

Jackson County Adult Drug Court JANUARY 1, 2008

History of Jackson County's Integrated Treatment Court's (ITC's)

Jackson County created the nation's second integrated family court (IFC) in 1998. The primary goal of IFC was to protect the community's most vulnerable children. The program was created to provide coordinated judicial and social service interventions with court related families who displayed significant behavioral issues and typically, multiple legal problems as well. The IFC employed a one family / one judge case assignment system for almost all case types. Agency providers and the court followed a comprehensive family plan, and provided a wrap-around service system delivery model.

During December of 2001, Jackson County created a delinquency family drug court using IFC and drug court key elements to adjudicate juvenile delinquency cases. The program built upon the strengths of the IFC, and benefitted from a solid base of community support and grant funding from an Edward Byrne Memorial Grant. Additionally, in October of 2002, Jackson County received a SAMHSA grant to implement a dependency family drug court to provide services to families affected by alcohol and drugs which would allow them to integrate into the community as productive members, able to provide and safely care for themselves and their children. The circuit court again employed key elements of the IFC and drug courts.

The Jackson County Circuit Court considered the possibility of collapsing the IFC, delinquency family drug court and dependency family drug court into a merged entity called a Community Family Court (CFC). During October of 2002, the court hosted a community forum to receive feedback on this idea. The community agreed and the CFC has since been recognized as a national model.

However, a significant gap persisted in the criminal justice system regarding providing similar wrap-around targeted intervention services for adults without children and non-custodial parents with alcohol and drug addictions who did not have children residing in their households. To address this need, the court proposed starting an Adult Drug Court (ADC) when resources became available. Community support was provided when the Jackson County Department of Health and Human Services hosted a community methamphetamine summit in January, 2005. Eight strategies were drafted to reduce the use and related criminogenic behaviors of meth use. One of the strategies called for the creation of an Adult Drug Court, incorporating the best practices of the Community Family Court. However, the Jackson County Circuit Court simply lacked sufficient judicial resources to implement this.

The 2005 Legislative Assembly created four new judgeships, including one for Jackson County. Consequently, the Jackson County Circuit Court committed to the creation of an ADC with a target date of early 2006. The first meeting of a local drug court planning committee occurred during September 2005.

Adult Drug Court Overview:

The Jackson County ADC operates under the jurisdiction of the Jackson County Circuit Court. The program was implemented in January 2006 through a partnership between the Circuit Court, District Attorney's office, Public Defender's office, Jackson County Community Justice Department, Oregon Legislature, Health and Human Services, alcohol and drug treatment providers, and other public and private agencies. The ADC is a unique

collaboration between the criminal justice and treatment systems, which bring together numerous diverse organizations for the purpose of helping drug addicted offenders achieve clean and sober lifestyles and become responsible citizens.

The Jackson County ADC is primarily a conditional discharge and deferred sentencing program, which in general offers eligible offenders dismissal or a reduced sentence of their charge(s) upon successful completion of program requirements. In addition, a defendant may choose to have drug court required as a condition of probation. Sanctioning authority is retained by the ADC judge to ensure timely and appropriate sanctions while fostering the participant / ADC judge relationship. Program capacity is approximately 100 persons at any one time, and may vary subject to treatment and other funding capacities.

Adult Drug Court Purpose and Goals:

The purpose of the ADC is to reduce the adverse effects of substance abuse on the person, family and the community.

Specific goals of the ADC include:

- Reduce drug related crime and consequent incarceration in the community;
- Remove eligible offenders from the traditional criminal justice system and divert them into an appropriate drug treatment program;
- Increase abstinence from drug use;
- Reduce family violence;
- Improve participant self-sufficiency;
- Increase collaboration and communication of the criminal justice and human services systems;

ADC Planning: Participants

- Judges
- Court Administration
- District Attorney
- Sheriff
- Jackson County Public Defenders
- Los Abogados (public defender consortium)
- Pretrial Release
- Community Justice
- Health and Human Services
- OnTrack and ARC – substance abuse treatment providers

ADC Team:

The ADC team meets weekly prior to court sessions. The team members report on each participant's progress since the last court hearing and make recommendations to the judge. The meetings are also a time for process evaluation. The team includes the ADC judge, drug court coordinator, an attorney from the Jackson County Public Defender's office, a probation officer and representatives from the treatment provider/s. A deputy district attorney participates subject to adequate staffing resources.

Roles and Responsibilities of the ADC Team:

In conjunction with individual obligations, most members of the ADC team have additional responsibilities, including roles in screening and assessment, review of participant progress,

program evaluation, program improvement and ensuring that a participant's treatment information is protected as required by federal confidentiality laws.

ADC Team Member Responsibilities

Adult Drug Court Judge:

- Participates as a member of the ADC team and presides over the Adult Drug Court;
- Convenes drug court hearings, initiates orders and directives from the bench consistent with the drug court 10 key components;
- Participates in the administration, planning and management of the ADC team;
- Directs court support staff in ADC operations;
- Attends local, state and national drug court and related meetings, conferences and associations;
- Directs policies and procedures of ADC with the assistance of the ADC team;
- Supports and assists the drug court coordinator in identifying local, state and national resources to continue the ADC program;
- Attend staffing's.

Adult Drug Court Coordinator:

- Participates as a member of the ADC team and other community committees and resource meetings to support the needs of the adult drug court;
- Prepares, records, and manages individual and aggregate records and materials in the Oregon Drug Court Management System;
- Maintains administrative records and provide administrative support;
- Evaluates program strengths and weaknesses, participant needs in program and makes suggestions for improvement to the ADC team;
- Facilitates participant entry, screening processes and monitors applicant eligibility;
- Schedules and convenes drug court meetings and retreats;
- Assists the drug court judge and the steering committees in developing and revising ADC policies, procedures and practices for the ADC;
- Attends all drug court hearings and provides administrative support to ensure that all monitoring and case management needs are coordinated with team members, provider agencies and community-based service organizations working with drug court participants;
- Develops, oversees, and monitors all reporting requirements of the ADC;
- Works with the ADC team to develop public information and community education strategies so that community linkages are created and maintained, and remain productive;
- Ensures both process and outcome evaluation functions for ADC participants are in place and functioning;
- Remains current with best practices for drug court programs and treatment and monitors the intensive outpatient treatment provider and collateral services to the ADC to maintain consistency and a high quality of care;
- Attend staffing.

District Attorney:

- Participates as a member of the ADC team, subject to adequate district attorney human resource capacity and budget;
- Participates in making suggestions to streamline and improve operations;
- Attends national, state and local training, technical assistance, meetings and conferences particularly those that address the DA's role and responsibilities in adult drug courts;
- Provides possible cases for entry into the ADC;

- Screens cases for eligibility into drug court;
- Evaluates program to ensure public safety needs are met.

Defense Attorney:

- Participates as a member of the ADC team.
- Participates in identifying and screening possible drug court candidates.
- Makes suggestions in streamlining and improving operations.
- Attends national, state and local training and technical assistance meetings and conferences, particularly those that address the defense role and responsibilities in the adult drug court;
- Evaluates program to ensure protection of participants' due process;
- Attend staffing's;
- Screens cases for eligibility into drug court.

Treatment Provider(s):

- Participates as a member of the ADC team;
- Appears at all drug court staffing's and hearings and communicates participant progress in a timely manner to other ADC staffing team members;
- Makes suggestions on streamlining and improving operations;
- Follows best practices guidelines, OARS and other rules and regulations in regards to adult alcohol and other drug treatment;
- Attends ongoing training, meetings and events for treatment and drug court;
- Assists the coordinator and probation officer as needed.

Case Manager (Treatment):

- Participates as a member of the ADC staffing team;
- Appears at all drug court staffing and hearings;
- Reports to the ADC staffing team about participant compliance and progress;
- Assists treatment providers and the ADC coordinator as needed;
- Assists clients with accessing community resources in order to obtain, housing, employment, education, driver's license, etc.;
- Establishes, reviews, and appropriately revises all target behaviors with participants.

Community Justice (Probation and Parole):

- Participates as a member of the ADC staffing team;
- Appears at all drug court hearings, subject to adequate human resource capacity and budget;
- Reports to the ADC Staffing team about participant compliance and progress;
- Attends local, state and national conferences and training, particularly those focused on the needs of drug court;
- Assists treatment providers and the ADC coordinator as needed;
- Provides supervision and monitors housing, employment, and program compliance of participants, as appropriate;
- Assists as appropriate in screening cases for eligibility into drug court;
- Attends staffing's;
- Reports to the coordinator the results of all drug and alcohol tests.

Mental Health:

- Consults with the ADC staffing team;
- Provides assessment and counseling services when available.

ADC Program Entry Criteria:

The purpose of the ADC program entry criteria are intended to provide for timely evaluation of candidates within a few general parameters. Eligibility criteria may be summarized as follows:

- Residency in Jackson County;
- All unrelated criminal cases in any court, must be resolved prior to opting into the ADC;
- Eligible ADC cases should not have been set for trial;
- Participants must accept responsibility for their actions, including crimes. Therefore, they must enter a plea of guilty, waiving all of their rights, including, but not limited to filing motions to suppress evidence, having the crime lab test their controlled substances, the right to a speedy jury trial, and all rights to appeal;
- Persons who have previously participated in a drug court program are ineligible;
- Persons who plead to manufacturing methamphetamine or possessing precursor chemicals are ineligible;
- Persons who plead to growing marijuana for sale are ineligible;
- Persons in possession of a weapon related to the current offense are ineligible;
- Persons who plead to delivery of a controlled substance to a minor are ineligible;
- Persons subject to a prison sentence under ORS 137.721 are ineligible;
- Persons previously convicted of a sex offense who are untreated, or not currently enrolled in treatment are ineligible.
- Persons who plead to a driving offense are ineligible.
- Persons who plead to any person crime as defined in OAR 213.003.0001(14) and 213.003.001(15) are ineligible.

Note: In recognition of the need to retain some flexibility to occasionally admit persons who do not meet ADC program entry criteria, subject to the agreement of the drug court judge, a person may enter the ADC program who otherwise would have been excluded.

ADC Jurisdictional Model(s):

The primary jurisdictional model of the ADC program employs a conditional discharge program under the authority of ORS 475.245. Therefore, at the first court appearance, participants will enter into the ADC Petition and Agreement which provides for entry of a guilty plea and waiver of any and all future rights related to the charges included in the petition. ADC program participants are placed on supervised probation to the Jackson County Community Justice Department. In cases involving conditional discharge, no judgment is entered by the court unless the defendant fails to successfully complete the ADC program. Upon successful completion of the ADC program, the circuit court will dismiss any offenses as agreed upon and included in the petition. If the participant fails to successfully complete the ADC and is consequently terminated from the program, the court will proceed to the sentencing phase of the case.

Participants must agree to remain in the program for the minimum presumptive probation period, and the court may extend, or early terminate the program as warranted, according to the participant's needs.

The general purposes of these jurisdictional models are to:

- Provide sufficient incentives for eligible ADC participants to enter the program.
- Dismiss the related ADC criminal charges pending before the court.
- Divert eligible offenders from the traditional criminal justice system into an appropriate drug treatment program.

- Continue Department of Corrections capitation payments to the Community Justice Department for ADC program participants under their supervision. Give participants the support and encouragement needed to overcome barriers in their lives, including drug and alcohol addiction.

Other jurisdictional models may be employed to match specific offender and ADC program requirements as necessary.

Adult Drug Court Operations:

Once a candidate is offered the opportunity to participate in the ADC program, and, if not already done, the public defender will meet with the defendant to review legal issues and options, including providing information about adult drug court. If the defendant decides to enter the ADC program, the public defender will assist the defendant in preparing an adult drug court petition and agreement. At the first appearance in the ADC, the defendant is expected to either file the petition for entry into the program or enter into the court record that he/she declines the ADC option. If the defendant chooses to enter the ADC program, the court shall direct the participant to begin alcohol/drug treatment immediately. The judge will sign the appropriate order allowing the participant into the program. If the participant is required to attend drug court as a condition of probation, no additional order will be required other than the judgment.

Participants who opt into the program commit to completing the ADC requirements and may not voluntarily withdraw at a later time.

When new participants attend the treatment orientation, they are informed of treatment expectations and must complete the relevant treatment paperwork, including 'releases of information' (ROI's) which allow the ADC partners to communicate and monitor the participant. ADC participants who refuse to sign or revoke their ROI may not participate in the program. If they have opted into the program, this will result in termination from the program and sentencing on the ADC charge(s).

ADC program participants immediately enter substance abuse treatment. The ADC program requires treatment providers to be licensed by the State of Oregon. All program participants are eligible to and may be required to access outpatient alcohol and drug treatment through Jackson County Community Justice Department's provider contracts. Treatment plans are individually tailored to address specific participant needs, subject to available resources, and employ evidenced-based best practices. Program participants are required to complete all treatment requirements and not allowed to change providers without the prior authorization of the ADC judge. The participants will meet with their case managers the week of his or her court appearance to review and appropriately revise all target behaviors.

The ADC petition and agreement provide for entry of a guilty plea and waiver of any and all future rights related to the charges included in the petition. Where a case involves a conditional discharge, a judgment regarding the pending ADC case(s) is not entered unless the participant fails to successfully complete the program. Deferred sentencing will occur upon successful completion of the program. The ADC retains jurisdiction over probation and provides active supervision of the conditions of the probation.

ADC participants are initially scheduled for ADC status hearings every week. Thereafter, participants with excellent reports may be permitted to appear less often. At each ADC

status hearing, a treatment report is provided to the court by the treatment agency. The purpose of ADC status hearings is to monitor the participant's compliance with treatment requirements, community conduct, and progress toward treatment goals and target behaviors.

At each court appearance, the date for the next ADC status hearing is set and the participant signs the notice of the next appearance. The notice also lists all directives which the judge has given to the participant, and the participant is provided with a copy.

ADC uses a phasal system through which participants will progress during their time in drug court. The participant and the case manager will meet and establish target behaviors on a weekly basis or as frequently as the participant has a court hearing. These target behaviors will change as the participant moves through the program. Sample behaviors are: make all P.O. meetings, attend all 12-step meetings, attend and comply with all treatment requirements, begin work toward a GED, look for or maintain employment, look for or maintain safe and drug free housing.

There are three phases through which the participant will pass. Phase 1 will last at least 30 days. This is the introductory/stabilization phase. During this time, the participant will give at least three UA's per week, maintain sobriety for 30 days, and make appropriate progress according to the expected target behaviors.

Phase 2 is expected to last from 60 to 120 days. This is the active treatment phase. During this time, UA's will be decreased initially to 2 times per week, and thereafter decreased as appropriate. It is expected that UA's will continue in this amount for up to 60 days.

Phase 3 will consist of the balance of time until graduation. This is the relapse prevention and reintegration phase. During this time the participant will be expected to give random UA's at least 1 time per week. The participant will also begin to pay back to the community as decided by the treatment providers.

The length of each phase will depend upon the performance of the participant. Participants may be moved back and forth through the phases if necessary. The length of each phase will also depend upon the behavior of the participant. In order to graduate, the participant must have at least 6 months of continuous verified sobriety, have paid all the ADC fees, be up to date on probation monthly fees and have established a payment schedule on all other court fees and restitution.

ADC uses a system of benchmarks (target behaviors) and graduated therapeutic sanctions to enforce treatment compliance. Recognizing that participants vary in their abilities, and that some encounter special barriers to their progress, this system provides guidelines but allows for flexibility.

The ADC also uses positive incentives as well as therapeutic sanctions to reinforce compliance. Positive incentives include public praise, allowing the participant to draw for a reward and extending the length of time between court appearances. Regarding therapeutic sanctions, the ADC judge retains sole authority over participants' cases under the jurisdiction of the Adult Drug Court, including the imposition of a continuum of sanctions for drug court participants. Therapeutic sanctions may include more frequent court appearances, service to the community, being called later in the docket, community service road crew, jail time, etc.

When the use of incentives/sanctions/interventions has proved unsuccessful, the court may terminate the participant from the ADC program or place him/her on a 'zero tolerance' status: any failure to comply with program requirements while on 'zero tolerance' status results in termination from the program. 'Zero tolerance' is an intervention strategy, to be reviewed at each hearing; the drug court judge may remove the participant from this status when the participant has demonstrated a willingness to comply with program requirements.

Termination from the ADC program shall occur when a participant misses three (3) court appearances; when a participant is terminated unsuccessfully from treatment; when a participant is convicted for any crime involving a victim; or, when a participant fails to demonstrate adequate progress with other court orders. Termination is at the discretion of the ADC judge assisted by a recommendation from the drug court team.

The participant shall graduate from the program upon satisfactory completion of the conditions set forth in the jurisdictional model upon which the participant was accepted into the program, no less than 180 days of continuous sobriety and when the ADC team concludes that the participant has made maximum use of all treatment resources made available. Program completion typically takes a minimum of one year, and the program period may be extended by the court to accommodate the participant's treatment needs. If the period of probation needs to be extended, the participant will sign any appropriate paperwork.

Case Transfer:

Admission into the ADC program is limited to Jackson County residents who are under the supervision of Jackson County's Community Justice Department. Participants in good standing with the program may be permitted to transfer to another drug court program within the State of Oregon. Such requests are reviewed by the drug court team and the other county community corrections agency agrees to accept supervision of the case prior to approval. The transfer protocols established by the Oregon Association of Drug Court Professionals are followed for sending and receiving transfer cases.

Inter-state drug court transfers are not permitted.

Exceptions to the case transfer policy are subject to the concurrent approval of the ADC judge, screening team, District Attorney's Office, and Community Justice Department.

ADC Program Fees:

The ADC program requires all participants to pay the following fees:

- ADC program fee payable to the Community Justice Department
- Unitary assessment
- Monthly supervision (probation) fee established by county ordinance
- Restitution as ordered by the Court

Note: ADC program addresses CAA money judgment based on ability to pay

Graduation from the ADC program:

A participant is eligible to graduate from the drug court program upon completion of the following minimum requirements:

- Not less than twelve (12) months in the program;
- Completion of all treatment requirements;

- No more than three un-excused absences for treatment and/or court;
- Recommendation for graduation by the ADC team, including the treatment provider;
- Verifiable abstinence for not less than one hundred and eighty (180) continuous days up to the date of graduation (a missed or abnormally dilute UA will result in an automatic extension of 90 days);
- Satisfaction of the adult drug court judge that a participant has acquired the tools/skills to continue his/her recovery and be a responsible member of the community;
- Payment of all ADC fines, fees, assessments, and restitution.

Termination from the ADC program:

A participant may be terminated from the Adult Drug Court program for the following reasons:

- Failure to comply with program requirements, including treatment attendance, documented abstinence, support group attendance, and payment of treatment fees;
- Failure to enter and complete detoxification if required;
- Failure to enter and/or complete residential treatment if required. (Failure to enter residential treatment as soon as possible or failure to complete residential treatment to the satisfaction of the treatment provider may result in program termination.);
- Failure to attend three scheduled court and/or treatment appearances;
- Failure to comply with the conditions of probation;
- Participants on bench warrant status for six (6) months or longer;
- A conviction for a new crime that involves a victim;

Recommendations for program termination are made by the adult drug court team to the ADC judge. Recommendations are based on benchmarks as well as the participant's failure to respond to a series of appropriate interventions. The final decision to terminate participation in the program rests with the adult drug court judge.

Case Tracking and Data Collection:

The ADC program uses the Oregon Judicial Information Network (OJIN) for case tracking, and complies with the uniform OJIN data entry process. The ADC also uses the Oregon Treatment Court Management System (OTCMS) to acquire demographic, bio-psycho-social, and treatment information.

Adult Drug Court Advisory Committee:

The court has established an ADC Advisory Committee to act as a consultative group in connection with the development and operation of the Adult Drug Court. The committee meets on a schedule decided by the committee to review and evaluate the program, to advise the court regarding program changes or improvements, and to assist the court in securing resources for program enhancement. The ADC judge shall preside over meetings of the Advisory Committee.

The ADC Advisory Committee shall include, but not be limited to, representatives from the following groups:

- Judiciary
- Court Administration
- Parole & Probation
- Law Enforcement
- District Attorney's Office

- Public Defender Services
- A&D Treatment Provider(s)
- Health & Human Services