

DRUG COURT

Columbia County's Success with Drug Courts by **RANDY SANDERS**

Drug courts...

vary somewhat in terms of their structure, scope, and target populations, but they all share three primary goals:

- 1) REDUCED RECIDIVISM RATES
- 2) REDUCED SUBSTANCE USE AMONG PARTICIPANTS
- 3) REHABILITATION OF PARTICIPANTS

A review of five independent meta-analyses concluded...

that drug courts significantly reduce crime by an average of 8 to 26 percentage points; well-administered drug courts were found to reduce crime rates by as much as 35 percent, compared to traditional case dispositions.

For methamphetamine-addicted people...

drug courts increase treatment program graduation rates by nearly 80%. (NADCP)



What is Drug Court?

The first drug court started in Florida, 1989 and set up up by Florida's 11th Judicial Circuit Court Chief Judge Gerald Wetherington; Judge Herbert Klein; Public Defender Bennett Brummer and Florida's State Attorney Janet Reno. The goal of addressing an exacerbating problem of cocaine and crack was key. Designed for non-violent offenders, this program became successful and effective. Soon other counties followed suit.

National Institute of Justice (NIJ) characterizes drug court as a, "specialized or problem-solving court-based program that targets criminal offenders and parents with pending child



All data compiled for this article site the following sources:

click on link

National Institute of Justice

<http://www.nij.gov/topics/courts/drug-courts/Pages/welcome.aspx>

National Drug Court Resource Center

<http://www.ndcrc.org>

National Association of Drug Court Professionals

<http://www.nadcp.org>

White House Office of National Drug Control Policy FACT SHEET:

http://www.whitehouse.gov/sites/default/files/ondcp/Fact_Sheets/drug_courts_fact_sheet_5-31-11.pdf

U.S. Department of Health & Human Services (Center for Substance Abuse Treatment)

<http://www.hhs.gov>

National Criminal Justice Reference Service. In the Spotlight: Drug Courts. U.S. Department of Justice. [2009]

http://www.ncjrs.gov/spotlight/drug_courts/summary.html

welfare cases who have alcohol and other drug addiction and dependency problems.”

National Drug Court Institute (NDCI) is an organization that provides resources for all local government bodies across the nation so that they may set up their own drug court programs. NDCI describes drug courts as a program where, “eligible drug-addicted persons may be sent in lieu of traditional justice system case processing. Drug courts keep individuals in treatment long enough for it to work, while supervising them closely.”

National Drug Court Resource Center (NDCRC) estimates that there are under 3,000 Drug Courts in operation throughout the United States and its territories. Drug courts reduce crime, drug use, reunite families, save citizens money and restore lives. Their operating model is simple: save taxpayers money by turning drug-addicted felons into positive, sober, contributing members of society.

The Obama administration’s 2012 budget allocated \$101 million for problem-solving drug courts and assembled them into several distinct categories. By doing so, they’ve provided the ability for certain demographic sectors to enjoy a higher success rate than would be available in generic programs which do not address isolated issues, direct attention or specific needs. These categories include: adult drug court, veterans drug court, tribal healing, dependency (juvenile/family drug court) and DWI (for offenders convicted of a 'driving while intoxicated' offense).



BRYAN FARRELL, Columbia County Treatment Court Coordinator

photo: RANDY SANDERS

*sources cont.***Recent Studies of Drug Courts and DWI Courts: Crime Reduction and Cost Savings. National Association of Drug Court Professionals**

http://www.isc.idaho.gov/dcourt/DC_Research_Update408.pdf

US Dept. of Justice Report on Recidivism Rates

<https://www.ncjrs.gov/pdffiles1/201229.pdf>

Drug Court Clearinghouse/ Adult Technical Assistance Project

<http://www1.spa.american.edu/justice/project.php?ID=1>

Statewide Adult Drug Court Training and Technical Assistance Program

<http://www.drugcourtta.org/>

National Drug Court Online Learning System

<http://www.drugcourtonline.org/>

Tribal Drug Court Training and Technical Assistance Program

<http://www.wellnesscourts.org/>

National Drug Court Institute

<http://www.ndci.org/ndci-home/>

National Council of Juvenile and Family Court Judges

<http://www.ncjfcj.org/>

Drug courts are run by professionals within their own communities and are not required to be in lock-step with any national directive. However, the NDCI provides valuable statistics, research and evaluations dedicated to the success of all drug courts nation-wide. Local drug courts can access these tools essential to drug court operations. For instance, the NDCI training program alone offers local drug courts over 130-training events throughout the year.

There are two interesting points about the success of drug courts that should be stressed. The first one pertains to a bi-partisan attraction. It's a rare occurrence when a government-sponsored program appeals to both liberal champions of social justice, and staunch fiscal conservatives. The liberal side celebrates the rewards of treating drug-addicted people so they may re-enter society with a high quality of life for themselves and their families while conservative's focus on the substantial amount of taxpayer money that's saved by adopting a drug court system.

The second point stems from a quote by Douglas B. Marlowe, J.D., Ph. D. University of Pennsylvania's School of Medicine. He says, "The imposition of gradually escalating sanctions for infractions — including brief intervals of jail detention — significantly improves outcomes among drug offenders."

The point that Dr. Marlowe makes here is that in order for drug courts to be effective, it must use the threat of jail time to any offender who either does not opt into the program, or who does not apply one's self once accepted. It's the 'carrots and stick' analogy.

Clackamas County Drug Court Judge Robert Selander builds on that point by stating, "They see that offenders in drug court may risk more sanctions and spend more time in jail than if they were sentenced or on probation."

Citizens of Columbia County passed its jail levy back in May, 2014, indicating their desire to keep the jail open and operating. This is important to understand the next time the jail funding issue comes back around. A vote to close the jail is essentially a vote to close down the drug court program as well. Without the threat of jail time, offenders have virtually no motivation to enter and graduate from the drug court program.

*sources cont.***Center for Children and Family Futures**

<http://www.cffutures.org/>

**Juvenile Drug Courts/
Reclaiming Futures Program**

<http://www.ojjdp.gov/programs/ProgSummary.asp?pi=44>

Adult Drug Court Research to Practice (R2P) Initiative

<http://research2practice.org/>

Miami Dade County Florida Drug Court Works

<http://www.miamidrugcourt.com>

Re-entry Court Solutions: Dr. Doug Marlowe

<http://www.reentrycourtsolutions.com/tag/dr-doug-marlowe/>

LOCAL RESOURCES:**Columbia County Community Action Team**

<http://www.cat-team.org>

The Oxford House Recovery Home

297 N 3rd St

Gender: M

Saint Helens, OR 97051-1531

503-366-5505

Drug Court: Columbia County

In 2007, Columbia County initiated its own adult drug court led by Trial Court Administrator, Susan Hill; Judge, Steve B. Reed; St. Helens Police Chief, Terry Moss; former Probation Director, Walt Pesterfield; District Attorney, Stephen Atchison along with a former member of Columbia Community Mental Health Department.

The Dependency Court — or Family Court — began in 2009.

Hoping to learn all about Columbia County's drug court program, I sat down with Bryan Farrell in his modest office inside the old county courthouse building where he agreed to be interviewed.

"We've developed this office space in what we call our Day Treatment Center; day reporting happens here. Clients in their first phase must be here for two-hours every morning of the week, except for Friday, because we're closed (due to budget-induced furlough days). If they're late, they get sanctioned to a work crew, community service or jail time for a day or two." Farrell defines 'late' as anything over five-minutes.

"Drug court celebrated its first graduating class in 2010," but he stresses that this program is no cakewalk.

"This program is very intense. These clients go through a behavior modification program like no other. We want to identify the very issues that got them to where they are and how they're going to change that. It takes a couple of years to get it through to them."

He explains how a team of nine professionals monitor the progress of each and every client. They monitor all aspects of a client's life, 24-hours per day. Privacy is waived; the team must observe every facet of their lives until graduation.

Adult Drug Court team members are: Presiding Judge, Jennifer Grant; Trial Court Administrator, Susan Hill; Treatment Court Coordinator, Bryan Farrell; Probation Officer, Patsey Sadler; Defense Attorney, Rock Pizzo; St. Helens Police Chief, Terry Moss; Columbia County District Attorney, Steve Atchison; Alcohol and Drug Counselor, Kim Krause; Mental Health Counselor, Lindsay Cable and Mental Health Supervisor, Sam Lewis.

Dependency Court team members are: Circuit Court Judge, Ted Grove; Trial Court Administrator, Susan Hill; Treatment Court Coordinator, Bryan Farrell; Probation Officer, Patsey Sadler; Defense Attorney, Rock Pizzo; Primary Counselor, Lindsay Cable and DHS Case Worker, Kenzie Pfeiffer.

Farrell describes how the weekly evaluation process works. "Every week, both of our teams, including the professionals from all agencies involved with these clients, go over every single case. We talk about all the good stuff and about all the bad stuff. We're very strict on our rules. One of the biggest things about our drug court is the 'incentive' and 'sanction' piece. Every week clients may be rewarded or sanctioned. If they achieve a goal, for instance their first full week of sobriety, we'll reward them. Perhaps a gift card to the movie theatre, clothing store, Amazon Books, a sobriety coin or just verbal praise from the judge. On the flip side, if they have a bad week, they will get sanctioned. We directly relate their actions to the consequences and we do this as immediately as possible. If they're late for two or three treatment groups throughout the week, then when they come in on Monday, they know they're going to get sanctioned. If they break a rule, like a curfew (the team has determined curfew to be 9 p.m. nightly), they're going to get sanctioned. We try not to put people in jail, but sometimes it does happen. We'd rather put them on a work crew, because that's something beneficial to their community."

"We don't take first time offenders, we only take medium to high risk, felony offenders, the hardest of the hard in this county. And it doesn't have to be a drug-related charge, like possession of methamphetamine or heroin. It can be a burglary, a robbery, it can be any charge where the underlying issue is drug and alcohol addiction. They're committing these offenses because they're needing drugs and they're trying to get money for their next purchase. We only deal with the medium to high risk offenders who have prison time hanging over their heads. If they don't make it through Drug Court, then they automatically go to prison; they're done."

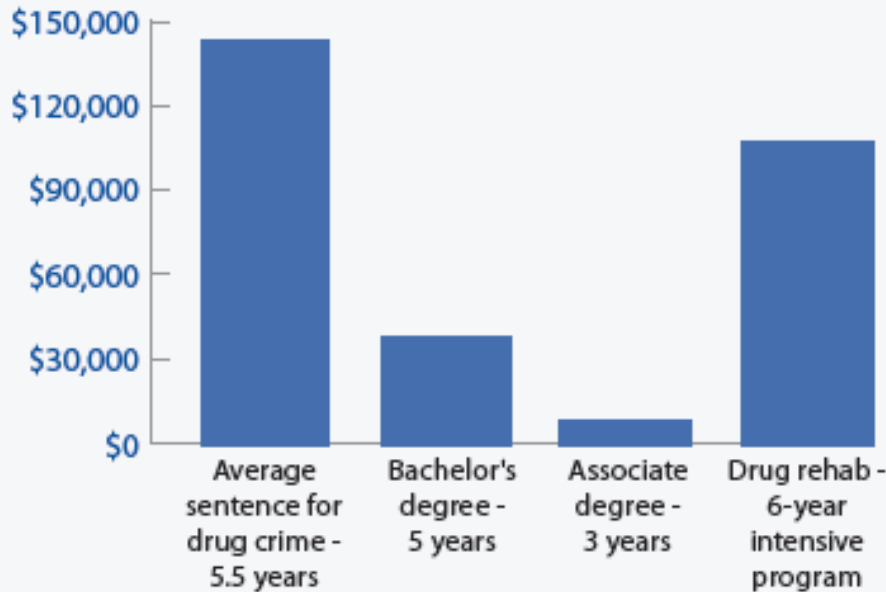
It may sound odd that an offender would need to be at least a twice-convicted felon to be considered for the program. But remember, the purpose of this program is specific: rehabilitate the addicts who steal from the community.

"This is a diversion program for repeat offenders who continually victimize people in the community," says Farrell. "As far as the taxpayer is concerned, you get a better bang for your buck if you're working with the very people who are truly victimizing others. We work with non-violent offenders only. So

TEN KEY COMPONENTS to the SUCCESS of DRUG COURT:

- ♦ *Integration of alcohol and other drug treatment services within justice system case processing;*
- ♦ *A non-adversarial approach, through which prosecution and defense counsel promote public safety while protecting participants' due process rights;*
- ♦ *Early identification of eligible participants and prompt placement in the drug court;*
- ♦ *Access to a continuum of alcohol, drug and other treatment, and rehabilitation services;*
- ♦ *Frequent alcohol and other drug testing to monitor abstinence;*
- ♦ *A coordinated strategy governing drug court responses to participants' compliance or non-compliance;*
- ♦ *Ongoing judicial interaction with each participant;*
- ♦ *Monitoring and evaluation to measure achievement of program goals and gauge effectiveness;*
- ♦ *Continuing interdisciplinary education to promote effective drug court planning, implementation and operations; and*
- ♦ *Forging of partnerships among drug courts, public agencies, and community-based organizations to generate local support and enhance drug court program effectiveness.*

Compared to the alternatives, incarceration is an expensive choice.



they can't have assault-one or assault-two charges. We also do not take sexual offenders. If it's (the assault charge) over five-years-old, we will take it on a case by case basis, depending on the severity of the crime. However, we do not allow sex offenders into our program at all. So anyone who has had a prior sex crime at any point in their lives, we would exclude automatically. On the assault crimes, we would never take a murder suspect or somebody who attempted murder or anything like that. That's way too serious for what we have to offer. We are wanting to

stop those who rip-off citizens or businesses and save the taxpayer's money."

In dependency court, the family's home receives a monthly visit without prior warning. At the start of adult programs, clients are living in a transitional home. Once they've settled into their own home or apartment, they'll receive random visits as well.

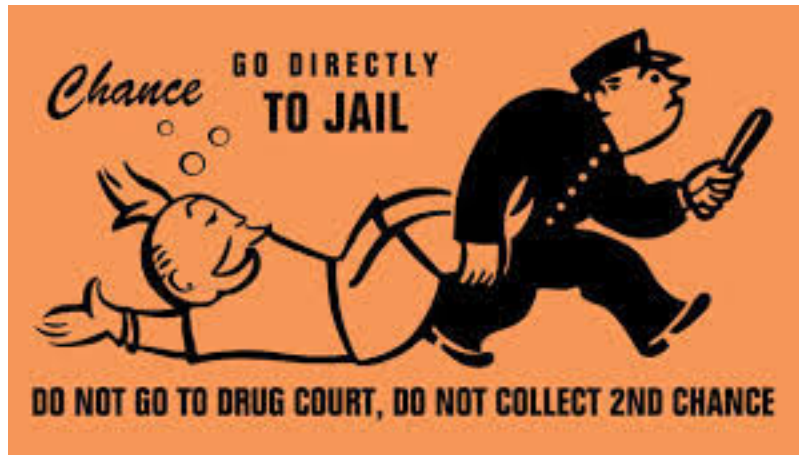
Prospective candidates are already serving time in jail. After they've been accepted into the drug court program, they'll move into a transitional home where the atmosphere is safe, professional and stable. These are professional, vetted homes licensed by the state and run by well-trained individuals. These homes are critical to the process. Farrell works closely with these recovery home administrators making sure all clients are placed.

"We have never, ever, not been able to find housing (for a client). We have had clients where it was more difficult to obtain those services, but have never been denied."

"We might visit them early in the morning or very late at night," he contends. "One of our biggest goals in Columbia County has been to create a one-stop shop for clients. So they're not bouncing around from agency to agency, trying to access services."

Savings to Taxpayers

“About \$515 million dollars is spent annually to treat those drug court clients yielding a reduction in offending, which creates more than \$1 billion in annual savings.” This was concluded in a study titled, *To Treat or Not To Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders*, by the Urban Institute Justice Policy Center.



“It saves the taxpayer money,” explains Farrell. “It costs me about \$7,500 per client to send them through the drug court program. When you compare that to anywhere from \$120 to \$160 dollars a day of what they’ll cost us in prison, there’s a significant savings to the taxpayer.”

Farrell estimates that most Columbia County clients he works with know there’s a two-year prison term hanging over their heads. He points to one client who has a prospective 15-year term. Based on an average of \$145-a day for prison/jail incarceration, the cost comes out to around \$52,925 for a one-year prison term, \$105,850 for a two-year term. The savings becomes even greater considering the amount saved from property damage, theft, robberies, etc. by introducing treated graduates into the community, as opposed to inmates being released after completing their sentences without any treatment.

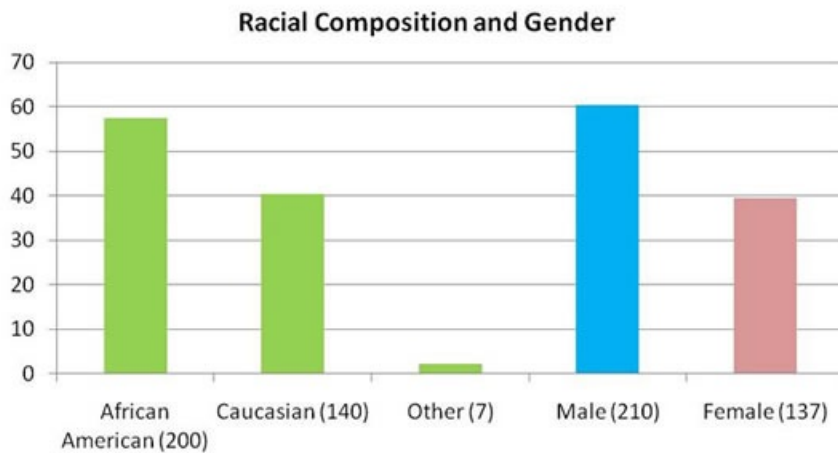
Clackamas County Drug Court Judge Robert Selander admits, “The Clackamas County Adult Drug Court has seen women give birth to drug-free babies, saving taxpayers an estimated \$1.5 million.”

For felons who may qualify and graduate, the experience presents a new lease on a bad life. In some cases where judges sees fit, graduates may have their criminal records expunged.

Funding

“The last three or four years — looking at the budget cycle — funding for drug courts have increased dramatically,” Farrell points out. “We were one of the recipients three-years ago for a federal grant for \$460,000 that has gotten us to where we are today. That grant just ended September 1. Our Oregon Criminal Justice Commission has done an excellent job of lobbying the legislature to get money, plus using them as a conduit for their money and open up application processes. They received enough money this last biennium to offer funding to every (Oregon) county that applied for grants. Our funding now is through the state of Oregon.”

Drug Court Population



He adds, “Another thing that helps drug courts do well is the Affordable Care Act (ObamaCare). Every single one of our clients now has the Oregon Health Plan which pays for their treatment.”

In the past, drug courts would be on the hook for providing healthcare to their clients — as is still the case with many country sheriff’s departments — and this becomes their greatest budget expense.

“This is a positive aspect about the Affordable Care Act, because people who really needed those services can now activate those services. When they come in and do an ‘in-take’ with me, they fill out their Oregon Health Care application. If they don’t already have it, we’ll do all the paperwork here. We file it, we send it off. Within 30 to 60 days they have healthcare. If the ACA were not available to them,” Farrell continues, “that would consume about 70% of our budget. With the grant that we applied to the federal government for, we had to apply for treatment (healthcare costs for clients) dollars as well. But now with our current grant, we are able to reduce our budget to just \$125,000. Out of the \$460,000 we spent, probably \$280,000 was just in treatment costs for 50 or 60 clients, for the past 3 or 4 years.”

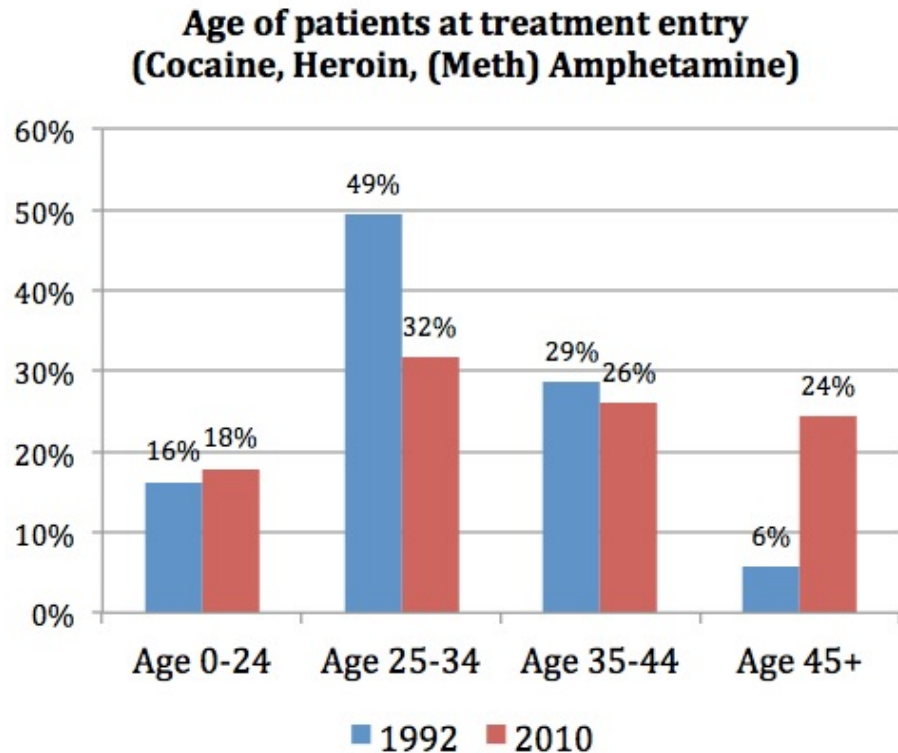
Dependency Court, Adult Drug Court

“We have a Dependency Drug Court and an Adult Drug Court,” explains Farrell. “In the Dependency Drug Court, the goal is to reunite families. For instance, with a juvenile that’s in state custody, our goal is to reunite them (with their parents) at a faster rate and save the taxpayer’s money on state expenses of foster care. So we work with the parents. We provide them with very intense alcohol and drug services, life skills, parenting classes. We put them through a whole barrage of intense treatment services. We help them get their children back and become successful parents. We keep track of them 24-hours a day. We work very closely with law enforcement, we work closely with probation; they’re an important part to our program. They (the clients) see the judge on a weekly basis. They see me almost every day. We get involved in every aspect of their life. They are their under a microscope for the 18-months that they’re with us. We help them, we work to facilitate all their needs, and it works out well.”

The adult program keeps offenders out of the prison or jail system while treating them to become productive members of society. Like all drug courts, the program is intense and demanding. Success

is based on graduation and recidivism rates. The minimum time spent in the adult program is about 18-months, however the average time spent is more like 22-months.

UAs (urinalysis tests) are given randomly, two or three times a week. If a client is a parent, they would also participate in parenting classes as well as mental health evaluations. They must build a certain amount of “clean time” along with hitting certain goals among each phase of the program in order to advance to the next level.



Drug court programs are specific to a particular demographic. A family’s needs are different from an adult offender or a veteran’s.

Veterans have undergone profound challenges within the past decade. A drug court program designed specifically to their needs and issues is necessary to help them recover from their addictions. The demands of two wars burden our veterans with physical, mental and emotional challenges. Unfortunately, Columbia County does not have a veterans drug court, but setting one up is high on Farrell’s list of things he hopes to accomplish.

Farrell acknowledges that many communities have other addiction programs besides drug court. Not being a candidate for a drug court program is no reason not to seek out treatment elsewhere.

A whopping 85% of adult clients leave the program with a full-time job. They’ve secured their own housing and — where it applies — have become successful parents and productive members of their community.

Defense attorneys know that drug court exists and so they will often reach out to them on behalf of their clients. Certainly the DA’s office will pitch drug court in a deal, if applicable.

Farrell spends time each day searching for new, prospective clients on jail and prison rosters and by staying in touch with attorneys. He’s very focused when seeking out new clients.

“I keep a good eye on the jail roster,” contends Farrell. “Most every day, I’m on there (internet jail roster) looking for anyone who may have a substance abuse issue that caused them to commit their crime. We also have someone that goes into the jail every day to interview new arrestees. It’s an option that we tell them about and they’re instructed to speak to their defense attorney about it. Right



Dr. Douglas Marlowe

now we're at our highest level that we've seen. I started this job in '09 and we were sustaining about five clients at that time. Through more grant funding as well as our work with the Oregon Criminal Justice Commission — who by the way have been amazing in helping us — we've been able to increase our clients span. We currently have 23 clients. In four years we've been able to increase it by five-times the amount!" The current limit that Farrell believes he can accommodate, is 25 clients. "When you get to a certain point with too many clients, the program becomes jeopardized. With too many, we just don't have the ability to monitor them individually."

Success Rate

The cost-effective solution, drug court, offers better results because it addresses the core issue of why they were lawless in the first place: addiction. These addicts steal to support their drug habit. Once a client leaves the program, they are a functioning, sober Oregonian. Having been put through an intense array of life skills and drug programs, they're now prepared to integrate back into the community and continue on with their lives.

The graduation rate for the Columbia County program hovers at around 38%; a result Farrell admits to being, "fairly standard across the nation." But it's the recidivism rate he points to that's impressive. While the average U.S. recidivism rate is between 4% and 29%, Columbia County's is zero.

"From the point that this program started (first graduation in 2010) we have not had one graduate re-offend. It works," affirms Farrell. "It's an intense program, it's very hard, very difficult. In our family program, our graduation rate is about 41%. We've had four families who have had their kids removed, so success has been better with the adult side of things. But out of the many families that we've worked with, having only four families lose their children again to DHS is a pretty good success rate."

The statistics relating to client relapses are vague. In the unfortunate instance when a client has resumed using drugs and/or alcohol after they've graduated from the program — but haven't been re-arrested — there are no numbers.

"It's a little harder to track relapses," admits Farrell. "I cannot speculate whether anyone has relapsed or not because we don't have a very strong connection with them after they graduate. They go on and do their thing. It's hard to track them after that. But, I do track them in the criminal justice system to see if they've re-offended."

The difference of what is being accomplished with incarceration versus a drug treatment program is important to note. The more expensive option, incarceration, houses the offender where they usually do nothing more than watch television and lift weights. Once they've served their time, they are released back into the community without having addressed their addiction issues. Statistics show that offenders return right back to the only life they know: drugs, alcohol and robbery. Those who do not participate in the drug court programs are facing a 48% recidivism rate. In many cases, without job prospects or skills, the taxpayer is right back on the hook supplementing their income, rent and grocery bills after their release until an employer can be coaxed into hiring them.

The drug court program is different because it concentrates on preparing offenders for the real world with a whole host of programs that they must pass. Life skills classes, mental counseling, making sure they are producing clean UAs, with a team looking over their shoulders and pushing them to graduate. As anyone may appreciate, it's much easier convincing a prospective employer to hire a person who has just completed an intense, 18-month drug treatment program, then it is hiring someone fresh out of jail having completed no addiction treatment program.

"They must have a job, when they leave here," says Farrell, "that's a requirement. We work with employers who are willing to give them a chance."

Of course it's possible that some inmates may be motivated to attempt jailhouse treatment classes on their own while being incarcerated. This is very rare and they are usually under no obligation to do much of anything for the duration of their sentence. Once they have served their time, they are released back into the community, still carrying the original addiction issues that put them there in the first place.

According to the National Association of Drug Court Professionals (NADCP), drug courts reduce methamphetamine use by more than 50% compared to outpatient treatment alone. Also, family reunification rates are 50% higher for Family Drug Court participants.

Clackamas County Drug Court Judge Robert Selander was a former Curry County Deputy District Attorney. He worked in the trenches during the 70's, prosecuting drug offenders with a vengeance. He was once a strong advocate for locking up drug offenders, but after he saw just how drug courts worked, he reversed his opinion.



Judge Robert Selander