager

Shannon M. Carey, Ph.D., Consultant on Drug Court Research

Michael W. Finigan, Ph.D., Consultant on Drug Court Research

For questions about this report or project, please contact Juliette Mackin at  
(503) 243-2436 x 114 or [mackin@npcresearch.com](mailto:mackin@npcresearch.com).

March 2009



*Informing policy, improving programs*



## ACKNOWLEDGEMENTS

**T**his report is made possible by the great efforts, support, and participation of many people and organizations. In particular, we wish to express gratitude to:

- Hon. Garry L. Reynolds, Hon. Ronald J. Pahl, Mike Graber, Roxann Fisk, and all team members including judicial/legal partners and treatment providers who participated in key stakeholder interviews. We appreciated their warm and welcoming attitude toward our evaluation team;
- Umatilla County Drug Court participants (current and former) who participated in focus groups or interviews, for their candor and for providing the evaluation team with their unique perspectives on the program
- Charley Korns, NPC Research

and for making their program completely available to us



## TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	I
BACKGROUND.....	1
METHODS .....	3
Site Visit .....	3
Key Stakeholder Interviews.....	3
Focus Groups and Interviews with Former Participants.....	3
OTCMS Review .....	3
Document Review.....	4
UMATILLA COUNTY DRUG COURT PROCESS DESCRIPTION .....	5
Umatilla County, Oregon.....	5
Umatilla County Drug Court Overview.....	5
Implementation .....	5
Participant Population and Program Capacity .....	6
Goals .....	6
Eligibility Criteria .....	7
Drug Court Program Screening and Assessment.....	7
Incentives for Offenders to Enter (and Complete) the UCDC Program.....	9
Drug Court Program Phases .....	10
Phase I (Stabilization).....	10
Phase II (Intensive Treatment).....	10
Phase III (Intensive Treatment) .....	12
Phase IV (Community Transition).....	13
Treatment Overview .....	14
The Drug Court Team.....	15
Judge .....	15
Umatilla County Community Corrections Program manager.....	16
Drug Court Manager .....	16
Treatment Providers.....	16
Mental Health Provider .....	17
Probation.....	17
Public Defender .....	18
Prosecutor .....	18
Law Enforcement Agencies.....	19
Department of Human Services (DHS) Child Welfare.....	19
Drug Court Team Training .....	19

UCDC Team and Steering Committee Meetings .....	20
Treatment Provider and Team Communication with the Court .....	20
Drug Court Sessions .....	20
Family Involvement.....	21
Drug Testing .....	21
Drug Court Services Costs.....	21
Rewards .....	21
Sanctions.....	22
Removal/Unsuccessful Completion.....	22
Graduation .....	22
Data Collected by the Drug Court for Tracking and Evaluation Purposes.....	23
Drug Court Funding.....	23
Community Liaisons.....	24
10 KEY COMPONENTS OF DRUG COURTS.....	25
SUMMARY AND CONCLUSIONS.....	37
REFERENCES .....	39
APPENDIX A: DRUG COURT TYPOLOGY INTERVIEW GUIDE TOPICS.....	41
APPENDIX B: FOCUS GROUPS SUMMARIES AND INTERVIEWS WITH FORMER PARTICIPANTS .....	45



## EXECUTIVE SUMMARY

**D**rug treatment courts are effective programs designed to reduce drug abuse and criminality in nonviolent offenders. The first drug court was implemented in Florida in 1989. There were 2,147 drug courts as of December 2007, with drug courts operating or planned in all 50 states (including Native American Tribal Courts), the District of Columbia, Northern Mariana Islands, Puerto Rico, and Guam (NADCP 2007).

Drug courts use the authority of the criminal justice system to offer treatment to nonviolent offenders in lieu of incarceration. This model of linking the resources of the criminal justice system and substance treatment programs has proven to be effective for increasing treatment participation and for decreasing criminal recidivism.

The Umatilla County Drug Court (UCDC) is one program with three locations. It meets in the towns of Pendleton and Hermiston each week. Participants from Milton-Freewater are transported to Pendleton for drug court. Pendleton and Hermiston each have their own Judge, District Attorney (DA), Probation Officers (POs) and treatment providers, and share the services of the other team members (Public Defenders, Drug Court Manager, Umatilla County Community Corrections Program Manager, and Department of Human Services [DHS] representative).

The UCDC is housed in the Umatilla County Department of Community Corrections. It is designed for adult offenders with substance abuse problems who have a medium or high level of risk to re-offend. The program gives priority to individuals addicted to methamphetamines. The UCDC combines treatment, education, intensive case management, and court supervision, for a minimum program duration of 1 year, in order to assist participants in overcoming substance abuse chal-

lenges and related criminal behavior. All program participants are assessed for mental health issues, and on-going treatment (counseling) is provided for those who need it (or ask for it).

Entry into the drug court program is voluntary. The UCDC program has a maximum capacity of 75 participants at one time: 30 in Pendleton, 30 in Hermiston, and 15 in Milton-Freewater. As of September 16, 2008, the program had served a total of 88 people. Of those, 35 were unsuccessful at completing the program and 20 graduated (16 Pendleton, 4 Hermiston). From program start through July 31, 2008, the average length of time in the program for graduates was 400 days (13 months). For all participants, including graduates, the average length of time in the program was 270 days (9 months).

The objectives of the UCDC, according to its Policies and Procedures Manual, are to:

- Increase adult employment.
- Increase adult housing stability.
- Increase adult wage rate.
- Reduce adult criminal recidivism.
- Reduce adult substance abuse.

The UCDC received a grant from the Bureau of Justice Assistance (BJA) in July 2007, to enhance their program. The enhancement project objectives (also according to the Policies and Procedures Manual) are to:

- Increase education level [of participants].
- Increase the identification and treatment of mental health issues of drug court participants.
- Increase participation in drug court and the chance of successfully graduating drug court for residents of Milton-Freewater and surrounding areas.

- Increase training received by the drug court team.
- Increase program evaluation activities.

Information was obtained for this process evaluation from several sources, including observations of drug court hearings in Hermiston and Pendleton, a team (staffing) meeting, Steering Committee meeting, and a pre-trial hearing; key stakeholder interviews; focus groups with current program participants in Hermiston and Pendleton, a focus group and interviews with former participants who had been removed from the program (terminated); review of Umatilla County Drug Court (UCDC) data in the Oregon Treatment Court Management System (OTCMS); and program materials. The methods used to gather this information from each source are described in detail in the main report.

## Process Results

Using the 10 Key Components of Drug Courts (as described by the National Association of Drug Court Professionals, 1997) as a framework, NPC examined the practices of the UCDC program.

The UCDC fulfills many of the 10 key components through its current policies and structure. It integrates alcohol and other drug treatment services with criminal justice system case processing; provides access to a continuum of alcohol, drug, and mental health treatment services; uses frequent alcohol/drug testing to monitor abstinence; has a written policy on sanctions and rewards; its participants have frequent contact with the Judges; Judges do not have term limits; evaluation and monitoring are integral to the program; and this drug court has developed effective partnerships across the community.

There are several areas in which the UCDC should and can make program improvements:

- The program should provide training in strength-based approaches to service delivery for all drug court staff, as well as role-specific training for all team members.
- The team should discuss how all team members can become a more integrated part of the drug court team.
- Prosecution and defense counsel should appear at drug court sessions in Pendleton and Hermiston on a regular basis and present a united front in court.
- The team should consider ways in which individuals could have quicker access and entry into the program and brainstorm about other possible changes that would facilitate participant engagement and retention.
- The team should consider reducing the number of group treatment sessions required in Phase I.
- The program should implement a formal aftercare or a check-in process to provide support and identify former participants who are having challenges.
- The team or Steering Committee should alter the sanction of re-starting the count of 90 clean days so that participants retain a sense of accomplishment while experiencing consequences.
- The program should use a second type of re-test for disputed drug test results.
- The program should continue working on consistency in rewards and sanctions and clarify to participants why not everyone receives the same sanction for a particular behavior, ensure that participants understand and formally acknowledge any rule changes, and explain to them the rationale behind offering toys as incentives.
- The program should attempt to make changes in the appointment process so that participants are not kept waiting regularly to see their Probation Officer.

## BACKGROUND

In the last 19 years, one of the most dramatic developments in the movement to reduce substance abuse among the U. S. criminal justice population has been the spread of drug courts across the country. The first drug court was implemented in Florida in 1989. As of December 31, 2007, there were 2,147 drug courts operating in the United States.<sup>1</sup>

Drug courts are designed to guide offenders identified as drug-addicted into treatment that will reduce drug dependence and improve the quality of life for offenders and their families. Benefits to society take the form of reductions in crime committed by drug court participants, resulting in reduced costs to taxpayers and increased public safety.

In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives who operate outside of their traditional roles. The team typically includes a drug court coordinator, addiction treatment providers, judge, prosecuting attorneys, defense attorneys, law enforcement officers, and parole/probation officers who work together to provide needed services to drug court participants. Prosecuting attorneys and defense attorneys hold their usual adversarial positions in abeyance to support the treatment and supervision needs of program participants. Drug court programs can be viewed as blending resources, expertise, and interests of a variety of jurisdictions and agencies.

Drug courts have been shown to be effective in reducing recidivism (GAO, 2005) and in reducing taxpayer costs due to positive outcomes for drug court participants (Carey & Finigan, 2004; Carey, Finigan, Waller, Lucas, & Crumpton, 2005). Some drug courts have even been shown to cost less to operate

than processing offenders through traditional (business-as-usual) court processes (Carey & Finigan, 2004; Crumpton, Brekhus, Weller, & Finigan, 2004; Carey et al., 2005).

This report contains the process evaluation for the Umatilla County Drug Court (UCDC), which holds drug court hearings in Hermiston and in Pendleton, and also serves participants of Milton-Freewater (who attend drug court hearings in Pendleton). The first section of this report is a description of the methods used to perform this process evaluation, including site visits, key stakeholder interviews, and focus groups and interviews with current and former UCDC participants. The second section contains the evaluation, including a detailed description of the drug court's process. Following the process overview is a section examining the procedures and systems in the UCDC within the framework of the 10 Key Components of Drug Courts (NDCI, 1997).

---

<sup>1</sup> Retrieved August 2008 from [www.ndci.org/publications/PCPII1\\_web.pdf](http://www.ndci.org/publications/PCPII1_web.pdf)



## METHODS

Information was obtained for the process evaluation from several sources, including observations of drug court hearings in Hermiston and Pendleton, a team (staffing) meeting, Steering Committee meeting, and pre-trial hearing; key stakeholder interviews; focus groups with current program participants in Hermiston and Pendleton; a focus group and interviews with former participants who had been removed from the program (terminated); review of UCDC data in the Oregon Treatment Court Management System (OTCMS); and program materials. The methods used to gather information from each source are described below.

### Site Visit

An NPC Research (NPC) evaluation staff member traveled to Pendleton and Hermiston in June 2008 to observe UCDC hearings, a team meeting, a Steering Committee meeting, and a pre-trial hearing; to interview key drug court staff and former participants who did not complete the program; and to facilitate focus groups with current and former drug court participants. These observations, interviews, and the focus groups provided information about the structure, procedures, and routines used in the drug court.

### Key Stakeholder Interviews

Key stakeholder interviews, conducted in person and by telephone, were a critical component of the UCDC process study. NPC staff conducted detailed interviews with 13 individuals involved in the administration of the drug court, including the current Judges; Umatilla County Community Corrections Program Manager; Drug Court Manager; Deputy District Attorney; Executive Director, Intermountain Public Defenders; treatment staff; Probation Officer/Case Managers; DHS District 12 Manager, and a representative from DHS Child Welfare.

NPC has designed a Drug Court Typology Interview Guide,<sup>2</sup> which provides a consistent method for collecting structure and process information from drug courts. In the interest of making the evaluation reflect local circumstances, this guide was modified to fit the purposes of this evaluation and this particular drug court. The information gathered through the use of this guide assisted the evaluation team in focusing on the day-to-day operations as well as the most important and unique characteristics of the UCDC.

For the process interviews, key individuals involved with UCDC administration and program implementation were asked questions in the Typology Guide during telephone interviews and a site visit.

### Focus Groups and Interviews with Former Participants

NPC staff conducted focus groups with current participants of UCDC in Hermiston and Pendleton and a focus group and interviews with previous participants who had been discharged (terminated) from the program. These focus groups and interviews took place during a June 2008 site visit and provided current and former participants with an opportunity to share their experiences and perceptions regarding the drug court process.

### OTCMS Review

NPC staff reviewed UCDC data contained in the OTCMS from program start in July 2006 through July 2008 (fiscal year end). This review allowed the evaluators to determine

---

<sup>2</sup> The Typology Guide was originally developed by NPC Research under a grant from the Bureau of Justice Assistance and the Administrative Office of the Courts of the State of California. A copy of this guide can be found at the NPC Research Web site at [www.npcresearch.com/Files/NPC\\_Research\\_Drug\\_Court\\_Typology\\_Interview\\_Guide\\_\(copyrighted\).pdf](http://www.npcresearch.com/Files/NPC_Research_Drug_Court_Typology_Interview_Guide_(copyrighted).pdf)

whether the program was collecting the data needed for current and future evaluations and for program monitoring, and to answer questions about program process.

### **Document Review**

To better understand the operations and practices of the UCDC, the evaluation team re-

viewed program documents including the Umatilla County Drug Court Program Policies and Procedures Manual, Umatilla County Drug Court Program Orientation packet, quarterly and annual progress reports, and several forms (including agreements and contracts) used in the operation of the program.

# UMATILLA COUNTY DRUG COURT PROCESS DESCRIPTION

## Umatilla County, Oregon

Umatilla County is located in the Northeastern part of the State of Oregon. As of the 2006 U.S. Census estimate,<sup>3</sup> this county had a population of 77,928, 51% male and 49% female.

The racial composition of the county was 87.3% Caucasian, 4.6% American Indian or Alaska Native, .8% Asian, 3.6% other races, and 3.7% two or more races. The Hispanic or Latino population (of any race) was 18%. The median household income was \$45,362, and the median family income was \$50,273, with approximately 17% of individuals and 12% of families living below the federal poverty level.

## Umatilla County Drug Court Overview

The Umatilla County Drug Court is one court, but meets in Pendleton and in Hermiston each week. Participants from Milton-Freewater are transported to Pendleton for drug court. Pendleton and Hermiston each have their own Judge, District Attorney (DA), Probation Officers (POs) and treatment providers and share the services of the other team members (Public Defenders, Drug Court Manager, Umatilla County Community Corrections Program Manager, Department of Human Services [DHS] representative).

The UCDC is housed in the Umatilla County Department of Community Corrections. It is designed for adult offenders with substance abuse problems who have a medium or high level of risk to re-offend, as determined by the LSI-R (Level of Service Inventory-Revised). The UCDC combines treatment, education, intensive case management, and

court supervision, for a minimum program duration of 1 year, in order to assist participants in overcoming substance abuse challenges and related criminal behavior. All program participants are assessed for mental health issues, and on-going treatment (counseling) is provided for those who need it or ask for it. Entry into the drug court program is voluntary.

## Implementation

Planning began for the Umatilla County Drug Court a few years before it was implemented. The original Planning Committee, which is now the Steering Committee, was formed by community members who wanted to start a drug court. They sought and received funding to visit drug courts in Florida and California, and then applied for a grant that was denied. Not to be deterred, they continued to meet because they thought it was a worthwhile endeavor. When the former Umatilla County Community Corrections Program Manager became involved with the Committee, she successfully applied for a grant from the Oregon Criminal Justice Commission. The Planning Committee then became the Steering Committee and oversaw implementation of the UCDC.

During the planning period, the Committee thoroughly studied the 10 Key Components of Drug Courts,<sup>4</sup> and the Program Manager visited programs in Hood River and The Dalles. The Steering Committee used the policies and procedures manuals from those drug courts, as well as a manual from Malheur County's drug court, to guide the development of their own policies and procedures.

The UCDC began in July 2006, and was located in Pendleton. It also served participants from Hermiston, who were transported to

---

<sup>3</sup> The most recent Census figures available, <http://factfinder.census.gov>

---

<sup>4</sup> As described by the National Association of Drug Court Professionals, 1997

Pendleton for drug court sessions. Hermiston's own drug court began in December 2006, which meant that participants were able to attend court closer to home (although some drug court team members continue to travel to both courts). Treatment was provided in Hermiston before the drug court was available there.

## Enhancement

The drug court received a grant from the Bureau of Justice Assistance (BJA) in July 2007 that allowed them to serve participants from another community within the county, Milton-Freewater, beginning in November of that year. The enhancement grant also provided funds for GED and mental health services, additional drug court training for the drug court team, and increased program evaluation activities.

## Participant Population and Program Capacity

The UCDC program has a maximum capacity of 75 participants at one time: 30 in Pendleton, 30 in Hermiston, and 15 in Milton-Freewater. As of September 16, 2008, the program had served a total of 88 people. Of those, 35 were terminated and 20 graduated (16 Pendleton, 4 Hermiston). From program start through July 31, 2008, the average length of time in the program for graduates was 400 days (13 months). For all participants, including graduates, the average length of time in the program was 270 days (9 months).

The program is designed for medium- to high-risk offenders, and gives priority to individuals addicted to methamphetamines. In fact, Umatilla County received a High Intensity Drug Traffic Area (HIDTA) designation from the Office of National Drug Control

Policy because of the enormity of the meth epidemic in the area.<sup>5</sup>

Alcohol can be the primary drug of choice for an individual participant. (The drug court does not take Driving Under the Influence (DUI)-only charges, but will take a DUI charge along with a drug charge.)

UCDC's enhancement grant proposal stated that 98% of current program participants had mood or affective disorders.

Almost all of the participants have been represented by a public defender (one participant had a private attorney).

## Goals

The objectives of the UCDC, according to its Policies and Procedures Manual, are to:

- Increase adult employment
- increase adult housing stability
- Increase adult wage rate
- Reduce adult criminal recidivism
- Reduce adult substance abuse

The enhancement project objectives (also according to the Policies and Procedures Manual) are to:

- Increase education level [of program participants]
- Increase the identification and treatment of mental health issues of drug court participants
- Increase participation in drug court and the chance of successfully graduating drug court for residents of Milton-Freewater and surrounding areas

---

<sup>5</sup> The HIDTA program's priorities are to assess regional drug threats, design strategies to combat drug trafficking threats, develop and fund initiatives to implement strategies, and facilitate coordination of federal, state, and local efforts to reduce/eliminate effects of drug trafficking. Retrieved August 2008 from [www.whitehousedrugpolicy.gov/HIDTA/overview.html](http://www.whitehousedrugpolicy.gov/HIDTA/overview.html)



- Increase training received by the drug court team
- Increase program evaluation activities

In addition to these official goals, members of the drug court team pointed out the important unofficial goal of making people's lives better by giving them the tools they need to maintain sobriety, break out of the cycle of addiction, have jobs and education, have their children return home (those whose children were removed from the home by the Department of Human Services), be active in their communities, and not reoffend. Related to these objectives are the broader goals of reducing substance abuse in the County, increasing public safety, and reducing financial costs to the community, legal system and court system.

It is also the program's goal, according to a team member, to provide quick response to participant behaviors.

Team members reported that they believe the program is succeeding in its goals.

### **Eligibility Criteria**

General eligibility requirements are written in the program's Policies and Procedures Manual, and are provided to members of the drug court team, the Steering Committee, and anyone else who asks for them.

The program is intended for residents of Umatilla County who have felonies or possession charges, and may also accept (but does not specifically identify) a charge of under the influence, property offenses, prostitution, and/or forgery.

The program does not accept sexual offenders or anyone who has been convicted of a sexual offense, violent offenders, or individuals known to have engaged in significant drug dealing for profit.

All applicants require the approval of the Umatilla County District Attorney's Office. As noted in the program's Policies and Pro-

cedures Manual, "Such approval may be withheld without any showing of good cause."

Although the UCDC policy is for the District Attorney's office to make the eligibility determination, the public defenders also recommend individuals for drug court and discuss that possibility with representatives from the DA's office. At that point, eligibility is a combined determination of the PD and the DA.

Although the DA's office continues to be responsible for determining eligibility, the possibility of increased defense involvement (i.e., deciding suitability for drug court) in that process was brought before the Steering Committee and has been under discussion. If the defense does play a greater role in eligibility determination in the future, the DA's office would continue to maintain veto power, as they may have sensitive information about the potential participant that could not be shared at that time (such as if the individual is heavily involved in drug dealing, and the DA's office is working on a new case related to that issue) and that may be exclusionary. Therefore, the DA's office would continue to make a preliminary eligibility determination decision, with the drug court team and the Judge making the final decision on whether or not the person could be admitted to drug court.

Admission into the drug court is voluntary on the part of potential participants.

### **Drug Court Program Screening and Assessment**

Potential participants are referred to drug court in two ways:

- 1) New cases or new charges through the court. Once individuals are arrested and the police report is sent to the DA, the DA's office screens them to determine whether they are eligible for drug court. The defendants then come into court and the defense attor-

neys complete a petition (application) for drug court. The Drug Court Manager completes intake with the potential participant within 2 weeks following submission of the application.

2) Through the Probation Officers (POs). If individuals are looking at probation revocation (having exhausted every sanction and arriving at the last chance), the POs may submit a Notice of Violation of Probation (VOP) saying they would like the individual to enter drug court in lieu of revocation. The Public Defender then reviews the case and decides whether the person is eligible for drug court. The potential participant then goes through the intake process and, if accepted and willing, enters drug court. The revocation is on hold while individuals are participating in drug court. If they complete drug court successfully, probation will be closed/completed. If they are not successful, probation is automatically revoked and they are sent to jail to serve out the original sentence. While it is rare, if the original charge would have resulted in standard probation, but not jail time, the court may rule that way. Most individuals are looking at a minimum of 180 days on each case to be served consecutively or concurrently. A person may have a combination of a new case and be on probation for an earlier case, and these cases can be wrapped together. If so, when the participant exits the drug court program, the new charges are diverted (the DA holds their charges without a felony conviction. If they successfully complete drug court, the felony is dropped. The “charging” is there [that is, the arrest/allegation remains on the individual’s criminal record], but there is no conviction). For individuals who are unsuccessful in drug court, however, the charge is entered into their criminal history, and they serve at least 6 months in jail.

After an individual has been determined to be eligible for the UCDC program, the Drug Court Manager administers the LSI-R, a

short risk/need assessment, to those who have not been on probation. If they are on probation, they receive the full LS/CMI (Level of Service Case Management Inventory), and must score a medium or high level to be considered for entrance into the program.

In addition, every participant is assessed by the treatment providers using an assessment that meets ASAM (American Society of Addiction Medicine) criteria. Mental health screening also takes place, using the Symptoms Checklist 90. The enhancement grant provided funds for every person that is considered for drug court to be referred to the mental health provider for screening. (All participants active in the program at the time the enhancement grant was received also received mental health screening.)

Although the DA has veto power over individuals being considered for drug court, the final determination is made by the drug court team and the Judge.

The UCDC is post-plea, pre-conviction and post-plea post-conviction. Potential participants plead guilty in advance and receive a deferred sentence. The individuals are placed on probation as a result of the guilty plea and placed into drug court. When a participant successfully completes drug court, all charges are dismissed.

An individual who enters the program with a parole violation must admit to the violation prior to entry into drug court, and must apply to enter the drug court program by the date of the first pre-trial. He/she may be allowed to apply after that time, but would not be allowed to enter the program after the date set for sentencing or trial, according to the UCDC Policies and Procedures Manual.

Individuals that are arrested are usually arraigned (depending on what they are arrested for) within 36 hours. Arraignments do not take place on the weekends. Typically in Umatilla County, according to a team member, people are not jailed on a drug charge.

There are too many people with drug charges and not enough jail space; if they are arrested and taken to jail, they will be released within a few days. However, the jail tries to reserve space for UCDC, and has had an agreement to do so since the program began.

In order to expedite entry into drug court, at the time of information filing (when the facts of the case are considered), simpler cases (such as those with a possession charge, no victim and/or no lab testing needed) allow the individual to admit or plead guilty and be admitted into drug court quickly.

In other cases, the DA's office charges individuals by indictment, for which they need a lab report from the Oregon State Police Laboratories. The lab report can take 2 to 6 months to get back to the DA's office,

Most drug court team members reported that there is not a typical length of time between an arrest and a referral to drug court, because it depends on the court system. However, one team member pointed out that after submitting an application, individuals return for their next court hearing in a week or two and are accepted or denied. If accepted, they start treatment immediately following the next drug court session.

A team member pointed out that the length of time from arrest to drug court entry could be up to 2 years (for participants who spent time on probation before being referred to drug court), so the length of time between referral and entry into drug court may be more relevant than arrest to entry time as an indicator of how promptly individuals who are eligible become participants in the UCDC program.

Discussions about victims' rights have been taking place within the drug court team and the Steering Committee, spearheaded by the DA's office. The DA discusses the benefits and negatives of drug courts with victims, and asks them for their opinion about how the offender's case should be handled. That information is brought to the team's staffing

meeting. Victims also have a right to be present at sentencing to provide information. Drug court almost bypasses that process because a specific sentencing does not occur. However, victims are allowed time to speak when the defendant enters a plea on the record. Not many have done so. No victim has advocated against drug court; most want to see the offenders in treatment. They have voiced concern with charges being dismissed as opposed to a lesser charge being entered on criminal record.

Prior to acceptance into the drug court program, defendants owing restitution must stipulate the amount to be paid and agree to make reasonable payments while in drug court. If restitution is still owed at graduation, and the participant has made reasonable efforts to pay it while in drug court, the case in which restitution is still owed remains open as a Class A-misdemeanor and the graduate is on bench probation for a specified period of time. When the full amount of restitution has been paid, the case is dismissed. If the full amount is not paid during the period of bench probation, the individual receives a conviction on the A-misdemeanor and a money judgment is attached.

### **Incentives for Offenders to Enter (and Complete) the UCDC Program**

Individuals may be motivated to enter the UCDC program by several factors:

- To address addiction issues
- To avoid prison time, if convicted
- A desire not to have a felony on record
- As an alternative to formal probation revocation
- A desire not to have a drug-related conviction on record

Individuals who refuse drug court typically do so because of scheduling issues (e.g., can-

not get enough time off from work to meet requirements such as treatment appointments) or from lack of motivation—they think that drug court is demanding and jail is easier. Drug court is a more involved process than probation, and if a person is not ready to address addiction issues, it is unlikely that person will successfully complete drug court, according to a team member.

## Drug Court Program Phases

The UCDC program requires a minimum of 1 year of participation.

According to the program’s Policies and Procedures Manual and the Drug Court Orientation packet, the UCDC program consists of four phases, as follows:

### PHASE I (STABILIZATION)

Minimum: 4 weeks

Primary objective: Stabilization, comprehensive assessment, engagement in recovery process (selection of a temporary sponsor(s)/similar mentor and completing a First Step in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA)).

Phase I requirements:

- 5 group counseling sessions per week
- 1 individual counseling session per week
- Drug tests 3 times per week (Monday, Wednesday, Friday). A random test may be requested by the treatment provider, community supervision officer, drug court manager, or the court. Minimum of 3 community-based self-help sober support group meetings per week
- Contact with Drug Court Manager [Coordinator] 4 times per week (exact schedule determined by Drug Court Manager) to report on attendance, compliance with treatment plan, drug testing results, job seeking/training, participant issues or concerns. (As reported by a team member, participants actually meet

with the Drug Court Manager monthly and are required to call her several times per week to leave a message.)

- Report to the supervising officer once per week. Schedule to be determined by PO.
- Appear before the Judge once per week.

Eligibility for transition to Phase II:

- A minimum of 30 days of documented continuous abstinence
- Attendance at 80% of all scheduled or required treatment sessions, community-based self-help sober support group sessions, meetings with the Drug Court Manager or other meetings and sessions that the drug court team deems appropriate and requires of the participant (with no unexcused absences)
- Documented evidence of a temporary sponsor(s) or similar mentor
- Written inventory of the cost of drug use to the participant, the participant’s family and community that is presented orally to peers and staff in group and to the drug court team, unless the drug court team decides otherwise
- Development of community resources focused on recovery and personal growth
- Stable and safe housing as determined by the drug court team
- The PO, in conjunction with the Drug Court Manager and drug court team, believes that the participant is ready to move to the next phase.

### PHASE II (INTENSIVE TREATMENT)

Minimum: 8 weeks

Primary objectives: Assist the participant to demonstrate development of a personal recovery plan (have a sponsor(s)/similar mentor, complete a comprehensive Recovery Maintenance Plan, have safe and sober housing). During this phase, a shift occurs toward

greater emphasis on community-based self-help sober support and involvement in services that address social, recreational, housing and education/vocational needs. Participants complete a written Continuing Care Plan addressing supports for ongoing recovery (including recreational, social, and education/vocational aspects).

Phase II requirements:

- Group counseling sessions 3 times per week
- 1 individual counseling session per week
- Documented evidence of a temporary sponsor(s)/similar mentor
- Drug tests 3 times per week (Monday, Wednesday, Friday). A random test may also be requested by the treatment provider, community supervision officer, Drug Court Manager, or the court.
- Minimum of five community-based self-help sober support groups per week, unless the drug court team working with the treatment provider finds good cause to require a lesser number of meetings (a team member reported that 2 of the 5 groups must be NA or AA. The other 3 must be community activities)
- Referral to and participate in education/vocational assessment or services, if needed
- Contact Drug Court Manager [Coordinator] 4 times per week (exact schedule determined by Drug Court Manager) to report on attendance, compliance with treatment plan, drug testing results, job seeking/training, participant issues or concerns
- Report to supervising officer 1 time per week. Exact schedule to be determined by the PO.
- Appear before the drug court Judge weekly.

Eligibility for transition to Phase III:

- A minimum of 90 days of documented continuous abstinence
- Attendance at 90% of all scheduled or required treatment sessions, community-based self-help sober support group sessions, meetings with the drug court manager or other meetings and sessions that the drug court team deems appropriate and requires of the participant (with no unexcused absences) within this phase.
- Demonstrated understanding of the need for continued sobriety and recovery
- Documented evidence of a temporary sponsor(s) or similar mentor
- Verified community-based self-help sober support network
- Drug court fee payments are current
- Written Recovery Maintenance Plan that describes person, internal and external triggers, strategies to deal with those triggers and supports for these strategies. The plan is to be co-signed by the sponsor/mentor and/or family member. The plan will be presented to peers and staff in group and/or to the drug court team at the direction of the drug court team
- Written Continuing Care Plan describing participant's support systems, and his/her commitment to utilize recreation, social, and education/vocational services for ongoing recovery. The plan is to be co-signed by the sponsor/mentor and/or family member. The plan will be presented to peers and staff in group
- The participant presents to the drug court his/her understanding of where he/she is in recovery and how treatment has impacted family, employment, and the community and him/herself
- Stable and safe housing as determined by the drug court team

- Verified full-time employment or schooling or a full-time combination of both. If it is determined that a defendant is employable, but remains unemployed for good reason, daily documentation of employment search will be required (8 contacts per day)
- The PO, in conjunction with the Drug Court Manager and drug court team, believes that the participant is ready to move to the next phase

### PHASE III (INTENSIVE TREATMENT)

Minimum: 12 weeks

Primary objective: Assist the participant in moving from the structure/support of the treatment and drug court program to community-based self-help sober support system.

Phase III requirements:

- Group counseling sessions 3 times per week
- One individual counseling session per month
- Documented evidence of a sponsor(s)/similar mentor
- Drug tests a minimum of 2 times per week. A random test may also be requested by the treatment provider, community supervision officer, Drug Court Manager, or the court.
- Minimum of five community-based self-help sober support groups per week, unless the drug court team working with the treatment provider finds good cause to require a lesser number of meetings
- Verified full-time employment or schooling or a full-time combination of both. If it is determined that a defendant is employable, but remains unemployed for good reason, daily documentation of employment search will be required (8 contacts per day)
- Contact Drug Court Manager [Coordinator] 3 times per week (exact schedule determined by Drug Court Manager) to report on attendance, compliance with treatment plan, drug testing results, job seeking/training activities, participant issues or concerns. Exact schedule to be determined by the Drug Court Manager.
- Report to supervising officer 1 time per week. Exact schedule to be determined by the PO.
- Appear before the drug court Judge once every 2 weeks

Eligibility for transition to Phase IV:

- A minimum of 90 days of documented continuous abstinence
- Attendance at 90% of all scheduled or required treatment sessions, community-based self-help sober support group sessions, meetings with the drug court manager or other meetings and sessions that the drug court team deems appropriate and requires of the participant (with no unexcused absences)
- Demonstrated understanding of the need for continued sobriety and recovery
- Documented evidence of a temporary sponsor(s) or similar mentor
- Verified community-based self-help sober support network
- Written assignment about 10 of the 36 barriers that impact social support and relapse prevention
- Participant presents to the drug court his/her understanding of where he/she is in recovery and how treatment has impacted family, employment and the community and him/herself
- Stable and safe housing as determined by the drug court team
- Drug court fee payments are current

- Verified full-time employment or schooling or a full-time combination of both. If it is determined that a defendant is employable, but remains unemployed for good reason, daily documentation of employment search will be required (8 contacts per day)
- The PO, in conjunction with the drug court manager and drug court team, believes that the participant is ready to move to the next phase

#### PHASE IV (COMMUNITY TRANSITION)

Minimum: 28 weeks

Primary objective: Continue assisting the participant in moving from the structure/support of the treatment and drug court program to community-based self-help sober support system.

Phase IV requirements:

- Group counseling/aftercare sessions one time per week
- Individual counseling sessions once per month
- Documented evidence of a sponsor(s)/similar mentor
- Drug tests a minimum of 2 times per week
- Minimum of five community-based self-help sober support groups per week, unless the drug court team working with the treatment provider finds good cause to require a lesser number of meetings
- Verified full-time employment or schooling or a full-time combination of both. If it is determined that a defendant is employable, but remains unemployed for good reason, daily documentation of employment search will be required (8 contacts per day)
- Contact Drug Court Manager [Coordinator] 2 times per week (exact schedule de-

termined by Drug Court Manager) to report on attendance, compliance with treatment plan, drug testing results, job seeking/training activities, participant issues or concerns. Exact schedule to be determined by the Drug Court Manager.

- Report to supervising officer 1 time per week. Exact schedule to be determined by the PO
- Appear before the drug court judge every other week. Transition to monthly appearances may be awarded as an incentive
- Attendance at monthly alumni meetings beginning 3 months after entry into Phase IV, if participant has no significant problems

Eligibility for Graduation:

- Minimum of 6 months documented continuous abstinence
- Attendance at 95% of all scheduled or required treatment sessions, community-based self-help sober support group sessions, meetings with the drug court manager or other meetings and sessions that the drug court team deems appropriate and requires of the participant (with no unexcused absences) within this phase.
- Documented evidence of a sponsor(s) or similar mentor
- Verified community-based self-help sober support network
- Drug court fees paid in full
- Stable and safe housing as determined by the drug court team
- Full-time employment, schooling or a full-time combination of both. Compelling exceptions will be considered on a case-by-case basis



- A diploma or GED<sup>6</sup>
- The completion of a community project. The project will be approved by the drug court team. Upon completion of the project, a reflection paper will be written, approved by the treatment group, and then presented to the Judge. Sample projects include speaking to civic groups, a charity project, etc.
- The PO, in conjunction with the drug court manager and drug court team, feels that the participant is ready to graduate

### *Aftercare*

A voluntary alumni group exists that helps former participants by providing support. Also, participants in Phase IV who do not have significant problems are required to attend monthly alumni meetings beginning 3 months after entering Phase IV.

Some former participants come into group or stop by and talk, according to Pendleton's alcohol and drug treatment provider, who also said that quite a few come to classes and are welcome.

Although there is no policy regarding whether mental health services stop at graduation, the mental health provider has suggested to graduates who are struggling that he see them the week following graduation. Participants are permitted to use mental health services to help them with transition during the month following graduation.

## **Treatment Overview**

After individuals are referred to drug court and apply, appropriate treatment for them is discussed during a staffing meeting. Because the county and the towns are small, most people are familiar to team members, who

bring that knowledge to the table in discussions about whether to admit someone into drug court.

The treatment agencies are not directly contracted with drug court, but are contracted with Community Corrections. Eastern Oregon Alcoholism Foundation (EOAF) is the contracted alcohol and drug treatment provider for Pendleton and Hermiston. EOAF provides treatment assessments using the American Society of Addiction Medicine (ASAM) assessment criteria within 30 days of an individual being admitted into drug court. Milton-Freewater uses Umatilla County Alcohol and Drug Program as their treatment provider. There is no central intake to treatment for UCDC participants.

The Matrix Model<sup>7</sup> is used throughout the program as the intensive outpatient substance abuse treatment model guiding treatment of UCDC participants.

Following receipt of the BJA enhancement grant, mental health treatment is an integral part of the program. (There were no mental health assessments or services prior to the enhancement grant.) The UCDC contracted with a mental health provider locally, who provides assessments and treatment. Mental health assessments take place after individuals are in drug court, and every participant is required to have one. If the provider determines that participants need further counseling, it is specified in the progress report and becomes a requirement for them.

The mental health provider and the participant then determine what is needed and how frequently. The PO has also contributed opinions about frequency. Some participants engage in counseling weekly, some monthly. The provider also offers a voluntary parenting course, which is a community-based sup-

---

<sup>6</sup> Exceptions are made for those with cognitive limitations and/or severe learning disabilities; certain vocational training/certification may take the place of GED.

---

<sup>7</sup> Intensive outpatient substance abuse treatment model from the Matrix Institute  
[www.matrixinstitute.org/Matrix%20Treatment%20Program.htm](http://www.matrixinstitute.org/Matrix%20Treatment%20Program.htm)



port group. In Phase II of the program, participants are required to participate in two or three community-based support activities outside of NA or AA, and the parent group counts as one of them.

Most participants have some type of mental health issue—typically, they have personality disorders or are diagnosed as bi-polar. The program does not accept people into the program who have serious mental health problems (e.g., a history of severe schizophrenia) that would make successfully completing the program doubtful, at best. Usually these issues are identified prior to someone being admitted into the program. If a serious mental health issue is identified after participants are in the program, they will not be automatically released from the program if they are able to get medication or other treatment that will stabilize them. A team member reported that it has sometimes been difficult to find a doctor that can prescribe for them—mental health resources are few in the County. Although no one has left the program because of a serious mental health issue, such issues have made it difficult for some people to conform to the program’s expectations.

The primary mental health provider attends all staffing meetings, so if a participant relapses or has other problems and this is not someone currently receiving mental health services, it is more than likely that such services will be offered to him/her. Also, when new people are being considered for drug court, the PO gives the mental health provider’s card to the client and asks her/him to call for the mental health assessment.

The mental health provider uses the cognitive behavioral approach—short-term therapy—in his work with drug court participants. He reported that some of them have Axis I disorders (chronically ill with severe depression or anxiety), but most are personality disorders—narcissistic or antisocial.

An integrated service team meeting takes place once per month with the POs, the Drug

Court Manager, the mental health provider and the substance abuse treatment provider. The service team meeting was initiated in order to integrate the mental health and alcohol and drug treatment entities, which previously were concurrent, but not integrated.

Native American participants are offered (but are not required to use) language-specific or culturally-specific programs. Spanish-speaking providers are available as needed in Milton-Freewater, paid for by the drug court. Health education (e.g., AIDS/HIV), housing/homelessness assistance and physical health services are also available for participants at no cost to themselves.

## **The Drug Court Team**

The UCDC Steering Committee designates who is on the drug court team. At minimum, this team includes the Judges, prosecutor, treatment providers, defense counsel, and Drug Court Manager (representing Community Corrections). The Umatilla County Community Corrections Program Manager, DHS case manager, and law enforcement representatives are part of the team as well. A Steering Committee member pointed out that most of the same people are on the drug court team and on the Steering Committee, with the Steering Committee having some additional community members.

### **JUDGE**

The UCDC has two Judges: one based in Pendleton and one in Hermiston. They attend all staffing meetings, preside over drug court sessions in their own courtrooms, and impose sanctions, rewards, and incentives.

Judge Reynolds became involved with the drug court when it began in 2006. He was the sole drug court judge until January 2007 when Judge Pahl took over in Pendleton. Judge Reynolds now presides over the drug court in Hermiston.

Defendants appear before the Judges on a weekly basis. The Judges staff their cases

with the drug court team weekly, and accept people into drug court after conferring with the team. They handle all legal proceedings. The Judges encourage, sanction, and reward participants, and dismiss their cases when they are finished.

The Judges find their work with drug court to be more hands on than traditional court, in that they are meeting with participants weekly and talking to them not just about the crimes, but about employment, education, and other issues, on a more personal level.

Judge Pahl was appointed to his role with UCDC (although he had the option of saying he was not interested), and Judge Reynolds volunteered. There are no set terms for the drug court judges in Umatilla County, so they may continue in their roles indefinitely.

#### **UMATILLA COUNTY COMMUNITY CORRECTIONS PROGRAM MANAGER**

The current Umatilla County Community Corrections Program Manager (UCCCPM) began working in his role following the resignation of the original program manager at the end of May 2008. He spends about 16 hours per week on drug court work.

The UCCCPM oversees all of the treatment programs in the County, including the UCDC program, and grants and reporting. In his role, he monitors other general contract services, such as alcohol and drug counseling, cognitive behavior class, sex offender services, and GED programming. He makes sure that programs are contract compliant. He oversees the treatment programming portion of the Program Center, development of case plans, and treatment services. The UCCCPM supervises the Drug Court Manager.

#### **DRUG COURT MANAGER**

The first Drug Court Manager [Coordinator] began working with the drug court in July 2006, when it began. She is now a probation

officer in Hermiston, and continues to work with drug court participants in that role.

The new Drug Court Manager began working with the program in February 2008. She facilitates all staffing and Steering Committee meetings, gathers data and prepares quarterly and annual reports for the program, and meets with individuals (prospective drug court participants) for intake and to explain drug court requirements. If there is a problem with a participant in treatment, she will bring it to the team and put it into an affidavit that goes to the DA. Any questions (from team members, providers, participants) are brought to the Drug Court Manager, and she brings them to staffing.

Treatment providers report to the Drug Court Manager weekly, and she puts their updates into a court staff report that includes information about each participant. Participants report to the Drug Court Manager, depending on which phase of the program they are in, from 2 to 4 times a week.

#### **TREATMENT PROVIDERS**

The substance abuse treatment provider working with UCDC in Pendleton is employed by EOAF. She began working with the drug court in March 2007, and provides 7 classes of group counseling 5 days per week. She works with the drug court full time, 8 to 11 hours per day.

The treatment provider uses the Matrix system, and works on participants' self-esteem, relationships, and other topics, in addition to addiction recovery. She also offers one-on-one counseling, depending on the phase: Phases I and II have individual counseling once per week; Phases III and IV have individual counseling once per month. Participants may come in to see the treatment provider whenever they need to—she is available to them even outside of their scheduled group and individual sessions.

The treatment provider attends staffing meetings; Steering Committee meetings; and an Integrated Service Team meeting once per month with the POs, the Drug Court Manager, and the mental health provider.

Her counterparts in Hermiston and Milton-Freewater provide similar services for drug court participants in those locations. There is some variation to services in Milton-Freewater, however, as there are fewer opportunities to attend community-based support groups. Also, Milton-Freewater has a contracted group facilitator for group therapy who is not responsible for one-on-one appointments.

### **MENTAL HEALTH PROVIDER**

The mental health provider officially began working with the drug court at the end of 2007, when the BJA enhancement grant was received, which provided funds for mental health services. However, he and his assistant began mental health assessments with drug court participants as soon as the drug court knew that the grant money was coming, because the expectation was that every person participating in drug court would receive a mental health assessment. The UCCCPM at that time and her staff met to go through every case to determine whether they were high, medium, or low need. The mental health provider attended that meeting as an observer, as he was new to drug court and not yet familiar with its participants. The top 2/3 (medium and high need) were provided with a mental health assessment. The mental health provider and his assistant spent every weekend for a month conducting the assessments in order to determine who would have ongoing mental health services and who would not.

The mental health provider attends all staffing meetings, drug court sessions (because sometimes the Judge wants to set up mental health appointments during sessions), and Steering Committee meetings. In addition, he

meets with the alcohol and drug treatment providers once per month so that they may talk about each case from both perspectives and coordinate treatment. They also email their case notes to each other, and find this and the meeting to be very helpful. The mental health provider spends about half of his time working with drug court, and his assistant spends almost as many treatment hours in her work with drug court as well.

### **PROBATION**

Probation Officers (POs) are the primary case managers for all of the drug court participants. The two POs working primarily with drug court participants are located in Pendleton and Hermiston.

The PO in Hermiston was formerly the Drug Court Manager for UCDC, and started with the program when it began in 2007. She continues to work with drug court participants by choice. She was hired in December 2007 as a PO, and began working in that role in February 2008.

Hermiston drug court participants report to the PO once per week in person for a status check and for questions or other needs. She makes sure that their LS/CMI assessments, which occur every 6 months, are up to date. The PO does some home visits with drug court participants—about one per month—usually with a person who is higher risk or if something is questionable or suspicious. The PO in Hermiston reported that she spends about 11 hours per month at staffings and other meetings. She also sees every drug court participant once per week. At the time of the interview, she had 18 active participants, and spends about 5-10 minutes on each visit. Overall, about one-third of each week is spent on drug court work, with the remaining time spent working with non-drug court clients.

Probation has more contacts with drug court clients than with others on probation: about 15 drug court client contacts per every 3 reg-

ular PO contacts. Drug court participants must report face-to-face for probation. Many report more often than required. Focus group participants in Hermiston reported that they often must wait in the office for a considerable length of time before seeing the PO, and thought that this process did not respect the fact that they have other obligations, such as work. They would like to see a change in this process.

The PO for Pendleton and Milton-Freewater began working with the drug court shortly after it began, sharing the drug court clients with another PO. Since spring 2008, all of the drug court participants in Pendleton and Milton-Freewater have been on her caseload. Participants meet with the PO once per month to work on an action plan that determines their supervision requirements. They also check in with the PO by phone once per week. She tries to see the Milton-Freewater clients in Milton-Freewater so they do not have to travel to Pendleton.

The Pendleton/Milton-Freewater PO performs home visits, occasional employment checks, issues trip permits for out of state travel, transports participants who are sanctioned to jail from drug court, and attends drug court sessions and weekly staffing meetings.

#### **PUBLIC DEFENDER**

There are two public defender firms in Umatilla County: Blue Mountain Public Defenders and Intermountain Public Defenders. Intermountain Public Defenders (IPD) is a non-profit firm that contracts with the State of Oregon and is paid with funds from the Office of Public Defense Services. IPD has a much greater role with the UCDC than does Blue Mountain, which has minimal involvement in the program. IPD's Executive Director, a Public Defender, attends and participates in staffing meetings most weeks and attends drug court sessions if a legal question

is expected. He also maintains files for participants.

The IPD Executive Director/PD spends about 40% to 50% of his time on drug court work. Because the firm is a law office, internal conflicts may occur, and those cases go to a conflicts contractor for indigent people (Blue Mountain Public Defenders). Blue Mountain can also make referrals to drug court, as can other attorneys in the PD's office.

Most drug court participants have a public defender, and all came in through an indigent defense appointment.

The IPD Executive Director/PD believes that his traditional role is upheld in his work with drug court, yet it is different because he is dealing with clients more on the basis of how drug court can meet whatever special needs they might have.

The PD and DA do not regularly appear together in court. The PD believes that he and the DA are usually less adversarial in their work with drug court than they are in other situations.

#### **PROSECUTOR**

The role of prosecutor is filled by Deputy District Attorneys at Hermiston and at Pendleton. Both attend staffing meetings, drug court sessions, and Steering Committee meetings.

The DA's office is responsible for eligibility determination, although the PD has a role in that as well.

There has been some turnover in the DA's office with regard to its representatives who have been working with the drug court. The Deputy DA in Pendleton who is currently working with the drug court was with the DA's office when the drug court began. She attended some meetings at that time, then was away for a year, returned and began working with drug court in April 2008.

If the Deputy DA and the PD disagree, the Judge makes a final decision. Disagreements come up during staffing, not during the drug court sessions.

#### **LAW ENFORCEMENT AGENCIES**

Law enforcement representatives attend most staffing meetings. A representative from the Oregon State Police attends Steering Committee meetings. A representative from the Pendleton Police Department attends most staffing meetings. Law enforcement in Hermiston is not involved with the drug court, but the PO in Hermiston is working on increasing their participation.

#### **DEPARTMENT OF HUMAN SERVICES (DHS) CHILD WELFARE**

The District 12 Manager for DHS (who oversees Child Welfare and Self-Sufficiency for the district) has been a member of the UCDC Steering Committee since she began working in her position in November 2006. As a member of the Committee, she attends the monthly meetings and has worked on issues such as the enhancement grant that added the mental health component to the drug court.

A representative from DHS Child Welfare attends the drug court sessions and staffing meetings every week. She provides updates about drug court participants who are involved with Child Welfare and takes information about how those participants are progressing back to the DHS case workers. If there are concern areas about drug court participants who have children but are not involved with Child Welfare (for example, if a participant goes to jail and has no one to take care of his/her children), then Child Welfare can put a safety plan in place.

DHS works closely with the drug court and its participants, some of whom have had children removed from their homes and are trying to make changes in their lives that will contribute to their children being returned (12 families have been reunited as a result of

drug court participation; there has been one parental termination case and another on track for termination at the time of the stakeholder interviews).

#### **Drug Court Team Training**

The former Umatilla County Community Corrections Program Manager and the former Drug Court Manager attended the National Drug Court Conference in Washington, DC, in summer 2007. The current Drug Court Manager attended a week-long coordinator-specific training in Reno in September 2008. One of the judges is scheduled to attend judge-specific training in late 2008 as well. He and other team members received federal drug court training through the National Drug Court Institute (NDCI) several years ago when they were implementing the drug court. Although the second Judge has not received formal drug court training yet, he thinks the training would be worthwhile, as would the opportunity to speak with other drug court judges.

Both drug court POs attended a National Drug Court Institute (NDCI) week-long training in Annapolis. They and other team members have also attended other workshops, conferences, and symposia.

Team members have taken advantage of local training opportunities as well, such as a 2-day training on co-occurring disorders, and several technical assistance trainings through Claudia Wilcox, the State Liaison with drug courts, and Ron Fisher from the State of Oregon's Office of Mental Health and Addictions Services, who came to Umatilla County to work with the team on relapse and the staff's roles with drug court.

New drug court team members do not attend formal drug court training, but are given the UCDC Policies and Procedures Manual to study as a form of training. Representatives from the DA's office who are new to working with drug court receive training through their own office. The same is true for treat-

ment providers, who also receive drug court training through their employer.

In summary, many team members have received formal training, others have been trained less formally, and some team members said they would like to receive formal training.

The Umatilla County Community Corrections Program Manager keeps track of training for grant reporting. One of the UCDC's goals through its enhancement grant is increased training, so the program needs to be able to show that its staff are accessing professional development opportunities.

### **UCDC Team and Steering Committee Meetings**

The UCDC team meets for staffing every Monday at 8 a.m., primarily to discuss participant progress and challenges. Staffing is attended by the Judges, DA, defense attorney, counselors, POs, and the Drug Court Manager. The Judges' staff members (judicial assistants and court reporters) attend as well. The meeting is facilitated by the Drug Court Manager. Prior to July 2008, team members based in Hermiston traveled to Pendleton for this meeting each week. In July, a video camera was put into use so that Hermiston team members could participate in the staffing meeting remotely.

The Drug Court Steering Committee, facilitated by the Drug Court Manager, makes policy decisions, provides program oversight, and monitors program outputs. For example, written, defined sanctions would need to be approved by the Committee, and victims' rights issues are currently before the Committee.

The Committee meets monthly, and reviews the 10 Key Components of Drug Courts every 2 or 3 months.

### **Treatment Provider and Team Communication with the Court**

Treatment providers prepare written reports and speak at staffing meetings about how participants are engaged in treatment, whether they are actively participating and other issues (such as relapse/use or illegal activity). Treatment providers do not share the content of their conversations with participants at staffing meetings unless the information is related to recovery.

### **Drug Court Sessions**

The UCDC is one court with two courtrooms—one in Pendleton and one in Hermiston. Participants from Milton-Freewater attend court in Pendleton. The Pendleton drug court session takes place at 10:30 a.m. every Monday, following the staffing meeting at 8:00 a.m. The Hermiston drug court session is at 3:00 p.m. every Monday. Some team members must travel to both locations if they are to appear in drug court that week.

Representatives from the DA's office, Drug Court Manager, treatment providers (including mental health), and DHS representative attend the drug court sessions. Others, such as defense counsel, attend when necessary.

In a typical drug court session (and consistent with the session observed by an NPC staff member), the treatment provider comes up to the bench with a participant. The Judge asks how treatment has gone during the previous week (he has already been advised about that during staffing, of course). He then addresses any matters—accomplishments and problems—during that week. If praise is earned, it is given. If the participant is transitioning from one step to another, that transition is discussed, as is anything that needs to be addressed in order to make that transition occur. If a sanction is needed, it is discussed and imposed, following which the participant receives encouragement from the Judge.

## Family Involvement

Family involvement is encouraged, but families cannot be compelled to participate. The drug court encourages families to attend Family Night, which occurs every Wednesday. Family education is provided as part of the Matrix intensive outpatient curriculum.

## Drug Testing

Drug testing takes place every Monday, Wednesday and Friday for all participants, which the drug court has found to be a better system than the 2 random urinalyses (UAs) previously required. In the prior system, participants were able to continue using and avoid detection.

UAs are now being fully observed by a staff person of the same gender as the person being tested, and take place at treatment/class locations. (Early in the program's history, there was no male on staff, so UA tests were not observed).

UAs are analyzed by Sterling Lab, which is contracted by EOAF. Once per week Community Corrections pays for Redwood Lab to analyze a UA for each participant.

The UCDC also utilizes breathalyzer tests. EtG (Ethylglucuronide) testing to determine alcohol use is used more often with participants who have alcohol problems.

There have been problems regarding UAs that are considered "dilute." Staff reported a high proportion of participants whose UAs register as too diluted to be accurate. Current and former participants who attended focus groups questioned the accuracy of some test results that indicated drug use or a diluted sample. Participants would like to see a different type of test given as verification when they do not agree with the results.

## Drug Court Services Costs

Drug court fees are a one-time application fee of \$20.00 and \$5.00 per week beginning in Phase II. Fees are kept at a minimum so

that all other fines, particularly restitution, can be paid. All fees must be current in order for participants to advance to Phase III and Phase IV.

Missed or adulterated drug tests or those revealing substance use result in a \$20.00 fee to participants.

If a participant protests the results of a UA, a test sent to the lab for third confirmation costs the participant \$25.00, but will be refunded if the results are negative, according to the UCDC Policies and Procedures Manual. (Participants are not charged for the 2<sup>nd</sup> confirmation.) However, focus group participants reported that re-tests seldom take place.

Participants must pay \$150 for a polygraph test, which is only used in rare circumstances where truthfulness concerning allegations is paramount. If a participant does not pay the \$150, the polygraph will still be administered, but the participant will be suspended from the program until it is paid. If a participant does not arrive for the polygraph appointment, s/he will be taken into custody, where the test will be administered and the fee due upon release from custody. If the polygraph determines that the participant was truthful, the fee is refunded.

## Rewards

Each Judge receives recommendations from team members, then administers rewards and sanctions. Everyone's input is valued by the Judges, but they make the final decisions.

Rewards are given more often than sanctions in this drug court. Participants may receive applause for a good week. When participants move up to a new phase, the Judge presents them with a certificate and comes off the bench to shake their hands. They also receive rewards such as 10 hours off of their community service requirement or fee waivers.

Every 4<sup>th</sup> consecutive court appearance with no problems earns a reward drawn from a grab bag. The grab bags contain items valued



at \$5 maximum, such as gift cards, phone cards, items for participants' children (coloring books, Hot Wheels), restaurant certificates, or cologne. Interestingly, although a team member said that participants love the Hot Wheels, focus group participants used them as an example of things they do not need or want (along with other toys), and do not understand why they are given as rewards.

## Sanctions

Sanctions are imposed for the following reasons: missing an appointment with a PO, treatment provider, community service, or mental health provider (especially if receiving ongoing treatment); dilute or positive UAs; dishonesty in court; and new law violations (even a traffic ticket). Participants are held to the requirements that fit their needs and risks. The Judge gives them an opportunity to explain themselves and address the issue that brought about the possibility of a sanction, and he will give participants' explanations consideration when making his final decision.

Earlier in the program there were difficulties in implementing graduated sanctions because not all information about previous sanctions was readily available. A laptop computer was then purchased that holds all previous sanction (and other) information, so that the team is better informed about sanctions that have been imposed in the past, which helps them in making sanction decisions.

The program has seemed inconsistent (regarding its use of sanctions) to some team members and to some current and previous participants who attended focus groups. The program is trying to be more consistent, although the sanctions imposed depends in part on the individuals and how they have been sanctioned in the past. For example, if a participant was sanctioned for a particular behavior in the past and repeats that behavior, the sanction will be greater than it would be for

someone with the same behavior, but for the first time. Participants who fail to do whatever they are sanctioned to do receive a day (24 hours) in jail, although the Judge can and has accommodated work schedules.

The consistency issue came up often in interviews and focus groups. One team member and some focus group members thought that some of the inconsistency comes in through favoritism (not on the part of the Judges, however, but other team members), with some participants receiving harsher sanctions than others.

## Removal/Unsuccessful Completion

The UCDC program had served 88 participants as of April 25, 2008. Of those, 35 were unsuccessful at completing the program, usually for new criminal activity, failing to participate (absconded and did not do what was required), and repeated sanctions that showed that they were not progressing.

Participants terminated from the program have already pled guilty or have a Violation of Probation, so they are sentenced. They are terminated by way of a "probation revocation hearing" initiated by a Show Cause that involves at least one hearing (sometimes two). The participant is represented at the hearing(s) by the Public Defender.

## Graduation

To be considered for graduation from the UCDC, participants must successfully complete all requirements of the four phases of the drug court program and satisfy all of the requirements listed under "Eligibility for Graduation" in the UCDC Program Policies and Procedures Manual, as follows:

- Minimum of 6 months documented continuous abstinence
- Attendance at 95% of all scheduled or required treatment sessions, community-based self-help sober support group ses-



sions, meetings with the Drug Court Manager or other meetings and sessions that the drug court team deems appropriate and requires of the participant (with no unexcused absences)

- Documented evidence of a sponsor(s) or similar mentor
- Verified community-based self-help sober support network
- Drug court fees paid in full
- Stable and safe housing as determined by the drug court team
- Full-time employment, schooling or a full-time combination of both. Compelling exceptions will be considered on a case-by-case basis
- A diploma or GED [although exceptions may be made]
- The completion of a community project. The project will be approved by the drug court team. Upon completion of the project, a reflection paper will be written, approved by the treatment group, and then presented to the Judge. Sample projects include speaking to civic groups or involvement with a charity project.
- The PO, in conjunction with the Drug Court Manager and drug court team, feels that the participant is ready to graduate

Families and community members are invited to the graduation ceremony during which the participants' particular situations are addressed, people speak about them and the program, and they have an opportunity speak themselves. Graduates receive certificates of completion/graduation.

The graduation celebration does not take place in the courtroom, but elsewhere. Graduations to date have been held in a community meeting room, church, and other community settings.

## Data Collected by the Drug Court for Tracking and Evaluation Purposes

The Oregon Treatment Court Management System (OTCMS) is the drug court-specific program that is used state-wide in Oregon to compile all the data for grant reports and other program monitoring. Among other information, it includes court case numbers, personal history, attendance, phase and other requirements and whether they are being met. If DHS has a Child Welfare case with one of the participants, notes about that issue are included.

NPC reviewed the OTCMS data for the UCDC and found that they collect data for almost all of the data elements that NPC recommends drug courts collect for evaluation and program monitoring purposes. (The exception was information about former participants, such as arrests following graduation from the program, which the program collects elsewhere.)

Probation uses the AS400 (statewide Corrections Information System). All offenders are entered into this system, and its data (including court notes and check-in appointments) are useful to the POs in supervising clients on informal supervision. The PO also enters data gathered in the LS/CMI assessments with drug court participants (used to determine level of service needed) into this system. POs use this database on a daily basis.

The bookkeeper at Community Corrections keeps track of what participants owe for supervision, drug court fees, and restitution.

## Drug Court Funding

The UCDC was implemented in July 2006, following receipt of a grant from the Oregon Criminal Justice Commission.

The drug court received an enhancement grant from the Bureau of Justice Assistance (BJA) in July 2007 to pay for services begin-

ning in November of that year. The enhancement grant allowed the drug court to serve participants in the town of Milton-Freewater and surrounding areas, and provided funds for GED and mental health services, additional drug court training for the team, and increased program evaluation activities.

### **Community Liaisons**

Part of the Umatilla County Community Corrections Program Manager's role is to develop and maintain community relationships. He and the Drug Court Manager speak to the community about drug court. For example, the County Program Manager addressed community partners at the Child Abuse and Neglect Summit to talk about drug court and the people it is impacting (Community Corrections and Child Welfare).

The UCDC receives excellent support from the local newspaper, which has published many articles about the drug court program.

UCDC staff members also have spoken on the radio to invite community members and other agencies to attend graduations.

The Salvation Army, working closely with DHS, also provides assistance to the UCDC, with temporary housing, clothing, meals, and assistance with financial matters.

Some of the other agencies providing support/assistance/services to UCDC and its participants, as mentioned by team members, are Blue Mountain Community College (GED classes), Child Welfare (Oregon Department of Human Services), and CAPECO (Community Action Program East Central Oregon). (CAPECO offers a jobs program and quarterly workforce development sessions at the probation office to which drug court participants may be referred if they need help with employment.)

## 10 KEY COMPONENTS OF DRUG COURTS

This section lists the 10 Key Components of Drug Courts as described by the National Association of Drug Court Professionals (NADCP, 1997). Following each key component are research questions developed by NPC Research for evaluation purposes. These questions were designed to determine whether and how well each key component is demonstrated by the drug court. Within each key component, drug courts must establish local policies and procedures to fit their local needs and contexts. There are currently few research-based benchmarks for these key components, as researchers are still in the process of establishing an evidence base for how each of these components should be implemented. However, preliminary research by NPC connects certain practices within some of these key components with positive outcomes for drug court participants. Additional work in progress will contribute to our understanding of these areas.

Key components and research questions are followed by a discussion of national research available to date that supports promising practices, and relevant comparisons to other drug courts. Comparison data come from the National Drug Court Survey performed by Caroline Cooper at American University (2000), and are used for illustrative purposes. Then, the practices of this drug court in relation to the key component of interest are described, followed by recommendations pertinent to each area.

### **Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.**

*Research Question: Has an integrated drug court team emerged?*

#### National Research

Previous research (Carey et al., 2005) has indicated that greater representation of team members from collaborating agencies (e.g., defense attorney, treatment, prosecuting attorney) at team meetings and court hearings is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up.

Research has also demonstrated that drug courts with one treatment provider or one central agency coordinating treatment resulted in more positive participant outcomes (Carey et al., 2005, Carey, Finigan, & Puksatas, 2008).

#### Local Process

The UCDC Steering Committee designates who is on the drug court team. At minimum, this team includes the Judges, prosecutor, treatment providers, defense counsel, and Drug Court Manager. The Umatilla County Community Corrections Program Manager, DHS case manager, and law enforcement representatives are part of the team as well.

The UCDC Steering Committee consists of most of the same people who are on the drug court team, along with some additional community members.

Eastern Oregon Alcoholism Foundation (EOAF) is the contracted alcohol and drug treatment provider for the Pendleton and Hermiston UCDC sites. EOAF provides treatment assessments using the American Society of Addiction Medicine (ASAM) assessment criteria. The Milton-Freewater site uses Umatilla County Alcohol and Drug Pro-

gram as its treatment provider. A mental health provider works with the drug court to provide mental health assessments and treatment.

Treatment providers prepare written reports and speak at staffing meetings about how participants are engaged in treatment, whether they are actively participating, and other issues (such as relapse/use or illegal activity). The Judge meets with treatment providers and other team members each week to determine appropriate responses to participants' actions.

Particularly when DHS clients are involved, the drug court can coordinate service plans (for example, so that what probation requires is not contrary to what is asked by Child Welfare).

The UCDC is housed in Community Corrections, rather than with the judiciary (which is more typical of drug courts). A team member pointed out that among team members there is the treatment mentality, probation mentality, and court mentality, but they have learned to work together. Another team member reported, "One of our strongest points is team collaboration."

Stakeholder interviews and meeting observations revealed tension and distance between some team members/agencies. For example, the Drug Court Manager does not have a telephone number for the public defender, but communicates with him by leaving a message at his firm's general e-mail address asking him to contact her. This process illustrates a lack of connection between some members of the drug court team. On the other hand, some stakeholders considered teamwork to be one of the strengths of this drug court.

Suggestions/Recommendations

- Because this drug court is housed in Community Corrections, where it is overseen by the Umatilla County Community Corrections Program

Manager, and its Drug Court Manager is also from a corrections background, the team needs to be cautious that it not rely on a traditional corrections paradigm. A balanced team that reflects the various views of the partner agencies should integrate a strength-based, treatment-oriented approach that is an integral part of drug court programming.

- The program should provide training in strength-based approaches to service delivery for all drug court staff—a good place to put enhancement training funds.
- The entire drug court team should discuss how all partners, particularly defense counsel, can become a more integrated part of the drug court team, and problem-solve any issues that arise.

**Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**

*Research Question: Are the Office of the Public Defender and the State's Attorney satisfied that the mission of each has not been compromised by drug court?*

National Research

In a study of 18 drug courts in 4 states including Oregon, Carey, Finigan, and Pukstas, 2008, found that 82% of drug courts expect the defense attorney to attend all drug court sessions and 73% expect the defense attorney to attend staffings. They also found that participation by the prosecution and defense attorneys in team meetings and at drug court hearings had a positive effect on graduation rates and on outcome<sup>8</sup> costs. In addition, al-

---

<sup>8</sup> Outcome costs are the expenses related to the measures of participant progress, such as recidivism, jail time, etc. Successful programs result in lower outcome costs, due to reductions in new arrests and incarcerations, because they create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.

lowing participants into the drug court program only post-plea was associated with lower graduation rates and higher investment<sup>9</sup> costs. Higher investment costs were also associated with courts that focused on felony cases only and with courts that allowed non-drug-related charges. However, courts that allowed non-drug-related charges also showed lower outcome costs. Finally, courts that imposed the original sentence instead of determining the sentence when unsuccessful participants are removed from the program showed lower outcome costs (Carey, Finigan, & Pukstas, 2008).

#### Local Process

The Executive Director of Intermountain Public Defenders (IPD), a public defender, attends and participates in staffing meetings during most weeks and attends drug court sessions if a legal question is expected. Some stakeholders suggested that the public defender should regularly attend drug court sessions, in addition to attending staffing meetings.

The role of prosecutor is filled by Deputy District Attorneys (DDAs) at the Hermiston and Pendleton sites. Both DDAs attend staffing meetings, drug court sessions, and Steering Committee meetings.

The DA's office is responsible for determining program eligibility, although the PD has been somewhat involved and may take over more of that role in the future.

There has been some turnover in the DA's office with regard to its representatives who have been working with the drug court.

If the Deputy DA and the PD disagree about a response to participant behavior, the Judge will make the final decision. Disagreements come up during staffing meetings, not during

the drug court sessions. The PD and DDA do not regularly appear together in court.

The PD believes that he and the DA are usually less adversarial in their work with drug court than they are in other situations.

#### Suggestions/Recommendations

- Any issues involving defense counsel and prosecution beyond what is expected of their non-adversarial relationship in working with drug court should be identified, discussed, and dealt with so that all team members are able to work well together as integral parts of the drug court team. This communication could occur during staffing meetings or, if needed, in separate sessions.

The Public Defender is encouraged to attend all drug court sessions, as well as staffing meetings. Participation at this level would contribute to team integration, provide support to participants while they are in court, allow the defense and prosecution to show a united front in court (reinforcing with participants that decisions are a team effort), and have a positive effect on graduation rates and outcome costs (Carey, Finigan, & Pukstas, 2008). Please note that while the PD from IPD could increase his participation in drug court sessions, Public Defenders from Blue Mountain Public Defenders need to increase their involvement to a much greater extent (by all reports, they are minimally involved) in order to be considered integral members of the drug court team.

<sup>9</sup> Investment costs are the resources that each agency and the program overall spend to run the drug court, including program and affiliated agency staff time, costs to pay for drug testing, etc.

**Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.**

*Research Question: Are the eligibility requirements being implemented successfully? Is the originally intended population being served?*

National Research

Carey, Finigan, and Pukstas, 2008, found that courts that accepted pre-plea offenders and included misdemeanors as well as felonies had both lower investment and outcome costs. Courts that accepted non-drug-related charges also had lower outcome costs, though their investment costs were higher.

Those courts that expected 20 days or less from arrest to drug court entry had higher savings than those courts that had a longer time period between arrest and entry (Carey, Finigan, & Pukstas, 2008).

Local Process

Referrals to the UCDC program happen in one of two ways: 1) New cases or new charges through the court and 2) Through the Probation Officers (POs).

The UCDC is post-plea, pre-conviction and post-plea post-conviction. Potential participants plead guilty in advance and receive a deferred sentence. The individuals are placed on probation as a result of the guilty plea and placed into drug court.

An individual who enters the program with a parole violation must admit to the violation prior to entry into drug court, and must apply to enter the drug court program by the date of the first pre-trial. He/she may be allowed to apply after that time, but would not be allowed to enter the program after the date set for sentencing or trial.

Individuals who are arrested are usually arraigned (depending on what they are arrested for) within 36 hours. Arraignments do not take place on the weekends.

In some cases, the DA's office charges individuals by indictment, for which they need a lab report from the Oregon State Police Laboratories. The lab report can take 2 to 6 months to get back to the DA's office,

There is not a typical length of time between an arrest and a referral to drug court, because it depends on the court system [and, apparently, the lab]. After submitting an application for drug court, individuals return for their next court hearing in a week or 2 and are accepted or denied. If accepted, they start treatment immediately following the next drug court session.

A team member pointed out that the length of time from arrest to drug court entry could be up to 2 years (most participants have spent time on probation before being referred to drug court), so the length of time between referral and entry into drug court may be more relevant as an indicator of how promptly individuals who are eligible become participants in the UCDC program.

The UCDC program has a maximum capacity of 75 participants at one time: 30 in Pendleton, 30 in Hermiston, and 15 in Milton-Freewater. As of September 16, 2008, the program had served a total of 88 people. Of those, 35 were unsuccessful and 20 graduated (16 in Pendleton, 4 in Hermiston).

The UCDC program is designed for medium- to high-risk offenders—those with felonies or possession charges, and may also accept (but does not specifically identify) a charge of under the influence, property offenses, prostitution, and/or forgery.

The top three primary drugs of choice for UCDC participants (from program start through July 31, 2008) have been methamphetamines (69%), followed by marijuana (18%), and heroin (6%). The program was designed to give priority to individuals who are addicted to methamphetamines, so they are reaching their intended population of drug users.

A team member reported that over time there has been less and less flexibility in the drug court's policies, and that the program needs greater flexibility to accommodate individuals and their particular situations: "It has become so difficult that we are losing far more people than we are helping."

Some stakeholders believe that at least some public defenders are not supportive of drug court and therefore do not recommend it to their clients, with the result that fewer clients choose the drug court option.

#### Suggestions/Recommendations

- Because of the high failure rate (35 unsuccessful versus 20 graduates), the team should revisit the UCDC's process and who it is trying to serve, as well as make efforts to get individuals into treatment and into the program much earlier, when they may be more successful.
- The program should keep in mind that the intention of this key component is to facilitate quicker access and entry into treatment services that are needed by some offenders in order to be successful at fulfilling their court requirements and preventing re-arrest. Consider possible arrangements to get at least some participants into the program pre-plea, rather than post-plea, and into treatment even before they plea would be beneficial. Even if offenders do not enter the drug court formally, discussions with the broader criminal justice system could facilitate getting offenders into needed treatment services sooner.
- Work with the lab to determine whether results may be available more quickly. If not, search for another lab that is able to provide results in a timely manner.
- The Steering Committee should consider whether more flexibility could be incorporated into the drug court's policies, to accommodate individuals and their particular situations, and thus retain a greater

number of people in the program through graduation.

- The Steering Committee should discuss the systems issue of the duration of time between arrest and program entry so that people who need it can get quicker access to treatment (or to try to get people into treatment in other ways besides drug court).
- The team (or Steering Committee) should meet with all of the public defenders who work with drug court or could potentially refer clients to drug court, to determine whether any of them do, in fact, have hesitations or concerns about the suitability of drug court for their clients. If any of these concerns are due to an incomplete or mistaken understanding of the program, then those issues should be addressed. If it is clear that the program or some aspects of it may not be in the public defenders' clients' best interests, then the team/Committee should determine whether changes could be made in the program's process (without compromising its integrity) that would make it a more feasible option.

#### **Key Component #4: Drug courts provide access to a continuum of alcohol, drug and other treatment and rehabilitation services.**

*Research Question: Are diverse specialized treatment services available?*

#### National Research

Programs that have requirements around the frequency of group and individual treatment sessions (e.g., group sessions 3 times per week and individual sessions 1 time per week) have lower investment costs (Carey et al., 2005), substantially higher graduation rates, and improved outcome costs (Carey, Finigan, & Pukstas, 2008). Clear requirements of this type may make compliance with program goals easier for program participants and also may make it easier for program staff to determine if participants have



been compliant. They also ensure that participants are receiving the optimal dosage of treatment determined by the program as being associated with future success.

Clients who participate in group treatment sessions 2 or 3 times per week have better outcomes (Carey et al., 2005). Programs that require more than three treatment sessions per week may create a hardship for clients, and may lead to clients having difficulty meeting program requirements. Conversely, it appears that one or fewer sessions per week is too little service to demonstrate positive outcomes. Individual treatment sessions, used as needed, can augment group sessions and may contribute to better outcomes, even if the total number of treatment sessions in a given week exceeds three.

The American University National Drug Court Survey (Cooper, 2000) showed that most drug courts have a single provider. NPC, in a study of drug courts in California (Carey et al., 2005), found that having a single provider or an agency that oversees all the providers is correlated with more positive participant outcomes, including lower recidivism and lower costs at follow-up.

Discharge and transitional services planning is a core element of substance abuse treatment (SAMHSA/CSAT, 1994). According to Lurigio (2000), "The longer drug-abusing offenders remain in treatment and the greater the continuity of care following treatment, the greater their chance for success."

### Local Process

The substance abuse treatment providers and the mental health provider are part of the drug court team. The treatment agencies are contracted with Community Corrections. Eastern Oregon Alcoholism Foundation (EOAF) provides alcohol and drug treatment for drug court participants in Pendleton and Hermiston; the Umatilla County Alcohol and Drug Program is the alcohol and drug treatment provider for participants in Milton-Freewater. Through an enhancement grant,

the UCDC contracted with a mental health provider to provide mental health assessments and treatment for participants. The enhancement grant also allowed UCDC to provide treatment services locally to drug court participants in Milton-Freewater, and to provide GED classes to all UCDC participants.

The UCDC program consists of 4 phases, so that participants can feel that they have made progress over time and begin to take responsibility for restructuring their own lives while still under program supervision.

There are clear requirements that must be satisfied (apart from time spent in the program) in order for a participant to move from one phase to the next. These requirements are published in the UCDC program's Policies and Procedures Manual and in the Drug Court Orientation packet given to participants.

Participants in Phase I attend 5 group counseling sessions per week and 1 individual counseling session per week; Phases II and III require group counseling sessions 3 times per week and 1 individual counseling session per week; Phase IV requires group counseling/aftercare sessions once per week and individual counseling sessions once per month.

Native American participants are offered language-specific and culturally-specific programs. Spanish-speaking providers are available as needed in Milton-Freewater. Health education, housing/homelessness assistance and physical health services are also available at no cost to participants.

In order to advance to Phase III of treatment, advance to Phase IV of treatment, and to graduate from the program, participants must have verified full-time employment or schooling, or a full-time combination of both (compelling exceptions are considered on a case-by-case basis).

There is no formal aftercare program after graduation, but a voluntary alumni group exists to provide support. Participants are per-



mitted to use mental health services to help them with transition issues during the month following graduation.

### Suggestions/Recommendations

- As mentioned above, previous research indicates that drug court clients who participate in group treatment sessions 2 or 3 times per week have optimal outcomes (Carey et al., 2005). Programs that require more than three treatment sessions per week may create a hardship for clients, and may lead to clients having difficulty meeting program requirements. Based on this research, the program should consider cutting the number of required group treatment sessions for participants in Phase I from five to three per week unless greater frequency is needed for an individual client based on her/his clinical assessment or unless the client expresses an interest in or need for additional treatment support.
- Implement some type of aftercare (perhaps treatment booster sessions) or check-in process to provide support to participants transitioning from the intensive services of the drug court program, and to identify participants who are starting to have challenges and intervene before they relapse or return to other earlier behavior patterns.
- Focus group participants reported being frustrated by being required to re-start at the beginning a count of 90 clean days following an infraction such as a dirty UA. Because Phase I is a minimum of 4 weeks (28 days) and Phase II is a minimum of 8 weeks (56 days) for a total of at least 84 days, restarting the 90 day count usually means starting at the beginning of Phase I again for anyone who is not in Phase III. Most drug court participants said that this restart had happened to them—for some more than once. When participants are sent back to where they started with the program, they

feel that any progress they have made is not acknowledged (and they must repeat the same material, classes, etc.). One participant suggested freezing participants where they are for a period of time, rather than sending them back to the beginning. The program should make this change or some other modification that would be more strength-based, by allowing participants to retain a sense of accomplishment while experiencing a consequence for unacceptable behavior and increased treatment support if they relapse.

### **Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.**

*Research Question: Compared to other drug courts, what is this court's drug test model?*

#### National Research

Research on drug courts in California (Carey et al., 2005) found that drug testing that occurs randomly, at least 3 times per week, is the most effective model. If testing occurs frequently (that is, 3 times per week or more), the random component becomes less important.

Programs that tested more frequently than 3 times per week did not have any better or worse outcomes than those that tested 3 times per week. Less frequent testing resulted in less positive outcomes. It is still unclear whether the important component of this process is taking the urine sample (having clients know they may or will be tested) or actually conducting the test, as some programs take multiple urine samples and then select only some of the samples to test. Further research will help answer this question.

Results from the American University National Drug Court Survey (Cooper, 2000) show that the number of urinalyses (UAs) given by the large majority of drug courts nationally during the first two phases is two to three per week.

### Local Process

In the UCDC, drug testing previously occurred randomly, but it is now scheduled for every Monday, Wednesday, and Friday for all UCDC participants. The UCDC program changed from random to scheduled testing because the team thought that participants were able to use without being caught by random testing.

Now that a male is on staff, UAs are fully observed by a staff person of the same gender as the person being tested.

Breathalyzer and EtG tests to determine alcohol use are administered to participants who have alcohol problems.

Some focus group participants said that secondary tests are not allowed. They would like to see a different type of test used to verify diluted samples or positive drug test results with which they do not agree. They have been given a lengthy list of foods, medications, and other substances that may affect their tests and must be avoided. Participants sign a form explaining UCDC drug tests and a form explaining program costs that both include the statement, "...all lab tested urine specimen results are final."

### Suggestions/Recommendations

- As noted above, research on drug courts in California (Carey et al., 2005) found that drug testing that occurs randomly, at least 3 times per week, is the most effective model. While randomization is recommended, this program's testing schedule of 3 times per week should be sufficient, as long as participants are showing up for all tests.
- The UCDC team should consider implementing a process for verifying disputed drug tests. All tests have some margin of error. In addition, providing a venue for a double-check would show participants that the concerns they have raised are taken seriously. Such a change would have the added benefit of increasing par-

ticipant satisfaction with the program, which may also contribute to program compliance and retention.

### **Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.**

*Research Questions: Do program staff work together as a team to determine sanctions and rewards? Are there standard or specific sanctions and rewards for particular behaviors? Is there a written policy on how sanctions and rewards work? How does this drug court's sanctions and rewards compare to what other drug courts are doing nationally?*

### National Research

Nationally, experience shows that the drug court Judge generally makes the final decision regarding sanctions or rewards, based on input from the drug court team. All drug courts surveyed in the American University study confirmed they had established guidelines for their sanctions and rewards policies, and nearly two-thirds (64%) reported that their guidelines were written (Cooper, 2000).

Carey, Finigan, and Pukstas, 2008, found that for a program to have positive outcomes, it is not necessary for the judge to be the sole person who provides sanctions. However, when the judge is the sole provider of sanctions, it may mean that participants are better able to predict when those sanctions might occur, which might be less stressful. Allowing team members to dispense sanctions makes it more likely that sanctions occur in a timely manner, more immediately after the non-compliant behavior. Immediacy of sanctions is related to improved graduation rates.

### Local Process

The UCDC team discusses possible rewards and sanctions during staffing meetings; however, the Judges make the final decisions and impose both sanctions and rewards.

The UCDC Policies and Procedures manual, provided to program staff, clearly states the

violations that will result in sanctions. It also states sanction levels and requirements that, if not met, could result in removal or suspension from the program. Sanctions are generally graduated, but individualized as well.

Possible incentives, both tangible and intangible, are listed in the UCDC Program Policies and Procedures manual.

The Drug Court Orientation Manual, provided to all participants, lists violations that may result in sanctions, potential drug court sanctions, and potential incentives.

Some team members and focus group participants were concerned about the lack of consistency in imposing sanctions. The team has been working to become more consistent. The program purchased a laptop computer so that all previous sanction and other information is readily available to inform the team about which sanctions have been imposed in the past, in order to help them in making decisions about new sanctions.

Interestingly, although a team member said that participants love the Hot Wheels given as incentives, focus group participants used them as an example of things they do not need or want (along with other toys), and do not understand why they are given as rewards.

Focus group participants reported that they often must wait in the office for a considerable length of time before seeing the Hermiston PO, and thought that this process did not respect the fact that they have other obligations, such as work, that make their time valuable and not to be spent waiting. They would like to see a change in this process.

#### Suggestions/Recommendations

- Continue working on consistency in imposing sanctions and rewards, while communicating clearly to the participants why rewards and sanctions are being imposed and why a particular behavior may have one consequence for one person and a different consequence for another.
- Clarifying the difference between treatment and other behaviors and responses may help address the concern reported during a participant focus group that not everyone is treated fairly, especially regarding sanctions.
- Focus group participants talked about rules changing mid-stream, and being different from what they signed in their participant contracts. If the program changes rules, they need to be thoroughly explained to participants, along with the rationale for the changes. The program should either consider implementing the changes only with new participants or discussing the changes with participants and asking them to sign a new contract. All participants should receive a copy of the revised contract and rules.
- Either explain to participants the rationale behind including toys in the grab bags, or discontinue including them.
- The PO and the team should determine whether changes could be made in the appointment scheduling process so that participants are not typically kept waiting when they report to the Hermiston PO. Showing consideration for the participants' other obligations and time commitments is not unreasonable, and would be a more strength-based process, demonstrating respect and potentially increasing participant engagement.

#### **Key Component #7: Ongoing judicial interaction with each participant is essential.**

*Research Question: How frequent is this court's contact with the judge? What is the nature of this contact?*

#### National Research

From its national data, the American University Drug Court Survey (Cooper, 2000) reported that most drug court programs require weekly contact with the judge in Phase I, contact every 2 weeks in Phase II, and

monthly contact in Phase III. The frequency of contact decreases for each advancement in phase. Although most drug courts follow the above model, a substantial percentage reports less court contact.

Research in California and Oregon (Carey et al., 2005; Carey & Finigan, 2004) demonstrated that participants have the most positive outcomes if they attend at least one court session every 2 to 3 weeks in the first phase of their involvement in the program. In addition, programs where judges participated in drug court voluntarily and remained with the program at least 2 years had the most positive participant outcomes. It is recommended that drug courts not impose fixed terms on judges, as experience and longevity are correlated with cost savings (Carey et al., 2005; Finigan, Carey, & Cox, 2007).

#### Local Process

The Judges presiding over the UCDC have frequent interactions with participants, particularly during Phases I and II, during which participants attend drug court sessions each week. The frequency of ongoing contact during the first three phases of the program is consistent with drug court programs nationally, though may be more frequent than necessary or even optimal. (Contact in Phase IV occurs every 2 weeks, which again is likely more frequently than is necessary).

Observations of drug court sessions in both Hermiston and Pendleton showed that both Judges speak to participants directly and offer encouragement, as well as impose sanctions and rewards.

Judge Reynolds volunteered for his role with UCDC, while Judge Pahl was appointed (although he had the option of saying he was not interested). There are no set terms for the drug court judges in Umatilla County, so they may continue in their roles indefinitely.

#### Suggestions/Recommendations

- One of the two UCDC Judges had not received formal role-specific drug court

training at the time of the stakeholder interviews, although such training was planned for fall 2008. Continue to encourage formal training for judges and other team members to ensure that the drug court model is being optimally implemented.

#### **Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.**

*Research Question: Are evaluation and monitoring integral to the program?*

#### National Research

Carey, Finigan, and Pukstas, 2008, found that programs with evaluation processes in place had better outcomes. Four types of evaluation processes were found to save the program money with a positive effect on outcome costs: 1) maintaining paper records that are critical to an evaluation, 2) regular reporting of program statistics that led to modification of drug court operations, 3) results of program evaluations that led to modification to drug court operations, and 4) drug courts that have participated in more than one evaluation by an independent evaluator. Graduation rates were associated with some of the evaluation processes used. The second and third processes were associated with higher graduation rates, while the first process listed was associated with lower graduation rates.

#### Local Process

One of the key components of the UCDC's enhancement grant is for increased evaluation and monitoring activities. With this grant, an outside evaluator (NPC Research) was hired to measure whether the UCDC is implementing the program as intended, whether it is consistent with the 10 key components of drug courts; and to make suggestions for program improvement.

The Oregon Treatment Court Management System (OTCMS) is the drug court-specific data management system that is used statewide to compile all the data for grant reports

and other program monitoring. NPC reviewed the OTCMS data for the UCDC and found that they collect data for almost all of the data elements that NPC recommends drug courts collect for evaluation and program monitoring purposes. (The exception was information about former participants, such as arrests following graduation from the program, which they collect elsewhere.)

The Umatilla County Community Corrections Program Manager monitors the drug court program data on a regular basis and reports results to funders, the drug court team and the Steering Committee.

The Drug Court Steering Committee monitors program outputs. The committee reviews the 10 key components of drug courts every 2 or 3 months.

#### Suggestions/Recommendations

- The team should set aside time to discuss the findings and recommendations in this process evaluation, both to enjoy the recognition of its accomplishments and to determine whether any program adjustments are warranted.

#### **Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.**

*Research Question: Is this program continuing to advance its training and knowledge?*

#### National Research

The Carey, Finigan, and Pukstas, 2008, study found that drug court programs requiring all new hires to complete formal training or orientation, team members to receive training in preparation for implementation, and all drug court team members be provided with training were associated with positive outcomes costs and higher graduation rates.

#### Local Process

Team members involved with the drug court at the time of implementation received federal drug court training.

Some team members have received role-specific drug court training, and others have not. Team members have taken advantage of local training opportunities.

New drug court team members do not attend formal drug court training, but receive the UCDC Policies and Procedures Manual to study as a form of training.

Representatives who are new to the DA's office and the treatment providers receive drug court training through their respective employers.

The Umatilla County Community Corrections Program Manager keeps track of team member participation in training for grant reporting. One of the UCDC's goals through its enhancement grant is increased training, so the program needs to be able to show that its staff are accessing professional development opportunities.

#### Suggestions/Recommendations

- Ensure that, in addition to information about drug courts, all team members receive formal training specific to their role within the program as soon as possible after they are assigned to the team, in addition to that which takes place on the job. Also, continue to encourage ongoing training opportunities for all team members (as a refresher and for professional development), as the budget allows. Ongoing training maintains knowledge and skills as well as provides opportunities for the team to obtain any new strategies or research findings.
- According to a team member and based on feedback from current and former drug court participants, training is needed for drug court staff in understanding the meaning of UA results, especially diluted

samples, and how to address them in court.

- Appoint a team member, perhaps the Drug Court Manager, to search for recent drug court research and other relevant information (such as that relating to dual-diagnoses) and send it to the appropriate team members for review. Consider setting aside time at staffing meetings (perhaps quarterly), and/or at the Steering Committee meetings, to discuss new information and how it can be used to supplement the program.

**Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.**

*Research Question: Has this court developed effective partnerships across the community?*

National Research

Responses to American University’s National Drug Court Survey (Cooper, 2000) show that most drug courts are working closely with community groups to provide support services for their drug court participants. Examples of community resources with which drug courts are connected include self-help groups such as AA and NA, medical providers, local education systems, employment services, faith communities, and Chambers of Commerce.

Local Process

The Umatilla County Community Corrections Program Manager develops and main-

tains community relationships as part of his role. He and the Drug Court Manager speak to the community about the purpose/mission, activities, and accomplishments of the drug court program.

The UCDC receives excellent support from the local newspaper, which has published many articles about the drug court program.

The Salvation Army, working closely with the State of Oregon Department of Human Services, assists with temporary housing, clothing, meals, and financial matters. Other agencies providing support/assistance/ services to UCDC and its participants include Blue Mountain Community College, CAPECO (employment assistance), and the Health Department (e.g., for HIV testing).

UCDC staff members regularly refer participants to services available in the community.

The program asks participants to complete a client satisfaction survey every 6 months and upon program completion.

There is minimal law enforcement involvement with the drug court program at the Hermiston site, although the PO is working to engage a law enforcement representative to participate on the drug court team.

Suggestions/Recommendations

- The PO should continue her efforts to increase law enforcement involvement in Hermiston.
- Dedicate a Steering Committee meeting to talking about strategies for generating resources or engaging community partners to help meet needs identified in client satisfaction surveys.

## SUMMARY AND CONCLUSIONS

The Umatilla County Drug Court team seems to possess a thorough understanding of the 10 key components and has been successful at implementing its drug court program.

Some particular findings are:

### Unique and/or Promising Practices:

- Victims' rights: program graduates remain on probation until restitution is paid.
- Following receipt of the BJA enhancement grant, mental health treatment is an integral part of the program.
- Transportation is provided to court in Pendleton for Milton-Freewater participants (also due to enhancement grant).
- Mental health and alcohol and drug treatment providers share notes, meet to discuss participants, and coordinate treatment.
- Staffings in Hermiston taking place on video, which saves travel time for the Judge and other team members who traveled to Pendleton previously for staffing, and would make it possible for Hermiston law enforcement representative to attend staffing.
- The Steering Committee reviews the 10 Key Components of Drug Courts every 2 or 3 months.
- The UCDC is collecting the data elements suggested by NPC to be collected by drug courts for cost and process evaluations.
- Particularly when DHS clients are involved, the drug court can coordinate service plans (for example, so what probation requires is not contrary to what is asked by Child Welfare).

### Policy and procedure changes implemented by the drug court team:

- The program received an enhancement grant to increase the identification and treatment of mental health needs, provide additional training for drug court staff, fund an increase in program evaluation activities, support GED services to increase the education level of participants, and add the Milton Freewater drug court to make drug court more accessible in rural areas of Umatilla County.
- Hermiston team members participate in staffings via video.
- Previous sanctions and other information is available on a laptop computer during staffing meetings.
- Drug tests no longer occur randomly—all testing is scheduled, to reduce the risk that the random schedule would occasionally inadvertently leave too large a gap in tested days for some participants.
- UAs are now fully observed by a staff person of the same gender as those being tested.

### Areas that could benefit from more attention:

- Role-specific and strength-based training is needed.
- Work to become a fully integrated drug court team by including law enforcement representation from Hermiston and by ensuring the attendance of representatives from the public defender(s) in all court hearings.
- Quicker access to treatment and entry into the UCDC program is needed.
- Identifying ways in which program engagement and retention could be increased: the number of people removed

from the program is considerably greater than the number who have graduated.

- Participants have concerns about sanctions, rewards, rule changes and time spent waiting.
- Establish a formal aftercare or check-in process to provide support and identify challenges.
- Determine whether public defenders hesitate to recommend drug court. If so, answer concerns and/or consider program changes to make it a more feasible option.



---

## REFERENCES

- Carey, S. M., & Finigan, M. W. (2004). A detailed cost analysis in a mature drug court setting: A cost-benefit evaluation of the Multnomah County Drug Court. *Journal of Contemporary Criminal Justice, 20*(3), 315-338.
- Carey, S. M., Finigan, M. W., & Pukstas, K. (2008). *Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs*. Submitted to the U. S. Department of Justice, National Institute of Justice, May 2008. NIJ Contract 2005M114.
- Carey, S. M., Finigan, M. W., Waller, M. S., Lucas, L. M., & Crumpton, D. (2005). *California drug courts: A methodology for determining costs and benefits, Phase II: Testing the methodology, final report*. Submitted to the California Administrative Office of the Courts, November 2004. Submitted to the USDOJ Bureau of Justice Assistance in May 2005.
- Cooper, C. (2000). *2000 drug court survey report: Program operations, services and participant perspectives*. American University Web site:  
<http://spa.american.edu/justice/publications/execsum.pdf>
- Crumpton, D., Brekhus, J., Weller, J. M., & Finigan, M. W. (2004). *Cost analysis of Anne Arundel County, Maryland Drug Treatment Court*. Report to the State of Maryland Judiciary, Administrative Office of the Courts and Baltimore Substance Abuse Systems, Inc.
- Crumpton, D., Brekhus, J., Weller, J. M., & Finigan, M. W. (2004). *Cost analysis of Baltimore City, Maryland Drug Treatment Court*. Report to the State of Maryland Judiciary, Administrative Office of the Courts and Baltimore Substance Abuse Systems, Inc.
- Finigan, M. W., Carey, S. M., & Cox, A. (2007). *The impact of a mature drug court over 10 years of operation: Recidivism and costs*. Submitted to the U. S. Department of Justice, National Institute of Justice, December 2006. NIJ Contract 2005M073.
- Government Accounting Office (2005). *Adult drug courts: Evidence indicates recidivism reductions and mixed results for other outcomes*. [www.gao.gov/new.items/d05219.pdf](http://www.gao.gov/new.items/d05219.pdf), February 2005 Report.
- Longshore, D. L., Turner, S., Wenzel, S. L., Morral, A. R., Harrell, A., McBride, D., Deschenes, E., & Iguchi, M. Y. (2001). Drug courts: A conceptual framework. *Journal of Drug Issues, 31*(1), Winter 2001, 7-26.
- Lurigio, A. J. (2000). Drug treatment availability and effectiveness. Studies of the general and criminal justice populations. *Criminal Justice and Behavior, 27*(4), 495-528.
- National Association of Drug Court Professionals (2008). *Painting the current picture: A national report card on drug court programs in the United States*. Retrieved August 2008, from [www.ndci.org/publications/PCPII1\\_web.pdf](http://www.ndci.org/publications/PCPII1_web.pdf)
- National Association of Drug Court Professionals Drug Court Standards Committee (1997). *Defining Drug Courts: The Key Components*. U.S. Department of Justice, Office of Justice Programs, Drug Court Programs Office.
- SAMHSA/CSAT Treatment Improvement Protocols (1994). TIP 8: Intensive outpatient treatment for alcohol and other drug abuse. Retrieved October 23, 2006, from [www.ncbi.nlm.nih.gov/books/bv.fcgi?rid=hstat5.section.28752](http://www.ncbi.nlm.nih.gov/books/bv.fcgi?rid=hstat5.section.28752)



**APPENDIX A: DRUG COURT TYPOLOGY INTERVIEW  
GUIDE TOPICS**



## **Drug Court Typology Interview Guide Topics**

The topic/subject areas in the Typology Interview Guide were chosen from three main sources: the evaluation team's extensive experience with drug courts, the American University Drug Court Survey, and a paper by Longshore et al. (2001), which lays out a conceptual framework for drug courts. The typology interview covers a number of areas—including specific drug court characteristics, structural components, processes, and organizational characteristics—that contribute to a more comprehensive understanding of the drug court being evaluated. Topics in the Typology Interview Guide also include questions related to eligibility guidelines, specific drug court program processes (e.g., phases, treatment providers, urinalyses, fee structure, rewards/sanctions), graduation, aftercare, termination, non-drug court processes (e.g., regular probation), identification of drug court team members and their roles, and a description of drug court participants (e.g., general demographics, drugs of use).

Although the typology guide is modified slightly to fit the context, process and type of each drug court (e.g., juvenile courts, adult courts), a copy of the generic drug court typology guide can be found at [www.npcresearch.com/materials.php](http://www.npcresearch.com/materials.php) (see Drug Court Materials section).



**APPENDIX B: FOCUS GROUPS SUMMARIES AND INTERVIEWS  
WITH FORMER PARTICIPANTS**





**Focus Group Summary**  
Hermiston Drug Court  
June 23, 2008

Attending: 6 males, all current UCDC participants in Phase II.  
Per focus group, participants are in Phase I for a month, then in Phase II 2 months, Phase III 3 months, Phase IV 6 months, for a minimum of 12 months. One participant was in Phase I for 8 months. Participants are sent back to prior phase(s) when have they have positive UAs, etc., by being sanctioned to have to start over and have 90 days clean consecutively. That requirement usually means starting over at the beginning of Phase I.

**What do you like most about the drug court program?**

- Learning about the mind and why this stuff happens. They call it a disease, but it is actually us making mistakes.
- I like the structure.
- That it works.
- Camaraderie. That I am not alone. Knowing that I have to be here and with people in the same boat.
- I like [counselor]—she is awesome! We can call her whenever we need to.
- People that matter are on my side (like the Judge). Support from the State, County, etc.
- You can talk to the Judge and he actually listens.
- With the exception of the lab and not retesting [see below], it's a great program.

**What about the program is not working for you?**

- The lab. A couple cases there have been false positives and the lab just said “positive for this,” but another test would have broken it down.
- Another time it was hand sanitizer that came up positive for alcohol, but if they broke it down they would see that it wasn't alcohol.
- They won't re-test any more. We have a list of stuff we can't take.
- Even if we get a false positive, we still get another 90 days clean, even if we're not dirty. Even if you admit you have to be clean 90 more days.

**What is the reason for not retesting? Is it the cost?**

- It costs us days in jail.
- It cost me \$500 [lost time at work], what's that compared to \$60 for a test?
- Taking 4 Aleves came up as meth. The secondary test showed it wasn't meth, and I was in jail for Aleve which wasn't on our [do not take] list.
- 90% of the time when you relapse, we admit it. Now they don't believe us.
- If we sign a contract; that is what you go by. They change it without us having to sign it.

**Do you get a copy of any changes?**

- No, but we are told orally.

**What is not working for you (continued)**

- I did some research online and found that labs are only 67% correct.
- They said the hand sanitizer guy had 8.4% alcohol. No way! If that was true, he'd be falling on his face. They knew that didn't seem right. They still upheld it.
- I have allergies and can't take hay fever medication. I am scared to take anything. We are all scared, even if not guilty.

- Also, we are told it's dilute. We are told not to drink water 2 hours before coming in. I work out in the heat, and need to drink water, but don't.
- There needs to be some other standard. It's not OSHA [safety standards] to not drink water in the summer.
- That wasn't in the contract before. They could work with us more on those kinds of things.
- I understand about the dilute, but...
- But only if someone does it all the time.
- There must be a backup test to prove.

**How were you treated by the court staff?**

- The Judge is good.
- He is genuinely concerned.
- He helps people get housing and with the children, etc. Helps them get their driver's licenses back.
- He has helped me with a fine in [another town]. He lifted the warrant.
- The Judge is almost overbearing in the way he tries to help [almost too helpful].
- [Counselor] is fantastic!
- The only ones [staff] we talk to are [PO], [counselor], [Drug Court Manager], and the Judge.
- [PO] is hard to reach.
- [Drug Court Manager] is always somewhere else.
- The Judge and [counselor] do anything for you.

**Why did you decide to participate in drug court?**

- 6 months in jail.
- A year in jail.
- So my girlfriend could get home faster (but she's in jail now anyway).
- At first it was to get out of trouble.
- I was clean before I came into drug court, but it was an opportunity to better my life.
- A clean record.
- [2 participants said they would not have a clean record because they were already convicted.]

**Have there been any obstacles to your completing drug court?**

- The PO makes it difficult. We have to check in weekly. I get off at 3:30 and you are required to have a job. They close at 5:00. I also have class at 5:00 here, and she [PO] is not always here.
- Or I will see her standing there talking with someone, and she makes us wait a half hour, and I don't have that kind of time. I should get *some* respect.
- She does that to all of us.
- It is arrogant, rude.

**More re: the issue of one test, either saying positive or negative, and not breaking it down:**

- They took me right in [from court], and I have a job and my wife didn't know anything about it. After 5 days they did a second test.
- They do retest, but just with a different technician, not a breakdown.
- They should retest *before* you have to go to jail and miss work.

### **Did your public defender or private attorney try to help you with this?**

- No lawyer unless you have a new charge.
- If you want a lawyer, they say if you have a dirty UA, you have to hire one.
- My option was 7 days in jail or wait in jail for a lawyer to be appointed. It took 4 days for them to figure out I was telling the truth.
- I wish they would do more research about UAs.
- At least be certain, if it is something that affects your life that much.
- I am here because of what I have done, but I am clean, and want to do this program—it's awesome, but they should be 100% certain.

### **Are you required to have jobs? What are your other requirements?**

- It [job] is required by Phase II. You stay in Phase II until you have a job. Even false positives—I have to start over. It was not in the contract at first.
- A 12 step every week.
- Social activity each week (like going to movies with your family).

### **How do they know that you have done that?**

- We call in every day to Roxann. Some people every day and some twice a week. You leave a message.

### **Are there any other things that you think could be improved?**

- Incentives. The grab bag is kiddie toys from the dollar store. What am I going to do with a Hot Wheel?
- When we go from phase to phase, we get 10 hours off community service and 1 month fees.
- I would rather have it in between instead of the grab bag.

### **What qualifies you to go the grab bag?**

- Four weeks without any incident, including check-ins with [PO] and [Drug Court Manager].
- There should be better rewards, like what they promised us: bowling with the Judge. But that didn't happen.
- If they are going to give us rewards, make them different.
- We should still get rewards for being normal.
- Give us something we want.
- It should be: For Phase I, \$35 and 10 [fees and community service hours]
- For Phase II, double it (\$70 and 20)
- For Phase III, triple it
- That I could appreciate.

### **What about other services you have been able to get through drug court, like mental health counseling or housing?**

- Most have it free, and I had to pay for mine.
- We did an evaluation and if they thought it [MH counseling] was needed, they got it, but if we want it we can have it.
- I work full time and I don't know if they will require a GED, and I don't know when I can do it.
- GED is a new requirement.

- You have to have a GED for graduation. That should come into effect for people who came in later, not for ones already in.
- I don't have to take GED because I have a trade.
- I can't read. So getting a GED will take a lot of reading. It will take me forever. I am an artist, but I can't read or write.
- It is hard for me.
- We are required—to transition, we have to write a paper and read it in court.
- I memorize mine [person who can't read].

**Is there anything you needed but didn't get?**

- They take enough of our time as it is.
- It is a commitment.
- When I was on probation, I wouldn't make it twice a week [explaining that he does much more than that in drug court].
- Requirements and structure were helpful. It took me 8 months to get through Phase I.

**Is there anything that makes it difficult for you to participate in the program? What about transportation?**

- Some don't have a driver's license.
- I walk
- I ride a bike
- My mom drives me
- My boss or another employee drives me here.
- I have to leave work ½ hour early every Monday and if they want me to do GED, that is more time off.
- If it was 5:00 for court [now it's 3:30], that would be great.
- The first 2 to 3 weeks I would walk several miles to get here every day.
- I told them I don't have transportation, and don't want to set myself up for failure.
- There isn't any public transportation. There's a taxi, but it's outrageous! And there's just 2 or 3 drivers.

**Do you get vouchers to pay for a taxi?**

- No.
- We don't get hardship licenses, but that would solve the problem.

**Is there anything else that you think we should know?**

- We *love* our instructor—[counselor].
- I can call her any time, night or day.
- She bends over backwards for us.
- She cares and tries to help us.
- I'm glad I decided on drug court rather than probation.

**Focus Group Summary**  
Pendleton Drug Court  
June 23, 2008

Focus group with current participants that took place at Crossroads (Eastern Oregon Alcoholism Foundation), where participants come for treatment every day.

Pendleton

June 24, 2008

Attending: 4 male and 1 female current UCDC participants, 2 in Phase I, 1 in Phase II, and 2 in Phase III.

When asked which phase of the program they were in (at the time of the focus group), participants volunteered the following information:

- I was Phase IV, but took so long to find a job and had a dilute, so they held me back 90 days. I found employment and then had another dilute. I talked to the judge about it to find out if there is any way they can spin it down again because I didn't use. I know they can do a hair follicle test back to a year, and that is the concern that I have. If there is another test they could come up with...
- Before I went to Phase II I had a dilute, but it was not bad. Then in Phase III another one. I [work outdoors] and drink a lot of water and they send me back. Even if it's not very dilute. I don't bother to complain because it's a no win.
- Every dilute is set back to a new clean date [90 days].
- I was only held back a month the first time. It depends on the length of the phase. I take UAs now in the morning before it is hot and I drink a lot of fluids.
- I had talked to a client that graduated last time I went to the court and I discussed it with the judge. To find out if there are other tests. A hot UA, they can break it down and find out how much and what. We are tested every 2 days. Whether it's diluted or not, it seems like there would be some kind of substance in UA. I was working outside and drink a lot of water. The first time it happened I drank a lot of coffee. My own fault. The 2<sup>nd</sup> time I had asked the Judge who observes UAs if it looked diluted to him so I would like another test or swab (that is what Freewater does on Monday & Friday, & a UA on Wed.)
- Maybe an instant test?
- Those aren't accurate.
- I am not using or anything, and to have that set me back, that would really bug me.
- Especially when we signed a contract that says you can have it redone, but they changed it. Or the polygraph—they don't have it any more.

**What are some changes that have taken place?**

- A lot of stuff changed. We lost our original treatment court coordinator and we got the new person, and things changed when she came in. We lost [UCCCPM] and now have a new guy. [Counselor] is our 3<sup>rd</sup> counselor we went through. One [woman] resigned, the guy was only here a month. [Current counselor] is a good counselor.
- We had to sign a contract 2 months ago saying that the UAs in drug courts in general are more sensitive to alcohol and so now we can't use Listerine or cologne or anything that might show up in UA.

[No one else remembered it, though one person said it was a list and he signed it. The rest signed it.]

- We can't eat sauerkraut!
- I don't have the list...it must have been before I was in jail 160 days.

**Are there any other things that are not working?**

- We have to attend AA/NA and still count it as a social, but it doesn't count as AA because (2) guys were leaving early, so now we can't use it for that. They were putting their slip in and leaving.
- But this time they were there, but left 15 minutes early for a UA. That is my home group, so I had to re-arrange my schedule to go to ones that count. It counts as social support, but not support.

**Is there anything else that makes it difficult for you to participate—transportation, for example?**

- For people on work release it is 3 miles out of town.
- If you have to go to court every week it can be a pain. I am fortunate—the guy I work for lets me go to 4 NA meetings a week and court and I work 40 hours/week. Most people can't do that.
- Last year when I first got into it we had court at 3 p.m. Now that it is in the morning [10:30], I was unemployed from November until 6 weeks ago. They make you do a job search, and there were certain businesses that wouldn't sign the paper [apparently saying you had applied] because they thought it was for work release and they had people forge their signatures. So certain businesses wouldn't sign and others said they wouldn't hire you if you are in drug court.
- It is 8 a day job search. [Required to search at 8 places every day]. In a place this small, where haven't I applied?
- Another guy does 16 a day.
- In Phase II you have to have a job or go to school full time.

**What does work for you—what do you like about drug court?**

- It all works for me. I am stable. I have a job.
- My job is straightened out.
- Besides dilute, it is a good program.
- It [UA testing] was a lottery when you get a color, and I was sanctioned because I didn't know you had to do a UA even if your color didn't come up.
- The whole drug court thing makes you accountable for what you do every day. That is good for you. It gets you back in real life.
- It keeps you straight and sober.
- I stay away from old friends.
- We make friends in here.
- Being in a situation with a group of people with the same mind set, you get help from everyone here.

**Where do you go for UAs?**

- Here [house where they meet daily with counselor for treatment]
- Monday, Wednesday, Friday for everyone every week.

- If you can't get it done before 12, you have to come in at 4 (men), girls can come any time.
- I also come to group Tuesday & Friday here.
- I come every night since I'm back in Phase I.
- It's pretty central if you live in town.

**More comments regarding staff:**

- I like [counselor]. She is very good.
- Very easy to talk to. I just changed here from Hermiston drug court.
- We also have the same PO, who is good.
- [Another PO] said I needed to get a GED, but I told him I had more education than he did! He didn't even know I didn't need to get a GED.
- I just got my GED.
- She holds us accountable for our actions, and I like that. I have *always* used.
- We are treated good.
- Good attitude. Always willing to help, even when they are busy.
- I like [Judge].
- He is fair. He treats people the same.
- Each case is different.
- He is encouraging to stay sober. He's always asking questions, and is interested.
- I think they all want us to succeed.
- They hear the same BS all the time. People try.
- I don't like seeing someone pass judgment on people for certain things when I know what they are doing—drinking too much. [Other focus group participants agreed that they know about this person's drinking.] I have lived in this town all my life ...[so know what's going on].

**Why did you decide to participate in drug court?**

- I wanted off meth.
- POs know I did good in structure.
- I didn't know anything about it when I signed into it. When they went over the paperwork I didn't know how intense it was.
- I got into it because I have never had a felony and they said they would drop all the charges. But now once I surrendered my attitude and was still detoxing, it taught me how to get my s\_\_\_\_\_ straightened out. Now I just want to stay clean.
- Either a trial and I could have lost and done prison time. That is the first felony.
- I took it because I wanted to straighten my life out. I am only 25. I have been on the run since I was 16 or 17 non-stop. The only time I was sober is when I was in jail. I was in jail 4 or 5 years.
- I didn't want to go to jail.
- My house was raided a year ago last February, and that is probably the best thing that happened to me for 7 years. My house was chaos and out of control. The last time I was in trouble was 1989 DUI. Drug court was a blessing and gave me a chance and got people out of my house. I didn't know how intense it was at first. I am thankful for my life, family and having my house back. I told everyone I moved. Had the phone disconnected and turned off the lights.

### **Do you have any suggestions for improvements?**

- I think it is pretty good.
- It works.
- One thing would be if some of the people that we don't ever see—the people that go to court: Drug Court Manager, the DA, or any of them. Maybe they could come to group once a month instead of sitting behind a desk.
- Every time I finally get in touch with [Program Manager] she doesn't have any positive feedback.
- You could talk to [previous Program Manager] and she would give you suggestions and what you had to do and were supposed to do.
- I couldn't!
- Or if once a month we could get together.
- Some you never meet. Some of the staff need to get to know the clients. When we move into another Phase, they should all be there.
- The DA was only there once in 9 months. The Assistant DA is there.
- Everyone has different ones [PDs]. I got one at pre-trial and that is the one I talk to.
- I can't talk to the PD about being set back a phase.
- We had the same argument last year and we had the same thing—Why don't they come to group every once in a while?
- I used to have one-on-one with [former Drug Court Manager], and when I tried to schedule it with [current Drug Court Manager]...I haven't had a one-on-one with her at all.
- She picks and chooses who. She said it wasn't required.
- Some people see [mental health provider], but not all.
- I had to see him, but don't know why. He said the drug court team said I have stress issues. I see him every 2 weeks for 20 minutes and tell him about my life, and he isn't always there for the appointments.
- I think it is good counseling.

### **Where do you go for GED?**

- Through corrections—there are new rules.
- After I started it [GED] was mandatory. Very happy with them. The teacher was great. I only went a month and a half and then could test.



**Focus Group: Previous Drug Court Participants (Terminated)**

Location: Program Center

Pendleton, Oregon

June 25, 2008

One-on-One Interviews with Previous Drug Court Participants (Terminated)

Location: Jail

Pendleton, Oregon

The Program Center is housed next to the jail. People are held at the program center, but are allowed out to work (and other approved activities). The length of time individuals have been held there has ranged from 1 day to 4 years. Three former participants (two females and one male) participated in a focus group; two former participants who were in jail at the time took part in one-on-one interviews. These former participants were in drug court between 5 months and 1 year.

**Why did you decide to participate in drug court?**

- I went in because it was that or 6 months [in jail].

**What was it about drug court that didn't work for you?**

- Pendleton is not consistent. Some had dirty UAs and weren't kicked out, but I was.
- I had 3 dilute before they even told me and that counts. You go back 90 days [start over at having 90 days clean & with no missed appointments, etc.]
- Until Phase III, you need 90 days, so if you aren't in Phase III, you are starting over.
- I had dilute one time. I was ready to go from Phase I and they put me back to the beginning.
- I was in Phase IV and was sent back to Phase I.
- There are probably 8-9 people here [jail] because of drug court. If I didn't do drug court, I would have been here 6 months instead of a year.

**Has everyone been set back?**

- Yes.
- The rules say if you have dirty UA, they send you back 90 days. Why not freeze you in a phase and make you stay there for 90 days instead of sending you back to an earlier phase?

**What other sanctions are there, besides being sent back 90 days?**

- You can go to jail or community service.
- If you continue to have dirty UAs, some people can go to inpatient if they want.

**Other things that weren't working:**

- It is hard to find a job working around the drug court program [working around the requirements], but once you find it, you still have community service, class 5 times a week, UAs, meetings with the counselor, etc., and you go to jail because you didn't do 10 hours of community service a week.
- Why can't community service wait until Phase IV [when there are fewer other requirements]?
- Especially when you have kids, too.

- I just got my daughter back and they were good for me at the program then when I went before the judge when I was pregnant He would say, “We want you to have a clean baby,” and he implied I wouldn’t. But I did.
- Drug court was a blessing for me. I didn’t agree with what they were doing with other clients.
- I got my kid back and started recovery. But what they did to other clients that were working really hard...
- A good friend of ours is in drug court now and they are messing with him.
- I understanding changing a program, especially when it is new (They helped me a lot. The counselors are awesome), but the consistency of the rules...you sign a contract when you start, but they don’t have anyone go over them, they just put them on you and expect you to confirm it.
- The day he was to graduate, they said he had to have his restitution paid before graduation.
- People with jobs for years now have to have a GED!
- For some people it is really, really good.
- I decided to go into drug court on PV so I wouldn’t go to jail. I was still employed, and they need to do a better job of explaining it [the program & it’s time requirements, etc.].
- The attorneys don’t know exactly what they are getting their clients into.
- The charges you bring into drug court are dropped, but you still have your arrest record. When someone does a criminal background check, they get the whole arrest record.
- After graduation, the DA said she wouldn’t have a felony, but it is still on your arrest record. I just found this out recently.
- I had a 13-year-old felony & brought it into drug court and that is why I went into drug court to have it expunged. That costs \$200. And my current charge would be dropped. [Judge] put all my courts fines in one lump and let me make a payment and they would have released my driver’s license.
- Rules should be rules. One girl just got released from 18 months probation and never complied with drug court.
- I got in trouble one time and was kicked out. It works different for everyone.
- I never had one dirty UA in the whole time I was there.
- I started over 3 times. The 3<sup>rd</sup> time was when I got kicked out.
- The same consequences should be for everyone. They should be more fair that way.

**How were you treated by the drug court staff?**

- The Judges are wonderful.
- It is a bummer that the final decision came down to him [Judge]. One time I got snowed in and even called the court and class and he still put up a warrant. I cleared everything up first thing in the morning and checked with everyone to see if there was anything else I needed to do, and there wasn’t. But I got 10 days in jail. After the PO and the counselors told me not to worry about it.
- The staff was good; the Judge was good.

**Do you all have public defenders or private attorneys?**

[Two had PDs and one had a private attorney. None had the same attorney. All said that the attorneys don’t like drug court]

**What about the mental health provider?**

- He's wonderful!
- I did parenting class with him to help me get my kid back.
- I volunteered to see him.
- Drug court is mainly about addiction and criminal [behavior] and [mental health provider] is trying to get at *why* you are doing it.

**What about other services? Were any of you working on getting a GED?**

- I got a GED before I was in drug court.
- I know a couple that did [get a GED while in drug court], and that is fine.
- In Hermiston you go to Parole & Probation for classes and then the test is at Blue Mountain Community College. But they [drug court] pay for it.

**Were there any obstacles/things that made it difficult for you to comply with the drug court requirements, such as lack of transportation?**

- No. I had someone to drive me and my NA sponsor that would help me.
- In Hermiston one guy walked 17 miles EVERY day to class and went to jail for being late.

**Would you explain what the Program Center is all about?**

- It is for job seeking.
- Work on A&D.
- Walk everywhere until you have a job, and they take 90% of your check--\$600/month.
- We are sentenced. I got 2 months there [jail] and 2 months here. It is to ease you into the community. It is a good program here.
- The food is better [than at the jail]!
- We can look out [have windows].
- In jail you are treated like a criminal, and here you aren't.

**Do you all have jobs, then?**

- I have a job.
- I have a full-time job and a part-time job.
- I am looking for one.

**What did work for you?**

- Both counselors were helpful. [Counselor] was pretty good. The other one quit because of the way I was treated. He told me if they started me over he was quitting, and he did. He used to be the sheriff and knew it was bullcrap. He was very helpful.