

Appendix B5

County Drug Court Profiles:

Skagit County Drug Court Program Profile

SKAGIT COUNTY ADULT DRUG COURT

PROGRAM PROFILE

March 2000

BACKGROUND

The Skagit County Drug Court Program (hereafter referred to as the "Drug Court") began operations in September of 1997 and is the smallest drug court in the state of Washington. Due to the commitment and vision of the early Drug Court team members, the Skagit County Drug Court began operations prior to the receipt of outside funds (other than planning grant monies). Initially, the County itself funded court operations and Skagit Recovery Center funded treatment services (using already available public funding sources, such as ADATSA). See "Funding Sources" below for a more complete description of the evolution of funding sources for the Drug Court.

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 dropped. 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 reports. To date, there have been two judges involved with the Drug Court – Judge Michael Rickert and Judge Susan Cook. At this time, Judge Cook is presiding. There is also a third Drug Court Judge who will join the rotation. The judges will rotate approximately every 18 to 24 months.

The Drug Court utilizes a single-source treatment model. All clients are referred to the Skagit Recovery Center (SRC) for both evaluation and treatment. Approximately one-third (1/3) of the time, SRC refers Drug Court clients to inpatient treatment. Drug Court clients referred to inpatient treatment generally receive that treatment at Sundown M. Ranch, although other agencies may also be used. Drug Court clients referred to inpatient treatment return to SRC to complete the Drug Court program in an outpatient setting.

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

DRUG COURT PROGRAM CHARACTERISTICS

Funding Source(s)

Skagit County was awarded a planning grant from the Office of Justice Programs (OJP) in July of 1997. This grant was used primarily to fund training (including travel) for the early Drug Court team members. When the Drug Court began operations, treatment was initially paid for by federal or state assistance programs (such as ADATSA) and urinalyses (UAs) were paid for by SRC. In January of 1999, the Drug Court received BYRNE grant funding, which was used for UAs and other treatment costs. In July of 1999, the Court was awarded an implementation grant from OJP. These OJP monies are also being used to cover treatment costs. Skagit County covers the costs of salaries for court personnel and other administrative court costs. Clients are also required to contribute to the cost of their court participation: \$20 per court appearance.

Planning Process

Who were the players?

Two private attorneys were key initiators in planning the Drug Court and were also involved in writing the planning grant. A preliminary team was gathered that included Judge Rickert, the senior Public Defender, the Skagit County Prosecutor, and the Director of Skagit Recovery Center. This group, along with one of the private attorneys, traveled together to Kansas City, Missouri for a drug court training conference. This experience was crucial in the process of building a strong team and educating each member about both chemical dependency and the drug court process.

Program goals and objectives

The goal of the Skagit County Drug Court is to reduce recidivism, court congestion and jail overcrowding by offering assessment and treatment for non-violent, drug-addicted defendants as an alternative to jail and probation. Further, it is the goal of the Drug Court to completely remove these offenders from the criminal justice system. Finally, the Skagit County Drug Court seeks to eliminate all drug use by participants and to aid them in obtaining a healthy and productive lifestyle.

(OJP Implementation Grant Proposal, April 9, 1998)

Implementation Process

Degree of implementation

As of July 1, 1999, there had been approximately 79 individuals screened by the prosecutor's office and found eligible for Drug Court. Of those, 10 were not interested in Drug Court, 2 tried Drug Court but chose not to participate and 67 enrolled in Drug Court.

- 79 Screened by Prosecutor's Office
- 10 Did not try Drug Court
- 2 Tried Drug Court but chose not to participate
- 67 Enrolled

Of the 67 who enrolled, the following numbers were discharged for non-compliance, graduated or currently remain in treatment.

- 16 Discharged for noncompliance
- 10 Graduated
- 41 Still enrolled

Program Modifications

The program began with fairly narrow legal eligibility criteria that reflected the view of the County Prosecutor at that time. A new prosecutor took office in January of 1999, which precipitated a broadening of these criteria. (For more information on eligibility criteria, see "Criteria for Drug Court Admission" below).

A number of procedures have also evolved over time. One example of this is the process by which defendants are admitted into the Drug Court program. Previously, the prosecutor virtually always identified eligible defendants. Although the prosecutor is still the "gatekeeper" for Drug Court eligibility, the Public Defender has become much more involved in identifying clients who may be Drug Court eligible. Currently, the Public Defender regularly approaches the Prosecutor with cases he thinks should be considered for entry into Drug Court.

The urinalysis system has also been altered over time. It had become apparent to the Drug Court personnel that the system was too predictable. Therefore, in early 1999 the Drug Court instituted a random, "color" UA system. (For more information on this system, see "Monitoring client compliance: Urinalysis" below).

The Drug Court treatment counselor is now performing the initial Drug Court clinical evaluations in jail for incarcerated defendants. Previously, all such evaluations were conducted at Skagit Recovery Center. It is hoped that this procedural change will assist the Drug Court in successfully engaging more potential participants.

Organization

Frequency of court sessions

Skagit County Drug Court meets every other Friday at approximately 1:30 p.m.. The court is generally in

session until approximately 3:30 or 4 p.m. Graduation ceremonies also occur on Friday afternoons and are scheduled as needed. An attempt is made to celebrate the graduation of more than one client at a time but ceremonies are scheduled for individual clients if necessary.

Team members/Key Players

Key players include a Drug Court Coordinator employed by the Skagit County Superior Court, three Drug Court Judges (who rotate approximately every 18 to 24 months), the Skagit County Public Defender and a Drug Court Prosecutor (currently the elected Skagit County Prosecutor). As for treatment staff, SRC currently employs a Drug Court Supervisor and a Drug Court Counselor. The Executive Director of SRC has also been involved in the planning, implementation and ongoing monitoring of the Drug Court.

Who are the treatment providers?

Skagit Recovery Center (SRC) is currently the sole Drug Court treatment provider in Skagit County. A private non-profit social service agency, SRC provides services in both Mount Vernon and Anacortes in Skagit County. Services offered include assessment, outpatient chemical dependency treatment for adults and youth, detoxification, recovery house, family and co-dependency counseling, domestic violence perpetrator treatment and anger management treatment. Although all Skagit County Drug Court clients are referred to SRC, the agency refers clients to inpatient chemical dependency treatment if necessary. These clients remain on the SRC caseload for the purpose of outpatient aftercare following inpatient treatment.

Client Movement through Drug Court Program

Criteria for Drug Court admission

Legal Criteria

The county prosecutor's office is responsible for determining legal eligibility criteria for Drug Court participation. Criteria are discussed among the Drug Court team but the prosecutor is the final "gatekeeper" and exercises his discretion when determining eligibility. The offenses eligible for Drug Court participation have evolved over time.

Eligible offenses include:

- Unlawful Possession of a Controlled Substance (UPCS) of less than one ounce
- Single count delivery cases or intent to deliver cases of less than one ounce and not involving co-defendants
- Prescription forgery
- Manufacturing of marijuana of less than ten plants
- Non-violent property crimes
- Not currently charged with or previously convicted of a violent crime, sexual offense or weapons charge as defined by statute

(OJP Implementation Grant Proposal, April 9, 1998)

If a client meets the above criteria he or she will likely be allowed into Drug Court. However, since the new prosecutor took office in January of 1999, eligibility criteria have broadened on a case-by-case basis. Currently, those charged with distribution of drugs may also be eligible for Drug Court depending on the amount of drugs present and other circumstances surrounding the crime. In addition, delivery offenses may be eligible if the defendant benefited by obtaining drugs to support his or her habit as opposed to profiting financially from the delivery. There is currently no hard and fast rule regarding the amount of drugs that may be present for a possession, distribution or delivery charge to qualify for Drug Court consideration. This is a judgement call on the part of the prosecutor, with input from the Drug Court team, the arresting officer(s) and the Skagit County Interlocal Drug Enforcement Unit. (The Skagit County Interlocal Drug Enforcement Unit is a countywide task force consisting of undercover officers from various local police departments.) Under no circumstances may a defendant be offered Drug Court participation if his or her drug charge involved the operation of a methamphetamine lab.

Defendants with misdemeanor assault charges may be allowed into Drug Court on a case-by-case basis, depending on circumstances and the approval of the arresting officer(s). An example of this might be misdemeanor assault in which there were mutual combatants without injury. Those with domestic violence charges of any kind are never considered for Drug Court. Individuals arrested for crimes in which a weapon was used are strictly prohibited from Drug Court. However, those arrested for an eligible offense who were in possession of a weapon at the time of the crime may be considered for Drug Court as long as the weapon was not used in the crime. Likewise, those arrested for theft of a weapon in order to support a drug habit may be offered Drug Court participation if the prosecutor can obtain the consent of the victim(s) and arresting officer(s) and if there are no prior weapons offenses in the defendant's criminal history.

Clinical Criteria

In addition to meeting legal eligibility requirements as defined above, potential Drug Court clients must be assessed by the SRC to be drug or alcohol addicted or dependent and not mentally ill to the degree that such illness would render them unable to successfully participate in treatment.

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

Defendants are generally arraigned within 7 to 8 days of arrest and are assigned a defense attorney prior to arraignment. At the time of arraignment, an omnibus hearing, pre-trial hearing and trial date are scheduled. The omnibus hearing takes place at approximately 30-40 days post-arraignment for out-of-custody cases and 10-15 days post arraignment for in-custody cases. Between arraignment and the omnibus hearing, defendants are screened for Drug Court eligibility. During this time, the Public Defender generally approaches the County Prosecutor to present cases that he thinks should be offered the Drug Court option. Sometimes the process is reversed and the Prosecutor approaches the Public Defender. Either way, the Prosecutor is responsible for all legal screening for Drug Court eligibility. Prior to the omnibus hearing, the Public Defender meets with eligible defendants to discuss and explain the Drug Court option.

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

At the omnibus hearing, eligible and interested defendants are assigned a reappearance date for Drug Court and are instructed to contact SRC within 72 hours for a treatment evaluation. Often the original pre-trial hearing and trial dates are retained so that parallel court dates exist for a temporary period of time. Each individual observes Drug Court at least twice before making a decision about whether or not to opt in. Often during this time, the individual also begins participating in treatment (including the UA process). Following this 30-day trial period, if the defendant chooses to opt in he or she signs a Drug Court waiver and the criminal trial dates are cancelled. Once a waiver has been signed, there is no additional "opt-out" period as in some other counties.

Consequences of non-completion

If a defendant withdraws or is expelled from the Drug Court program at any time after signing the Drug Court waiver, he or she is tried and sentenced by the Drug Court Judge. Sentencing of such cases occurs during a subsequent Drug Court session. It is the position of the Skagit County Drug Court Judge and team that clients not be penalized for trying Drug Court. Therefore, unsuccessful Drug Court participants are generally sentenced near the middle to lower end of the range.

Court/Client Interaction

Type of interaction between court and client

Clients interact directly with the Drug Court Judge from the time they enter the Drug Court program to the time their participation ceases due to graduation or removal from Drug Court. Once enrolled, clients are required to appear regularly in court and may be called upon to answer pointed, direct and personal questions from the Judge about their treatment progress. The Judge is an active leader in the Court who monitors and addresses the issues of each client with a range of incentives and sanctions intended to keep the offender actively involved in the program. The Judge is more than a detached arbitrator but instead takes an active interest in each individual client.

Frequency

Each client is expected to appear before the judge on a regularly scheduled basis. Initially, a client is expected to appear every two weeks. The frequency of such appearances may decrease over time (to once per month) provided a client is compliant with program requirements.

Court Fee

Participants are required to pay \$20 per court appearance.

Monitoring Client 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 participation in Twelve Step programs, abstinence from substance use, and participation in treatment activities.

There is a regularly scheduled, pre-court team meeting to discuss client compliance. The Drug Court Counselor is responsible for communicating treatment progress information (including urinalysis results) to the Drug Court judicial staff during this meeting. This is done verbally and via written progress reports. Drug Court Team members also communicate by telephone throughout the week as needed.

Urinalysis (UA)

Skagit County Drug Court employs a color system in order that clients will be tested in a random fashion. Clients are assigned a color corresponding to the frequency with which they will be tested and are required to call a voice mail system daily to determine whether or not they need to submit a urine sample that day. In the initial phases of the program, clients are assigned to the "Red" category and are tested approximately 12 to 14 times per month. As clients progress in treatment, their UA category will change. Generally, at around 3 months of sobriety a client will be moved to the "Yellow" category. Clients in the "Yellow" category are tested approximately 6 to 8 times per month. After 6 months of sobriety, a client is often moved into the "Blue" category, which means he or she will be tested approximately 4 to 6 times per month. Finally, a client can be moved into the "Green" category, indicating he or she will be tested approximately 2 to 4 times per month. If a client needs more intensive monitoring (usually due to a relapse), he or she may be assigned to both "Red" and "Yellow" categories at once which essentially assures the requirement of daily UAs.

Treatment Participation

The SRC Drug Court Counselor is responsible for tracking treatment participation (including UA results and 12-step participation). Clients are required to provide written evidence of their participation in the required Twelve Step meetings in the form of a signed attendance slip.

Sanctions

Sanctions are progressive, increasing as violations continue. The following sanctions are imposed at the discretion of the Judge: 1) more intensive treatment (including increased number of required self-help groups); 2) increased urinalysis; 3) increase in frequency of required court appearances; 4) community service hours; 5) immediate but brief incarceration (24 to 48 hours); and 6) dismissal from the program resulting in revocation of the deferral, bench trial and, ultimately, conviction and sentencing under state law.

The Judge solicits verbal input from treatment staff, the Prosecutor and the Defense Attorney during the pre-court meeting when deciding on which sanction(s) to impose. She also relies on the treatment progress reports provided by SRC. Generally, the Judge has decided which sanctions to impose before entering the courtroom but occasionally, as new information surfaces in court, may impose something different than what was originally planned. There is no written schedule for sanctions or incentives. The Judge aims to be consistent and fair while also making clear that sanctions are at her discretion so that clients do not begin to think they know exactly what the punishment will be for a particular violation.

Incentives

Incentives available to the court include reducing the frequency of required Drug Court appearances, advancing the client to the next UA "color" level, advancing the client to the next level of treatment (which occurs at SRC's recommendation), movie or bowling passes, restaurant gift certificates, verbal praise, applause for the client's efforts, and other expressions of encouragement and support. Certificates are presented by SRC as a client moves from one treatment phase to another as a way of recognizing this accomplishment.

Graduation

Graduation ceremonies occur in the courtroom during the regular Drug Court session on an as-needed basis. An attempt is made to schedule graduation ceremonies for more than one client at a time but may be scheduled for one individual if necessary.

Clients must be drug-free for one year, in compliance with all treatment requirements and employed or enrolled in school in order to graduate. However, at the Drug Court Judge's discretion, a participant may be allowed to graduate who is neither employed nor enrolled in school.

During the ceremony, clients are verbally praised and applauded, presented with a certificate of completion and given a frame containing "before" and "after" photos of themselves. Also during the ceremony, the Judge dismisses the graduate's pending felony charge(s) if restitution has been paid in full. If restitution has not been paid, the participant "graduates" from Drug Court but his or her charge(s) are not dismissed until restitution is completely paid. In these cases, participants must continue to appear in Drug Court monthly to address restitution progress. Graduates are encouraged to invite family and friends to the ceremony and refreshments are provided.

Alumni Association

The SRC treatment team is working on the development of an Alumni Association. SRC will facilitate the initial meeting for this group but intends to involve successful Drug Court graduates in the ongoing coordination. The frequency and nature of the Alumni Association's meetings are yet to be determined.

TREATMENT PROGRAM CHARACTERISTICS

Number of Provider Agencies

The Skagit Recovery Center is the sole treatment provider for Skagit County Adult Drug Court clients. Although all Skagit County Drug Court clients are referred to SRC, the agency refers Drug Court clients to inpatient chemical dependency treatment if necessary. Such clients remain on the SRC caseload for the purpose of outpatient aftercare following inpatient treatment and remain with SRC for the remainder of their treatment program.

Funding

Treatment services are paid for by a variety of federal and state funding sources, private insurance and client contributions. Byrne grant monies have provided for some Drug Court treatment services and, beginning July 1, 1999, OJP monies also became available. Clients are required to contribute to the cost of their treatment services. This contribution is based on a client's funding source for treatment and his or her ability to pay.

Overall Services Provided by SRC

A private non-profit social service agency, SRC provides services in both Mount Vernon and Anacortes. Services offered include assessment, outpatient chemical dependency treatment for adults and youth, detoxification, recovery house, family and co-dependency counseling, domestic violence perpetrator treatment and anger management treatment. Although all Skagit County Drug Court clients are referred to SRC, the agency refers some clients to inpatient chemical dependency treatment if necessary. These clients remain on the SRC caseload

for the purpose of outpatient aftercare following inpatient treatment. SRC serves both low income/indigent clients and private-pay clients.

Drug Court Treatment Program

Evaluation

Clients are required to schedule an evaluation with SRC within 72 hours of their omnibus hearing. This biopsychosocial evaluation takes approximately 2 hours and covers areas such as drug and alcohol use, family and social relationships, medical status, mental health status, legal history, et cetera. The ASAM (American Society of Addiction Medicine) criteria are used for this evaluation.

Treatment Philosophy

SRC views addiction as a biopsychosocial disease. Treatment incorporates a variety of techniques and clients are encouraged to utilize 12-step and other self-help resources. Abstinence from all substances (alcohol and other drugs of abuse) is always the treatment goal.

Are Drug Court clients treated separately from other clients?

There is one Drug Court-specific process group per week. Aside from that, Drug Court clients are intermingled with the general outpatient population at SRC. SRC recently hired a relapse prevention specialist who plans to develop a relapse prevention group specifically for Drug Court clients.

Treatment Phases

Phase 1 (12 weeks)

Group Counseling	4/week
Individual Counseling	2/month
Twelve Step Groups	2/week
Urinalysis	12-14/month
Court Appearances	2/month

Phase 2 (24 weeks)

Group Counseling	2/week initially, transitioning into 1/week
Individual Counseling	2/month
Twelve Step Groups	2/week
Urinalysis	4-8/month
Court Appearances	1-2/month

Phase 3 (12 weeks)

Group Counseling	1/week
Individual Counseling	1/month
Twelve Step Groups	2/week
Urinalysis	2-6/month
Court Appearances	1/month

Inpatient clients generally complete 21 days of treatment. Upon discharge from inpatient treatment, these clients complete an outpatient phase similar to that described above for Drug Court Clients referred directly to outpatient treatment.

Mental Health Issues

Although the SRC Drug Court program is not fully equipped to assist the dually diagnosed client, some with co-existing mental health issues may enter the program. SRC employs a part-time, mental health counselor who provides initial diagnosis information and referrals as necessary. SRC staff members have experienced a good deal of difficulty when attempting to access outside mental health services for their substance-abusing clients. Nonetheless, participants with suspected mental illness are required to undergo a full mental health evaluation as a contingency of their Drug Court participation. Skagit Mental Health Center staff are able to conduct these evaluations in jail with potential participants if necessary. Clients with co-existing conditions such as major depression, anxiety disorders or Attention-deficit Hyperactivity Disorder (ADHD) may be effectively treated in the Drug Court program. Clients with psychotic disorders such as schizophrenia are generally not admitted into the program.

Length of Treatment Program

Regardless of whether or not a client attends inpatient in addition to outpatient treatment, the SRC Drug Court Treatment Program lasts a minimum of one year. Most clients require fifteen (15) to eighteen (18) months (with a maximum of 24 months allowed) to complete the program. A client 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

Skagit County Drug Court, OJP Implementation Grant Proposal – Part B, April 9, 1998.