

KFC
432
F57
C.2

An Analysis of Drug Courts in Kern County

**Institute for Court Management
Court Executive Development Program
Phase III Project**

**Martha Florin
Clerk/Administrator
Bakersfield Municipal Court
Kern County Coordinated Trial Courts**

**Library
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23187-8798**

Table of Contents

I	Introduction	1
II	History and Background	2
	A. Kern County Profile	2
	B. Kern County Court Districts	4
	C. Drug Courts	4
III	Kern County Drug Court Assessment	17
IV	Conclusion	31
	Bibliography	
	Appendix A	
	Appendix B	

I. INTRODUCTION

The Drug Courts in Bakersfield and the Shafter Branch of the North Kern Municipal Court were established in 1993 and 1994, respectively with the goal of providing drug offenders an effective way of breaking the cycle of drug abuse by enhancing the likelihood of rehabilitation, reduction of drug abuse, and reduction in the recurrence of crimes. The Drug Court Programs in these two jurisdictions have been in operation for six years but a comprehensive assessment of the effectiveness of the program has not been accomplished. Early assessments of the Kern County Drug Courts came in the form of reviewing the photographs of participants taken as they progress in the program. Improvement in participants physical appearance has been and continues to be a significant indicator of program effectiveness. Testimonies from participants who successfully graduated from the program and those whose lives have changed were another indicator for program success. A sampling of 102 cases conducted in 1995 showed a successful graduation rate of 34%. Although early evaluations were generally positive in the assessment of outcomes, insufficient data existed to determine whether Kern County's Drug Courts were effective in maintaining high retention rates and reducing recidivism and drug relapse.

The goal of this project is to evaluate the effectiveness of the drug court program in these two jurisdictions by measuring outcomes, including retention rates of participants in the program, successful completions, reduction of drug use, recidivism, and evaluate the effectiveness of the process as perceived by participants. I will also attempt to assess the extent to which the goals of the program are being achieved

Process evaluation was conducted through a survey of 149 drug court participants currently in the program. The goal of this survey was to elicit raw data in the form of drug court participant perceptions. The perceptions of critical program features such as the goals of participants, incentives

and disincentives for program participation, as well as information relating to background of participants such as education, employment status, and prior treatment.

A sample of 100 surveys completed by drug court participants was also utilized to compare educational and employment status before and after drug court participation.

Data available from the courts automated case management system was used to extract graduation and retention rates of drug court participants.

Additionally, a list of drug court graduates from May 1996 to December 1998 was cross tabulated with the jail's inmate management booking system to determine rearrests after graduation from the program. The rearrest rate from the drug program population was compared to the rearrest rate of drug court eligible offenders who did not enroll in drug court. The recidivism data covers only two year and eight months time because the drug court case tracking system was not implemented until May 1996.

This analysis of the Drug Court Program in Kern County will provide significant insight into the drug court operations in the Bakersfield and Shafter Courts and the extent to which the goals and objectives of the program have been achieved.

II. HISTORY AND BACKGROUND

A. Kern County Profile

Kern County is the third largest county in California covering 8,172 square miles. The County is larger than the land area of Massachusetts, New Jersey or Hawaii. It is larger than the land areas of Connecticut, Rhode Island and Delaware combined. The County's elevation ranges from 206 feet in the valley and desert areas to 8,755 feet in the mountain area. About one-third of the

county is situated on a flat valley floor at the extreme southern end of the San Joaquin Valley. This valley is surrounded by a horse shoe-shaped rim of mountains. The Sierra Nevada Mountains occupy almost a third of the county area. East of the mountains is occupied by a large expanse of high dessert, which covers nearly a third of the county area.

Kern County was organized in 1866 from portions of Los Angeles and Tulare Counties. Discovery of gold in the bed of the Kern River in 1851 brought an influx of settlers. Oil was discovered in 1865, and by 1900, the fields near Bakersfield and the surrounding cities of Taft, Maricopa and McKittrick yielded rich fountains of oil and petroleum. The gold mining town of Havilah was the first county seat. In 1875, the capital was moved to Bakersfield.

Aside from oil and gas, Kern County ranks the top 3 producers of vegetables, such as, carrots, garlic, watermelon, onions, and bell pepper; fruits and nuts, such as, almonds, apples, grapes, kiwi, grapefruit, lemons, nectarines, oranges, pistachios, peaches, and plums; and field and seed crops, such as, cotton, hay, and alfalfa, in the United States. It is also third in rank in sheep and lamb livestock production.

Kern County's population is 634,000: 58 percent Caucasian, 32 percent Hispanic, 6 percent African American and 4 percent Asian and Others. The 1995 estimated population of metropolitan Bakersfield is 370,600. 207,000 of which is the estimated population of the City of Bakersfield. The mean income is \$35,000 to \$49,000 with 17 percent of the adult population falling below an income of \$15,000. Kern County's per capita income is approximately \$13,500.

Kern County's unemployment rate is 13.8% in 1995, which is higher than the statewide seasonally adjusted unemployment rate of 7.9%.

B. Kern County Court Districts

Kern County has four court districts. One Superior Court situated in the City of Bakersfield, serves the whole of Kern County. The Superior Court has 15 judges and four commissioners, with a caseload of 26,805 cases in Fiscal year 1997/98. The Bakersfield Municipal Court District has jurisdiction over the metropolitan Bakersfield area. The Bakersfield Court has nine judges and two commissioners, with a caseload of 68,294 cases in FY 1997/98. The North Kern Municipal Court District has jurisdiction over the Cities of Shafter and Delano. It has three judges with a caseload of 16,983 cases in FY 1997/98. The South Kern Municipal Court District has jurisdiction over the cities of Arvin, Lamont and Taft. It has three authorized judges with a caseload of 34,131 cases in FY 1997/98. The East Kern Municipal Court District has jurisdiction over the Cities of Mojave, Ridgecrest and Lake Isabella and other small incorporated and non-incorporated cities. It has two judges and one commissioner with a caseload of 32,423 cases in FY 1997/98.

C. Drug Courts

History of Drug Courts

During the late 1980's, Florida was experiencing high incidences of drug-related arrests that flooded the jails and the courtrooms. Drug addicts while on probation were quickly being re-arrested for new drug crimes. The revolving door in and out of jail and the courtrooms was getting out of control. (Satel 2) Courts became overloaded with drug cases leaving fewer resources available to deal with more serious and violent crimes. Jails became overcrowded that convicts were released early. The escalating drug related arrests indicates that the traditional way of handling drug related cases by the criminal justice system has not been effective. Incarceration has not served as a deterrent to drug abuse and drug related crimes. Forward-thinking court officials in Florida realized

that "it is insane to do the same thing over and over again and expect different results." (Shoemaker 5) Thus, in 1989, the first drug court in the United States was born, in Dade County, Florida.

The rise of drug related offenses is not unique to Florida. While crime in general continued to decline, arrests of drug law violations are at a record high. According to the National Drug Control Strategy, 1998 published by the Office of National Drug Control Policy, more than 1.5 million Americans were arrested for drug law violations in 1996. Many crimes (i.e., assault, prostitution, and robbery) are committed under the influence of drug or may be motivated by the need to get more money for drugs. These drug offenders crowd the nation's prisons and jails. According to Bureau of Justice Statistics, in June 1997, the nation's prisons and jails held 1,725,842 men and women, an increase of more than 96,100 over the prior year. The increase in drug offenders accounts for nearly three-quarters of the growth in the federal prison population between 1985 and 1995 while the number of inmates in state prisons for drug law violations increased by 478 percent over the same period. According to the National Institute of Justice's Drug Use Forecasting (DUF), data collected from 23 cities indicated that 51% to 83% of arrested males and 41% to 84% of arrested females were under the influence of at least one illicit drug at the time of arrest. Most of these convicted defendants are incarcerated. Very few convicted offenders are required to undergo frequent drug testing to monitor drug use after conviction. Few jails provide any treatment service to rehabilitate drug offenders, in Kern County treatment service provided in jail is not mandatory.

To ease jail overcrowding and to provide a more effective way of treating drug abusers, drug courts mushroomed through the nation. The early successes in Florida coupled with the passage of the Violent Crime Control and Law Enforcement Act of 1994, which contained provisions for federal support for planning, implementation and enhancement of drug courts, resulted in the accelerated growth of drug courts. (Belenko 7) According to the National Association of Drug Court

Professionals (NADCP), in 1998, there are almost 400 drug courts in operation. (Satel 1) Sally Satel in her Observational Study of Courtroom Dynamics in Selected Drug Court states that "every state in the United States, except Rhode Island and Puerto Rico has at least one drug court in operation. In California, where one quarter of all state prisoners are convicted drug abusers, has over 70 drug courts." It is projected by the California Drug Court Project Web site that by year 2000 that the number of drug courts in the United States will total 1,000.

Defining Drug Courts:

Drug Courts are diversionary programs that are offered to drug and alcohol related offenders as an alternative to jail sentence. Most Drug Courts offer non-violent offenders the possibility of dismissal of charges or reduced sentence if they plead guilty and agree to participate in the program. Offenders who enroll in the program are required to participate in a strict regimen of monitoring, drug testing, treatment, and mandatory court appearances. The progress of participants are addressed in open court in front of a judge. The judge, however, presides over the drug court in a non-adversarial manner. The authority of the judge is effectively used to provide encouragement and rewards to participants who do well and to impose sanctions to participants who fail to accomplish the requirements of the program. Drug Courts go beyond the mere processing of drug and alcohol cases through the criminal justice system. It focuses on treatment and resolution of the drug and alcohol abuse problem rather than punishment. The goal of drug courts is to enhance the likelihood of rehabilitation and reducing drug abuse and incidences of re-offence.

The Office of Justice Programs of the U.S. Department of Justice published the definition of Drug Courts which is comprised of the following Ten Key Components:

1. Drug Courts integrate alcohol and other drug treatment services with justice system

case processing.

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Kern County Drug Court Program

In 1993, Bakersfield, as in Miami, was faced with the problem of jail over population. Kern County Sheriff Carl Sparks did not have any alternative but to release inmates early in order to meet a 1990 federal court order jail population cap of 1,648 inmates to the frustration of Kern County judges. Bakersfield Municipal Court Judge Frank Hoover quoted in a Bakersfield Californian article entitled *Judges blast early inmate release*, "It is ... frustrating. You sentence someone to a year in

jail only to see them come back in two weeks...” Alternatives to jail time seemed to be an attractive solution. Judge Hoover was very much aware, as countless criminal justice professionals nationwide, that 50 to 70 percent of the inmate population consists of drug addicts and alcoholics, some of whom can be dealt with more effectively with a treatment program such as a Drug Court Program. Thus, in July 1993, Bakersfield Drug Court was established, and subsequently, the Shafter Drug Court in 1994. During this period, Bakersfield Municipal Court had 2,073 drug related misdemeanor filings and 1,934 felony filings while Shafter Court had 200 drug related misdemeanor filings and 149 felony filings.

The Bakersfield Drug Court was established by Judge Frank Hoover with the encouragement of fellow judge, Sharon Mettler, in collaboration with the Kern County Departments of Mental Health and Probation. With the cooperation of his co-judges, Judge Hoover allotted 50% of his court time to Drug Court. One of the initial problems encountered by the program was the reluctance of the District Attorney's Office and the Superior Court Judges to deviate from the traditional adversarial processing of criminal cases. Drug Courts was seen as a radical departure from the “tough on crime” culture of the criminal justice system in Kern County.

The Drug Courts established in Bakersfield and Shafter are post plea programs in which defendants are sentenced upon successful completion of the program. Drug Court offers non-violent offenders a program of monitoring, testing, and treatment with the goal of enhancing the likelihood of participant's rehabilitation, reducing drug abuse and reducing recidivism. Defendants charged with drug possession, use of controlled substances, driving under the influence of alcohol or drugs and minor theft at the time of arrest are eligible to enroll in the program. In Shafter, only drug related offenses are accepted in Drug Court. Shafter Drug Court also monitors PC 1000 diversion offenses.

The Kern County Drug Court is an abstinence-based, judicially supervised, program, that

identifies, evaluates and recommends participation in existing community treatment programs, requires regular urine testing and weekly court appearances. Once enrolled in Drug Court, participants are referred to treatment providers based on an assessment of the participants individual needs by certified drug and alcohol abuse specialists. In addition to counseling, participants are required to attend twelve step or other self-help meetings, undergo frequent urine testing for alcohol and street drugs, and to attend drug court hearings.

1. Judicial Supervision

In Bakersfield Municipal Court, Judge Frank A. Hoover dedicates 50% of his courtroom caseload to Drug Court. Several other judges assist when needed. Drug sessions are conducted Monday through Thursday, 1:30 P.M. to 4:30 P.M. A typical drug court session involves the appearance of approximately 60 participants each court session. Each participant is called before the judge at which time the participant's progress is discussed openly with the judge. At these hearings the judge tries to engage each participant and the group in a positive learning experience. Each participant's hearing can last from a few seconds to several minutes depending on the participant's status, level of compliance, and nature of individual's discussion points. Often, the longer hearings involve difficult issues. These issues are often discussed as group instruction. Participants are given certificates upon graduation and are applauded by the rest of the group.

In Shafter, Judge Gary Ingle presides two days a week, three hours each session and serves approximately 20 participants each session.

These Drug Court Judges are the central figure in the team effort that focuses in participants abstinence and accountability for their behavior. The judges non-traditional role is assumed to be critical to the process, thus is to outcome of the court. The judges take the important role of keeping

participants engaged in treatment, while treatment providers strive to maintain a therapeutic relationship with the participants. (Satel 49) The Kern County Drug Court judges directly review the progress of each participant on a weekly basis. The interaction between the judges and participants is sometimes characterized as direct and personal. The judge encourages and praises when participants comply with the requirements of the program but participants will get the judges wrath and receive sanctions, up to immediate incarceration if participants test dirty or miss therapy appointments. Satel calls this interaction the “judge effect”.

2. Interagency Cooperation

Intake interviews, evaluation of eligibility, acceptance and coordination of treatment in the Drug Court are performed by Substance Abuse Specialists who are employed by the Kern County Mental Health Department.. These specialists facilitate entry of participants into treatment and perform full case management. A Probation Officer provided by the Kern County Probation Department assesses appropriateness for acceptance to the program, monitors participants’ compliance and recommends sanctions for non-compliance. The Kern County Sheriff Department, District Attorney and Public Defender Offices provide input in the development of the eligibility criteria for participants, treatment requirements, supervised release, or special treatment of participants sanctioned or incarcerated for failure to comply with the requirements of the program.

3. Program Components

At arraignment, probation officers assigned in the Arraignment Court interview defendants, review the circumstances of the charges and past criminal history, and make sentence recommendation to the Court. Non-violent misdemeanants who demonstrate characteristic patterns

of drug addiction or alcoholism are identified at arraignment by these experienced probation officers or at pre-trial conferences by defense attorneys, prosecutors, or judges. Defendants deemed appropriate for Drug Court are given the option to undergo the treatment program offered in Drug Court or continue to face charges through the traditional criminal justice process. If defendants choose participation in Drug Court, defendants plead guilty to charges and are referred to Drug Court for intake evaluation.

Within seven days of referral to Drug Court, defendants are scheduled for intake evaluation and orientation to determine appropriateness of enrollment using the following criteria:

- non-violent charges against defendant
- no substantial prior felony conviction
- genuine drug problem
- no history of chronic mental illness
- no sexual offenses

The Substance Abuse Specialist performs an in-depth assessment of the defendant's substance abuse pattern, drug of choice, alcohol use, arrest record, public and social support, social history and status (i.e. family of origin, socio-cultural background, exposure to abuse or violence), educational background, employment, vocational needs, assessment of physical health and psychological state, and history of involvement in the criminal justice system. The following standardized assessment instruments are utilized:

- a. Criminal case history, which provides the history and pattern of criminal activity.
- b. Intake orientation, which provides the defendant with an overview of the requirements of the Drug Court Program, the program treatment policy, drug testing policy, and monitoring policy.

- c. Assessment of family history, employment history, level of educational attainment, use of public assistance, drug use or preference, marital status, and current residence.

The Kern County Drug Court utilizes a system based on three phases or levels of participation. This system provides the mechanism to track participants' progress and recognize accomplishments appropriately. A promotion from one phase to the next is considered an incentive. Sanctions can come in the form of a demotion.

The assignment of the phase is based on a Drug Court team collaboration. This team is comprised of the Drug Court Judges, the Probation Officer and Substance Abuse Specialist assigned to the case. Each participant's performance is evaluated on the following factors:

- a. Percentage of clean drug tests.
- b. Compliance with treatment assignment
- c. Compliance with support group attendance.
- d. Compliance with scheduled Drug Court appearances.
- e. Payment of Drug Court Fee of \$75.
- f. Accrual of new arrests or charges.

Phase assignment changes are noted on the Drug Court Progress Report.

4. Drug Court Program Phases

Phase I

The first 16 weeks of Drug Court is considered Phase I. Requirements for participants during this phase include the following:

1. Determination of treatment type, outpatient, intensive day treatment, or residential.
2. Drug and alcohol counseling at a qualified treatment facility three times a week. This

includes one individual and two group sessions.

3. A minimum of two Narcotics Anonymous (NA), Alcoholic Anonymous (AA) meetings , or Drug Court Support Group meetings which focuses on relapse prevention per week. Participants must have proof of attendance by validated signatures on a “court card”.
4. Drug screen testing one to two times per week, at least one day before court. The first test must have proof of attendance by validated signatures on a “court card”.
5. At least one court appearance per week. Court appearance may be more than one depending on the severity of the case. The Substance Abuse Specialist monitors the participant for compliance, which include the following:
 - a. Written Progress Report from the treatment agency.
 - b. Court Card with legitimate signatures from NA or AA.
 - c. Results from drug screening tests.

Based on proof of compliance, the substance abuse specialist makes a written recommendation to the Judge for advancement to the next phase or sanction for non-compliance.

Phase II

Upon successful completion of Phase I, the participant will graduate to Phase II. Phase II usually lasts approximately four months. The requirements of this phase are the following:

1. At least one group session per week on relapse prevention.
2. Weekly NA or AA meetings. The number of meetings are determined by need, work schedule, and life skills project, as listed below.
3. Participation in life skills educational or vocational services such as:
 - a. Family counseling/parenting classes provided by the Kern County Mental

Health Department and county contracted Ebony Counseling

- b. Literacy classes provided by the Kern County Literacy Council
 - c. Vocational rehabilitation provided by the State Vocational Rehabilitation
 - d. GED through Bakersfield Adult School
 - e. Enrollment in Bakersfield Junior College
- 4. Payment of \$75 Kern County Mental Health Drug Court Fee
 - 5. Weekly drug testing.
 - 6. Bi-weekly or monthly court appearance, depending on participant's progress.

Participants who have successfully completed Phase II will advance to Phase III.

Phase III

Phase III usually lasts approximately four months. During the first four weeks of Phase III:

The following are required:

- 1. Weekly Drug Court appearance.
- 2. Drug Screening test once a week.
- 3. Twice weekly support group meeting attendance.
- 4. Treatment meeting once a week.

Once participants successfully complete this period, participants advance to Phase III Follow-up lasting three months. The following are the requirements:

- 1. Drug Court monitoring once a month.
- 2. Drug testing once a month.
- 3. Suggested, but not required to attend 12-step support group or treatment meetings.

Recently, a Phase III Follow-Up program was implemented after successful completion. Graduates are required to appear in court after thirty, sixty, and ninety days of program completion. New arrests, address change, if any, and status of employment or participation in job training programs are monitored. Participants collaborate with the treatment provider's case manager to plan an aftercare plan. This plan includes the following:

- a. Weekly NA or AA meetings.
- b. Continue to work with NA and AA sponsor on the 12-step recovery program.
- c. Invitation to participate in the Substance Abuse Program on a voluntary basis.
- d. Regular follow up Drug Court appearances.

Graduates are also encouraged to participate in a mentoring program and support groups.

5. Treatment Program and Referral

Drug Court participants are referred to the least restrictive treatment modalities compatible to their needs. Treatment costs are borne by the participants. The following factors are considered in determining the appropriate treatment referral:

1. Drug use history and treatment history of participant.
2. Other mandated terms of compliance, i.e. probation, social services, etc.
3. Financial Status
4. Other treatment needs, i.e., parenting classes, domestic violence counseling, anger management, dual diagnosis treatment.
5. Access to transportation.
6. Geographical considerations.
7. Special needs such as language or physical challenges.

8. Pregnancy.
9. Defendant preference.

Treatment is assigned at the time of orientation by the Substance Abuse Specialist. The treatment assignment is recorded in the Drug Court Agreement and the Drug Court Intake forms.

Drug Court staff collaborates with treatment providers with the goal of maximizing the benefit to participants. Monthly meetings are held to update providers on changes in the functioning of drug court, address court or provider concerns, and to encourage networking among providers of different treatment modalities. Participant progress reports are forwarded by treatment providers to the Court on a regular basis. Weekly drug court calendars and case file updates are forwarded to treatment providers. In addition, Drug Court staff meet bi-weekly with Kern County Mental Health counseling staff. Treatment providers and counseling staff are encouraged to attend Drug Court status hearings when appropriate or necessary.

6. Monitoring

Monitoring of Drug Court participants is conducted on a regular basis by Substance Abuse Specialists and the Probation Officer to assure compliance with the requirements of the program. This monitoring is accomplished by phone contacts and regular Drug Court appearances. It is the belief of Drug Court proponents that regular contact by Drug Court staff is vital to the success of participants. Personal contacts will allow the Drug Court staff to provide participants the opportunity for positive reinforcement, help participants improve their self worth, assess their treatment needs and recommend different treatment modalities, i.e. from outpatient to residential if necessary, solve problems related to treatment issues, detect and prevent potential relapse, and evaluate and determine graduation to the next phase.

The Substance Abuse Specialists collect and review drug test results and treatment progress reports received from treatment providers. Prior to the next status court hearing date, the Substance Abuse Specialist make collateral contact with participants in order to update drug personal and economical status information of participants. These information is recorded in the Drug Court Progress Report. Urine test results, treatment progress, and NA/AA attendance is recorded in the Report as well. Progress Report of participants are completed and reported to the drug court judge. The drug court judges reviews these progress with participants during their weekly court appearances. The Drug Court Judge recognizes progress by encouraging and praising the participant from the bench in open court and in front of other drug court participants. Progressive compliance with the treatment regimen is rewarded by reduction in frequency of urinalysis and status hearings, praise and accolades from other drug court participants, promotion to the next phase or even fine reduction.

Noncompliance to treatment requirements will result in warnings and admonishments from the bench in open court, demotion to earlier phase, increased frequency of urine testing and court appearances, confinement to the jury box until the end of the drug court status hearing, increased monitoring and treatment intensity, i.e. residential treatment, jail confinement, and termination from the program and reinstatement of regular court processing. Participants who re-offend and found ineligible by the Judge, who consistently do not comply with Drug Court requirements, and participants who choose to decline the program or discontinue with the program are terminated from the program.

III. KERN COUNTY DRUG COURT ASSESSMENT

Research

A vast collection of literature is available to assist local jurisdictions to start a drug court program but research on the effectiveness of the drug court program has been somewhat limited..

In the *Research on Drug Courts: A Critical Review* by Steven Belenko, Ph.D., researches conducted by several organizations resulted in positive reviews of drug court programs nationwide. Results indicated that there was consistency in the findings from drug court evaluations despite the structural and jurisdictional differences, methods used by evaluators, and limitations of data available. Retention rates of participants in drug court are greater than offenders convicted in the traditional criminal justice process and those of engaged in conventional treatment methods. Drug Courts result in cost savings and benefits to the criminal justice system. Drug use and criminal behavior is significantly reduced while offenders are participating in drug court. Substantial reduction in recidivism after participants complete the program has been achieved a well.

In the *Observational Study of Courtroom Dynamics in Selected Drug Courts* by Sally Satel, M.D., it was determined that the dimension of the role of the drug court judge is a major importance in the success of participants in the program. The development of an ongoing connection with the participant has therapeutic value and serves as incentive for participants to stay in the program. This study suggested that future studies could explore the relationship between judicial alliance and program outcome.

In *An Outcome Program Evaluation of the Multnomah County S.T.O.P. Drug Diversion Program*, by Michael Finigan, Ph.D. participants in the drug program have less recidivism than a sample of clients who were eligible but did not participate in drug court. The lower recidivism was attributed to the oversight of the program by a single judge, frequent drug testing and court

appearances, and a method of providing swift and sure punishment for program failure.

An assessment of ninety-three operating drug courts programs nationwide conducted by the Drug Court Clearinghouse and Technical Assistance Project at American University in Washington DC in 1997 showed that the drug court approach is effective in reducing drug use and recidivism than the traditional adjudication process. The intensive supervision provided by the drug court program, the capacity to promptly deal with relapse, and the capability to integrate drug treatment with other rehabilitation services contribute to the effectiveness of the program. Findings also indicated that the program reported high participant retention rates and cost effectiveness of the program. The success of the program has been attributed to the judges close supervision, drug court treatment services, and strict monitoring by the drug court team. Benefits for families and children, and prosecutors and police, and criminal justice resource availability for more serious and violent offenses have been achieved.

Additionally, research literature and information published by The National Drug Court Institute, and the US Department of Justice, Office of Justice Planning offered an extensive variety of research topics that crosses over several distinct features of the drug court program. These research materials provided generally accepted measurements used in the industry to evaluate drug courts.

Methodology

In order to conduct a process evaluation of the program, drug court participants currently enrolled in the program and who appeared in court from January 25, 1999 to February 28, 1999 were asked to complete a three page survey by the Substance Abuse Specialists. Approximately 500 participants appeared in court during that period. Thirty percent or 149 Bakersfield Drug Court

participants responded. Shafter Drug Court participant surveys did not make the deadline, thus statistical analysis was not completed for these surveys. The survey is a three page document which include a variety of questions, scales, and topics. Included are questions used by researchers in the field of drug court research. The goal of the survey was to elicit raw data in the form of drug court participant perceptions. The perceptions are of critical program features such as the reason offenders enrolled in the program, incentives for retention in the program, detriments of program participation, as well as items relating to the background of participants such as education, employment, public assistance status, prior treatment, and prior arrests. (Appendix A).

Demographics:

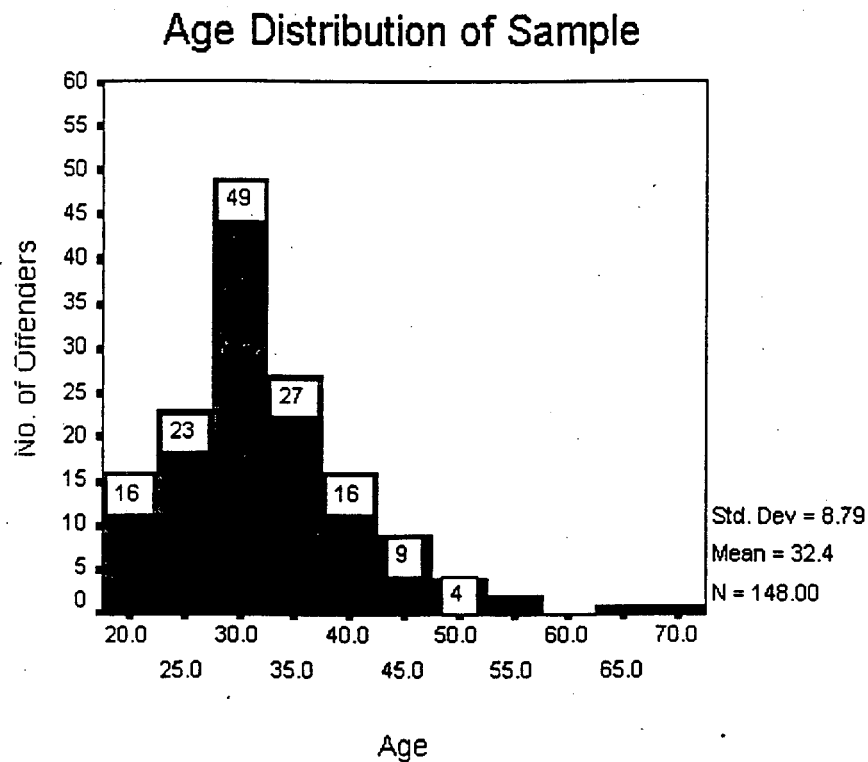
The participants who completed the questionnaire were mostly women (62%). Thirty-eight percent of participants who completed the survey are male. An examination of the distribution of the age of the participants was completed. The bar graph in Figure 1 shows the mean age statistic at 32 years and indicates that the mode of the sample is approximately 30 years. This finding is consistent with other findings in drug treatment literature that the more serious consequences of drug abuse/addiction do not emerge until late 20s, early 30s. In this study, the majority of offenders have been arrested and charged with a drug and alcohol offense are approximately 30 years old. This analysis shows that the program is able to target the offenders in their early stages of criminal activity.

Table 1. Age Distribution of Sample

Descriptive Sample

	N	Minimum	Maximum	Mean	Std. Deviation
AGE	148	18	69	32.39	8.79
Valid N (listwise)	148				

Figure 1. Age Distribution Sample



The time participants have been in the program was also analyzed. The more time that a participant has been in the drug court program, the more qualified they are to answer questions which pertain to the program processes. Those who have been in the program for a relatively long period of time will have moved beyond the difficult initial stages of the program which involve detoxification and abstinence from drug use. Participants who completed the survey immediately

upon entering the program may not have been able to comprehend the nature of the program or the goals of the survey as clearly as more experienced participants. Table 2 indicates that the majority of offenders in the sample have been in the program at least five months, and Figure 2 indicated that many have been in longer than five months.

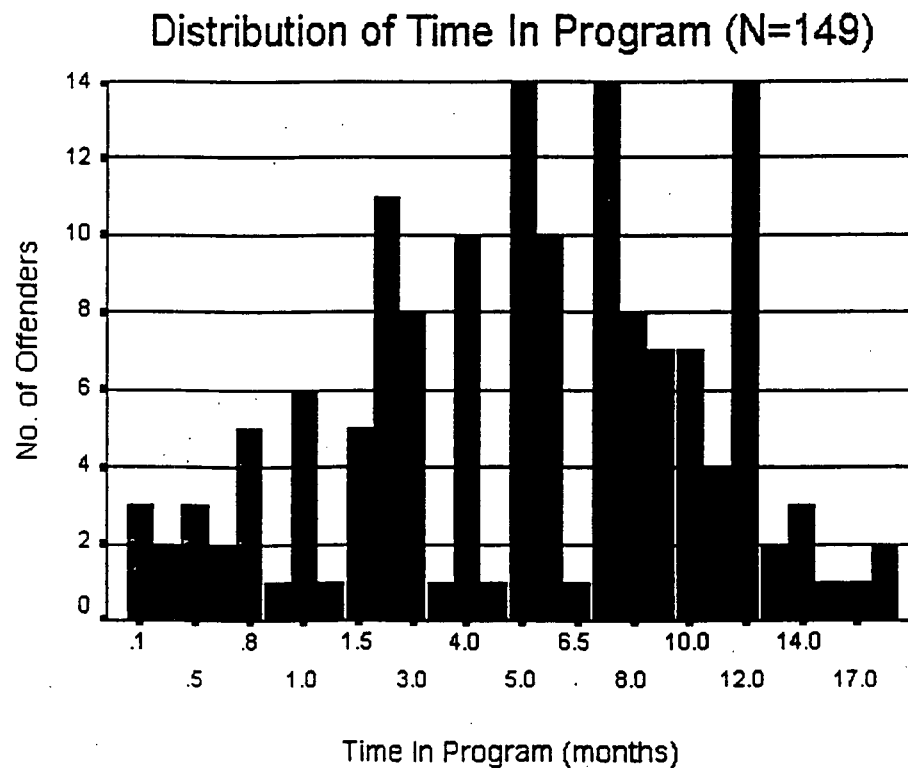
Table 2. Distribution of Time in Program

Descriptive Statistics

	Valid	N Missing	Mean	Median	Mode	Std Deviation	Minimum	Maximum
How long	147	3	6.190	6.000	5.0 ¹	4.563	.1	24.0

¹ Multiple modes exist.

Figure 2. Distribution of Time in Program.



Process Evaluation

The survey distributed to current drug court participants was designed to answer questions that will evaluate the participants perception of the effectiveness of the drug court program, the offenders' motivation for participation, characteristics that provide incentives and disincentives for program participation, assessment of important treatment service provided by the program, and the significant differences between the program and other prior treatment programs.

A statistical distribution that discerns the primary motivation for offenders' participation in drug court was tabulated. Knowing more about the main incentives enables the court to build upon those factors and draw more people into the treatment-based program. The variable distribution "Chance to Get Drug Treatment" in Table 3 was compared to the next variable distribution "Chance to Get My Charges Dropped" in Table 4. Participants were asked on a 1 to 5 Likert scale to rank the importance of each variable in the following order:

1 = Most Important

4 = Somewhat Important

2 = More Important

5 = Not Important

3 = Important

A significant number of respondents did not rank the choices given in the questionnaire by level of importance. In many instances, participants rated all or more than one statement as most important, more important, etc. instead of ranking by level of importance.

Table 3. Distribution of "Chance to Get Drug Treatment" Variable.

Chance to get treatment for my drug problem

	Count	Cumulative Count	Percent	Cumulative Percent
Most Important	117	117	79.59	79.59
More Important	16	133	10.88	90.48
Important	9	142	6.12	96.60
Somewhat Importnt	2	144	1.36	97.96
Least Important	1	145	0.68	98.64
Not Important	2	147	1.36	100.00
Missing	2			
Total	149			

Of critical importance is the degree to which offenders participating in the program genuinely desire to get help for their drug problem. Table 3 indicates that 90.5 percent of the sample consider drug treatment to be a top priority to them. Only 2 percent consider drug treatment to be "Least Important" and "Not Important".

Table 4. Distribution of "Chance to Have Charges Dropped"

Chance to have my charges dropped

	Count	Cumulative Count	Percent	Cumulative Percent
Most Important	50	50	42.02	42.02
More Important	9	59	7.56	49.58
Important	24	83	20.17	69.78
Somewhat Important	15	98	12.61	82.35
Least Important	10	108	8.40	90.76
Not Important	11	119	9.24	100.00
Missing	30			
Total	149			

Table 4 indicates that approximately 50 percent of the sample considered "Dropped Charges" as "Most Important" or "More Important". 18% considered "Dropped Charges" as "Least" or "Not Important". The comparison of the two variables indicate that Drug Treatment is more of an incentive for offenders to complete the program than Dropped Charges.

Contingency Table Analysis

Table 5 is a contingency table with a cross tabulation of two variables. Offenders were asked to indicate their past incarceration experience. That experience was cross tabulated with the variable Chance to Get Drug Treatment. The hypothesis is that offenders who have been jailed in the past for drug charges will consider the opportunity to get drug treatment as important. Table 5 indicates that indeed, 80 percent of offenders who have been jailed in the past for drug charges considered getting drug treatment to be "Most Important"

Table 5 Contingency Table. Dependent Variable: Chance to Get Drug Treatment

Chance to Get Drug Treatment	Incar. For a Drug Conv.	Incar. For an Alco. Conv.	Incar. For Other Conv	Incar. For Drg &Alc Conv.	Incar. For Alc & Oth Conv.	Incar. For Alc, Drg & Other	Total
Most Important	48 80.00	10 90.91	13 76.47	2 28.57	7 87.50	2 100.00	82 78.10
More Important	3 5.00	1 9.09	1 5.88	4 57.14	1 12.50	0	10 9.52
Important	6 10.00	0	1 5.88	1 12.50	0	0	8 7.62
Somewhat Important	2 3.33	0	0	0	0	0	2 1.90
Least Important	1 1.67	0	0	0	0	0	1 0.95
Not Important	0	0	2 11.76	0	0	0	2 1.90
Total	60 100.00	11 100.00	17 100.00	7 100.00	8 100.00	2 100.00	105 100.0

Table 6 shows the cross tabulation of the variable past incarceration experience with the variable Chance Not to Go to Jail. The hypothesis is that offenders who have been jailed in the past for drug charges will consider the opportunity not to go to jail. It is interesting to note that only 40 percent of offenders who have been jailed in the past considered Chance Not to Go to Jail to be "Most Important". Eleven percent considered Chance Not to Got to Jail to be "Least Important" or "Not Important". The results of these cross tabulations indicate that participants sampled were more concerned about their drug abuse then being incarcerated. It is encouraging to note that the offenders' motivation in participating in drug court is to get treatment for their addiction rather than escape incarceration.

Table 6 Contingency Table. Dependent Variable: Chance Not to Go to Jail

Chance Not to Go To Jail	Incar. For a Drug Conv.	Incar. For an Alco. Conv.	Incar. For Other Conv	Incar. For Drg &Alc Conv.	Incar. For Alc & Oth Conv.	Incar. For Alc, Drg & Other	Total
Most Important	21 42.00	3 33.33	6 37.50	4 66.67	2 28.57	0	36 40.00
More Important	8 16.00	0	2 12.50	1 16.67	1 14.29	0	12 13.33
Important	10 20.00	5 55.56	2 12.50	1 16.67	2 28.57	1 50.00	21 23.33
Somewhat Important	6 12.00	1 11.11	2 12.50	0	1 14.29	1 50.00	11 12.22
Least Important	1 2.00	0	2 12.50	0	1 14.29	0	4 4.44
Not Important	4 8.00	0	2 12.50	0	0	0	6 6.67
Total	50 100.00	9 100.00	16 100.00	6 100.00	7 100.00	2 100.00	90 100.00

Reason for Remaining in the Program

Participants strongly indicated (84%) that the judges support and genuine care for their welfare is the factor that encouraged them to remain in the program. Another strong factor is the weekly court appearance, urine testing and treatment (63%). Satel's observation of the importance of the "judge effect" factor in drug court courtroom dynamics has been validated in this study.

Impediments to Success in the Program

Participants indicated that "limited funds" is the greatest obstacle that could block their success in the program (72%) followed by "relapse" (61%). Because participants pay for weekly treatment and urine testing, their remaining and success in the program will strongly be dependent

on their economic situation. Additionally, the recurring and controlling nature of drug and alcohol addiction presents a strong fear of relapse for participants who are struggling to extricate themselves from the addiction through the program. Continuous monitoring and supervision over the recovery process through regular court appearances, urine testing , and frequent treatment and therapy sessions is vital for the prevention of relapse.

Important Treatment Service

Participants indicated that “Counseling” is the most important treatment provided by the drug court programs (85%) followed by “therapy” (70%). The participants’ response to this question is indicative of the effectiveness of the treatment based approach utilized by drug courts. Ongoing monitoring and evaluation of offenders is vital in assessing the effectiveness of treatment modalities assigned to each participant.

Most Significant Difference of Drug Court From Prior Drug Treatment Program Attended

Participants surveyed indicated that “a judge monitors my progress” is the most significant difference drug court experience has over prior drug treatment programs attended (75%) followed by “frequent court hearings to monitor my progress (73%). Once again, the importance of the judges direct supervision and genuine display of care for the well being of drug offenders have a tremendous impact on the experience of participants in drug court. In response to this question, a participant who has twice undergone drug treatment programs in the past added another significant difference as follows: “The compassion from Judge Hoover and the counselors”.

Program Outcomes

Retention and Graduation Rates

Despite the strict requirements of the drug court program, Bakersfield and Shafter Drug

Courts are retaining a significant percentage of participants in the program. Bakersfield Drug Court retains 54% of participants in the program while Shafter Drug Court retains 65% of participants in the program. Studies show that the retention rate of traditional drug treatment programs average around 10 - 15 percent, and traditional treatment is not as rigorous as the drug court treatment program. (Senjo 59) The nationwide retention rate averages from 60 to 70%. Because participants are tested for drugs regularly while in the program, drug use by these participants are significantly reduced while in the program. For most of these participants who subsequently graduate from the program, their use of drugs and alcohol are completely eliminated. Out of all participants who completed the program, 43% successfully graduated from Bakersfield Drug Court and 41% successfully graduated from Shafter Drug Court.

Retention and successful completion of participants surveyed are attributed in a large part to the role of a judge in drug court, the nature of judge-participant interaction in the program, and the weekly court appearances, urine testing and treatment.

Recidivism Rates

A study of drug related offenders eligible for drug court in Bakersfield but did not participate in drug court showed that 42% of these offenders recidivated. According to the Drugs and Crimes Facts, 1995, most criminal justice professionals estimate that at least 45% of defendants convicted of drug possession will recidivate with a similar offense within 2 to 3 years. Studies show that the more frequently a drug offender is arrested for drug related violations, the more likely he or she recidivate. A high percentage of drug offenders are also convicted of property offenses during the time they are addicted to drugs. Aside from property offenses, the most common type of arrests were for drug possession, drunk in public, domestic violence, and drunk driving.

Participants who successfully completed drug court showed a recidivism rate of 17% which

is significantly lower than offenders processed through the traditional adjudication process. Drug Court programs nationwide reflect recidivism among drug court participants range between 5% to 28%. This low recidivism rate demonstrates that the program is effective in reducing recurrence of crime, thus promotes public safety.

Drug Free Babies

Out of thirty-seven pregnant women in the program, seventeen had drug free babies, three had drug-addicted babies, and fifteen are still pregnant. Bakersfield and Shafter Drug Courts also provide residential treatment for pregnant women. Fifteen of these women are recipients of a grant from the U.S. Department of Justice Office of Justice Programs.

Benefits of Drug Court

Jail Space

Drug Court as an alternative sentence to jail time has resulted in savings in jail beds for mandatory 90 day jail sentence for "under the influence of drugs" offenses which make up 40% of offenders accepted into the program. The savings is estimated at approximately \$400,950 per year. Not included in this cost saving are pretrial detention costs while defendants are awaiting trial. This saving does not factor the value of the capability to incarcerate more violent offenders as a result of the drug court program. The Kern County Sheriff Department reported a 45% decrease in Federal Housing Caps early releases in FY 1995-1996. The department attributes the decrease to availability of alternative programs such as Drug Court, Work Release Program, and County Parole Programs.

Family and Social Services

Participants who have minor children who have lost custody of their children due to drug abuse regain custody of their children upon completion of drug court. Of 100 graduates from 1997 to 1998, eighteen have regained custody of their children. Seventeen drug free babies born to drug court participants from 1997 to 1998 have resulted in substantial medical and social services cost savings. It is estimated that a minimum of \$250,000 is required to care for drug-addicted infants.

Many participants who were unemployed prior to enrollment in Drug Court and were receiving public assistance became gainfully employed upon completion of the program. Of 100 participants surveyed from 1997 to 1998, 70 were unemployed when they enrolled in drug court. 40% of the participants gained employment while participating in the program. More participants are likely to gain employment after completion. Fourteen of the thirty participants who were on public assistance became self-supporting while still in the program. Two participants are currently attending college courses.

IV. CONCLUSION

The results of this analysis of Drug Courts in Kern County have demonstrated that drug court programs do work. Recognition of substance abuse as a disease encourages therapeutic treatment of drug and alcohol offenders. It is no longer reasonable nor effective to punish these offenders by incarceration alone. Depriving these offenders of treatment provided in a drug court program will not solve the problem of escalating crime and substance abuse. Drug Courts are not soft on crimes. More and more studies conducted by professionals and testimonials made by drug court graduates have proven its effectivity and resulting positive outcomes.

Results of program outcomes, such as retention, graduation and recidivism rates, are

consistent with findings documented nationwide. The provision of a closer supervision and treatment modalities suited to the participants individual needs account for positive outcomes reported by a growing number of evaluations.

More evaluations must be conducted on the characteristics of drug court participants who either completed or were terminated from the program. Exit interviews of participants must be conducted to assess their experience and determine the factors and profile of participants who succeed and fail in the program. Such a study will allow program administrators the avenue to assess and improve the treatment of participants and the operation of the drug court program.

In conclusion, this study had demonstrated that the Kern County Drug Court Program has met the program goals of reducing recidivism and substance abuse of participants, and enhancing the likelihood of the participant's rehabilitation. More importantly, the program has been successful in effectuating positive changes in drug offenders lives. Several success stories and testimonies of drug participants published in the local newspapers have been validated by outcomes documented in this study. Although these Drug Courts only target a small population of drug and alcohol offenders (misdemeanor and minor felony drug and alcohol related offenses) in Kern County, they provide the opportunity for offenders who are serious about seeking treatment for their drug and alcohol abuse the viable help and support provided by the drug court staff. For those offenders who are in their early stages of drug and alcohol abuse, the treatment provided and the strict regimen of drug court will help curtail substance abuse and the commission of more serious crimes.

BIBLIOGRAPHY

Atchue, Scott H. Drug Courts: Issues in Planning and Implementation. "The Court Management and Administration Report." Trenton, NJ: The Court Management and Administration Report Subscription Services. 1996.

Belenko, Steven. Research on Drug Courts: A Critical Review. Alexandria, VA: The National Drug Court Institute. 1998.

"Breaking the Cycle of Drug Abuse in Birmingham." National Institute of Justice Journal. July, 1998. p. 9.

"Creating a Common Drug Court Research Agenda: Researchers and Practitioners Plan for the Future." National Institute on Drug Abuse and National Drug Court Institute. Alexandria, Virginia. 1998.

"Drug Courts Do Work." The National Law Journal, November 23, 1998, P. A1.

Finnigan, Michael, Ph.D. An Outcome Program Evaluation of the Multnomah County S.T.O.P. Drug Diversion Program. West Linn, OR: State Justice Institute 1998.

"Fault-Finding won't end Jail Problem." The Bakersfield California. November 17, 1993. p. B4.

Greenfield, Lawrence A. Alcohol and Crime. Washington D.C., 1998.

Kern County Profile. California: Kern County Board of Trade: 1996-7

Leshner, Alan I. Exploring Trends in Addiction Treatment. October 1998.

McCaffrey, Barry R. The National Drug Control Strategy, 1998, 1998

Moon, Eileen. Pregnant, Hooked & Booked. Professional Counselor, October 1998. p. 13.

Robinson, Laurie. Defining Drug Courts: The Key to Components. Washington D.C.: Drug Court Standards Committee. 1997.

Robinson, Laurie. National Symposium on Alcohol Abuse and Crime: Recommendations to the Office of Justice Programs. Washington D.C.: Drug Court Standards Committee. 1997.

Satel, Sally, L. Observation Study of Courtroom Dynamics in Selected Drug Courts. Alexandria, VA: The National Drug Court Institute. 1998.

Senjo, Scott R. Assessing Organizational Effectiveness: Impact of Drug Court Processes on Offender Behavior Change. Boca Raton, FL. 1998

Shaw, Michelle. Summary and Analysis of the First Juvenile Drug Court Evaluations. Alexandria, VA: The National Drug Court Institute. 1998.

Shoemaker, Richard. "Helping Drug Abusers Stop." California County. July 26, 1998, p. 5.

Summary Assessment of the Drug Court Experience. A summary of Volumes 1, 2, and 3 by the Drug Court Clearinghouse and Technical Assistance Project.

Tauber, Jeff. The Future of Drug Courts: Comprehensive Drug Court Systems. Alexandria, VA: The National Drug Court Institute. 1998.

"The Improbable Transformation of Inner-City Neighborhoods: Crime, Violence, Violence, Drugs, and Youths in the 90's" National Institute of Justice Journal. October. 1998. p. 16.

"Treatment Drug Courts: Integrating Substance Abuse Treatment With Legal Case Process" Substance Abuse and Mental Health Services Administration. March 13, 1998.

APPENDIX A

Drug Court Participant Questionnaire

Drug Court Survey

DRUG COURT PARTICIPANT QUESTIONNAIRE:

A. Background of Respondent:

1. Age _____ 2. Sex _____
3. Marital Status: Single/Never Married _____ Married _____ Divorced _____ Widowed _____

4. Children: No Children _____ Have Children _____
Number of Minor Children _____
Residence of Minor Children:
Live with Respondent: Yes _____ No _____
Number Living with Respondent _____

Number of Adult Children _____
Residence of Adult Children:
Live with Respondent: Yes _____ No _____
Number living with Respondent _____

5. Educational Level:

Eighth Grade or less _____
Some High School _____
High School graduate/GED _____
Up to two years technical training following High school _____
Up to two years of college _____
Three/four years of college _____
Undergraduate degree _____
Post Graduate study _____
Professional degree (Please specify): _____

6. Military Status: Active Military: Yes ___ No ___ Veteran Status Yes ___ No ___

7. Employment:

Full time job _____
Part time job _____
Not Working _____
Other: (Please specify): _____

8. Public Assistance: Yes _____ No _____

Please Specify: _____

9. Drug Court Participation: Still In Drug Court _____ Graduate _____ Terminated _____

10. If Currently in Drug Court. How long? _____

11. If Graduate. Date Graduated _____. How long in the program _____.

B: Prior Drug/Alcohol Treatment Program:

Please check in the space which applies to you:

- _____ Never been in a treatment program before Drug Court Program
_____ Have been in previous treatment program/s. Specify _____

C: Incarceration Prior to Drug Court Participation:

Please check in the space which applies to you:

- _____ Incarcerated (jailed) for a prior Drug Related Conviction
_____ Incarcerated (jailed) for a prior Alcohol Related Conviction
_____ Incarcerated (jailed) for other conviction. Specify _____

D. Participant Comments:

1. Please indicate, by importance, the reason(s) you entered the Drug Court Program.
Rank importance by use the following rating scale:

- 1 = Most Important
2 = More Important
3 = Important
4 = Somewhat Important
5 = Least Important
6 = Not Important

- _____ Chance to have my charges dropped
_____ Chance not to go to jail
_____ Chance to get treatment for my drug problem
_____ Chance to get a job
_____ Chance to get back with my family
_____ Other (Please Specify) _____

2. Please rate the aspects of the drug court program which you feel most significantly account for your remaining in the program. Use the same ranking scale as above:

- _____ The fact that I entered the program immediately after my arrest.
_____ The opportunity to talk over progress and problems with the Judge.
_____ Fear of going back to jail if non-compliance to requirements of Drug Court.
_____ Weekly court appearance, urine testing and treatment.
_____ The Judge provides support and genuine care for my welfare.
_____ Other (Please Specify) _____

3. Please rate the circumstances that may contribute to unsuccessful completion of the Drug Court Program. Use the same ranking scale as above:

- ☐ No support from family and friends.
- ☐ Limited funds.
- ☐ Relapse.
- ☐ Re-arrest.
- ☐ Drug Court Program requirement of _____ is difficult to achieve.
- ☐ Other (Please Specify) _____

4. Please rank the order of importance of the treatment/residential service provided. Use the same ranking scale as above.

- ☐ Detox
- ☐ Counseling
- ☐ Urine Testing
- ☐ Therapy
- ☐ Education/job development
- ☐ Other (Please specify) _____

5. If you have participated in a prior drug treatment program rate the most significant differences between your prior treatment program(s) and the drug court program. Use the same ranking scale as above.

- ☐ A Judge monitors my progress
- ☐ Frequent court hearings to monitor my progress
- ☐ Frequency of counseling sessions
- ☐ Frequency of urinalysis
- ☐ Possibility of sanctions being imposed if I didn't comply with program requirements.
- ☐ Other (Please specify) _____

6. Do you think you would have succeeded with the drug court program as long as you have because:

	Yes	No	No Opinion
The program provided drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The program provided status hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You appeared before the judge less frequently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You appeared before the judge more frequently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frequent attendance to NA/AA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strict sanctions for non-compliance with Drug Court requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Please indicate any suggestions you have which could make the drug court program more effective.

Thank you for your assistance in completing this questionnaire.

DRUG COURT SURVEY

Name _____ Intake date _____

Graduation date _____

Finish date _____

	<u>Before</u>	<u>After</u>
	<u>Drug Court</u>	<u>Drug Court</u>
1. If you have children, how many children under the age of 18 live with you?	_____	_____
2. Are you:		
A. Receiving AFDC/General Assistance (GA)?	Yes No	Yes No
B. Receiving food vouchers?	Yes No	Yes No
C. Living in subsidized/Section 8 housing?	Yes No	Yes No
D. Receiving free health care or Medi-Cal?	Yes No	Yes No
3. Are you working?	Yes No	Yes No
A. How many hours per week:	_____	_____
4. If your are working, approximately how much do you earn per hour or week?	_____	_____
5. Do you pay child support?	Yes No	Yes No
6. What zip code do you live in?	_____	_____
7. How many months did it take you to complete Drug Court?	_____	_____
8. Are you receiving any other government paid assistance and/or counseling, such as:		
A. Social Security	Yes No	Yes No
B. Drug and Alcohol Abuse Counseling	Yes No	Yes No
C. Unemployment	Yes No	Yes No
D. Domestic Violence Counseling?	Yes No	Yes No
E. Employers' Training Resource Assistance	Yes No	Yes No
F. Other (indicate program)	Yes No	Yes No
9. What is the highest grade in school that you have completed?	_____	_____
10. Are you attending school?	Yes No	Yes No

APPENDIX B

Newspaper Articles of Drug Court Participant Testimonials



Brister fills in for Elway, helps keep Broncos unbeaten
Sports, C1



Grassroots effort was key to stadium at Stockdale
Sports, C1

Monday, November 9, 1993

"They'll love you until you love yourself"

Drug court repairs lives one at a time

Judge Hoover gives addicts self-esteem they need to quit

By STEVE E. SWENSON
Californian staff writer
e-mail: sswenson@bakersfield.com

A reminder of Misty Dawn Hickey's six years of methamphetamine use is fading away. Her reward for graduating from the Drug Court program in Bakersfield Municipal Court is to have tattoos removed from her right forearm and left ankle.

It's a several-step process where the once-dark tattoos of "mom" on her leg and a unicorn and a name on her arm get lighter and lighter until they're completely gone. As of last week, her arm and leg have just faint blue marks.

Everything else about the 23-year-old Hickey is naturally radiant and drug free, as tests during the last 10 months have confirmed.

Her blue eyes sparkle. Her smile lights up a room. Her blonde hair is styled and shiny. Her weight is ideal. Her personality is bubbly. Her clothes are neat and trim. Her self-esteem is her high.

None of that described her life on crank from when she was 17 to Jan. 7 this year, the last day methamphetamine polluted her body.

As a "trunkster" her eyes were vacant, her teeth were crooked and decaying, her self-cut hair was ragged and short; she looked anorexic (85 pounds compared to 130 now); she was paranoid; her self-esteem was nil.

The recovery of a drug addict is about self-esteem, and that's why Drug Court Judge Frank A. Hoover authorized the tattoo removal for Hickey. He also has author-



DAN OCAMPO/THE CALIFORNIAN

Misty Hickey, who recently had a tattoo on her right arm removed as part of a drug court program, plays with her son Tyler in their east Bakersfield home.

ized teeth straightening for other graduates — soft gums and crooked teeth are a byproduct of drug use.

The tattoos are removed at Clínica Sierra Vista while several dentists donate their services to help with teeth, Hoover said.

Hickey said she wanted the tattoo removal because, "I don't want people to judge me before they get to know me. I don't want people to look at me that way ever again."

People do look at her in her job as a clerk at the new Rosedale Wal-Mart where she's

worked since August, going there from a 5-month job she had at the Green Frog Market.

"I love customer service and being around people," she said.

Her ability to hold a steady job contrasts with her meth life where she once had six jobs in five months, giving up on each one of them. She sold drugs instead to keep up with her \$150- to \$200-a-week meth habit.

The seed of her drug use, she said, began when she was nine years old upon learning the man she thought was her

father was really her stepfather.

She said her mother didn't tell her much about her real father, and so she rebelled. That included taking drugs and getting pregnant. Her son is being raised by her mother because her drug use kept her from being able to raise him.

She has a second child, 2-year-old Tyler, born in her marriage to Phillip Hickey, a mechanic, who encouraged her to stop using drugs.

Please turn to COURT / A2

COURT: 30 percent graduate and stay clean, an above-average ratio

Continued from A1

But her turnaround didn't begin until July 7, 1997 when she was jailed for 47 days on a 3-year-old warrant for failing to complete a work release program on a previous drug charge.

She was taken before Judge Hoover who asked her, "How long have you been a drug addict?" She recalls now that Hoover "was the man who got me to admit to myself that I was a drug addict."

She remembered Hoover from a court appearance in 1993 when she thought, "He's not going to help me. He's just a judge."

But a theme of Drug Court stuck

with her: "They'll love you until you love yourself."

She sobered up in jail. She went to counseling, took drug tests at her own expense after she got out, and went to drug court where she soaked up Hoover's encouragement and envied the graduates who were applauded by the audience.

Drug Court was started by Hoover in 1993. It's had about 3,000 participants since then, and Hoover estimates that 30 percent graduate and stay clean — a much higher percentage than other options.

Hoover said 40 percent stay sober longer than they otherwise would, but

they go back to their old ways. The final 30 percent don't make any progress. It's a program of regular court appearances, drug testing and Hoover cheerleading such as:

- "Look at that tan. When you use a lot of crank, you are pale."

- "You're going to graduate next time. You'll deny the criminal justice system one more number."

- "You might be having trouble with success (to a man who after clean tests tested dirty). But you can do it. You're a likeable, competent, capable person."

- "The Hoover spin is there is not a chemical answer for everything."

Hickey stayed clean until Jan. 7

when she tested dirty. She went back before Hoover who didn't give up on her. "He patted me on the back when I needed it," she said. "Especially me, because I don't have my dad (Hoover is about her dad's age)."

Now Hickey talks about her accomplishments. When the tattoo is completely gone, it means to her "I've accomplished something else. I'm clean and sober and my arm looks like it was when I didn't use drugs."

When she accomplishes things, "that right there is wonderful. It makes being off drugs worthwhile. I get more self esteem. I get more courage that I can do this."

The Bakersfield Californian

FINAL EDITION

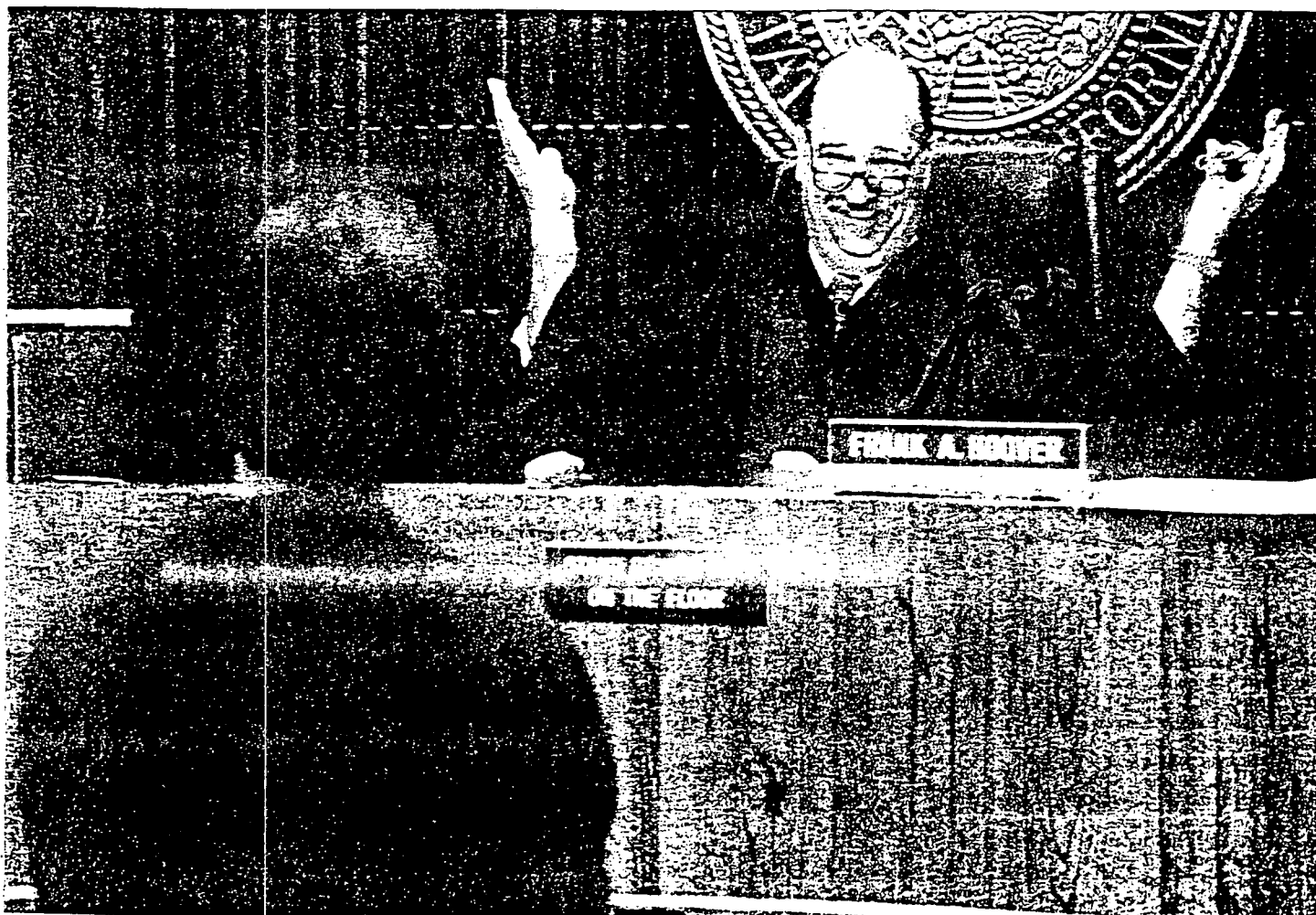
Serving Kern County since 1866

MODERN

Sunday, April 28,

DRUG COURT

Another weapon in the war that's bankrupting America.



Judge Frank Hoover explains why his court is better than the other choice the participant has.

FELIX ADAMO/THE CALIFORNIAN

A plague in our house

Behind closed doors in every neighborhood, a generation of adults is choosing the highs of drugs and alcohol over the joys of a first birthday or the sound of a child's contented laughter.

The consequences to society already are rumbling with seismic proportions: neglected, abused children of drug-and-alcohol-addicted parents are flooding the schools, the social welfare system, hospitals and the courts.

Drug addicts, often abused and neglected as children themselves, are overloading these same institutions.

Old answers, such as prison sentences for drug users, don't appear to be working. But some rehabilitation efforts, though still controversial, are showing promise. In an ongoing series of stories, *The Californian* is following local families through an odyssey of drug addiction and attempts at rehabilitation. The series is analyzing the roots of this generational problem and examining possible solutions.

By TAMARA KOEHLER
Californian staff writer

Holding his Bible for all to see, Orlando Bailey paced the hallway outside the courtroom, eager to go inside and tell how he's cleaned up his act.

"I'm here because I had these warrants to clear up - I didn't show up for a few drug (possession) cases - no big deal," the 32-year-old father of two said last week. "But I haven't used in months. I've found Jesus. I'm here to tell them I'm in the (Bethany) men's home now, so I'm working my own program."

Presumption was Bailey's first mistake in

Bakersfield's Drug Court last week and probably won't be his last, say the veteran counselors who screen participants.

An hour later, the long-time cocaine addict tried to spin his tale on the court's substance-abuse specialist Carol Ary.

"Here's my plan, see," he said, wide-eyed with earnestness. "Maybe you ought to write this down."

"No way," Ary replied with a see-right-through-you grin. "You don't tell us what you're going to do. We tell you. And you can either follow it or do the (jail) time."

Minutes later, Judge Frank Hoover acted on

► Please turn to DRUG / A8

A plague in our house

Continued from A1

Ary's recommendation by ordering Bailey to come back in a few days with a decision. On his way out of the highway to Lerdo Jail, he told Bailey:

"Man! Bailey said, stomping out of the courtroom. 'I thought this was going to be way different.'"

It was another day, another addict in Bakersfield's Drug Court, where judicial tough-love has taken the place of traditional criminal sentencing. It is a court where people with misdemeanor drug and alcohol crimes are given a chance rather than a jail term, and the judge speaks words of encouragement like, "You look good, man!" to newly sober defendants.

Drug courts are the latest tactic in the war on drugs, a place where social work collides with criminal justice and, for the most part, appears to be working.

At the very least, drug courts are offering relief to the practical problem of jails and prisons overcrowded with drug offenders. And at best, say proponents like Hoover, these charismatic courts are turning lives around by attacking the root of the problem: addictive behavior.

Nearly 50 percent of crimes from theft to child neglect to murder are related to drugs and alcohol, according to national studies by the U.S. Department of Justice. Those studies also found that drug and alcohol abuse is the underlying factor in 50 percent to 90 percent of all the cases seen in juvenile and family court—a statistic that points to the more insidious social problem of the breakdown of the family.

The cost to the taxpayer for treating the problem through punishment is staggering. Alcohol and other drug-related crime cost society \$57.3 billion in 1990—a figure that nearly tripled to \$153 million in 1995, according to the Justice Department.

By not addressing the problem of addiction, drug and alcohol abusers simply are removed from society for a stint in jail, then released back into communities where they start the addiction cycle all over again, Hoover said.

"The war against drugs is bankrupting a society not designed to deal with this much chaos and fear," Hoover said. "You end up with the same case 20 times. We're pouring tremendous amounts of money in punishing these people when our money should be spent on science and victim restitution and treatment and breaking the cycle at its origin—addiction."

The court of conversion

The idea of drug courts was born out of frustration that more than 2,000 felon drug cases filed in each of the past five years in Kern County haven't solved the drug problem.

So far, drug courts seem to be making a difference.

Last August, the Bureau of Justice Assistance reported that by diverting non-violent defendants from jail time to treatment, drug courts could lower the recidivism rate, increase successful treatment outcomes and save taxpayers \$5,000 per defendant in jail costs alone.

And for people like Bailey who think Drug Court is an easy alternative to going to jail, the reality is anything but.

On orientation day, when new participants are indoctrinated to Drug Court, they learn their lives will become a flurry of schedules to keep, weekly drug tests and court appointments with long waits, daily 12-step program meetings and enrollment in treatment.

Then they are told they must pay for everything themselves.

"Hey, you could come up with the money for a lot of drugs, you can come up with the money for this," Drug Court substance abuse specialist Angelina Quintana told a group of 18 newcomers this week.

No grants of any kind fund the drug court, which gives these who run it—judge, counselors and probation officer—complete autonomy. Hoover spends his afternoons running the drug court, managing as a traditional Municipal Court judge. Quintana and Ary are employees of the Kern County Mental Health Department, which sets aside part of its annual budget for their salaries and the drug court program.

Hoover takes this self-paying form of Drug Court a step further, saving its another reason why drug courts across the country are gaining political favor.

"There are no government handouts going on in here," Hoover said. "There is a government program, where the taxpayer pays for everything. This is about getting people to be accountable and take responsibility for their lives. And it's definitely hard work."

Hoover and his team allow for slips, even respect them, as long as a person eventually succeeds. Sometimes, Hoover dishes out a slap or two in court as a wake-up call.

He depends on two staffers—these counselors—Ary and Quintana—to make recommendations, and generally follow their lead. It's women who monitor addicts and give the creative (or creative) advice that can help.

"Hoover has a name for me and you'll be listening to me," Quintana tells the group of



Ma, ia breaks down while talking to a counselor. Her boyfriend is in a court down the hall facing a 10-year sentence for assault with a deadly weapon.



Counselors Carol Ary, seated, and Angelina Quintana, have heard all the excuses, so they are tough as Judge Hoover.



Judge Hoover congratulates Scott Wolden, who has been clean for more than 100 days.



Sheryl Garcia tells the court about her baby, born drug free.



Bible in hand, Orlando Bailey waits for drug court to begin.

newcomers. "It's K.B. (Kick Butt) Quintana, because I don't mess around."

Last week, a woman stood before Hoover and insisted her drug test was a mistake made by the lab. Hoover looked to Quintana, who mouthed the words: "No way."

The woman was told to take the test again next afternoon and come back to court the next day.

Next, a pregnant woman snickered up to the white line before Hoover's bench and insisted her drug test was a mistake made by the lab. Hoover looked to Quintana, who mouthed the words: "No way."

drug test.

"OK, this time is it," he thundered. "If you want to argue with me, you'll go to jail for the rest of your sentence (a year). You're pregnant and still using—that baby doesn't have a choice. I simply will not tolerate you reeking (ingesting methamphetamine) for two."

About 40 percent to 50 percent of those who come to Drug Court fail or decide they'd rather tough out a jail sentence. The other half find something they never thought possible inside a courtroom—people who care about what happens to them, Hoover said.

From the bailiffs to the counselors to the judge, everyone who works in Drug Court wears the glow of converts. There's justice going on in Division B and lives are actually being saved, says Ken Torg, a probation officer who is Hoover's right-hand man.

"The difference in here is we talk to these people like they're human beings, not bugs," says Torg, who works with the hard core defendants and makes probation recommendations to Hoover. "For many of them, it's the first time someone in the court system has gotten down to the human level with them. And believe me, that makes them squirm a lot more than taking the tough-talking approach."

A national trend

Bakersfield's Drug Court, formed in 1993, was the second in California and one of the first 10 in the nation. Some take only felony drug cases, others like Hoover's only misdemeanor. But all operate on the premise that treatment and the watchful eye of the Drug Court counselors and judge are a sound alternative to straight punishment.

Last month, Hoover was invited by President Clinton to meet in Washington with two other drug court judges to discuss the growing problem of juvenile violence and its relation to drug addiction.

Between 1992 and 1994, the rate of marijuana use among youths ages 12 to 17 nearly doubled, following a 15-year decline. People between the ages of 16 and 21 also are using other illicit drugs such as methamphetamines and PCP at higher rates than any other age group, according to the 1994 National Household Survey on Drug Abuse.

At the same time, juvenile crime rates are rising even while adult crime rates have fallen for three straight years.

One day last week, the court was filled with people under age 35—homemakers, college students, hookers and thieves.

One, named Maria, sat waiting to be called, impatient yet curious about the program. Maria has lived her teenage years selling her body for drugs and money. Her talk is tough: "Oh, well, that's the way it is," she says with a wise smile, rubbing a bruise on her neck made by a man who assaulted her the night before. She doesn't bat an eye as she tells how her strict parents kicked her out at the age of 13. Since then, she has lived on the streets or with boyfriends.

But her wise-cracking veneer splintered when she spoke with Ary, a woman whose own drug addiction led to early prostitution.

A plague in our house

Throughout this year, *The Californian* is following local families through an odyssey of drug addiction and attempts at rehabilitation. The following vignettes represent a peek at the successes and failures some Kern County women who underwent rehabilitation have experienced during the last two months.

Bernadette Parks



It was a place brimming in hope, powerful women, possibilities — and Bernadette Parks was right there in the middle of it all.

Who'd have thought it, the 35-year-old says, grinning as she hurriedly puffed on a cigarette between seminars at the Bakersfield Women's Business Conference on April 18.

Three years ago, when an alley was her bedroom and methamphetamine addicts her family, it was all Bernadette could do to scrounge up a meal or a bath.

Now, here she was, in a throng of business women, with her nails painted bright red and a year of sobriety shining in her skin.

"This is great," Bernadette said. "This is just so great."

Bernadette's life these days is a series of steps forward, she says.

There is work to do on her self-esteem, she says, that inner sense of calm crushed by the years of drug addiction. She works at the Desert Counseling Center and to pay off her bill for staying there and to help the new entrants to the program. She meets monthly with a women's counselor.

A career is slowly taking shape in her mind — one where she will help others, report to work five days a week, be responsible and independent.

Currently, she is staying with her

sister and son-law in their Rosedale. Her three sons live with their mother, and she saw them for the first time in five years at Christmas.

Dealing with those lost years, and the hurt her sons must feel, is a constant struggle for Bernadette, a tall thin woman with a sheath of shiny brown hair.

But today, at the Business Conference, she is brimming over to ear. Today is a good day.

Sylvia Jaramillo



FELIX ADAMO/THE CALIFORNIAN

Two nurses came to the Desert Counseling Women's Center earlier this month to tell Sylvia Jaramillo the dreaded news.

Her infant son's lungs are damaged, hurt by the cocaine she used during her pregnancy.

"I can't forgive myself yet," she says. "How do you do that?"

Last week, she wrote her 2-month-old son, Angel, a letter telling him of her drug addiction. She's sorry, she didn't mean it, she will make it up to him for the rest of his life.

"Even if he hates me I'll understand," says the 21-year-old mother of five. "But he deserves the truth."

Meanwhile, she will have to keep a close eye on him. There will be ups and downs, episodes of severe lung congestion, the nurses told her. But there's a chance he will grow out of it.

For now, his damaged lungs are the only sign of Sylvia's drug use during pregnancy. There might be others as he grows — learning disabilities, nervous tics.

But Sylvia is hopeful. She was lucky, she says, because she was able to stop using the powerful drug while still pregnant. Cocaine, more than any other narcotic, wreaks havoc on fetuses, sending growing blood vessels,

forcing the child's heart rate dangerously high.

Angel was born drug-free. He sleeps well, doesn't jitter like crack-babies born to mothers still using. The damage was done early in Sylvia's pregnancy. She quit when three months pregnant, after learning she was carrying a child. But the first three months of pregnancy are critical, a time when most major organs are forming.

In 45 days, Sylvia hopes to complete her treatment in the women's center and return to her hometown of Albuquerque where her four other children are staying with relatives.

Their father, Sylvia's boyfriend, is in jail for a few weeks after police arrested him for driving without a license or insurance.

"My eldest boy keeps asking me when I'm coming to pick him up," Sylvia says. "He asks, 'When are you going to be done working there Mom? I told him I'm here working.'"

It's not a lie, she says. Recovery is a career, her most important job, something she will have to work at the rest of her life, she says.

Sheila Cook



Sheila Cook has left the Desert Counseling Women's shelter against the advice of her counselors.

The 23-year-old mother of five feared losing her children to her estranged husband, someone that the Juvenile Court decreed last month would be in their best interest for now.

Cook struggled with a methamphetamine addiction that led her in and out of Bakersfield's Drug Court, and finally to the shelter where she stayed for four months.

Counselors at the shelter say they cannot share any details of Cook's decision, only that it was a "termination against advice."

Judge Frank Hoover, who met Cook in Drug Court, says he has great hope for her continued sobriety.

ADDICTS

They come from all walks of life

—Continued from A8

"I have a lot of hope for her," Hoover said later. "She's a heartbreaking case, the kind I see over and over in here. The story for women in particular seems to be the same — they turn to drug addiction to blot out memories of being molested or abused when they were young."

While the young make up the majority of drug court defendants, there also are those who have made a lifetime career of substance abuse. In the group of newcomers last week sat an elderly alcoholic on veteran's benefits, busted for his second drunken driving violation.

"People can stereotype addicts and drunks all they want to, but this is what I ask them when they question whether we're being soft on criminals here: If your son or daughter had a drug problem who would you call? The doctor or the police?" Hoover said.

Hoover began the Drug Court with colleague Judge Sharon Metler. Since then, two other drug courts have sprung up in Kern County — one in Ridgecrest and one in Shafter.

By the end of summer, Hoover hopes to start a similar program in Juvenile Court, where he believes intervention will produce more lasting results. "It's the get 'em while they're young theory," he said.

Success stories

Since 1993, about 3,000 non-violent drug offenders who otherwise would have taken up space in the already overcrowded Lardo Jail have gone through Hoover's Drug Court.

In a study of 102 cases, Hoover and his staff found that successful cases tended to be employed and married. Alcoholics seemed to respond to the Drug Court's treatment program far more often than cocaine or heroin addicts.

The court is not without critics, but the criticism is low-key.

"We would probably be paying close attention to what this court does if it weren't for the overcrowding in the jail," said District Attorney Ed Jareila. "Despite all the hype, I think these courts do very little good in the long run. I think there's a very small percentage of drug addicts who actually want to get off the drugs."

Jareila's opinion is understandable, considering his point of view, says Public Defender Mark A. Arnold.

"It's easy to fall into a pattern of punishing clients for wrongs, but we're dealing with the problem of addiction, not just pure criminality in many of these cases," Arnold said.

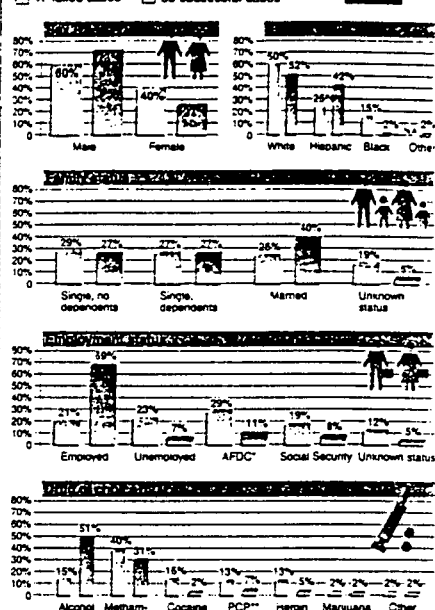
Bakersfield Municipal Court, drug related cases

Criminal cases in Bakersfield Municipal Court 1994-95 fiscal year:

- 4,500 felonies — 2,000 of those drug cases
- 28,000 misdemeanors — 10,400 of those drug cases

A sample of 102 cases that went through the Municipal Court's Drug Court revealed the following statistics:

47 failed cases 55 successful cases



*Aid to Families with Dependent Children
**Phencyclidine

Source: Bakersfield Municipal Court

—FELIX ADAMO/THE CALIFORNIAN

Arnold worked closely with a similar drug court in Yolo County where he served as assistant public defender. But Bakersfield's drug court is the most successful he's seen.

"Because success rate is so high, I think it should be expanded to include felony drug cases as well," Arnold said.

Currently, the court only handles misdemeanor drug cases, which are usually under-the-influence arrests.

There are testimonies to the success of drug courts, of treatment vs. punishment.

Quintana and Ary are examples themselves, as are women like Debbie Castaneda, director of the Desert Counseling Women's Center.

Castaneda took a rocky road to recovery, appearing numerous times before Hoover until he finally sentenced her to three years in jail.

"Others would have given up on me, but I got tired of the drug things had sunk in through my skin and starts with treatment through drug court. Finally, I just got it. A now I'm helping others."

That kind of testimony is heard every day in Hoover's court, with many success stories return to "th" to the judge and bring in th drug-free babies to show off.

"There's something special going on here," says Hoover, in his boom big voice. "Call it God, or a big power. But there's some real healing going on."