

AN EVALUATION OF THE MISDEMEANOR DRUG TREATMENT COURT AT THE HAYWARD HALL OF JUSTICE

Susan Benny
ICM Phase III Project

EXECUTIVE SUMMARY

The Superior Court of California, County of Alameda, Hayward Hall of Justice implemented a misdemeanor pre-plea diversion drug court effective March 1998. This treatment court provides intensive judicial supervision, and treatment and coordination between the judicial system and the community. It marshals various available resources to address the multiple needs of the drug abuser and coordinates these services for the first time offender.

The goals of the program are: to reduce recidivism; to reduce alcohol and other drug (AOD) use in the individual; to reduce alcohol and other drug related offenses including domestic violence and child abuse; and to produce productive members of society.

The drug treatment court program is available to any eligible Penal Code Section 1000 misdemeanor pre-plea offender. Eligibility is determined through a screening process by the district attorney prior to the first court hearing (arraignment). Excluded are cases involving violent offenses, felony convictions, and other exclusions based on Penal Code Section 1000. The program requires a minimum participation period of eighteen (18) months. Graduation requires negative urine tests for at least six months, completion of community service work, payment of all fines and fees, demonstration of literacy, a general education diploma and/or job skills.

The Drug Court Service Coordinator/Case Manager, assisted by court staff, monitors the programs, helps assess the success of the drug court, and reviews and makes recommendations for modifications to protocols of the Drug Treatment Court. The ultimate authority for the Drug Treatment Court is with the court. An Addiction Severity Index (ASI) is used for screening in addition to being used as an intake evaluation instrument. A Management Information System (MIS) is used for data input and tracking purposes.

For the Drug Treatment Court to be successful, both incentives and sanctions are necessary. Sanctions are prompted by positive tests, new arrests, failure to participate, failure to appear, failure to report, failure to pay fees, or failure to comply with community service work orders. Sanctions include jail time, increased treatment and supervision, or termination from the drug court program. Incentives are initiated by negative tests, good reports, full participation, family or community support, and payment of fees. Incentives include a reduction in the length of diversion, a reduction in the intensity of supervision, and a reduction in program fees or program requirements.

Offenders are advised of the consequences in an orientation by the judge and drug court service

coordinator at the first Drug Treatment Court appearance. In addition, the participant signs a written program contract which includes a drug treatment agreement, a waiver of confidentiality, and a community policing registration form. All decisions regarding incentives and sanctions are made by the drug court judge, with input from the drug court team comprised of the prosecutor (district attorney), public defender/defense attorney, drug court service coordinator, and the treatment providers. Removal from the program, and reinstatement of the criminal charges, are prompted by failure to participate, attempts to adulterate a urine sample, or new arrests.

Eligibility and admittance to the program for new referrals is determined at their first Drug Treatment Court appearance. If admitted into the program, the defendant is then referred to a treatment program by the drug court coordinator. Attendance at Alcoholics Anonymous and Narcotics Anonymous (AA/NA) is required before the next court hearing as well as registration with the Community Policing Agency where the participant resides or was arrested.

The court has created information linkages with the participant, drug court coordinator, district attorney, public defender/defense attorney, treatment providers and the arresting agency through the community policing effort. This information is transmitted by FAX or on-line through the county database system, which includes a copy of the signed contract and specifics of the treatment plan requirements. These linkages allow for immediate notification to the court of failures to appear or participate, and for expedited service of warrants in the three police jurisdictions covered by the court.

The Drug Court Service Coordinator/Case Manager, under direction from the court, is responsible for monitoring criminal conduct of the offender by obtaining the arrest history prior to each court appearance through the county's criminal database system, monitoring the treatment plan compliance by contacting the treatment providers, and, on site urine testing. Contacts with Community Policing Officers, including reports from beat officers, are monitored by the drug court service coordinator and kept in the participant's file. The Drug Court Service Coordinator/Case Manager also coordinates information reported to the court by other agencies, other courts or other programs, of problems the participant may be experiencing. This information is also kept in the participant's file.

Random urine testing begins at the first drug treatment court appearance and continues periodically (a minimum of once a week for the first 90 days) throughout the program. Responses to a positive test or a negative test are increased or reduced drug testing requirements, more or less supervision, and increased treatment.

The initial assessment to determine appropriate treatment will be determined by the drug court service coordinator. Special populations (e.g., pregnant women, HIV positive offenders, etc.) receive appropriate treatment referrals and assessments that are on-going throughout the program. The participants are directed to contact their treatment provider immediately after the initial court hearing.

The treatment providers include community programs (e.g., Second Chance, East Bay Community Recovery Project), 12 step programs, sober living environments, and live-in programs, if appropriate. The programs provide testing, counseling, supervision, education, rehabilitation, and acupuncture, if available. The treatment providers report progress to the court as scheduled, more frequently at first, less frequently later in the program, and immediately upon any program failure. After sufficient sobriety is attained, defendants are referred to educational and job training. Health care and housing issues are addressed at appropriate times. For example, homelessness, if that is a barrier, is addressed immediately as are life-threatening illnesses. After care services are monitored by a Drug Treatment Court Alumni Group.

Drug courts and community policing programs are natural partners. They share the same communities,

are committed to developing partnerships with other agencies and organizations, and pursue the same goal of creating a safe drug-free society. Their linkage is an important first step in creating a comprehensive, system-wide coordinated approach to the drug using offender.

To obtain a copy of this research paper, please contact:

Knowledge Information Services
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6164

Visit the Institute for Court Management Web site at:

http://www.ncsconline.org/d_icm/icminindex.html

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.