

Appendix B4

County Drug Court Profiles:

**Thurston County Drug Court
Program Profile**

THURSTON COUNTY ADULT DRUG COURT

PROGRAM PROFILE

June 2000

BACKGROUND

Initial planning for a Drug Court Program in Thurston County began in mid-1996 when, in response to growing evidence of the positive impact of drug courts on reducing criminal recidivism and other costs associated with handling drug cases, then Prosecuting Attorney Bernardean Broadous initiated a process to explore and evaluate the potential of a Drug Court Program. Under the leadership of Ms. Broadous Thurston County applied for a Department of Justice/Drug Court Program Office (DOJ/DCPO) planning grant to fund the exploration. Funding was awarded in March 1997 and the development process began.

A Drug Court Planning Committee was immediately formed and began meeting in late March 1997. Members of the committee were chosen to represent the varied interests in the County criminal justice system and to provide a wide range of knowledge and experience related to chemical dependency and criminal justice. The committee received technical assistance from DASA staff, the Northwest High Intensity Drug Trafficking Area (HIDTA) Prevention/Treatment Manager, and a Program Administrator from the State Board of Community and Technical Colleges.

The work of the committee over the next year was facilitated by the majority of members attending several drug court training conferences sponsored by the National Association of Drug Court Professionals and the Drug Courts Program Office. Committee members also examined existing Drug Court Programs in Washington and visited programs in other states. The committee work culminated in a detailed proposal and implementation plan for a Thurston County Drug Court Program and an application to OJP Drug Court Program Office for an implementation grant to support the proposed program. The application was successful and the program was implemented with federal funding in May 1998.

The Thurston County program is a court-supervised, pretrial diversion program that requires regular participation in intensive outpatient treatment, urine testing, and court appearances before the Drug Court Judge. Individuals who elect to enter Drug Court waive their rights to a speedy trial, agree to stipulated facts in the police report and enter a detailed contingency contract with the Court. Upon successful completion of the twelve to eighteen month program the pending charge(s) are dismissed with prejudice. If the individual fails to meet the program requirements, s/he is sentenced on the standing charges.

The concept of accountability is central to the Thurston County Drug Court Program. The expectation and enforcement of participant accountability is reflected in every component of the program from the terms of the contingency contract between the defendant and the Drug Court to treatment contracts that are developed between the defendants and treatment agency staff members.

There has been no formal evaluation of the first year of the program operation. However, the Thurston County Drug Court is included in a statewide Drug Court Program evaluation, conducted by the Alcohol and Drug Abuse Institute at the University of Washington, that is currently in progress. The study is focused on the development and characteristics of the programs in Washington, and the impact these programs have on individuals who participate. This program description is one component of the evaluation study. The information upon which this report is based comes from interviews with Drug Court Team members and treatment providers and review of relevant documents.

DRUG COURT PROGRAM CHARACTERISTICS

Funding Source(s)

The major funding sources for the Thurston County Drug Court include planning and implementation grants from the Department of Justice/Drug Courts Program Office, and funding from the Northwest HIDTA for the Drug Court Administrator and Administrative Assistant positions. In addition, a one time Law Enforcement Block Grant was

used to purchase both the software (CADI) and computers for a Drug Court management information system. Although Thurston County does not yet contribute directly to Drug Court funding, County in-kind contributions supported program planning and implementation. The County continues to provide the part-time services of the Drug Court Judge, Deputy Prosecutor, and Defense Attorney, Court Clerk, Court Reporter, and Correctional Officer at no cost to the program. While the current funding is adequate to support the program at the present size through the end of 2000, there is shared concern among Drug Court Team members about stable and adequate funding at that time. Both State and County funding will be needed to continue the program as it currently exists.

Planning Process

Who were the players?

Planning for the Thurston County Drug Court began in mid-1996 when Bernardean Broadous, then Prosecuting Attorney, initiated a process to evaluate the potential of a drug court in the County. Under her leadership Department of Justice/Drug Court Program Office funding for planning was obtained in March 1997. The Thurston County Drug Court Planning Committee was immediately formed. Committee members were chosen to represent the varied interests in the County criminal justice system and to provide a wide range of knowledge and experience related to chemical dependency and criminal justice. Among the members were Superior Court Judge Richard Strophy, the Prosecuting Attorney and the Chief Deputy Prosecuting Attorney, the Thurston County Clerk, the Director of the Office of Assigned Counsel, the County Chemical Dependency Coordinator, the Superior Court Deputy Administrator, the Director of District Court Probation and Pre-Trial Services, the Chief Deputy Sheriff, the Chief Deputy and the Associate Administrator of Correction, a Thurston County Drug Task Force Lieutenant, and an attorney from the community. Jim Powers, the Chief Deputy Prosecuting Attorney, chaired the committee.

Several of the committee members had been active in the initial planning that culminated in the award of the planning grant. Thus, the formal planning process started with strong working relationships and a shared commitment to the idea of a drug court in Thurston County among the members. DASA staff, the Northwest High Intensity Drug Trafficking Area (HIDTA) Prevention/Treatment Manager, and a Program Administrator provided technical assistance to the committee from the State Board of Community and Technical Colleges.

Program goals and objectives

The overall mission of the Thurston County Drug Court is to provide effective drug treatment to eligible non-violent offenders, thereby reducing crime and improving the quality of life in the community. The purpose of the program is to break the revolving door cycle of drugs and crime by means of an effective drug treatment program that is strictly enforced by the court. The more specific program goals are to:

- Reduce criminal recidivism by providing assessment, education, and treatment to drug-addicted adult felony offenders;
 - Monitor treatment compliance through frequent court contact and supervision, and random urine/breath monitoring;
 - Require strict accountability from program participants and impose immediate and certain sanctions for unacceptable behavior;
 - Reallocate resources to provide an effective alternative to traditional prosecution and incarceration of non-violent felony offenders;
 - Reduce costs within the county and state criminal justice system;
 - Ease overcrowding in the Thurston County Jail;
 - Concentrate available criminal justice resources on more violent offenders.
- (Thurston County Implementation Plan)

Target Population

The priority target population is adults charged solely with felony possession of a controlled substance, possession of a counterfeit controlled substance, or forged prescription who meet the following conditions: no use of a firearm or other deadly weapon at the time of the offense; no history of serious violent or adult sex offenses; and no history of delivery or intent to deliver or manufacture a controlled substance. In September 1998, the target popula-

tion was broadened to include individuals charged with a non-violent, non-drug felony offense (property offenses) in which the offense was motivated by a significant substance abuse problem and who also meet the other criteria specified above. Individuals in this group are considered for drug court if space is available after the priority population is served. More specific eligibility criteria will be discussed later in the report.

Implementation Process

What facilitated implementation?

The thorough nature of the planning process and the detailed implementation plan developed by the Planning Committee provided a clear blueprint for the program that has been useful in implementation. Judge Strophy's membership on the Planning Committee and his assumption of the Drug Court judgeship provided some continuity between the planning efforts and implementation. Although the careful work of the Planning Committee and Judge Strophy's continuous involvement were facilitating factors, none of the other members of the current Drug Court team were involved in the planning effort and the associated training activities. This meant that the team members started without a shared understanding of the program and the experiences of working together that other strong Drug Court Programs have found essential to the development of a Drug Court team. A number of important decisions, including selection and contract development with a treatment provider, were made by the original Planning Committee with no involvement of the team members who have been responsible for actual implementation. In addition, Bernardean Broadous, a key player in the development of the Drug Court Program, was not returned to office in 1999.

There is a widely shared perception among team members that, in this non-traditional program that has the potential to blend the treatment and criminal justice systems and redefine traditional roles and relationships among the key players, they need more opportunity and time to consider their individual and shared expectations of the program, its operation, their roles, and the ways they work together. The present work loads, structure, and funding provide little opportunity for team development and shared consideration of the developmental issues facing the program.

Degree of Implementation

The program in Thurston County, begun in May 1998, is a fully implemented program in that the Court is serving the projected case load of participants. Information from the Drug Court Program Administrator shows the following patterns of participation between May 1998 through June 1999. Of the approximately 448 cases screened by the Drug Court Prosecutor, 393 (81%) met the legal criteria for Drug Court entry. Approximately 44% of those eligible (174 individuals) expressed an interest in the program while 56% choose to remain in the regular court. Those interested were referred to the Program Administrator for screening to determine program suitability, i. e. chemical dependency status, amenability to treatment, psychiatric illness that would interfere chemical dependency treatment. Eighty-five percent (148 individuals) of those referred were found suitable and 129 of the 148 suitable individuals (87%) entered the program. Thus, approximately 33% of all legally eligible individuals have entered the Drug Court program. At the end of June 1999 approximately 78 individuals were enrolled in the program. Thirty-five percent (45) of the 129 individuals who entered had been terminated and 3 had graduated. (These are approximate numbers and should not be interpreted as exact numbers of individuals in any category.) More accurate and complete information about patterns of participation will be more fully explored in the next phase of this study.

From the inception of the program in May 1998 through May 2000 two hundred (200) individuals have been admitted to the program. Forty-nine per-cent (98 individuals) of those admitted have been terminated for various reasons, 12.5% (25 individuals) have graduated, and 38.5% (77 individuals) are still active participants. Thus, the Program has established a 51% retention rate during the first two years of operation.

Program Modifications and Enhancements

For the most part the program has been implemented in accord with the original implementation plan. Early in the implementation process (1 September 1998), the target population was expanded to include individuals charged with a non-violent, non-drug felony offense (property offenses) in which the offense was motivated by a significant substance abuse problem. However, individuals with drug offenses remain the priority population. (The non-drug offense group had been identified in the original implementation plan but consideration of the group was not formalized by the Prosecutor's Office until September 1998.)

A major change occurred in January 1999 when a new treatment provider was selected. A number of contract compliance problems developed with the original treatment agency, Behavioral Health Resources (BHR), and the contract was not renewed in December, 1998. A new RFI for treatment services was issued and Providence St. Peter Chemical Dependency Center (SPCDC) was selected from several applicants. SPCDC began providing treatment services on 1 January 1999 with approximately 45 active participants who were transferred from the original contractor. Although the overall structure and participation requirements did not change, several aspects did change that made the transition difficult for some participants. Procedures related to urine testing became more stringent and were consistently enforced. SPCDC had staff dedicated to the Drug Court Program, which provided a different level of staff-participant interaction and different expectations for treatment engagement and participation. Finally, all aspects of treatment participation were monitored more closely and problems were reported immediately to the Court. Thus, the overall effect of the change was that participation expectations and requirements were tightened, and surveillance and communication with the Court increased.

These cumulative changes have surfaced as an issue that is now facing the Drug Court team: the consistent and timely use of sanctions and, ultimately, the criteria for termination from Drug Court. This is a developmental issue faced at some point by most Drug Court Programs and, as in other Courts, there are a number of different opinions about these issues among Thurston County team members. If/As the team works to develop a shared understanding and common approach to the question of sanctions and termination there may be further modifications in the program. The use of sanctions will be more fully discussed later in the report.

In the summer of 1999 the Program was modified to include 6 beds for Drug Court participants in an existing Thurston County jail based chemical dependency program run by SPCDC. The program offers a 70-day treatment program consistent with the Drug Court intensive outpatient treatment in the jail setting. Thus, drug court participants who are sanctioned to the jail treatment program remain in treatment while serving the sanction. This modification makes it easier for Drug Court participants to access jail-based treatment and provides another option to the Drug Court to facilitate program completion. The jail program is also used as a residential treatment program and provides an alternative to ADATSA funded inpatient treatment for participants who need residential treatment under ASAM placement criteria.

In the Spring of 2000 the number of participants wishing to enter the Drug Court Program began to exceed the number that could be supported by the program resources. As a result a waiting list for entry began to develop. To address this situation the Program developed a Drug Court Waiting List Contract in which the Court and the defendant enter the following agreement. The defendant agrees to: 1) enter an existing diversion program and to meet all of the requirements of that program; 2) random, monitored urinalysis at least weekly; 3) attend a minimum of three NA/AA meeting weekly and submit proof of attendance; 4) report to the diversion program and pay the required monitoring fees; 5) commit no additional criminal law violations; and 6) accept the first available opening into the Drug Court Program. If any of these conditions are violated the individual is terminated from the diversion program and removed from the Drug Court waiting list.

(Thurston County DOJ Categorical Assistance Progress Report, June 2000)

The expansion of linkages between law enforcement agencies and the Drug Court Program is another program modification/enhancement undertaken by the Thurston County. In late 1999 the Drug Court began working closely with the Thurston County Sheriff's Office to involve a law enforcement officer as a liaison to the Program. DC participants who live within the County jurisdiction are assigned to the Liaison Officer, a Deputy Sheriff, who makes a monthly home visit on a random basis and submits a brief report to the Court on the visit. Both the Drug Court and the Sheriff's Office found this a useful addition to the Drug Court.

In the first six months of 2000 linkages between the Program and the Olympia Police Department has been a focus of attention. The Police Chief and the Drug Court Judge attended a Drug Court training conference on creating DC/Law Enforcement linkages that led to a two-day training session for all Olympia Police Officers to introduce them to the Drug Court Program and ways they might be involved. The Program and the Police Department are in the process of implementing the monthly home visit and Court reporting program that the Program has with the Thurston County Sheriff's Office.

(Thurston County DOJ Categorical Assistance Progress Report, June 2000)

Organization

Frequency of Court

The Drug Court meets twice weekly for one-half day. The Drug Court team meets before the court session to review the cases that will be heard. In addition to the written reports provided by SPCDC, the counselors from SPCDC attend the team meetings and Court sessions and provide clinical input and recommendations.

Team Members/Key Players

Members of the Drug Court team include the Judge, a Deputy Prosecutor, an attorney from the Office of Assigned Council (OAC) who are permanently assigned to the Drug Court on a part-time basis, a Deputy Clerk permanently assigned for 10 hours weekly, a full time Program Administrator who is employed by the Court, and a Drug Court Program assistant. These roles are similar to those in other Drug Court Programs in the State and will be discussed only briefly.

The Judge is seen as the ultimate manager and supervisor of all aspects of the program. While other team members have important input and shared decision making is a goal, final authority for Drug Court admission rests with the Judge and he is responsible for determining successful completion, imposing sanctions, and termination decisions. Judge Strophy, the current judge has served for the first two years and may be replaced by a Judge who now serves as back-up replacing him during necessary absences. After the second year, the back-up Judge may replace Judge Strophy who would then act as back-up for two years. A Deputy Clerk who manages the Court schedule and provides support services assists the Judge. The Judge carries a full judicial caseload in addition to his Drug Court responsibilities.

The Deputy Prosecuting Attorney is the gatekeeper to the Drug Court. In this role he screens all drug possession and forged prescription cases for eligibility and refers eligible individuals to Drug Court. In addition, when non-violent, non-drug offenders whose crime was addiction driven are recommended to Drug Court by the Office of Assigned Council, the Drug Court Prosecuting Attorney screens the cases for eligibility before they are referred to Drug Court. As a member of the Drug Court team, he attends court sessions and provides input on the use of sanctions and termination decisions. Finally, the Prosecuting Attorney is expected to work with law enforcement to expedite the execution of bench warrants on Drug Court participants. In addition to the Drug Court responsibilities, he carries a full felony caseload in the Prosecutors Office.

The attorney from OAC, known in most Courts as the Public Defender, plays a major role in informing all potential participants of the Drug Court option and providing initial information about the program. Non-drug offenders who may be eligible rely on OAC attorney for referral to the Drug Court Prosecutor who will determine eligibility and make the referral to Drug Court. Should a potential Drug Court defendant have a private attorney, the OCA attorney is the liaison between the private attorney and the Drug Court Program. He, like other members of the Drug Court team, attends all Drug Court sessions and provides input about sanctions and other decisions that impact the progress of individuals through the Drug Court. Like the Drug Court Prosecutor, he also carries a non-drug court caseload.

The Program Administrator, a full time position, is responsible for the overall administration and coordination, and day-to-day management of the program. Her administrative responsibilities include: the management of the program data systems; community education and liaison activities; linkages with law enforcement agencies, other court jurisdictions, and the treatment agency; and budget management and grant writing. In addition, she plays an active role with program participants. Unlike other programs in the State, the Program Administrator is responsible for an initial screening of all legally eligible individuals who, after the first Drug Court appearance, are willing to consider the program. In an initial interview, a needs assessment and a SASSI-3 (Substance Abuse Subtle Screen Inventory) are done to assess the individuals suitability to enter the program. Individuals who do not have a serious dependency problem, those who are not amenable to treatment, and those who have mental health needs that exceed the resources of the program are not considered suitable.

Early in 2000 the Program received funding for a full-time Drug Court Program assistant. This new staff member provides support to the Program Administrator, coordinates linkages with law enforcement officers in the local agencies, coordinates community services programs, and does the judicial case management of program

participants. In addition, the program assistant works with the treatment agency to assist participants with access to ancillary community services, and manages and maintains the drug court data system. This position has been very useful in facilitating many aspects of the work of the Drug Court Program.

The Thurston County Drug Court Program also has an Executive Committee that is responsible for reviewing and approving changes in programmatic policy, such as eligibility requirements, stipulations and agreements required for program participation, treatment program components, and graduation and termination requirements. . The Committee also has an oversight function including review of expenditures, funding proposals, and enrollment levels. Members include current Drug Court team members, and representatives from the following county offices: Thurston County Sheriff; County Corrections; Probation and Pretrial Services; Prosecutor; Assigned Council; County Clerk; Narcotics Task Force; and Public Health. In addition a representative from SPCDC, an attorney practicing in the community, and a County Commissioner are members of the Committee. Many members of the Executive Committee were also members of the original Drug Court Planning Committee.

Who are the treatment providers?

The Thurston County program contracts with a single treatment provider, SPCDC, to provide the intensive outpatient treatment that is the core of the treatment program. Although SPCDC offers a full continuum of treatment services including medical detoxification, inpatient rehabilitation, and day treatment, in addition to a range of outpatient programs, the Drug Court treatment contract is limited to a prescribed intensive outpatient program. While the Drug Court recognizes that inpatient treatment may be necessary, Drug Court treatment funds are not available for residential treatment. When inpatient treatment is indicated, ADATSA or other funding is sought to provide the necessary resource. SPCDC, as the sole provider of ADATSA assessment, case management and outpatient services in Thurston County, is in a key position to facilitate access to ADATSA resources for Drug Court participants who meet eligibility requirements. The scope of treatment services and use of other agencies for ancillary services will be discussed more fully in a later section of the report.

Participant Movement Through Drug Court Program

Criteria for Drug Court Admission

Two groups of offenders are considered legally eligible for Drug Court admission. The group with highest admission priority includes individuals who are charged solely with felony possession of a controlled or counterfeit controlled substance or forged prescription, whose offense did not involve the use of a firearm or other deadly weapon and who have no history of a serious violent offense (as defined in RCW 9.94A.030(31) and RCW 9.94A/030(38)) or an adult sex offense (as defined in RCW 9.94A.030(33)) ; or history of delivery or intent to deliver or manufacture of a controlled substance.

The second group, admitted on a space available basis, includes individuals charged with any of the following offenses: theft in the first or second degree; possession of stolen property in the first or second degree; forgery; unlawful issuance of bank checks; trafficking in stolen property in the second degree; and taking a motor vehicle without owner's permission, who meet the following criteria in addition to those of no previous history of violent, sex, or delivery, intent to deliver or manufacture offenses.

- No pending, non-eligible offenses that would result in a prison term if convicted.
- Able to pay restitution in full within the time frame of the Program.
- Evidence of a significant drug abuse problem evidenced by treatment records, drug convictions, medical records, or other reliable evidence.
- A reasonable and rational nexus between the alleged offense and the drug abuse problem.

Early in 2000 the space available restriction was abolished and individuals with the above offenses were considered for program admission on the same basis as individuals charged solely with possession or prescription forgery.

Individuals in both groups who meet the legal criteria must also agree to the following terms of a written contract as a condition of entry into the Drug Court Program.

- Satisfactory completion of an evaluation by the treatment provider for the development of a treatment plan.

- Completion of all required Program services as ordered and to the satisfaction of the court and the treatment provider.
- To abide by all the rules and regulations ordered by the Court as well as the condition as and requirements of the treatment provider.
- No use or possession of alcohol or controlled substances or association with any person using or possessing alcohol or control substance.
- To request that any prescribed medication be non-narcotic and to seek approval from the Court or treatment provider for any use of over the counter or prescribed medication prior to using such medication.
- Submission to witnessed urinalysis or breathalyzer testing as required by the Court or treatment agency.
- Keep the Court and treatment agency advised of address and place of employment at all times during the program, including written notice of any changes within 72 hours of the change.
- Appear at all Court hearings pursuant to proper notice of date and time of hearings.
- Obey all laws while participating in the program.
- Sign all releases of confidentiality necessary to facilitate treatment, including those necessary to allow the Court complete access to diagnostic and treatment information, medication, mental health and other counseling records.
- Make weekly payments as specified toward the cost of treatment.
- Make monthly payments set by the Court for representation if determined to be able to do so, and if at any time represented by a staff attorney appointed by the Thurston County Office of Assigned Counsel while participating in the Drug Court Program.
- Pay full restitution to the victim, if it is owned, as a condition of graduation
- The Drug Court Judge will decide when the defendant has met the graduation requirement and will determine when termination from the Program will occur.
- If defendant leaves the Program within the first two weeks after signing the Drug Court Contract, the contract is null and void, and the defendant will resume prosecution under the pending charges. Without such withdrawal, the defendant must remain in the Program until graduation unless the Court terminates participation. If the defendant willfully violates the contract within the two-week withdrawal period, s/he may be terminated by the Court.
- Failure to abide by any Program rule and all terms of the contract will be subject to Court ordered sanctions including work release, jail time, day jail, day reporting, increased treatment requirements, or any other sanction up to and including termination from the program.
- If terminated, guilt on the pending charges will be determined solely upon the existing evidence that constituted the basis for prosecution of the pending charges. Defendant stipulates that the existing evidence is sufficient for the Court to find him/her guilty of the pending charges.
- Agreement to waive the following:
 - Right to challenge the legality of any investigative or custodial detention;
 - Right to challenge the legality of any search or seizure, sufficiency of Miranda warning, or voluntary nature of statements made about evidence that is part of the basis for prosecution;
- Any statement made by the defendant related to the purpose of the program may not be used against the defendant in a subsequent adversarial proceeding, but may be used by the Drug Court Judge to evaluation participation or as the basis for imposition of sanctions. (Unsolicited statements in open court or in treatment about criminal activity other than the Drug Court offense are not protected communication.)
- Upon graduation from the Drug Court Program, the pending charge(s) will be dismissed with prejudice and cannot be prosecuted in the future.
- Agreement to waive the following rights:
 - Right to a speedy trial;
 - Right to a public, jury trial;
 - Right to hear and question any witnesses testifying against defendant;
 - Right to have witnesses testify for the defense;
 - Right to testify.

(See the four-page Drug Court Contract for the more specific legal statement of contract terms.)

(Thurston County Superior Court Drug Court Contract)

How/When is the decision made to offer Drug Court option?

The decision to offer Drug Court is a multi-stepped process that differs depending on whether a drug or non-drug offense is being considered. Individuals arrested on felony drug charges are given an informational pamphlet about Drug Court by Court or jail personnel and given a notice to appear at the first Drug Court held 72 hours after the arrest. During the 72 hours the charging decision made by the Prosecutors Office determines the next steps. If no charges are filed, the individual is released with no further requirements to appear. If a charge is filed that makes the defendant ineligible for Drug Court, or if review by the Drug Court Prosecutor finds that the individual fails to meet the other legal criteria, s/he is arraigned by the Drug Court Judge without discussion of the Drug Court option and the process of traditional prosecution occurs. The Program Administrator and Defense Attorney during arraignment in Drug Court present individuals who are legally eligible.

The defendant can either reject the program at that time or decide to seek admission. An opt-out decision is final without the possibility for reconsideration. If the individual decides to consider Drug Court participation, a second appearance the following week is scheduled. Prior to the second appearance, the Drug Court Administrator does a screening interview to determine suitability for the program. At the second hearing, the defendant may again decide to opt-out or may be found not suitable for admission. If s/he remains interested in the program, the Judge makes a decision about admission based on the results of the suitability evaluation. Final admission is contingent on the defendant's willingness to sign the program contract outlined in the previous section. At the end of the second appearance individuals who remain interested in Drug Court are scheduled for an intake/assessment appointment at SPCDC. A third court appearance is scheduled for the following week for the first court review.

Individuals arrested for non-drug charges are not scheduled into the Drug Court for arraignment. Charging decisions are made by the Office of the Prosecuting Attorney and, if the case is to be considered for Drug Court, the defendant's attorney must request consideration by the Drug Court Prosecutor at least a week prior to the first scheduled pre-trial hearing on the case. Upon request, the Drug Court Prosecutor determines the defendant's legal eligibility and refers eligible defendants to the Program Administrator for suitability screening. From that point the admission decision process is the same for both groups.

What information about Drug Court is the Defendant provided?

The initial information is a pamphlet that briefly describes the benefits and requirements of the program that is given to individuals arrested for drug felonies. Potential participants are given further information about the program by the attorney from OAC, the Program Administrator, and the Judge at the first Drug Court appearance. The serious commitment to treatment required for successful participation is emphasized. Individuals who decide to consider the option are given a more in-depth description of the program by the Program Administrator during the screening interview. The goal at this stage of the process is to provide enough information so that the defendant understands the commitment to treatment that is entailed in a decision to participate and can make an informed decision about participation. Finally, individuals who enter the program sign the Drug Court Contract in Court, and receive a detailed Handbook that includes treatment expectations, sanctions, and graduation requirements.

Evaluation for treatment

Unlike other programs in the State where the initial suitability evaluation is done by the treatment agency or a Drug Court Case Manager, the first screening in Thurston County is done by the Program Administrator. Defendants who remain interested in the program after the first Drug Court appearance are seen by the Program Administrator who does a needs assessment, the SASSI-3 (Substance Abuse Subtle Screen Inventory), and a more subjective assessment of treatment motivation or amenability. Individuals who are not chemically dependant, those whose mental health needs exceed program resources, and those who are not amenable to treatment are not considered suitable for the program. Based on data from the interview the Program Administrator makes a recommendation to the Drug Court Judge. If the Drug Court option is accepted during the second Court appearance, the individual is referred to the treatment agency for intake and clinical assessment.

The treatment provider assessment process includes the following assessment/evaluation instruments: the DASA TARGET data elements and Assessment and Admission set; and the ADATSA Adult Assessment, Dimension 1. In addition the following forms are including in the assessment process: a pre-admission registration form; the SPCDC Drug Court Participant Contract; alcohol and drug abuse records confidentiality, patient's rights form; co-payment agreement in which the participant agrees to pay \$15.00 per week; Drug Court medication policy; consent to assessment/treatment; authorization to render services; authorization to release information to the criminal justice system; family program release form; property destruction by patients form; and, finally, a tobacco policy form.

When does the defendant actually become a Drug Court Participant?

Individuals formally enter Drug Court at the second Drug Court hearing when the decision is made by both the defendant and the Judge. At that time the individual signs the Drug Court contract in which s/he agrees to treatment requirements, stipulates to the facts contained in the police report, waives rights to a speedy trial, and acknowledges an understanding of all of the conditions and consequences of participation.

Consequences of non-completion

Termination from the program is the most severe response to non-compliance, and usually occurs only after all other interventions have been exhausted. The decision to terminate is made by the Judge although the participant may ask to leave the program, or may drop out without notification. If participants fail to appear they are placed on bench warrant status. In any case, the consequences of non-completion are that the individual is sentenced by the Drug Court Judge to the sentence appropriate to the original charge(s). Although all members of the Drug Court team provide input about the participant's compliance with the program and can recommend program termination, the final decision about termination and retention remains with the Judge.

Court/Participant Interaction

With whom? How often?

Upon entry into the Drug Court Program the participant's primary interaction with the Court is with the Judge and the Program Administrator. Most of the other participant/program interactions are with the treatment agency staff. Interaction with the Judge occurs during court sessions with the frequency determined by the individual's phase in treatment, compliance with program requirements, and general progress in meeting the goals of the Drug Court Program. Interaction with the Program Administrator is on an as needed basis as she monitors the participant's progress through the program.

During Phase 1, a period of three to four months, the participant appears before the Judge every week. In these court sessions the Judge asks about treatment participation, actively reinforces expectations, and may impose other requirements or sanctions to encourage better compliance. The Judge takes a very active role with the participant during this period. In Phase II, a period of five to eight months, the Court appearances are decreased to twice monthly, and, in Phase III, a period of 4-6 months, appearances are scheduled on a monthly basis. These are the minimum number of court appearances in each phase and contacts may be increased if the participant is not doing well in the program. During all phases of the program the Judge continues to play an important role with participants in making expectations clear, and encouraging compliance with sanctions and incentives.

In addition to the Judge, the Program Administrator maintains a role with participants. She follows up with individuals who are not meeting program requirements and provides information to the Drug Court team about how participants are integrating Drug Court expectations into their daily lives.

Monitoring Participant Compliance

The Court has a primary role in monitoring compliance with all aspects of the treatment program and in responding consistently and quickly to incidents of non-compliance. Aspects of treatment that are monitored include abstinence from substance use, participation in Twelve Step programs, and court-ordered treatment activities. The Court relies strongly on the treatment agency for the information necessary to monitor compliance.

Substance Use

Court ordered urine and breath testing, done by SPCDC, is used to monitor substance use. Frequency of testing depends on program phase and may be increased regardless of phase requirements if results are positive. All tests are on a random basis. Participants in Phase 1 are tested three times weekly. In Phase II, testing occurs twice weekly. And in Phase III testing is on a weekly basis. Although these are the standard test frequencies, individual UA requirements can vary based on treatment progress, drug of choice, and overall compliance. Breath analysis may also be used as needed by the counseling staff at the treatment agency to determine the use of alcohol.

Positive finding and failure to comply with testing are reported immediately to the Program Administrator and is documented in the progress report. The information is shared with the Drug Court team at Court session. Although team members are involved in recommendations about what actions should be taken in response to positive tests or non-compliance, the final decision rests with the Drug Court Judge. Sanctions are a predictable response to positive findings. Sanctions are discussed later in the report.

Treatment Participation

Participants are required to attend community based recovery support meetings (NA/AA) 4 times a week throughout their participation in the Drug Court Program. Each participant has an attendance record sheet that must be signed at the meeting and presented at each Drug Court review hearing. Continued failure to participate in recovery support activities leads to the imposition of sanctions.

Participation in intensive outpatient treatment activities, including Moral Reconciliation Therapy (MRT), group therapy, individual counseling, and substance abuse education, is required at specific frequencies depending on program phase. Participation is monitored by the treatment agency and reported to the Drug Court team and Program Administrator. Individuals who fail to meet treatment expectations may be scheduled for more frequent court appearances and may receive a range of sanctions. The specific requirements of each program phase will be discussed in a later section.

In summary, the responsibility for monitoring participant behavior in relation to Drug Court Program requirements is shared between the treatment provider and the Court. While members of the Drug Court team have input into the response to non-compliant behavior, the Judge has the final responsibility for the judicial response to individuals who do not meet the requirements.

Sanctions

Sanctions are used to emphasize and enforce participant accountability to meet the strict expectations and requirements of the program, and to provide more structure and support when it is needed. Sanctions include but are not limited to:

- Sitting in the Jury Box during Drug Court hearings to observe Court proceedings.
- Explaining actions/behaviors to peers during the Drug Court hearing.
- Writing an essay on non-compliance actions/behaviors and reading the essay to peers at the next Drug Court hearing.
- Increased frequency of Court reviews/appearances.
- Increased number of individual and/or group counseling sessions.
- Increased frequency of urinalysis/breathalyzer testing.
- Increased attendance at recovery support meetings.
- Community-based public service hours.
- Participation in volunteer services for a designated period of time.
- Increased time in a treatment phase.
- Return to an earlier phase of treatment.
- Day reporting for a specified period of time.
- Participation in the day jail program and/or the jail work release program.

- Electronic Home Monitoring for a specified period of time.
- Incarceration in Thurston County Jail for a specific period of time.
- Incarceration in the Thurston County Jail Chemical Dependency Program
- Complete a community-based, inpatient program.
- Termination from the Drug Court Program.

During the first 18 months of the Program the use of sanctions became an issue for the Thurston County Drug Court team. While there was agreement among team members that sanctions had an important role in the program and that imposition should be swift and timely to be effective, there was less agreement about how and when sanctions should be applied. There was concern and diversity of opinion among team members about the consistency with which sanctions were imposed, and extent to which decisions were based on behavior vs. the disappointment members of the team experienced in relation to the behavior.

The tension around sanctions extended to the question of when participants should be terminated from the program. Some team members felt that participants were allowed to remain in the program long after they have demonstrated their inability or unwillingness to comply, thus limiting the ability of the program to offer the Drug Court option to other offenders who might be able to benefit. Other worried about intolerance of relapses that are inherent in addiction, and were concerned that the program may become punitive toward the very behavior it is designed to treat.

These are important development issues faced by every Drug Court Program. In some programs the Drug Court team were able to address the issues together as a part of the planning and development process. Because none of the team members, with the exception of the Judge, were part of the planning process, the Thurston County team did not have this opportunity. Resolution of these important issues require open discussion among the team members, and the time to work together in a thoughtful and reflective manner to address their diverse opinions and identify an approach that will be most effective to promote the goals of the program.

During the first six months of 2000, under the direction of the Drug Court team, the Program Administrator, and the Program Assistant worked with the Treatment agency to revise the way graduated sanctions that had been used during the first 18 months of the program. The principle (reached by consensus among the Drug Court Team) that guided the revised approach was that participants in later phases of the program should be held to a higher standard of accountability. Thus, rather than graduated sanctions that were applicable regardless of program phase, a schedule of sanctions specific to each phase was developed (Thurston County DOJ Categorical Assistance Progress Report, June 2000). Embodied in this modification is the clear expectation that sanctions will be consistently applied. The ability to resolve these important issues speaks well to the development and maturity of the Thurston County Drug Court Team.

Incentives

Incentives are used to recognize, encourage and reward participation and progress. The incentives used in the Thurston County Court include: reducing the frequency of court hearings; advancing in program phases; reducing frequency of testing; easing travel restrictions; and calling a participant earlier in a court session. Certificates of achievement with inspirational poems inside, 12-Step coins, and certificates for bags of bagels are also used to recognize progress. Other, less tangible, incentives include public recognition of participant progress during court sessions and acknowledging to the participant and the entire court the participant's hard work and accomplishments. The ultimate incentive is graduation and dismissal of the pending charge(s).

Graduation

To graduate the participant must successfully complete the Drug Court Program and meet the following requirements.

- Six-month period of abstinence demonstrated by urinalysis/breathalyzer results.
- Full payment of any victim restitution.
- Full payment of all program fees.
- Three continuous months of full-time employment, full-time school attendance, or a combination of work and

school, or

- Three continuous months of full time homemaker with care of children, or part-time work or school with homemaker responsibilities.
- Completion of a GED or High School Diploma.

Graduation is subject to approval by the Drug Court Judge. Successful completion is acknowledged by a graduation ceremony in which the individual's progress and accomplishments, as well as plans to support continued recovery are reviewed. Participants are encouraged to bring friends and family members to graduation. Charges for the offense that led to admission to Drug Court are dismissed with prejudice at that time.

The Drug Court Program supported the development of a Drug Court Alumni Association shortly after the first graduation and has continued to foster the growth of the Association. The primary purposes of the Association is to provide graduates with an additional support system in the community and to inform and education the community about the Drug Court Program specifically and about addiction and treatment in general. The Association meets twice monthly and is staffed by the Drug Court Program Administrator.

Beginning in early 2000 the Program Administrator started conducting exit interviews with graduates of the program. Graduates are asked to complete the Participant Perspectives Survey designed by American University and to provide feedback about aspects of the program that were useful to them and those that they would change. The Drug Court team plans to use information from the exit interviews to continue to evaluate and refine the program. (Thurston County DOJ Categorical Assistance Progress Report, June 2000).

TREATMENT PROGRAM CHARACTERISTICS

Number of Provider Agencies

As previously discussed, the Thurston County program contracts with one treatment agency, Providence St. Peter Chemical Dependency Center (SPCDC) to provide the intensive outpatient treatment required by the program. Although SPCDC offers a full continuum of treatment services including medical detoxification, inpatient rehabilitation, and day treatment in addition to a range of outpatient programs, the Drug Court treatment contract funds are limited to a prescribed intensive outpatient program. While the Drug Court recognizes that inpatient treatment may be necessary, Drug Court funds are not available for residential treatment. If inpatient treatment is necessary, ADATSA funding is sought to provide the necessary resource. The Thurston County Jail Chemical Dependency Program is also used to provide inpatient treatment. SPCDC, as the sole provider of ADATSA assessment, case management and outpatient services in Thurston County, is in a key position to facilitate access to ADATSA resources for inpatient treatment for Drug Court participants who meet ADATSA eligibility requirements.

Funding

The intensive outpatient services that are the core of the treatment program are funded by the implementation grant from the DOJ/Drug Court Program Office. ADATSA funds are sought for participants who need residential treatment. Unlike other Drug Court Programs in the State, the Thurston County program does not use other State or County funds such as TANF, Work First, or ADATSA to pay for outpatient treatment. (Individuals who are in programs such as TANF and Work First do participate in Drug Court with treatment costs paid by the Drug Court Program. TANF does, however, pay the co-pay fee for those enrolled in this program.) All participants are expected to pay a weekly \$15.00 treatment fee that is collected by SPCDC.

(Thurston County DOJ Categorical Assistance Progress Report, June 2000)

Overall Treatment Services

An array of treatment services are contained within the intensive outpatient treatment program provided for Drug Court clients by SPCDC. These include Moral Reconciliation Therapy (MRT), individual and group counseling, substance abuse education, relapse prevention, and case management. In addition to the outpatient services, SPCDC does the ADATSA assessment and facilitates residential treatment for Drug Court participants who require these services. Case management activities include referral to and support for engagement in community-based recovery support groups, employment, education, and job training activities; and to agencies in the community that

assist with housing, mental health, education, vocational, health services, and child care needs. SPCDC also provides treatment to participants who are in the Thurston County Jail Chemical Dependency Program. This is a jail based treatment program based on MRT operated by SPCDC that has six beds dedicated to Drug Court participants.

Although inpatient treatment is not often used in the Thurston County Drug Court Program, referrals to residential treatment are made when participants have clearly demonstrated their inability to meet the outpatient treatment requirements, and the Drug Court team decides that residential treatment is an appropriate alternative to termination from the program. In these cases, ADATSA funding is sought for individuals who qualify. A second alternative for residential treatment is admission to the jail based Chemical Dependency Program provided by SPCDC in the Thurston County jail. Using these two alternatives, the Program has been able to provide residential treatment for all participants who have needed it as an alternative to termination from the program.

Treatment Program

The treatment program was designed within the program structure specified by the Thurston County Drug Court. This structure and related program requirements are based on recommendations and standards from the Center for Substance Abuse Treatment, US Department of Health and Human Services (1996), and the National Association of Drug Court Professionals (1997), and are common to Drug Court Programs across the country.

Treatment is expected to last between 12 and 18 months and is divided into three clearly defined phases. Although there is an anticipated time for each phase, the time any participant spends in a phase is determined by the Judge with input from the Drug Court team. Many of the required treatment components are consistent across all program phases and vary in frequency, and, of course, specific content. The consistent components include MRT, group and individual counseling, substance abuse education, and urinalysis. Treatment activities are scheduled 6 days a week with the substance abuse education classes offered on Saturday.

The case management activities of referral to community agencies for assistance with employment, education, vocational training, housing, and psychiatric and other health care needs are a consistent part of treatment during all phases. Participation in community based recovery support groups is an important component of the required treatment program. The counselors at SPCDC support participation in the recovery support groups. In addition to treatment activities, an educational program is offered for participants' family members and significant others.

Moral Recognition Therapy (MRT), the base of the treatment program at SPCDC, is a systematic, step-by-step, cognitive-behavioral program designed to enhance ego, social, moral and behavioral growth among participants. Initially developed in 1985 in prison treatment programs in Tennessee, MRT has been further developed and refined and is now widely used in drug treatment programs with incarcerated populations and offenders in the community (Little, et. al., 1996). Counselors trained in MRT work with groups of up to 12 participants to examine and change how they make judgments and decisions in their lives. The approach is entirely cognitive and manuals and workbooks, paid for by the participants, are used to help them confront their beliefs, attitudes, and behavior, assess their relationships, decrease hedonism and develop frustration tolerance, and develop higher stages of moral reasons and decision making. Other components of the treatment program, including the group and individual counseling sessions, are focused on the less cognitive aspects of treatment.

The Drug Court treatment program is separate from the other programs offered by SPCDC. The staff members assigned to the Drug Court Program work only with the Drug Court participants. The staff includes 2.5 counselors and a full time staff assistant who coordinates the urine testing, tracks participants, prepares reports for the Court, and provides general administrative support for the program. This staff position is considered essential to the effective and efficient functioning of the program. Two counselors share the MRT groups and other Phase I and II services, while the other is responsible for Phase III services. The counselors share responsibility for case management and referral to ancillary services in the community.

The purpose of Phase 1, ORIENTATION/ASSESSMENT-DETOX AND STABILIZATION, that lasts approximately three months, is to provide an orientation to stabilize the participant and provide an orientation to treatment. A multi-dimensional assessment is done using TARGET, and the ASAM Patient Placement Criteria. Assessment of any special needs the participant may have including physical or psychiatric problems, learning disabilities, an

abuse history as either victim or perpetrator, etc. is also done. Using this information an individualized treatment plan is developed and updated every 60 days. Specific requirements of Phase I include:

- MRT: 1 time weekly, 1.5 hours per session
- Individual Counseling: 1 time weekly, 1 hour per session
- Group Counseling: 1 time weekly, 1.5 hours per session
- Substance Abuse Education: 1 time weekly, 1 hour per class
- Recovery Support Groups: 4 per week
- Drug Court hearing: 1 per week or as determined by the Judge
- Urine testing: 3 times weekly

Phase II, INTENSIVE COUNSELING/THERAPY, lasts from 5-8 months and is focused on specific problem areas and program tracks such as parenting, experiences with violence as either victim or perpetrator, anger management, etc. As in Phase I, the case management activities of referral to appropriate agencies for employment, vocational training, and housing continue. The requirements of Phase II include:

- MRT: 1 time weekly, 1.5 hours per session
- Individual Counseling: 2 times monthly, 1 hour per session
- Group Counseling: 1 time weekly, 1.5 hours per session
- Substance Abuse Education: 2 times monthly, 1 hour per class
- Recovery Support Groups: 4 per week
- Drug Court hearing: 2 per month or as determined by the Judge
- Urine testing: 2 times weekly
- Referral to one or more ancillary services as determined by the treatment plan with input from the Drug Court Administrator and other Drug Court team member.
- Participation in vocational/education training and employment services is determined by the treatment plan.

Phase III, REFERRAL AND MONITORING, lasts from 4-6 months, and is focused on relapse prevention, social living skills, vocation, education, and employment needs. Recovery opportunities through a variety of structure experiences are provided. The requirements of Phase III include:

- MRT: incorporated into individual and group sessions
- Individual Counseling: 1 per month, 1 hour per session
- Group Counseling: 2 time monthly, 1.5 hours per session
- Recovery Support Groups: 4 per week
- Drug Court hearing: 1 per month or as determined by the Judge
- Urine testing: 1 time weekly
- Participation in vocational/education training and employment services as determined by the treatment plan.
- Relapse Prevention sessions: 2 times monthly, 1.5 hours per session.

In all phases of the program the counselors are responsible for bringing timely, accurate, and detailed reports about participants progress and problems to the Drug Court Team prior to each Court session.

Length of Treatment Program

The standard length of Drug Court Program is approximately 1 year. However, the time required to complete the program varies among programs and is influenced by a number of factors including the tolerance of a specific Judge and Drug Court team to relapse, and the requirements for graduation or termination. The Thurston County program is designed as a 12-18 month program. Participants must complete within an 18 month period. The average length of time various groups of participants spend in the Drug Court Program will be examined later in the ADAI study.

Treatment Reporting

The Thurston County program has implemented the CADI management information system that has the potential to create an integrated Drug Court database and to link all members of the Drug Court team. Implementation has been slower than anticipated as the program has worked to adapt the standard CADI system to their specific needs. The delays and problems with implementation of the CADI system has meant that the computerized information available on Drug Court participants is fragmented and resides in several different data systems. The Program Administrator keeps the most complete participant files in paper chart format. The addition of a full-time Program Assistant has significantly strengthened the ability of the Program to develop and manage their data system. Although CADI is still not fully implemented the Thurston County Program is using both CADI and other approaches to data management that has allowed them to automate and consolidate data from the Drug Court and retrieve it in ways that are much more integrated and efficient.

All treatment data including the results of urine testing are recorded on the SPCDC MIS system. Until July 2000 outpatient treatment data were not entered into TARGET since state funding is not used for treatment. Prior to this time SPCDC kept TARGET data in paper form but did not enter it. Treatment information provided to the Drug Court by the counselors is hard copy. With the July 2000 contract the treatment agency will enter all active participants into TARGET including treatment data from the time the participant entered the treatment.

Characteristics of Treatment Program

The treatment program has been described in detail in the previous section.

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Updated June/July 2000 Final input from El Goodman August 2000

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