

## **Appendix B6**

### **County Drug Court Profiles:**

### **Kitsap County Drug Court Program Profile**

# KITSAP COUNTY ADULT DRUG COURT

## PROGRAM PROFILE

March 2000

### BACKGROUND

The Kitsap County Drug Court program (hereafter referred to as the "Drug Court") has been in operation since February of 1999. A Drug Court Planning Grant from the Office of Justice Programs/Department of Justice (OJP/DOJ), awarded in 1996, funded the early development and implementation of the program. Eligible defendants who choose to enter the program waive their right to a speedy trial and trial by jury, stipulate to the facts in the police report from the time of their arrest and agree to complete a rigorous program of treatment and court monitoring for approximately one year. If participants successfully complete the Drug Court program, their charges are dismissed with prejudice. If participants fail to meet the program requirements, they are subject to a bench trial based solely on the stipulated facts contained in the police report from the time of their arrest. To date, one judge has served on the Drug Court bench. This judge, the Honorable Judge Jay B. Roof, has agreed to serve as the Drug Court Judge for two years.

The Drug Court utilizes a single-source treatment model. All participants are referred to the Kitsap Recovery Center (KRC) for both evaluation and treatment. KRC provides both inpatient and outpatient treatment services to Drug Court participants and may also refer to other agencies for ancillary services if necessary.

This profile is based on interviews with Drug Court team members and the review of relevant documents.

### DRUG COURT PROGRAM CHARACTERISTICS

#### Funding Source(s)

A Planning Grant, awarded in 1996 from the Office of Justice Programs/Department of Justice (OJP/DOJ), funded the early develop and implementation of the program. An OJP/DOJ Implementation Grant currently funds the Drug Court. This two-year grant was awarded in July of 1998 and pays salaries and benefits for Drug Court staff members. Treatment is supplemented by other sources such as ADATSA, Title XIX, private insurance or participant contributions. Currently there are no Byrne Grant monies involved. Participants are charged a small fee for participation in the Drug Court. This court fee is \$5 per appearance in court.

#### Planning Process

*Who were the players?*

Initially, the planning process involved representation from judges, the prosecutor's office, the public defender, the State Department of Corrections and the County Substance Abuse Coordinator. The planning team worked closely with the law enforcement community in an attempt to gain the support of the Kitsap County Law and Justice Council. Members of the Law and Justice Council include representatives of local police departments, legislators, County Commissioners, Naval Criminal Investigative Services, community citizens, school officials, state patrol, the sheriff's office, judges, probation, juvenile services, Washington State Department of Corrections, the prosecutor's office and other public officials.

*Program goals and objectives*

The primary goals of the Kitsap County Drug Court are:

- To reduce recidivism by offering an alternative to jail and probation through participation in assessment, education and treatment for non-violent drug addicted defendants.
- To reduce drug/alcohol use and monitor compliance for treatment program participation through frequent

contact with the court and intensive supervision (including mandatory drug testing).

(Kitsap County, OJP/DOJ Implementation Grant Proposal, Submitted 4/7/98)

## **Implementation Process**

### *What facilitated implementation?*

Treatment representatives from Kitsap County, who had become excited about the idea of a drug court, approached the County Prosecutor. As a result of these discussions, the County Substance Abuse Prevention Specialist wrote an OJP/DOJ planning grant, which was funded in fiscal year 1996. With planning grant monies, a team was trained and began working together to implement a drug court program. This planning process included representatives from the prosecutor's office, the public defender's office, and the State Department of Corrections. Judges and the County Substance Abuse Coordinator were also involved.

### *Degree of implementation*

As of November 30, 1999, there had been approximately 60 individuals screened by the prosecutor's office and found eligible for drug court. Of those, 20 were not interested in Drug Court and 40 enrolled in Drug Court.

- 60 Screened as eligible by Prosecutor's Office
- 20 Not interested (refused to try or opted out during trial period)
- 40 Enrolled

Of the 40 who enrolled, the following numbers were discharged for non-compliance, dropped out, transferred, are on bench warrant status or currently remain enrolled.

- 28 Still enrolled
- 6 Discharged for noncompliance
- 3 On bench warrant status
- 2 Dropped out
- 1 Transferred to another court

## **Program Modifications**

There have been a number of modifications to the Drug Court program since the time it was implemented. For example, the original intent was for the Defense Attorney to meet with all potential drug court participants prior to arraignment. It quickly became apparent that in some cases this would be difficult to accomplish. Therefore, it was decided that a Court Investigator who conducts a bail study with each incarcerated defendant could also present the Drug Court option to those who are eligible. This appears to be working well and allows for more efficient processing.

It was initially the goal for Judge Roof to arraign all potential Drug Court participants. However, this was found to be logistically difficult. As it stands now, Judge Roof arraigns some potential Drug Court participants but not all. Whether or not Judge Roof presides over a given defendant's arraignment depends on the regular Superior Court arraignment calendar.

There have also been some procedural changes in the Drug Court courtroom. In the early days of Drug Court, the Judge allowed the Defense Attorney and Prosecutor to present arguments in open court. This has changed over time. Currently, it is rare for either attorney to speak out in the courtroom. The Judge believes it is more beneficial to hear directly from the Drug Court participant him/herself. Although there is no formal pre-court meeting that includes the attorneys, they may approach the Judge before or after court with comments or concerns.

Previously, participants could leave the courtroom once the Judge had addressed their case. At present, all participants are asked to remain until court is adjourned. This allows participants the opportunity to observe the Judge's response to both noncompliance and successful progress. It also seems to facilitate a greater sense of cohesion among the participants.

There has also been a change in the way participant progress reports are handled. Originally, "excellent" reports were issued if an individual showed excellent progress during the prior week. Participants are now required to show sustained progress before receiving an "excellent" report. This has lessened the potential for "roller coaster" report histories.

There has been a recent change in legal eligibility criteria. Originally, all prior or pending burglary charges were grounds for exclusion from drug court. As of October 1999, a burglary charge became a "presumptive exclusion" only. The Prosecutor, at his discretion, may now deem a defendant with a prior burglary charge as legally eligible depending on the details of the case, date of offense, et cetera.

## **Organization**

### **Frequency of court**

Kitsap County Drug Court meets on Fridays at 10 AM. Generally, court is in session for approximately 1-½ - 2 hours.

### **Team members/Key Players**

There are a number of key players involved in the Drug Court. The Drug Court Judge monitors participant progress and utilizes sanctions and incentives to encourage a participant's successful completion of the Drug Court program. The Kitsap County Prosecutor's Office is responsible for screening defendants and determining their eligibility. Currently, one prosecuting attorney on staff is responsible for managing all Drug Court cases. The Law Office of Crawford, McGilliard, Peterson, Yelish and Dixon has contracted with the Drug Court to provide defense counsel to Drug Court participants. As with the Prosecutor's Office, one individual at the Crawford law firm is responsible for handling all Drug Court cases. The Defense Attorney informs defendants of their eligibility and answers any questions they might have.

The County Alcohol/Drug Coordinator serves as the Drug Court Administrator. This person's role includes administering the OJP/DOJ grant and other administrative functions. Currently, a Department of Corrections (DOC) employee is the Drug Court Coordinator. The Drug Court Coordinator provides case management services and works closely with defendants, the court and the treatment center. There is also a Drug Court Volunteer who takes attendance, receives participants' court fees and takes notes during court.

At the treatment center level, an employee of the Kitsap Recovery Center (KRC) serves as the Drug Court Treatment Coordinator and there are two Drug Court counselors. KRC also employs an on-call counselor who may be utilized if one of the regular Drug Court counselors is unavailable.

#### *Who are the treatment providers?*

Kitsap County Recovery Center (KRC) is currently the sole drug court treatment provider in Kitsap County. A County-owned and operated facility, KRC offers a variety of services including detoxification, assessment, inpatient treatment, outpatient treatment, and services for pregnant and parenting women. KRC serves both low income/indigent participants and private-pay participants.

## **Participant Movement through Drug Court Program**

### *Legal Criteria for Drug Court admission*

The legal offenses eligible for drug court consideration include:

- Possession of controlled substances

- Prescription/legend drug offenses (including forged prescriptions)
- Drug-related property crimes (theft, forgery, etc.)
- Probation violations (if based on the defendant's substance abuse)

Offenses not eligible for drug court include:

- Prior or pending violent or sex offenses
- Delivery of a controlled substances
- Manufacture of a drug, including marijuana and methamphetamine
- Possession of drugs with intent to deliver
- Firearms present at the time of arrest
- Prior or pending burglary offense (presumptive exclusion only – Prosecutor studies the facts of each case and may admit defendants with a prior burglary charge at his discretion)
- Any violence involved with the current offense.

(OJP Implementation Grant Proposal, April 7, 1998)

The Prosecutor's Office is responsible for screening all potential Drug Court participants. As a part of this process, the Prosecutor may contact the local drug task force and/or the arresting agency to determine if the defendant is a "person of interest" for additional charges.

#### *Clinical Criteria for Drug Court admission*

The participant must be diagnosed with a chemical dependency or addiction. In addition, the participant must want to participate in treatment and there must be adequate services available to address the needs of the participant.

#### *How/when is decision made to offer the Drug Court option?*

After an individual has been screened for legal eligibility, the Prosecutor contacts a Court Investigator who performs a bail study with in-custody defendants and presents them with the Drug Court option if appropriate. If there is a question about eligibility, the Prosecutor visits in-custody defendants himself. The Defense Attorney presents information about the Drug Court option to out-of-custody defendants. Defendants are instructed to make a decision about whether or not they are interested in Drug Court by the time of their arraignment, which usually occurs later the same day for in-custody defendants.

If an eligible defendant expresses interest in Drug Court to the presiding judge at arraignment, the judge instructs the defendant to contact the Drug Court Coordinator for an intake interview, remain drug free, contact Kitsap Recovery Center (KRC) for an evaluation and attend the next Friday session of Drug Court. The Prosecutor may also summon eligible defendants directly to Drug Court (e.g., those who were not formally arrested but instead summoned directly to court for a minor felony).

#### *At what point in the judicial process does a defendant enter Drug Court program?*

The Kitsap County Drug Court operates as a prosecution-deferred system. At the time of arraignment, a motion can be made to transfer the defendant's case into Drug Court. The acceptance of this motion is at the discretion of the judge. At the time the arraigning judge approves such a motion, the defendant is considered to have "entered" the Drug Court program. However, the defendant may withdraw during the first 14 days without waiving any constitutional rights.

#### *Consequences of non-completion*

If the defendant withdraws from the drug court program during the first 14 days, the case then follows the regular procedure for a trial. However, if a defendant drops out of the program after the first 14 days, he or she is tried and sentenced by the Drug Court Judge based solely on the stipulated facts in the police and laboratory

reports.

## **Court/Participant Interaction**

### *Type of interaction between court and participant*

Participants interact directly with the Drug Court Judge from the time they enter the Drug Court program to the time their participation ceases. Once enrolled, participants are required to appear regularly in court and may be called upon to answer pointed questions from the Judge about their treatment progress. The judge is more than a detached arbiter but an active leader in the Drug Court who utilizes a range of incentives and sanctions to promote a participant's successful completion of the program.

The KRC Counselors and the Drug Court Coordinator are responsible for providing verbal and written treatment progress reports (including Urinalysis results) to the Drug Court judicial staff.

### *Frequency*

Each participant is expected to appear before the judge on a regularly scheduled basis. Initially, a participant is expected to appear weekly. The frequency of such appearances decreases over time provided a participant is compliant with program requirements.

All participants are required to meet with the Drug Court Coordinator prior to their first meeting at the treatment center. During this initial meeting, the Drug Court Coordinator seeks to learn more about each participant and to begin establishing a relationship with him or her. As part of this process, the potential participant completes a 7-page personal history questionnaire, a copy of which is given to Kitsap Recovery Center. The Drug Court Coordinator also visits each participant's home on a monthly basis. This promotes family awareness of and support for the participant's drug court experience.

### *Court Fees*

As of January 2000, participants are required to pay a court fee based on a sliding fee scale of anywhere from \$1.25 to \$10 per court appearance. Prior to that time, the fee was a flat \$5 per appearance.

## **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 issues of noncompliance. Aspects of treatment that are monitored include participation in sober support groups, abstinence from substance use and participation in required treatment activities.

KRC counselors generate weekly progress reports for each participant, which are distributed to the entire Drug Court team. KRC Drug Court staff and the Drug Court Coordinator also meet weekly to discuss participant progress. In addition, the Drug Court Coordinator meets weekly with the Judge to discuss the information received from KRC. Finally, the KRC Drug Court Counselors, the Drug Court Coordinator and the Judge meet briefly every Friday before Drug Court to discuss any sanctions that might be necessary.

### *Urinalysis*

Initially, participants are tested a minimum of five (5) times per month on a random basis. A participant can be asked to produce a urine sample at any time for "cause" by a treatment program counselor or the Drug Court Coordinator. As the participant progresses in the program, the frequency of UA's will vary based on the treatment progress, drug of choice, and the participant's compliance with the program. In addition to urinalysis tests, breathalyzer testing is also required on a random basis to detect alcohol use.

Urine samples are collected at Kitsap Recovery Center, Department of Corrections or the Drug Court itself. A certified lab performs all laboratory urinalysis tests. Whenever a participant tests positive as a result of a

urinalysis test or breathalyzer, the participant is required to attend the next Drug Court session so the judge may determine what sanctions to impose.

### *Treatment Participation*

KRC counselors, the KRC Treatment Coordinator and the Drug Court Coordinator are responsible for tracking treatment participation and reporting such information to the Court in the form of both written and verbal reports. The KRC staff counselors are responsible for assuring that Drug Court participants are included in TARGET, the state Management Information System (MIS) for substance abuse treatment.

### **Sanctions**

Participants are required to provide a written explanation of any violation that has occurred. This explanation must include information on why the violation occurred, what the circumstances were, et cetera. This information is submitted first to the participant's treatment counselor and then to the rest of the Drug Court Team as part of the participant's weekly progress report.

Sanctions are imposed at the discretion of the Judge and are progressive, increasing as violations continue. The following sanctions are currently used: 1) increase in treatment intensity (including number of required sober support meetings); 2) increased urinalysis or breathalyzers, 3) increase in required court appearances; 4) daily reporting to the Drug Court Coordinator; 5) written assignments (such as essays on "responsibility", "what it means to be clean and sober", etc); 6) sitting in on arraignment hearings, 7) community service hours, 8) incarceration, and 9) dismissal from the program resulting in revocation of the deferral, bench trial, and, ultimately conviction and sentencing under state law.

### **Incentives**

The incentives available to the court include reducing the frequency of required drug court appearances, calling the participant early in the court calendar on a given day, advancing the participant to the next level of treatment, reducing the frequency of urinalysis testing, verbal praise, applause for the participant's efforts, and other expressions of encouragement and support. At times, movie tickets and restaurant gift certificates have also been provided for participants who are doing well.

### **Graduation**

As of March 1, 2000 there had not yet been a graduation ceremony but there were approximately two participants eligible for graduation. The Drug Court team plans to schedule its first graduation ceremony when there are a few more participants eligible for graduation. The Prosecutor may dismiss charges against a participant when he or she has successfully completed Drug Court, even if that participant has not yet gone through a formal graduation ceremony. The plan for graduation is that participants must be drug-free for at least six (6) months and in compliance with all treatment requirements in order to graduate. Participants will be encouraged to invite family and friends to the drug court graduation to celebrate their accomplishment. As part of the graduation, the Judge will dismiss the pending charge(s).

### **Alumni Association**

The Drug Court Team is working on the development of an Alumni Association. There has been discussion about inviting Drug Court alumni from other counties to participate in the first Kitsap County Drug Court graduation ceremony. There has also been discussion about the possibility that Drug Court alumni could assist current Drug Court participants with transportation to treatment, court and self-help meetings.

## **TREATMENT PROGRAM CHARACTERISTICS**

### **Number of Provider Agencies**

The Kitsap Recovery Center (KRC) is the sole treatment provider for Kitsap County Adult Drug Court participants. KRC is owned and operated by the governmental entity of Kitsap County. Occasionally, a participant

may be allowed to access treatment services at another agency if there are extenuating circumstances. For example, if a participant's home is closer to an alternate treatment agency that is willing to comply with the Kitsap County Drug Court reporting requirements, the participant may undergo treatment at that agency as opposed to KRC.

## **Funding**

The OJP/DOJ Implementation Grant pays for treatment staff salaries and benefits. KRC relies on public assistance, private insurance or participant self-payment for all other costs associated with treatment. An attempt is made to obtain State or Federal public assistance for each participant and a financial contract must be signed by each individual as he or she begins treatment. This contract includes the requirement that the participant contribute to the cost of treatment by paying a fee as determined by income. The financial contract is re-assessed on a monthly basis and may be revised if a participant's financial situation has changed.

## **Overall Services Provided by Kitsap Recovery Center (KRC)**

KRC offers a wide range of services including inpatient treatment, outpatient treatment, detoxification, assessment, and services for pregnant and parenting women.

## **Drug Court Treatment Program**

### *Evaluation for treatment*

An attempt is made by KRC to evaluate drug court participants within ten (10) working days of their acceptance into the Drug Court program. During the evaluation, the KRC Counselor determines whether the participant should be placed in inpatient or outpatient treatment. Placement for treatment is determined using criteria developed by the American Society of Addiction Medicine (ASAM). Drug Court participants placed in inpatient treatment are integrated into the overall KRC inpatient population while those placed in outpatient are treated separately from the overall outpatient group. Those placed in inpatient are generally required to complete 21 days of treatment and, once they have completed inpatient, are required to complete outpatient phases similar to those of participants referred directly to outpatient treatment (see below).

### *Treatment Phases*

#### Phase 1 (16 weeks minimum)

Group Counseling	3/week
Individual Counseling	1/week
Sober Support Groups	3/week
Urinalysis	2/week (minimum)
Court Appearances	2-4/month
Meet with D Court Coord	1/month

#### Phase 2 (24 weeks minimum)

Group Counseling	2/week
Individual Counseling	1/week (or as needed)
Sober Support Groups	3/week
Urinalysis	1/week (minimum)
Court Appearances	As required (average of 2/mo)
Meet with D Court Coord	1/month

#### Phase 3 (8 weeks minimum)

Group Counseling	1/week
Individual Counseling	1/month (or as needed)
Sober Support Groups	3/week



Urinalysis	As required
Court Appearances	As required
Meet with D Court Coord	1/month

*Progression from one treatment phase to the next*

In order to progress from Phase 1 to Phase 2, participants must write a “powerlessness paper” in which they recognize their powerlessness over their chemical dependency and the behaviors associated with that powerlessness. This paper must be approved by the treatment counselor and presented to the treatment group before the participant may progress to the next Phase. In order to transition from Phase 2 to Phase 3, participants must have made satisfactory progress in treatment. They must be in compliance with program standards and have developed a sober support system outside of treatment.

**Support/Ancillary Services**

Some participants who are eligible for publicly funded treatment are also eligible for additional services such as childcare and transportation. A child care placement service refers eligible parents to child care services at licensed child care facilities and pays for these services while the parent is attending treatment or sober support meetings. Transportation is also available for eligible Title XIX participants through a transportation broker. According to Drug Court team members, these transportation services have been somewhat helpful but there is still a great need for additional transportation assistance for Drug Court participants. This is at least partially because many Drug Court participants do not have a valid driver’s license and may have to travel a considerable distance to get to the Drug Court and/or KRC.

**Length of Treatment Program**

Regardless of whether or not a participant attends inpatient in addition to outpatient treatment or outpatient treatment only, the KRC Drug Court treatment program normally lasts a minimum of one year. The general time frame for each component of the treatment program is determined by the treatment standards set forth in the American Society of Addiction Medicine (ASAM) criteria. However, a participant progresses from one phase of treatment to the next only upon satisfactory completion of the requirements of each phase, regardless of length of time in that phase.

REFERENCES

Kitsap County Drug Court, OJP Implementation Grant Proposal – Part B, April 7, 1998.