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## ***Marion County Adult Drug Court Process Evaluation***

### ***Final Report***



#### ***Submitted by***

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# Executive Summary

Marion County began piloting their Adult Drug Court in April 2000. It was fully operational in September 2001, following receipt of a drug court implementation grant from the Drug Court Program Office at the National Institute of Justice. This grant also provided evaluation funds and NPC Research was hired to perform a process and outcome study of the Drug Court. This report contains the process evaluation performed by NPC using the Ten Key Components of Drug Courts (developed by the NADCP in 1997) as a framework. The Marion County Adult Drug Court was evaluated on its ability to demonstrate these key components. The chief results are as follows:

## ***Ten Key Components of Drug Courts***

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

Marion County Adult Drug Court has an unusually high degree of Team integration, which is one of its greatest strengths. Team members from many different agencies (from both the justice and treatment systems) and with different perspectives work together to arrive at a consensus on final decisions, focusing on what is best for the participants. Frequent communication and input from Team members allows the Court to act swiftly when problems arise.

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

Team members, including the prosecution and defense counsel, feel comfortable stepping outside their traditional roles in order to do what is best for participants in the Marion County Drug Court. At the same time, the attorneys believe that the mission of each has not been compromised, that public safety has been protected, and that the rights of Drug Court participants have been protected

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

Marion County Drug Court has an organized way of identifying eligible drug court participants, and the Judges, the District Attorney's Office, and the Defense Attorneys are informed about those requirements. The length of time between arrest and arraignment (during which a client is referred to Drug Court) is about three weeks, followed by about two weeks between arraignment and entering Drug Court. Clients entering Drug Court from outside this process, such as through another Judge or Probation, do so at varying lengths of time. In any case, once a client is identified as being eligible for Drug Court, the process is in place to have them enter swiftly.

**Component 4. Drug courts provide a continuum of alcohol, drug, and other related treatment and rehabilitation services.**

Diverse, specialized treatment appears to be a strong component of the Marion County Adult Drug Court. The Treatment Provider, highly praised by participants, is unique in that the program is specially designed to treat criminality issues as well as drug and alcohol addiction. In addition to standard guidelines and services, the Drug Court works to ensure individualized treatment by offering varied resources, such as parenting classes and mentors. Participants are well informed about the many treatment services available to them, and they are encouraged to take responsibility and seek out their own assistance.

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

Based on results from the American University National Drug Court Survey (Cooper, 2000), the number of urinalyses (UAs) given in this Court during the first two phases (two to three per week) is comparable to the majority of drug courts nationally, and the number of UAs given in their third, and last, phase is comparable to the number given in later phases by drug courts nationally. In addition, the Team works to prevent clients from drinking alcohol as an alternative to drugs by using an at-home monitoring system, the Sobriator, with which participants take part in random alcohol tests over a specialized phone system.

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

The Marion County Drug Court uses standard, graduated sanctions for non-compliant behaviors as well as creative sanctions they feel would be most effective for specific individuals. Sanctions are determined by the Team, with the Judge's approval. Rewards are given for positive behavior and for improvement throughout the program. The type of rewards given are comparable to those given by drug courts nationally, although this Drug Court provides fewer material rewards and has a lower frequency of rewards compared to sanctions than other drug courts, mostly due to a lack of resources.

**Component 7. Ongoing judicial interaction with each drug court participant is essential.**

There is excellent ongoing interaction between the Judge and participants in this Drug Court. The Judge sees participants once a week in Phase 1, three times a month in Phase 2, and twice a month in Phase 3. In fact, there is more contact with the Judge in this Drug Court than the national average. Participants spoke positively about the Judge and appreciated the interest he showed in them and their families.

**Component 8. Monitoring and evaluation measure the achievement of program goals and gauge their effectiveness.**

The Marion County Adult Drug Court was very supportive of this, their first, evaluation. The Team members made themselves available for interviews, responded quickly to requests, and helped arrange site visits and focus groups. This Court also performs good self-monitoring and is

willing to make adjustments in policy and in the makeup of the Team as needed. The outcome evaluation, to be completed in August of 2004, will measure the achievement of program goals and program effectiveness.

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

Most Marion County Adult Drug Court Team members have attended drug court trainings and continue to attend trainings whenever possible. Team members have also attended multiple NADCP conferences and have observed other Drug Courts. The Judge, Coordinator and one of the Defense Attorneys are all active in the Oregon Association of Drug Court Professionals (OADCP) and the Judge is currently President of that organization and the Attorney is on the Executive Board. Information from the OADCP as well as other educational materials is brought back to the Team for discussion on a regular basis.

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

Forging partnerships is another area in which this Drug Court excels. They have built strong relationships with a large number of community agencies and are continually working towards creating new relationships. This Drug Court has a uniquely strong relationship with Law Enforcement and Mental Health agencies. The Judge promotes Drug Court in the community and has gained the support of key business players.

***Comments and Observations***

Having a 12-step representative attend Drug Court sessions is a unique and laudable practice that not only helps connect participants to the recovery community, but also may provide the perspective of a person in recovery for the Team.

There was some concern that clients with serious co-occurring disorders would use a large amount of Drug Court resources without much return. However, it was reported that with time being donated by mental health treatment agencies, clients with serious mental health issues do not have to use many of the Court's resources and have unanimously been successful in the Program.

It is commendable that Law Enforcement is such a strong member of this Drug Court Team. This involvement has not only provided the Drug Court Team with a useful perspective on their clients but has also helped change Law Enforcement's view of individuals with drug addiction.

Participants reported feeling very positive about the Drug Court Team members and the Program. In particular, they appreciated the help they received from the Drug Court Coordinator. They also appreciated that part of treatment focused on criminality and thinking errors, although they did not feel the movies shown in treatment were helpful.

## **Recommendations**

It is recommended that the Team provide written guidelines (with examples of possible graduated sanctions) to the participants through inclusion in the handbook. This would give clients an idea of what to expect and provide a baseline of sanctions for the Team's use.

As lack of available funding for rewards has meant that sanctions have outnumbered rewards in this court, suggestions were given for some low or no-cost rewards that could be added to those currently available. These suggestions include calling clients who are doing well before the Judge first at Court sessions and instituting a drawing for those who are showing good Program progress.

The participants reported feeling that they were not getting the support they needed to gain and maintain a job. The Drug Court Team might consider incorporating a Team member from an employment agency/department. This kind of agency could provide resume writing and interview training and other assistance in finding a job.

The Drug Court Team may want to look through the participant manual both to update it for any recent changes in process and to look for places that might be considered as “talking down” to a participant. The manual might benefit from a revision changing any slang to simple but professional language.

## **Summary/Conclusion**

Overall, the Marion County Adult Drug Court demonstrates the Ten Key Components of Drug Court in an exemplary fashion. One of the Court's greatest strengths is its highly integrated and diverse Drug Court Team. In addition, this Drug Court has large amount of positive community relationships and community support.

The one key component that was less strong involved the use of rewards, due in a large part to a lack of funding. Recommendations were made for low- and no-cost rewards. A recommendation was also made regarding the usefulness of written sanction guidelines for participants.

In addition to the quality of the Drug Court Team, strengths of this Drug Court include the strong commitment to education of the Team members and the high frequency of contact and positive relationships between the participants and the Judge.

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## **Introduction**

Marion County, Oregon has a population of approximately 280,000. It is rich in ethnic diversity, including a large Hispanic/Latino population, a growing Russian-American community, and is near the Grande Ronde Indian tribe. The Office of National Drug Control Policy identified Marion County as a “High Intensity Drug Trafficking Area” (HIDTA) as the county has links to major Interstate and Highway routes that contribute to the drug trafficking trade from Mexico and Central America.

The Community Corrections Division of the Marion County Sheriff’s Office reports that 64% of the offenders currently under their supervision have been convicted of alcohol and/or drug related offenses. Further, a study by Portland State University indicated that 80% of all corrections inmates had substance abuse addictions that directly contributed to their current offense. With these statistics in mind, Marion County began planning a drug court. The County was awarded a program planning grant in July of 1999.

In April of 2000, Marion County began a pilot of their Adult Drug Court. Arrangements were made to collect client data in a drug court database, the Drug Court Case Management System (DCMS), which is used in several counties in Oregon. In September of 2001, Marion County received a drug court implementation grant from the Drug Court Program Office (DCPO) at the National Institute of Justice and transitioned from their pilot phase into full drug court operations. This grant provided funds for evaluation and NPC Research was hired to perform a process and outcome study of the Marion County Adult Drug Court.

This report contains the process evaluation for the Marion County Adult Drug Court (MCADC) performed by NPC Research. The outcome evaluation will be completed in August 2004. The Ten Key Components of Drug Courts (developed by the NADCP in 1997) were used as a framework for the evaluation, and the court was evaluated on its ability to demonstrate these key components. The first section of this report is a description of the methods used to perform the process evaluation. This section describes the protocols used to obtain information on the drug court process, including site visits, key stakeholder interviews, focus groups, document reviews and an examination of the Drug Court database. The results portion of this report consists of three sections. The first results section contains a detailed process description of the MCADC, the second section contains the results of the focus groups conducted with the MCADC participants, and the third section contains a list of the Ten Key Components of Drug Courts with a discussion of the extent to which this court demonstrated each component. A summary of the results with overall conclusions can be found at the end of this report.

## **Methods**

Information was acquired for the process evaluation from several sources, including observations of court sessions and team meetings during site visits, key informant interviews, focus groups, and the Drug Court database. This information was then used to answer specific evaluation questions related to the Ten Key Components of Drug Courts. The methods used to gather this information from each source are described below. Once this information was

gathered, a detailed process description was written and sent to the MCADC for feedback and corrections. The MCADC process was then evaluated, using the Ten Key Components of Drug Courts as a framework to determine whether, and how well, these key components were being demonstrated by the MCADC Program.

### ***Site Visits***

NPC evaluation staff traveled to the MCADC to observe court sessions and MCADC Team meetings. These observations gave the evaluation staff first-hand knowledge of the structure, procedures, and routines of the Drug Court as well as allowing an observer's view of Team interactions to help evaluate the cohesiveness and integration of the Drug Court Team members.

### ***Key Informant Interviews***

Key informant interviews were a critical component of the process study. NPC staff interviewed 16 individuals involved in the MCADC, including the MCADC Coordinator, the MCADC Judge, the District Attorney, the Public Defender, the Treatment Providers, and Probation and Law Enforcement representatives, as well as other individuals who were involved in the MCADC. NPC Research, under a grant from the Bureau of Justice Assistance and the Administrative Office of the Courts of the State of California, designed a Drug Court Typology Interview Guide to provide a consistent method for collecting structure and process information from drug courts. This guide was modified to fit the purposes of this evaluation, including adding questions related to how the MCADC operated in terms of the Ten Key Components of Drug Courts (NADCP, 1997). (More information on the Ten Key Components is included in the evaluation results, below.) The information gathered through this guide helped the evaluation team focus on important and unique characteristics of the MCADC.

The topics for this 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), describing a conceptual framework for drug courts. The typology interview covers a large number of areas -- including specific drug court characteristics, structure, processes, and organization -- that contribute to an understanding of the overall drug court typology. Topics in the Typology Interview Guide include eligibility guidelines, the drug court program process (e.g., phases, treatment providers, urinalyses, fee structure, rewards/sanctions), graduation, aftercare, termination, the non-drug court process, the drug court team and roles, and drug court demographics and other statistics.

Key people involved with the MCADC were asked many of the questions in the Typology Guide during site visits and through multiple follow-up phone calls. This served three purposes: 1. It allowed evaluation staff to spread the interview questions out over time, minimizing the length of the interview at any one instance, 2. It provided evaluation staff with an opportunity to connect with key players throughout the duration of the evaluation, maximizing opportunities to obtain information, and 3. It allowed evaluation staff to keep track of any changes that occurred in the MCADC process from the beginning of the project to the end.

### ***Focus groups***

NPC Research conducted a focus group with the Drug Court participants in various stages of the Program process. The focus group gave the participants an opportunity to share their experiences and express their perceptions about the MCADC process with the evaluation staff. Feedback



from MCADC participants was also relevant to addressing Key Component #2: whether drug court participants felt that their due process rights had been protected.

### ***Document review***

The evaluation team reviewed documentation from the MCADC Program that would further the team's understanding of the MCADC history, operations, and practices. These documents included staff job descriptions, program grant proposals, policy manuals, and meeting minutes.

### ***Administrative data analysis***

The Oregon Drug Court Management System (ODCMS) was developed by the Oregon Judicial Department, State Justice Institute. The database was still in the pilot stages during this evaluation, with the most recent version of the database being implemented approximately one month prior to this report. This most recent version is thought to be the final version, but it is still being tested. The database allows drug courts to record information on client demographics, drug court hearings, drug testing, treatment providers, substance abuse, criminal history, case notes, outcomes, and follow-up information. While this database will be used primarily for the outcome evaluation, it also provided valuable information for the process evaluation, including information on how the database was being used by this court (as different processes at different drug courts lead to drug court staff using the database to suit their unique needs). This database provided the evaluation team with information on the types of clients served by the drug court, the frequency of drug court hearings, and the types of treatment, monitoring, and sanctioning processes.

## **Results**

The following results include a detailed process description of the Drug Court's current operations, a description and discussion of the focus group results, and an evaluation of the drug court process in terms of the Ten Key Components. Points of interest, issues, or successes experienced by the Drug Court are highlighted within the text as either "comments" or "observations." "Comments" contain information gathered directly from interviews with MCADC staff or from participants, while "observations" contain information from evaluator observations of drug court processes.

### ***Marion County Adult Drug Court Process Description***

The following information was gathered from interviews, Drug Court documents (such as the policy manual), observations of the MCADC, and feedback from the MCADC Team. The majority of information was gathered from the interviews and the best attempt has been made to represent the information in the same words in which it was given to the evaluation team.

### **Implementation**

The Marion County Drug Court was implemented on April 6, 2000, with a pilot phase jointly funded by the Sheriff's Office in cooperation with Serenity Lane Straight F.A.C.T.S. (the current Drug Court Treatment Agency). Prior to the pilot phase, Marion County was awarded a planning grant in 1999 from the National Drug Court Institute (NDCI). Included in the planning effort

were the following individuals: Judge Dennis Graves, Rod Swinehart (analyst), Tammy Dover (coordinator), and Linda Hukari (Court Operations Supervisor), Marion County Courts; Dale Penn (District Attorney), Steve Dingle and Joseph Hollander (MC District Attorney's Office); Dick Cowan and Steve Gorham (Defense Attorneys); Lt Ed Boyd (Salem PD); Lt David Okada (MC Sheriff's Office); Roger Appelgate (MC Health Dept-D&A Treatment); Jeri Moeller (Serenity Lane A&D Provider); and Rick Mckenna (MC Sheriff's Office – Parole & Probation). In 2000 the Planning Team visited other Drug Courts (two in California and one in Utah) for training prior to implementation. During the pilot phase Marion County Court and the Sheriff's Office collaborated in an operations grant application to the Drug Courts Program Office (now the Bureau of Justice Assistance), which resulted in an award in August 2001. In 2002, Bonnie Savage became the Coordinator and representatives from Marion County Mental Health and the Homeless Outreach and Advocacy Program (HOAP) were added as well. Marion County Drug Court implementation received wide support from the Police, Sheriff, County Commissioners, local legislature, Chief Justice, and others. Through Judge Graves' involvement with the Salem Rotary Club, the Drug Court also received the support of key business players.

### **Capacity and Enrollment**

The annual capacity of the Marion County Drug Court is 30 participants. As of April 15, 2003, the Court reached capacity with 32 active participants and 1 bench warrant, but had 7 graduating in May. Between implementation and September 2003, there have been a total of 49 participants, including 7 graduated (October 2002) and 4 terminated. There is an even split between the genders with 25 men and 24 women. The majority of the participants are white (42). There are two African-Americans, three Hispanics, one Pacific Islander and one Native American. The Drug Court receives an average of one and a half referrals per month.

Most clients of the Marion County Drug Court are "hard-core" methamphetamine users (95%). There are also some marijuana users and a few clients who use heroin, alcohol, or other drugs.

### **Drug Court Goals**

Overall, the main goals of the Marion County Drug Court are to assist as many people as possible in learning how to live a drug-free life and to reduce recidivism. The Drug Court was described as "a simple program for complex people."

The specific goals of the Drug Court, as described by the Drug Court Team members are to:

- Assist individuals in living substance-free lives
- Provide a therapeutic Court experience where respect, understanding, and authority are present
- Work as a collaborative Team in such a way that an outside person could not tell what the roles of each person were, "where people are free to speak from their hearts"
- Work with new offenders to keep them out of the system
- Provide intensive treatment up front to stop addiction early on
- Provide substance abuse treatment free of charge if they are unable to pay
- Offer support in people's recovery, and for people that have had legal complications

- Provide participants with another chance
- Provide motivation and direction to people who are serious about getting off of narcotics
- Provide an opportunity for people to get out of the legal system
- Help clients gain new skills instead of going to prison
- Get clients out of the legal system
- Help create a better society
- Give clients hope
- Offer an opportunity to change lives
- Save taxpayers money
- Give immediate consequences
- Help clients deal with the process of addiction and recovery

### **Incentives for Offenders to Participate and Complete the Program**

Incentives to participate and graduate from Drug Court are to have the charge or conviction dismissed and to gain an opportunity to be clean. In addition, clients who graduate will avoid jail time and have the opportunity to get their lives and their children back.

### **Eligibility**

Clients with more than one felony drug possession charge (including probation violations) are targeted for this Drug Court. However, few people are turned away unless they have gun and/or violent charges. The Team is also less likely to take someone who has been through treatment many times. Referrals are made from a variety of sources, including the District Attorney, the Judge, Parole & Probation, and the Defense Attorneys.

At this time, most Drug Court participants are being referred from Probation, as new possession cases are not being prosecuted due to a statewide freeze. Because the DA is unable to prosecute the first offense possession cases due to limited resources, the number of more severe addicts in the Drug Court population is rising.

The Drug Court is both pre and post plea. If a client is entering the Drug Court pre plea, the District Attorney does the initial screening. If the District Attorney finds the case eligible, the defendant appears in court and a meeting is set with one of the Drug Court Defense Attorneys. At the next court appearance the defendant agrees to Drug Court and is then sent to Probation and Treatment for a short assessment. If the client is entering post plea, he or she sees the Probation Officer first, rather than the District Attorney. This is followed by the same assessment process as the person who is pre plea.

Eligible charges that lead offenders to be considered for Drug Court include most drug related charges except for sales. Some non-drug related charges are accepted as well, as long as violence or guns were not involved with the crime. The Marion County Adult Drug Court handout given to judges on eligibility states:

"Criteria that must be met include arrest for one of the following [listed charges] or any acceptable charge where the defendant's drug abuse is an underlying cause to their criminal behavior."

The phrase in the handout, "or any acceptable charge where the defendant's drug abuse is an underlying cause to their criminal behavior" is an amendment that was added to help Judges think about offenders with non-drug related charges that nonetheless may have drug use issues and may benefit from Drug Court (thus encouraging more referrals).

Many Drug Courts include in their eligibility criteria that the offender **not** have any serious mental illness. This is not the case for the MCADC; this Court is willing to take offenders with serious mental health issues. Many participants have co-occurring disorders and several have serious co-occurring mental health and drug abuse issues.

**Comment:** There was some concern expressed that taking people with serious mental health issues used a lot of resources without much return. However, with the time donated for mental health treatment by HOAP and Marion County Mental Health, these clients are not taking much in Court resources. In addition, it was reported that those individuals with severe co-occurring disorders have unanimously been successful in the Program.

Criteria that exclude an individual from the Drug Court include:

- Pending charges or conviction of any crime of violence
- Currently on parole
- A state prison prior
- Illegal alien status
- Current gang affiliation
- Arrested or charged with use of a firearm in the current case
- Convicted in the current case of sales or furnishing a minor

The DA determines whether an offender is eligible for Drug Court by reviewing the current case and then examining the offender's criminal history for any non-eligible charges. If the offender is eligible, it is written on the file, and it comes to Court for arraignment where the Judge sees the note.

At arraignment, a time is appointed for the offender to meet with one of the three Defense Lawyers. The Defense Lawyer talks to the offender about Drug Court and sets up an appointment for the offender to meet with Probation and Treatment for screening. The offender is then given a date to appear in court. Meanwhile, the Team discusses the possibility of having the offender in the Program and makes a decision about whether to accept him or her into the Drug Court Program. Final determination about who enters Drug Court is a Team decision although the Judge can and has (rarely) overruled the Team decision. At the appearance, the Judge tells the offender whether or not s/he has been accepted into the Program.

The length of time between arrest and arraignment is about three weeks. If the client is in custody, he or she will have a Court date in 72 hours. The length of time between arraignment

and starting Drug Court is usually about two weeks, but can be as long as three weeks. Clients (15-25%) coming into Drug Court from outside this process (from another Judge or Probation) take varied amounts of time to come in to Drug Court.

### **Drug Court Program Phases**

There are three phases in Marion County's Drug Court. During Phase One, the client attends Drug Court once a week, during the second Phase it is three times a month, and during the third Phase it is twice a month. Participants must be in Drug Court at least one year in order to graduate.

The Phases and their requirements are as follows:

#### *Phase One: Stabilization, Orientation, and Intensive Treatment*

Minimum Requirements:

1. Attendance at individual and group meetings with the participant's assigned treatment counselor three times per week (three group sessions, individual sessions as needed).
2. Regular attendance at NA/AA/12-step meetings three times per week.
3. Urinalysis testing at a minimum of 2-3 times per week on a random basis or as ordered by the judge.
4. Obtain a Narcotics Anonymous/Alcoholics Anonymous group sponsor.
5. Complete and present written recovery homework assigned by your counselor to your treatment group.
6. Meet with an educational counselor for a referral to programs that help meet educational/employment goals.
7. Appear in Drug Court once per week.
8. Meet with Probation Officer weekly.

#### *Phase Two: Skills*

Minimum Requirements:

1. Attendance at treatment meetings two times per week.
2. Random urinalysis testing 2-3 times per week.
3. Regular attendance at NA/AA/12-step meetings three times per week.
4. Obtain sober and safe living arrangements.
5. Emphasis on educational and employment plans.
6. Appear in Drug Court three times per month (not required to attend the first Friday of the month).
7. Meet with Probation Officer every other week.

### Phase Three: Transition

#### Minimum Requirements:

1. Attendance in treatment 1-2 times per week.
2. Urinalysis testing on a random basis, between one and three times a month (more often if the counselor suspects use).
3. Attendance at NA/AA/12-step meetings three times per week.
4. Obtain a job and/or attend school.
5. Appear in court two times per month (not required to attend the first and third Fridays of the month.)
6. Meet with Probation Officer once a month.

Aftercare occurs as a part of Treatment and takes place within Phase Three and can continue after graduation. Participants must be in Aftercare in order to graduate from the Program. Aftercare is a requirement as is the rest of Treatment. In Aftercare, participants go to a 1.5-hour group every week to work on specific areas such as recovery, skill building, and thinking errors. They also do motivational activities, celebrate graduates, and play recovery games (Recovery Jeopardy). The group is a place to come together to practice what the participants have learned and also a place to check in. Aftercare should last about 6 months but may be shorter or longer depending on the individual.

#### **Requirements to Change Phase**

Phase advancement is determined at the discretion of the Drug Court Team on the condition that the participant has met the established minimum criteria for each Phase (as listed in the Phase requirements, above). Phase One and Phase Two usually take between four and five months each to complete. Phase Three usually takes between three and five months. Although it is possible to graduate in 12 months, it takes 15-18 months for most participants to complete the Program.

#### **Treatment Overview**

The main Treatment Provider for Marion County Drug Court is Serenity Lane's Straight F.A.C.T.S. Program (Finding Alternatives to Criminal Thinking Strategies). All Drug Court participants are involved with Straight F.A.C.T.S. This service targets high-risk offenders—men and women who are on parole/probation, in a diversion program or are currently housed in Marion County Corrections. They also provide pre-release interviews to Marion County-bound offenders in State Corrections facilities. Straight F.A.C.T.S.' mission is to provide treatment services to those who have challenges with criminality as well as chemical dependency. They use a holistic approach and offer the following intervention services:

- Screening and alcohol/drug assessments
- Framework for recovery
- Criminality group
- Wait list/orientation
- Outpatient treatment

- Family education
- Continuing care

For people with mental health issues, the Drug Court has a partnership with HOAP (Homeless Outreach and Advocacy Program), a program devoted to clients with severe mental health problems and homelessness issues. The Therapist from HOAP shares with the Team if he notices signs of severe mental health issues that could affect their ability to comply with Drug Court requirements. Marion County Mental Health serves Drug Court participants dealing with less severe issues, such as depression.

Drug Court clients are encouraged by the Judge and by their mentor to attend Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or any 12-step program. An NA representative regularly attends Drug Court each week to offer support and to invite people into the recovery community. As individuals who have gone through recovery, they are able to help the clients feel more comfortable and make it easier for the Drug Court clients to get connected with a local 12-step group.

**Observation:** Having a 12-step representative attend Drug Court sessions is a unique and laudable practice for this Drug Court. This kind of representative cannot only help connect Drug Court participants to the recovery community, but can also provide the perspective of a person in recovery for the Team.

In addition to drug and alcohol treatment, Drug Court clients receive help with their GED/education as well as assistance getting other problems (e.g., tickets, fines, and other court issues) in order. Participants are also offered residential care, acupuncture, neuro-psych testing, and neuro-feedback techniques. Resources for other services are also offered as needed.

### **The Drug Court Team**

The Drug Court Team is made up of the Judge; three Criminal Defense Lawyers; two representatives from the Sheriff's Office (one for jail population & sanctions and the other works at the Courthouse); a Parole & Probation Officer; a Probation Intern; the District Attorney; a Straight F.A.C.T.S. (Serenity Lane) Treatment Therapist; the Drug Court Coordinator; a Marion County Mental Health representative; two representatives from DHS (for clients with children in foster care); a Magnet Team Officer that deals with drug trafficking (Sheriffs; Salem, Keizer, and Silverton Police; State Police; FBI); a HOAP representative; and a Community Representative (formerly Community Corrections Manager). The Team is considering adding a representative from Seniors and People with Disabilities for people with children who are addicted. A representative from Oxford House attends Court sessions and volunteers assistance or knowledge, as needed.

**The Judge.** The role of the Judge for Marion County's Drug Court was described as that of leader, listener, learner (from the Team's contributions), supporter, and encourager. Together with the Court, the Judge puts his role as first: listener, second: encourager, and third: authority. The Judge has encouraged Drug Court to be a group process, while providing some finality.

Drug Court has the benefit of ongoing relationships with participants. In addition to phone calls and emails, the Judge spends half a day on Drug Court each week.

***Drug Court Coordinator.*** The current Drug Court Coordinator was hired a year after Drug Court began. Her activities include data entry, coordinating assessments, staffing, and setting-up initial appointments for clients with Probation and Treatment in the participants' entry stage. She is the "point person for loose ends." The Coordinator works with participants individually on an as needed basis to provide assistance with any extra requirements mandated by the Judge (e.g., connecting clients with anger management groups or Project BOND, a program started by the Marion Judicial Department requiring offenders with children under 24 months to attend parenting classes) and other case management tasks, including monitoring the number of participants and communicating that information to team members. She also handles the setup of random UAs, plans graduations, makes reports to the Judge, and has worked on the National Association of Drug Court Professionals (NADCP) quilt project. She wrote the intergovernmental agreement and the Drug Court policy manual and keeps those up to date, creates forms, writes grant reports, writes orders for the Judge to sign, and clerks in Drug Court sessions. The Coordinator is paid by the Bureau of Justice Assistance (BJA) grant and spends 100% of her time on Drug Court.

***Treatment Providers.*** The main Treatment Provider for the Drug Court, Straight F.A.C.T.S. (Finding Alternatives to Criminal Thinking Strategies) uses a cognitive-behavioral, medical model. They treat addiction as a disease, but do not see it as an excuse. They recognize that thinking errors contribute to the values, attitudes, and behaviors which help to support the addiction. Straight F.A.C.T.S., part of Serenity Lane, has four Therapists who work with Drug Court clients. Each is assigned to work with clients in the various phases of the program. They deal with criminality and drug and alcohol abuse. Serenity Lane, in Eugene, also offers facilities for inpatient treatment, as does Bridgeway in Redmond, Oregon. There is also a Hispanic program in Corvallis and in Baker City.

In Phase I, the Treatment Provider offers individual treatment, group treatment, and gender-specific treatment. There are four counselors who work with Drug Court participants, plus one assistant. They work with clients on cognitive restructuring, behavior, understanding consequences, and skill building. Participants have a minimum of three to four months with the same counselor. Aftercare is once a week at a process group made up of both Drug Court and other clients and serves to reestablish connections and help clients stay focused. Drug Court participants watch educational videos and work on recovery skills and relapse prevention. Participants may also go to NA/AA groups as part of Aftercare.

Straight F.A.C.T.S. does the initial assessment with Drug Court clients to see whether they have an alcohol and/or drug use problem, to see whether they are appropriate for the program from a treatment perspective, and whether they are stable enough for outpatient treatment or if they need inpatient treatment. Counselors also network with housing, mental health, employment, and others. They handle urinalyses and individual and group counseling. Each week the team of four counselors staffs the clients at the Treatment Center, and one of the counselors attends the Drug Court staffing meetings weekly to present ideas from the treatment point of view. He reports what treatment he believes would be best for the clients. This counselor also does group and



individual therapy and attends Drug Court sessions. Another of the counselors attended staffing for nine months and goes to Team meetings and training, but not Court. In addition to counseling Drug Court clients, her duties include report writing and faxing information to the Court (UAs, stats, etc.). Drug Court participants receive about 25% more services than the average client.

HOAP (Homeless Outreach and Advocacy Program), a program of Northwest Human Services, is a Mental Health clinic that serves persons with severe and persistent mental illness (SPMI) who are currently homeless or at risk of being homeless. HOAP's philosophy is one of identifying strengths and past interests that have been set aside due to addiction and mental illness. The staff at HOAP is comprised of several case managers, a nurse, and a psychiatrist. Each staff member at HOAP provides resources and tools to empower the individuals in the fight against homelessness and mental illness. This ranges from assistance in gaining entitlements (Social Security benefits, food assistance, and medical insurance), medication, education, employment, housing, and a sense of belonging. In order to enter HOAP, participants must suffer from a schizophrenic illness or a bi-polar affective disorder. Participants who enter the program from Drug Court are first given a mental illness screen to determine if they qualify. One case manager is assigned to act as the representative on the Drug Court Team as an additional support. He attends weekly Team meetings and Drug Court sessions. He is currently working with two Drug Court participants who are required to see him once a week throughout the program. He spends about 30 minutes a week with each of the clients and spends about an hour each on staffing and Drug Court each week. A representative from HOAP attended the 4 day training at the NADCP Conference with the Drug Court Team.

Marion County Probation contracts with another treatment provider, Cascadia Bridgeway, to provide mentor services for Drug Court participants. The purpose of the mentors is to get participants into the treatment community. The mentors provide services such as locating drug free housing, helping to locate support groups (AA/NA), transportation to meetings and appointments, problem solving during times of crisis, and providing ongoing linkage to the treatment community. Additionally, they will provide transportation to clean and sober housing for participants when they are released from jail. There are 3 assigned mentors to the project, who are certified A&D treatment providers, but do not work in that capacity while acting as a mentor. Both Serenity Lane and Bridgeway make referrals to inpatient treatment and have helped to find resources for Drug Court clients.

**Comment:** The mentors' knowledge of the treatment community is a significant asset to the Drug Court Program.

A representative from Marion County Mental Health (MCMH) joined the Drug Court Team early in 2003. Mental Health will treat participants with mental health issues only, separate from Drug Court treatment. MCMH deals with special needs, serious mental illness, and supportive counseling. Currently, Mental Health sees about three Drug Court participants and is transitioning the current Team representative out of Drug Court and bringing in a new representative. The Judge does not mandate anyone to go to Mental Health, but he will encourage participants both privately and from the bench to pursue the services, if applicable.

**Probation.** The assigned Probation Officer in Drug Court sees an average of 14 participants a week. Her role includes supervision of participants and delivering sanctions when necessary. She also does home visits and acts as “another set of eyes” that can see issues that might not come out in Treatment or in Court. The Probation Officer has approximately 100 clients on her caseload, including the number of current Drug Court participants.

The Probation Officer has an Intern who also meets with participants for check-ins, in order to assist with the Officer’s workload. The Intern does paperwork, scheduling, and sees people who are in compliance, dealing mostly with Drug Court clients. The Intern works about 15-17 hours a week on Drug Court.

**Public Defender.** There are three Defense Attorneys connected to Drug Court. One of them attends Drug Court meetings and Court sessions from a quarter to half the time, spending one morning a week on Drug Court. The second Defense Attorney attends meetings and Drug Court every week, for a total of three to three and a half hours a week spent on Drug Court activities. The third Defense Attorney attends the Staffing meetings each week and observes Drug Court when he can. If a client receives a new charge while in Drug Court, this Defense Attorney may take the case. He is also the attorney for Juvenile Drug Court and a non-practicing, certified drug and alcohol counselor. When discussing the Drug Court Program with potential clients, the Defense Attorneys strive to present Drug Court as a positive option, although they make it clear to the potential participants that it is their decision.

**District Attorney.** The District Attorney (not a Deputy District Attorney) acts as the liaison between the DA's office and Drug Court. He works with Deputy District Attorneys on the Drug Court cases, including determining eligibility. He attends about two-thirds of the Drug Court Team meetings, but makes a point of being there when new clients are entering the Program. He is also available through phone and email if the Team needs his input. He is not able to attend the Drug Court sessions, but he does attend graduations.

**Law Enforcement.** There are several law enforcement representatives on the team.

The Community Corrections Manager sits in on the Team meetings and problem solves. He assigns people in Corrections to work with clients, if they are interested in doing so. He also contracts with services and vendors, talks with them about Treatment and bringing them to the table for the Drug Court Program. He attends most Drug Court sessions. He has important information on Probation Department resources such as housing assistance, and his knowledge of the community provides the Team with a large amount of useful information. The Community Corrections Manager has recently retired, but has continued as a Drug Court Team member, now with the title “Community Representative.”

There are two Lieutenants and a Sergeant from the Sheriff’s office on the Drug Court Team. The Manager of the MAGNET (Marion County Area Gang and Narcotics Enforcement) Team is a Lieutenant from the Sheriff’s Office working out of the enforcement division. It was reported that the role of the MAGNET Team is not clear at this point. When the Magnet Team is working on drug-related tasks, they keep an eye out for the bench warranted Drug Court participants. The

Lieutenant attends the Drug Court Team staffing meetings as often as possible, but does not attend Drug Court sessions.

The second Lieutenant from the Sheriff's Office, who is Shift Supervisor and Administrative Supervisor, has been involved with Drug Court since shortly after it was implemented. At the start, the Lieutenant went before the Team to give a talk about jail population and the Team invited him to continue attending. He tries to attend every staffing meeting. Everyone from Drug Court (and regular court) who is put into jail goes through his office and the Lieutenant facilitates the jail sanctioning process by arranging for space when possible, or by informing the Team that jail is not an option for a sanction at the times when the jail is full. The Lieutenant spends about three hours a week on Drug Court.

The Sergeant from the Sheriff's Office works in the Courthouse. He is the Supervisor of Court Services, Evidence, the Crime Lab and Threat Assessment (for Adult and Juvenile). His role is security/transport. He can take people into custody, such as Drug Court participants who receive sanctions. Clients can be held at the Court (sitting in the Judge Courtroom) for up to eight hours if they are not receiving a jail sanction. The Sergeant also talks to participants in the jail, one-on-one, and does home visits when time permits. He does the visits to help Probation or at the request of the Judge. It was reported that the Sergeant offers a perspective on alcohol and drugs and insight into the participants that is valuable in staffing. He spends about seven to eight hours a week on Drug Court activities.

There has also been a representative from the Salem Police Department on the Drug Court Team, although he has had to eliminate his Drug Court activities due to budget cuts. He is the Force Commander of the patrol force and has continued to do community presentations with the Judge. They present the Drug Court Program to key players in the community as an attempt to gain support such as volunteers and other material resources, as well as to raise general community awareness. While on the Drug Court Team, the Lieutenant attended the weekly staffing meetings and Drug Court sessions. He gave input from the experience he had from being out in the community as a part of the patrol force.

**Observation/Comment:** It is commendable that this Drug Court has Law Enforcement as such a strong member of the Team. The Team members are proud of this. "Having Law Enforcement on the Team is a success to Drug Court. The Police and Sheriff have gotten on board. Having them on the Team has changed Law Enforcement's view of drug addicts. By word of mouth, through Law Enforcement workers, participants are being treated with human respect. It is a big thing to witness that."

## **Team Meetings**

The Team meets for "staffing" every week before Drug Court sessions. At this meeting they assess the progress of the participants and determine if any part of their individual program needs to be changed, including determination of sanctions and rewards for participants. At weekly staffing, new prospects are discussed and staffed for acceptance into the program. At the beginning of each staffing, announcements relevant to drug court are made and discussion follows. This is the time for reports back to the team on the status of projects or meetings

attended and presentations given by team members. The Team also meets quarterly to discuss policy issues and compliance with grant requirements.

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

Most communication between the Team and the Court takes place at the weekly meetings, unless there is a pressing problem. The Coordinator and Judge regularly send email to communicate other issues to the team. The Coordinator has frequent contact with all team members as needed to keep the program operating smoothly. At the weekly meetings, the Team is provided with written progress reports on treatment progress and urinalysis results. Each client attending court that day is discussed and the Team decides on sanctions and rewards.

### **Drug Court Sessions**

In Marion County the Drug Court currently meets on Friday mornings at 8:30 a.m. From March through July 2003, the Drug Court met on Thursdays because budget cuts resulted in the closure of the Courthouse on Fridays. During most weeks the clients from all three phases are in attendance and Court lasts about two hours. The first Friday of the month, only clients from Phase I attend, so court lasts about an hour to an hour and a quarter.

The Drug Court Team members who attend Court sessions are the Judge, the Coordinator, the Probation Officer and Probation Intern, at least one Defense Attorney (but usually all three), a representative from the Sheriff's Office, a Case Manager from NW Human Services, and when needed for clients with children, a representative from DHS.

### **Drug Court Team Training**

Members of the Marion County Drug Court Team attended Drug Court training conferences and workshops, and visited other Drug Courts to learn about options for Drug Court organization and processes.

The Judge for Marion County Drug Court has been to three NADCP conferences, three trainings for Adult Court, visited one Mentor Court, and has been through two of three phases of Family Dependency Court training. He has been a member of the Oregon Association of Drug Court Professionals (OADCP) for three years and is currently the President. The current Drug Court Coordinator has attended two National Association of Drug Court Professionals (NADCP) conferences, a Management Information Systems conference in Washington, D.C., and spent a day with a Coordinator in another county, which included observing the Drug Court. She also regularly attends OADCP meetings and is active in that organization. The Police Lieutenant has attended many conferences and seminars and the Lieutenant from the Sheriff's Office has attended two NADCP conferences. The Probation Officer has also attended two conferences, and all three Defense Attorneys have attended trainings and national Drug Court conferences. The District Attorney attended a national training and has been to local and statewide Drug Court presentations. A representative from treatment has attended two NADCP conferences as well as other training relevant to drug court treatment.

## Drug Testing

The urinalyses (UAs) for Marion County Drug Court run on a color system. Each participant has a specific color that changes with each Phase. The Coordinator has a random process for color selection thus insuring random UAs. The color assignments are put on an answering machine, and clients call in every weekday to see whether their color has come up. If so, they go to Straight F.A.C.T.S. for an observed UA. During Phases One and Two, clients have UAs one to three times per week or as ordered; during Phase Three they have one to three UAs a month or as ordered. Extra UA testing is done if there is suspected use. Also, an in-home monitoring system called the Sobrietor is used for patients whose drug of choice is alcohol if they are suspected of using. The Probation Officer gives occasional UAs and also does UA testing in the field.

## Rewards

The Drug Court recognizes positive behavior and uses rewards for any improvement throughout the Program, such as sharing in group when a participant wasn't active before, following through, not having any problems in the residence, etc. Initially, rewards given were not generally material incentives, but things like being applauded in Court, having the Judge say good things to the participant, and being allowed to move into less intensive treatment. An additional incentive program has been instituted that includes rewards like movie passes, dinners, and pizza coupons. If the participants are clean and doing well in the program for 90 days, they are given an "angel coin" (a coin with an angel on it the clients keep as a token to commemorate their good progress).

**Observation/Comment:** There are a relatively small number of rewards used in this Drug Court. Although the Team would like to use more rewards, there is a lack of funding for this purpose. This is discussed further, and recommendations on low cost rewards are provided, in the section on the Ten Key Components (Key Component #6).

## Sanctions

Drug Court clients are sanctioned for behaviors that are considered non-compliant, such as not going to NA/AA/12-step meetings as required, drug use, failure to attend treatment sessions, new crimes, missing group, missing Probation Officer appointments, not following through with things that were mandated, or having positive or dilute UAs. Sanctions are graduated: the participant may start out doing homework alone in the courtroom, then do community service, then go to jail for one night, have their jail time increased for the next sanction, and then move into inpatient treatment. There is no detox facility, so sometimes the jail works in that capacity, as long as there are no medical issues with the detox.

The Drug Court Team recognizes that people respond to particular types of sanction differently than others and therefore feel the need to personalize the sanction process. However, the Team also strives to treat clients as equally as possible. Because there are distinctions between people (e.g., gender and ethnicity issues), the Team members are conscious of the need to appear to be treating people in a similar way, while still using individualized sanctions like jail if the participant is in need of detox. In general, however, they try to stay away from using jail as a

sanction. A client may be sanctioned to community service, observing Drug Court, sitting in the Court's holding room or in the jail's holding facility, or to additional meetings.

**Recommendation:** Some written guidelines agreed upon by the Drug Court Team, giving examples of possible graduated sanctions, might be useful for participants to have in the participant handbook so they can have some idea what to expect. This might also be useful to the Drug Court Team to help with consistency, to provide a “baseline” of sanctions that they can begin with, and then become more creative as a situation warrants. This recommendation is discussed further in the section on Ten Key Components (Key Component #6 on sanctions and rewards).

### **Unsuccessful Termination**

Termination from Drug Court can occur as a result of extreme criminal behavior or absconding. However, the Drug Court Team reported that they do not give up on participants easily.

The handbook lists the following violations as grounds for possible termination:

- Continuous dirty, dilute or missed urine tests
- Unexcused absence from treatment sessions
- Failure to attend the required number of NA/AA or other assigned 12-step meetings
- New criminal activity or charges

Clients who are terminated must then deal with the original charge(s) in regular court. At that point, they have given up the right to go to Drug Court. Termination may mean a felony conviction, more jail time, additional fines and fees, loss of driver's license, and/or 18 months of supervised probation.

### **Graduation**

Requirements for graduation from Marion County Drug Court are:

- Full time employment (or the equivalent of employment) or full-time enrollment at an educational program
- 180 days of continuous sobriety
- An approved Aftercare treatment plan in place
- Successfully completing both an oral and written assignment

The graduate is presented with a certificate of achievement in the presence of his or her family, friends, the Drug Court Team, and peers.

The first graduation had seven graduates. After the first graduation, the Drug Court Team felt it would be better not to hold potential graduates until a larger number was ready to graduate, so they now graduate one or two participants at a time in Court. There have been a total of ten graduates as of July 2003. At the end of the summer 2003, they will have a larger ceremony for all those who graduated since the last graduation ceremony as well as any current participants

who are ready to graduate. A sizable ceremony will happen twice a year, publicly recognizing the graduates. This also serves as a way to raise awareness in the community.

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

Marion County participated in the pilot of a new Drug Court database, the Oregon Drug Court Management System (ODCMS). The Drug Court Coordinator currently enters data in ODCMS but has found that the ODCMS is not convenient for pulling information on clients, so she mostly uses paper files. The data she enters into ODCMS includes dates, such as court dates, and when clients started using drugs, how heavily they used drugs, age and other demographics, what sanctions they have had and why they were given the sanction, and how many UAs clients have had, etc. When she first started entering information in ODCMS, she typed in all the notes from the treatment files. However, when ODCMS began updating in March 2003, the Coordinator was told that those using the database were not allowed to print out the ODCMS information, so she stopped entering most of the information because it did not seem useful to input information that could not be pulled out for use at Team meetings.

### **Drug Court Funding**

The Marion County Drug Court is currently funded primarily by the Bureau of Justice Assistance grant awarded in 2002. The Drug Court is funded through August of 2004 but may ask for an extension to January of 2005 because of a slow start.

Clients pay some treatment costs, on a sliding scale, and grant funds supplement the rest of the costs. The Oregon Health Plan (OHP) cut funding for drug and alcohol treatment as well as mental health treatment, which was a difficulty for treatment agencies. It is hoped that OHP will reinstate funds for treatment in the next year.

The Drug Court Team is exploring several options for sustaining Drug Court funding and has engaged in several activities toward this end. They have promoted extensive community education and awareness about Drug Courts and in particular, the Marion County Drug Court, in order to “prime” the community for future support. Some Team members have attended a seminar on self funded Drug Courts and are currently exploring this option. There is also a sub-committee that is working on forming a non-profit through the Department of Corrections that would provide funds for drug court treatment. Also, Judge Graves (in his role as President of the OADCP) has been active about promoting new legislation; there is a possibility that Drug Court could be funded (at least partially) by the State in the future.

### ***Participant Focus Group Results***

As described in the methodology, a focus group was conducted with Drug Court participants in various phases of the program. The main topics for questions asked included what the focus group participants liked about the Drug Court Program, what they disliked, what parts of the Program they felt supported their success and what parts made it more difficult to succeed, whether they felt their due process rights were protected and finally, any suggestions they had for improving the MCADC Program.

Thirteen participants attended the focus group, five were slated for graduation and eight were participants with varying amounts of time in the Program. The Drug Court Coordinator, at the request of the evaluators, attempted to locate former participants who had graduated or been terminated from the Program but none of these participants were able to attend the focus group.

***What they liked:***

- *The second chance.* All the participants appreciated the chance to get the charge off their record and some were happy to have been able to keep their driver's license.
- *The Judge.* The participants believed that the Judge really cared about them and about all aspects of their lives and that this provided motivation to stay clean.
- *The Drug Court Coordinator.* The participants reported feeling that the Drug Court Coordinator helped a lot in the Drug Court Program Process. "She really goes the extra mile." "She helped me get my GED!" "She helped me get into the Program when I had a lot of felonies on my record."
- *The Treatment Providers.* The fact that some Therapists were in recovery themselves was something that all the participants liked.
- *The Defense Attorney.* The participants agreed that the Public Defender was very helpful in the getting the participants into Drug Court.

***What they disliked:***

- *The movies.* The participants agreed that they disliked the movies shown in treatment. They were upset that they were paying to go to treatment just to watch movies and would rather have more group time instead. "The movies are juvenile. We don't pay attention to them. They're just irritating."
- *Not being heard.* The participants felt that sometimes the Team "doesn't quite listen" to them.
- *Staying for Court.* The participants reported that, although it was helpful to stay for the entire Court session in Phase I, so that new clients could "get to know the people and the process," in later phases the participants felt that it was no longer helpful and took time away from their jobs.
- *The Program fees.* It was felt that the Drug Court Team was not "up-front" about how much the Program was going to cost. Many participants reported that they did not know about the Program fees until several weeks (or months) into the Program.



**What worked:**

*(What the participants felt was most helpful for their success in the Program)*

- *The Drug Court Model.* Many of the participants reported that they had been through treatment before but had been unsuccessful until the treatment was combined with the structure of the Drug Court Program. They believed that it was the other parts of the Program - the Court sessions and being held accountable - that enabled the treatment to be effective.
- *Drug tests.* The majority of participants agreed that the random UAs helped them stay “clean.” The possibility of being caught was a powerful deterrent to using.
- *The mentors.* Most participants agreed that the mentors were very helpful in making the Program process smoother and “do-able.”
- *The 12-step meetings.* The chance to get “hooked-up” with the recovery community was a big support in not using.
- *Having treatment address criminal thinking.* The Drug Court participants felt that the treatment addressing criminality and thinking errors was very helpful in changing their behavior. “You realize the family and friends you’ve affected. You learn you have control.” “It makes you realize that when you think you don’t have control, you really do.”

**What Didn’t Work:**

*(What the participants felt was least helpful, or a barrier, to completing the Program)*

- *Practical Work Experience.* The participants expressed the belief that Practical Work Experience did not help them become successful in the program. They reported that it caused resentment and did not help them find or maintain jobs, one of their goals in completing the program.
- *Sanctions without enough rewards.* Participants believed that there were “plenty of sanctions available” but not enough rewards to give them something to strive for or to “show-off” how well they are doing.
- *Being arrested in treatment.* Having a participant arrested in treatment was difficult for the participants who were present, particularly the participant who was arrested. They felt it destroyed trust and that punishment should come from the Judge or Probation. They believed that “treatment should be for treatment.”

**Comment:** Treatment staff also mentioned the arrest that occurred in treatment. The Team tried this once (at a time when the Judge was away) in an attempt deal with an issue promptly. They feel that this was not an effective solution and do not plan to do it again.

### ***Were their due process rights protected?***

- Some believed that their rights were protected but others weren't sure.
- Some clients remembered signing a contract at the beginning of the program explaining what their right were and they reminded the other clients that they had to sign one too.
- "What we are forgetting here is that Drug Court is a privilege and we can always leave and be sentenced."

### ***Suggestions for improvement:***

- *Stop showing the movies in treatment.* "We're not learning from the movies and we would rather spend more time in group."
- *More rewards/incentives.* The participants would especially like to have those who are doing well in the program called up first, as a public announcement of good progress. They would also like to have the opportunity to earn the chance to leave early (after they talk to the Judge), if they are doing well in Aftercare.
- *Clarify the cost.* The participants recommended that potential participants be told how much the Program would cost, right from the beginning.
- *Advertise.* It was suggested that the Drug Court advertise the Program more to get more participants. "If people see what it's about, they will start asking for it."

### ***Other information and quotes of interest:***

- "Sometimes things happen and there is a real reason why we didn't do something we were supposed to do. A yes or no answer isn't enough. I want a chance to explain!"
- "Sometimes it feels like when the Judge gets burned enough [clients lie to him] he doesn't believe anything we say, even when we're telling the truth."
- "If I didn't go to Drug Court, I wouldn't be clean! I have been through treatment. This is my sixth time and Drug Court has kept me structured enough to turn everything around – get a job and keep a job!"

### ***Other Comments and Recommendations***

**Comment/Observation:** Some participants commented that they felt the participant manual "talked down" to them. Examination of the manual by the evaluator showed that there was quite a bit of slang used in describing the process and the requirements for the participants. This may be the source of this comment.

**Recommendation:** The Drug Court Team may want to look through the participant manual both to update it for any recent changes in process and to look for places that might be considered as “talking down” to a participant. The manual might benefit from a revision changing the slang to simple but professional language.

**Observation:** It appears the participants felt that they were not getting the support they needed to gain and maintain a job and that the Practical Work Experience requirement was something they felt interfered (or at least didn’t assist) with their ability to find a job.

**Recommendation:** The Drug Court Team might consider incorporating a staff member from an employment agency/department. This kind of agency could provide resume writing and interview training and other assistance in finding a job. A certain number of job contacts (job applications filled out and turned in) could be a requirement until the Drug Court participant has a job.

## **10 Key Components Results**

This section lists the Ten Key Components of Drug Courts as described by the National Association of Drug Court Professionals (NADCP, 1997). Also listed are the research questions developed for this evaluation, which were designed to determine whether and how well each key component is demonstrated by this Drug Court. Each question is followed by a discussion of the practices of the MCADC in relation to the key component of interest. Some questions require a comparison to other drug courts. In these cases, results from the National Drug Court Survey performed by Carolyn Cooper at American University (2000) are used as a benchmark.

### **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?

This is the one of the Marion County Drug Court’s biggest strengths. This Drug Court appears to have an unusually high degree of integration. The MCADC Team has many members from many different agencies who all work positively together. Each Team member brings his or her own perspective to the weekly staffing meetings and has the opportunity to discuss these perspectives. Team Members have said that stereotypes have been broken down as a result of the Team. Some Team members reported that they not only express the traditional perspective taken by their agency, but that it is safe to express suggestions that are contrary to their traditional perspective because they know the goal of the Team is to do what’s best both for the client and for the community (e.g., public safety). Observation of these meetings by evaluation staff showed that all Team members are encouraged to voice what they know about each client as well as opinions on a course of action. The Team works together to come to a consensus on final decisions. Team members are proud of the Team communication and how well they work together. “Interaction between agencies is a piece of Drug Court that has positive effects across the system.”

Communication between the Team members is central to how this Team has become so well integrated. The Coordinator makes sure that issues that arise with clients or other important

Program information are relayed to the Team members so that everyone is on the same page. Team members also attend the quarterly Planning meetings on policies, program development and compliance with grant requirements.

Keeping the Team members involved in decision-making fosters a strong sense of teamwork and helps each member feel that s/he is a valued part of the Team. “The way the agency representatives on the team treat one another has clearly changed. There is much less turf protection, and more cooperation. Everyone focuses on what’s good for the participants.” In addition, this frequent communication and input from Team members allows the Court to act swiftly when problems arise.

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

*Research Question:* Are the Public Defender’s Office and the District Attorney’s Office satisfied that the mission of each has not been compromised by Drug Court?

Both the prosecution and defense counsel believe that the mission of each has not been compromised by Drug Court, although both agree that their roles have changed. The roles of the Team Members are not as defined as they are in regular court. Team members will step outside of his/her role in order to do what is best for the client, which has been noted by many Team Members. “In Drug Court, if the Defense Attorney and the Team spot warning signs of relapse or whatever, the Defense Attorney will say to lock the client up. He would never do that in regular court.”

The attorneys feel that public safety has been protected and, in fact, that public safety is more protected by the client participating in Drug Court than in traditional probation. In addition, both believe that the clients’ rights have been protected and that the Defense Attorneys “look out” for the clients’ rights very well. “The clients know what they are getting into and that they have to put some hard work into the program. The clients have an opportunity to see what it’s like. They know they could just be on probation, but they want to have their record removed.”

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

*Research Questions:* How early are eligible clients being identified and how quickly are clients being referred to and accepted into drug court? Are the eligibility requirements being implemented successfully? Is the original target population being served?

The Drug Court Team has an organized way of identifying eligible participants. The Team has made the eligibility requirements and general information on the Drug Court Program known to Judges and the District Attorney’s Office. The Defense Attorneys are also well equipped to identify potential participants.

The Drug Court originally planned to take a majority of pre-plea cases, but has ended up taking more post-plea cases. The Public Defenders were having a difficult time “selling” the program

because the alternative to Drug Court for first time offenders was “case-bank” probation, which means there was no supervision as long as the offender was not caught again. Repeat offenders were much more likely to be interested in the Program. In addition, statewide budget cuts led to a lack of resources in the Marion District Attorney’s Office. In order to reduce costs, a person’s first PCS (possession of a controlled substance) charge was no longer prosecuted. Therefore, if a person was arrested on a first time PCS charge, that person would probably not agree to enter Drug Court due to the fact that the case would not otherwise be prosecuted. Most potential Drug Court participants are currently being referred through Probation.

The length of time between arrest and arraignment is about three weeks. If the client is in custody, he or she will have a Court date in 72 hours. Clients who are eligible for Drug Court are generally referred at arraignment. The length of time between arraignment and entering Drug Court is usually about two weeks, sometimes three, which is reasonably quick. Clients (15-25%) coming into Drug Court from outside this process (from another Judge or Probation) take varied amounts of time to enter Drug Court, depending on other current cases. However, once it is clear that the client is available to enter Drug Court, the process is in place to have them enter quickly.

#### **Component 4. Drug courts provide a continuum of alcohol, drug, and other related treatment and rehabilitation services.**

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

Diverse specialized treatment appears to be a strong component of the MCADC. A variety of treatment services are available to Drug Court participants throughout the program. Straight Facts offers individual treatment, group treatment, and gender-specific treatment. There are four counselors who work with Drug Court participants, plus one assistant. They work with clients on cognitive restructuring, behavior, understanding consequences, and skill building. The Drug Court also provides mental health services and mentoring services. Support through the local recovery community is facilitated by having a 12-step representative attend court sessions.

The Team goes to great lengths to understand the participant’s needs and provides resources and access to resources as appropriate. There is a real effort to involve the appropriate agencies and at the same time, the participants are encouraged to take responsibility and to seek out their own assistance.

The Treatment Provider is unique in that the program is specially designed to treat criminality issues as well as drug and alcohol addiction. This was highly praised by the Drug Court participants. The Provider is conveniently located next to the Probation Department and works closely with the Probation Officer and Probation Intern.

The Team utilizes varied resources from parenting classes to mentors. The Team, led by Judge Graves, makes an effort to involve services pertinent to the success of the participants. Drug Court abides by standard guidelines and services but works to ensure individualized treatment as well. Participants are well informed of many treatment services available to them.

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

**Research Question:** Compared to other drug courts, does this court test frequently?

Based on results from the American University National Drug Court Survey (Cooper, 2000), the number of urinalyses (UAs) given in this Court in the first two phases is comparable to the large majority of drug courts nationally: two to three UAs per week. The last phase of the MCADC program is comparable to aftercare phases in other drug courts.

Frequent and random drug and alcohol testing is seen by the Team as pertinent to participant success. UAs are run on a random color system. Each participant calls in daily to see if his/her color is called, and is required to provide a UA on the same day that his/her color is called. The Team may decide to have a participant take more UAs if the person is suspected of use.

More recently, the Team has noticed that a significant number of participants are “kicking their drug habit,” but drinking alcohol as an alternative. The Team has been very proactive in preventing this problem by using the Sobrietor, an at home monitoring system with which a participant is required to take part in random alcohol tests over a specialized phone system. This is not only an example of appropriate drug testing by this court, but is also an example of successful self-monitoring and adjustment of the Drug Court process as needed. (This is discussed later in Key Component #8 on monitoring and evaluation.)

## **Component 6. A coordinated strategy governs drug court responses to participants’ compliance.**

**Research Questions:** Does this court 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?

There is a coordinated strategy that governs this Drug Court’s response to participants’ compliance, including written guidelines in the Team’s Drug Court Policies and Procedures Manual. Part of the strategy involves the use of standard, graduated sanctions for non-compliant behaviors. For example, as shown in the process description above, the participant may start out doing homework alone in the courtroom, then do community service, then go to jail for one night, have their jail time increased for the next sanction, and then move into inpatient treatment and finally termination. Sanctions are determined by the Team as a group, with the Judges approval.

In addition to standard sanctions, the Team works together to come up with creative sanctions that they feel would be most effective for specific individuals. The evaluation staff observed that the Team openly discussed appropriate sanctions that would most impact the individual. The varied Team Members work well at finding appropriate, effective sanctions. The Judge makes the final decision based on the input of the Team.

Nationally, as in this Drug Court, the most common process is for the judge to make the final decision regarding sanctions or rewards - based on input from the team. All drug courts surveyed said they had established guidelines for their sanction and rewards policies, and over half (64%) said the guidelines were written. Following are the most common responses for non-compliance.

- *Sanctions for new arrests.* If it was a drug possession offense or other non-violent non-drug related offense, most courts allowed the participant to continue in drug court but still be prosecuted for the new crime separately. A large percentage of drug courts terminated participants for new arrests. The majority of courts said the sanction for a new arrest was dependant upon the charge and the circumstances. If the new arrest was for drug trafficking or violence, almost all courts terminated the participant from the drug court program.
- *Sanctions for relapse or non-compliance.* Most courts increased the frequency or intensity (e.g., moved participant from outpatient to inpatient) of treatment, increased the frequency of UAs, and increased the frequency of court hearings. Also, over half the courts used one to three days of jail as a sanction for relapse; a large percentage used four to seven days of jail.

In comparison to courts nationally, the type of sanctions used by the MCADC appear to be quite similar although this Team seems to place more importance on finding truly individualized sanctions and seems more creative than most. Team members reported that they avoided using jail as a sanction when possible.

**Observation:** Finding effective sanctions while avoiding jail use is a good decision on the part of this Drug Court, especially in this time of budget crises, as recent cost studies<sup>1</sup> have shown that jail is an expensive option over most other possible sanctions.

**Recommendation:** This Drug Court might consider creating some written guidelines for sanctions both for the benefit of the participants. The guidelines for the participants could clearly state that the Drug Court Team may not use these exact sanctions and that the sanctions may be modified to fit an individual participant. It could still be useful for the participants to know what kind of sanctions might occur for them, so they can modify their actions accordingly. In addition, the Team may want to use their own sanction guidelines as a running document to keep track of what sanctions they have used in the past and their relative effectiveness. The Team could also use this document to remember any circumstances that resulted in a particularly creative and effective sanction that might be used effectively in similar circumstances in the future.

Nationally, the most common rewards for good participant progress in drug courts were praise from the judge at court hearings, promotion to next phase, reduced frequency of court hearings, praise from other drug court participants, special tokens or gifts, and decreased frequency of UAs. A small percentage of courts allowed people to graduate early, and a small percentage had parties, gift certificates or reduced drug court program fees.

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<sup>1</sup> For example, Carey and Finigan (2003) and Carey,Finigan, Worcel and Crumpton (2002) performed cost-benefit studies in the Multnomah County Drug Court in Oregon and in three counties in California.

The MCADC recognizes positive behavior and uses rewards for improvement throughout the Program, such as sharing in group when a participant wasn't active before, following through, attending treatment regularly, etc. The rewards used by this court include praise from the Judge, applause, graduation to the next Phase, and a special "Angel" coin (a token to commemorate the event) after 90 days working well in the program. The MCADC has also recently instituted some more material rewards such as coupons for pizzas or movie tickets.

The type of rewards used in the MCADC are comparable in many ways to what most other drug courts are doing although there are fewer material rewards given compared to other courts as well as a lower frequency of rewards compared to sanctions. This is mostly due to a lack of resources, as Judicial Department employees are not allowed to perform fund-raising for Court processes. However, more recently they discovered that they could provide rewards to participants through the Sheriff, who is not a part of the Judicial Department. This is the source of the more recent implementation of pizza and movie coupons. The Team would like to be able to provide more rewards.

**Recommendation:** Rewards are a powerful tool for reinforcing good behavior. There are several types of rewards that could be provided to Drug Court participants at little or no cost that this Court might wish to add to their repertoire. One reward (requested by the MCADC participants) is to be called before the Judge first if you are doing well in the program. This provides more public recognition of good progress. A further reward, that clients in the last Phase could earn, would be to get called up first and then be allowed to leave the Court session early. (This would be for Phase 3 participants only, since they would already have had the benefit of staying for the whole session and learning from the other participants). A low cost (rather than no cost) reward would be to institute a drawing at each court session. Those participants who are doing well would have their names put in the drawing (in a hat, or a box, or even on a roulette wheel, depending on how elaborate the Court wants to get). Their names would be announced in Court, so they get the recognition of doing well whether they win the prize or not. Then a single name would be drawn to receive the material reward. Just being included in the drawing serves as reinforcement while having a single winner reduces the cost of rewards. A side benefit of the drawing is that it gives the participants something more "fun" to look forward to in Court sessions.

#### **Component 7. Ongoing judicial interaction with each drug court participant is essential.**

**Research Questions:** Compared to other drug courts, does this court's participants have frequent contact with the judge? What is the nature of this contact?

Nationally, the American University Drug Court Survey reported that most drug court programs require weekly contact with the judge in Phase I, contact every two weeks in Phase II, and monthly contact in Phase III. So the amount of contact decreases for each advancement in phase. Although most drug courts followed the above model, a good percentage had less court contact (e.g., every two weeks in Phase I, monthly in Phase II and III.)



There is excellent ongoing interaction with the Judge in this Court. The MCADC Judge sees participants once per week in Phase 1, three times a month in Phase 2 and two times a month in Phase 3, so there is more contact with the Judge in this Court than the national average.

Participants have commented that they want the Judge to be proud of them and it was observed that the participants look forward to and enjoy telling him about their successes. This demonstrates the good connection this Judge has with the Drug Court clients as well as the influence that this Judge can have over participants and their motivation to do well.

In addition, the Judge likes to meet the participants' parents or families when they are in town or otherwise available. The participants like this because it gives them a chance to show their families that they are doing something worthwhile and that there is someone in authority who believes in them. This is an example of how this Judge cares for the participants-- not just their time in Court, but their lives outside of Court, as well. [As one Team member pointed out, the kind of information available to the Judge (and the Team) to use in making decision would never be available in a traditional court process.]

The Judge says that watching the changes in the participant's eyes and attitude makes running this Drug Court worthwhile.

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

*Research Question:* Is evaluation and monitoring occurring in this Program?

The MCADC is a new drug court and this current evaluation is the Program's first experience with outside evaluators. This evaluation involved interviews with the MCADC staff (generally more than one per individual), review of agency documents, and observation of the MCADC staffing meetings and Court sessions. The MCADC staff was very supportive of this evaluation and made themselves available for the interviews, responded to multiple follow-up questions, and welcomed the evaluation staff into their meetings (although a few expressed a little natural wariness in regards to the difficulty in measuring Drug Court activities and the ability of evaluation to truly measure Drug Court success). The Coordinator responded quickly to evaluation staff requests, helped set up site visits and focus groups, and facilitated communication between the evaluators and the MCADC Team. In addition, the Coordinator, at the request of the evaluators, organized the feedback from the Team on the first draft of the Drug Court process description in order to weed out contradicting information. (This process also led the Team to discuss their understanding of the process with each other, and learn where different understandings occurred.) In addition, the Judge and Coordinator both responded quickly to requests for feedback and further information on any concerns that were raised by the evaluator.

The Drug Court is in the process of meeting its goals and objectives related to implementation. Because this Court is fairly new, Team Members are coming across new issues periodically. The Drug Court is reaching its goals while gaining knowledge and finding new strategies.

This Court performs good self-monitoring and is willing to make changes in policy as needed. For example, Team members expressed some concern that the Team was not keeping track of the participants' requirements as carefully as they would like (such as the GED or other requirements outside of attending treatment sessions and other required meetings). This was quickly addressed by creating a monthly report checklist, which contains all the requirements the participants must complete before they can graduate. Participants must now fill out this checklist monthly so the Team can stay on top when they have completed all their requirements.

The Drug Court also performs good self-monitoring and adjustment in regards to its own Team members. The Team agrees that they have a "knack" for finding appropriate Team members and getting their "buy-in." For example, the Team saw the benefit of having the Court Lieutenant from the Sheriff's Office on the Team. It was recognized that having a representative from Court Services would be beneficial due to that person's knowledge of day-to-day happenings at the courthouse. This has proved to be correct. The Lieutenant is aware of who is coming in and out of the courthouse and for what reason. He is able to provide pertinent information relevant to participants. Also, before Mental Health joined the Team, there was a Drug Court participant receiving services from the Marion County Adult Mental Health Department while attending Drug Court. The Judge asked the Mental Health Provider if he would be willing to participate on the Drug Court Team. The Mental Health Provider had heard the benefits of Drug Courts in general, and was pleased to participate. Having a Mental Health Provider on the Team has added even more detail to the Team's knowledge of each participant and information on treating participants with mental health issues.

### **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?

Education on Drug Court planning, implementation, and operation is a priority for this Drug Court. Most Drug Court Team members have attended Drug Court trainings and do so on a regular basis. Team members have attended multiple NADCP conferences and have observed several other Drug Courts. In addition, the Drug Court Coordinator has attended a training on drug court management information systems.

The Judge, one of the Defense Attorneys and the Coordinator are also active in the Oregon Association of Drug Court Professionals (OADCP). The Judge is the President of that organization and the Attorney is on the Executive Board. New information is brought back and discussed regularly with the Team. The Judge also brings new articles or other drug court educational materials to Team meetings.

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

*Research Question:* Compared to other drug courts, has this court developed effective partnerships across the community?

Responses to Carolyn Cooper's National Survey showed that most drug courts are working closely with community groups to provide support services for their drug court participants. Examples of community members that drug courts are connected with include: AA/NA groups, medical providers, local education systems, employment services, faith communities, and chambers of commerce.

This is another area in which the MCADC excels. The MCADC has built strong relationships with a large number of community agencies and many of these agencies have provided staff to be a part of the MCADC Team, attending staffing meetings and/or Drug Court sessions. This Court has a uniquely strong relationship with Law Enforcement and Mental Health agencies.

The MCADC is continually working towards creating relationships with community members. This is particularly important in times of decreased funding as community members can provide donations of time and materials to maintain Program operations (as long as the donations are accepted by Team members other than those who work for the Judicial Department, as the Department is not allowed to accept donations). As described in the section on Drug Court funding, the possibility of forming a non-profit through the Department of Corrections is being explored to facilitate fundraising and the ability to accept donations. In addition, if the MCADC is interested in exploring options for becoming self-supporting, help from local community members can be essential to making this work.

The Police representative (who is no longer on the Team due to Police budget cuts) and the Judge have gone into the community to promote Drug Court. The Judge has also been involved with the Salem Rotary Club, allowing him to get the support of key business players. One thing he believes to be unique in Marion County is the collegial approach the bench and bar have to litigation and community problems. He believes that both the legal and business side of their county is supportive of the Drug Court.

## **Summary/Conclusion**

Overall, the Marion County Adult Drug Court demonstrates the Ten Key Components of Drug Court in an exemplary fashion. One of the Court's greatest strengths is its highly integrated and diverse Drug Court Team. In addition, this Drug Court has large amount of positive community relationships and community support.

The one key component that could be improved upon involved the use of rewards. The MCADC used fewer rewards than most drug courts, due in a large part to a lack of funding for this part of the program. Some suggestions were given for low-cost and no-cost rewards such as calling up participants who are doing well before the Judge first (as a public announcement of good progress) and instituting a drawing so that those who are doing well are recognized by having

their names included in the drawing while only one will actually receive a material reward. A recommendation was also made regarding the usefulness of written sanction guidelines.

In addition to the quality of the Drug Court Team, strengths of this Drug Court include the strong commitment to education of the Team members (a large contributor toward a common understanding of purpose and process, which leads to a smoothly running Drug Court) and the high frequency of contact and positive relationship between the participants and the Judge. The participants were positive about all the Team members and particularly appreciated the “extra mile” from the Drug Court Coordinator and the interest and care the Judge expressed in their lives.