



# **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS: PROCEEDINGS AND MANUAL FOR ACTION**

**A Joint Project of  
Conference of Chief Justices  
Conference of State Court Administrators  
State Justice Institute  
Bureau of Justice Assistance  
National Center for State Courts**



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**NATIONAL CONFERENCE ON SUBSTANCE  
ABUSE AND THE COURTS: PROCEEDINGS  
AND MANUAL FOR ACTION**

**Sponsored by: Conference of Chief Justices, Conference of State Court  
Administrators, State Justice Institute, Bureau of Justice Assistance  
and the National Center for State Courts**

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## **INTRODUCTION**

What follows is a report of the National Conference on Substance Abuse and the Courts, which was held November 6 - 8, 1991 in Washington, D.C., and of the subsequent actions taken by the state teams who attended the conference. The conference was funded by the State Justice Institute (SJI) and the Bureau of Justice Assistance (BJA) and was staffed by the National Center for State Courts.

Section I is intended as a guide for judges, court administrators and court staff who want to adopt the approach promoted by the conference - that of developing links among the courts, the other parts of the criminal justice system, and the treatment and social service communities. The section includes a brief summary of the conference and a discussion of the various strategies for cooperation and coordination that were initiated after the conference by the teams who attended. By examining the experiences of the teams, lessons can be learned for developing further strategies and programs. Examples of successful team efforts are described and the pitfalls experienced by some teams are discussed. A brief history of the movement to develop public/private cooperation to respond to the nation's drug problem is provided in the Hafemeister article in this section. The essential elements of developing a state action plan are discussed in the speech from the conference by Justice Stewart Pollock of the New Jersey Supreme Court. Finally, the action plans developed at and after the conference by the Arkansas, Delaware and Florida teams are included in this section.

Section II of this publication is The Proceedings of the National Conference on Substance Abuse and the Courts. The Proceedings not only provide a record of the conference, but can be a useful resource to planners of state or regional conferences on substance abuse and the courts. The lists of speakers, advisory committee members, participants and facilitators provide a wealth of resources from which to draw for future conferences. The conference program, evaluation form, team exercise and facilitator notes can be adapted for other conferences. Also included are the Opening and Closing Remarks by Chief Justice Thomas Moyer of Ohio and Mr. Larry Sipes, President of the National Center for State Courts, as well as excerpts from the opening address delivered by Chief Judge Sol Wachtler of New York. These speeches convey the spirit, and summarize the major themes, of the Conference.

The National Center for States Courts can be contacted for additional information about the National Conference and how it was planned and for additional information about the post conference activities of individual state teams. Followup technical assistance to teams who attended the National Conference is now available from the National Center for State Courts through a joint grant from the State Justice Institute and the Bureau of Justice Assistance, U.S. Department of Justice. The State Justice Institute also has funded a number of state projects that were developed as an outgrowth of the National Conference.

## **SECTION I**

### **CONFERENCE SUMMARY AND ACTION GUIDE**



## **SUMMARY**

### **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

**by**

**Marilyn M. Roberts**

The first National Conference on Substance Abuse and the Courts was held on November 6 - 8, 1992. The conference was a result of an expressed commitment by the leaders of the State court systems to encourage a reconsideration of how to deal with substance abusing offenders. In the summer of 1990 the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) adopted identical resolutions that recognized that "improved coordination among agencies involved in the administration of justice is essential to the nation's drug strategy" and that "improved linkage between the justice community and the education, treatment, and health communities is vital to the war on drugs." The resolutions concluded by calling for State court leaders to take the lead in promoting this coordination between and among justice agencies, education, treatment and health agencies by sponsoring and planning a National Conference on Substance Abuse and the Courts.

The leaders of the CCJ/COSCA Committee on Drug Issues Affecting State Courts were the leaders of the multidisciplinary advisory committee (See page 100 for committee list) that was formed to plan the conference. Members of the advisory committee were from national organizations that represent all three branches of State government, treatment providers, health and social service agencies, and State education systems. This advisory committee designed the program format, decided the content and chose appropriate experts to speak on each topic.

Representatives of 36 state court systems were among the 332 attendees of the conference, which was held in Washington, D.C. and staffed by the National Center for State Courts. Funding was provided by the State Justice Institute and the Bureau of Justice Assistance. Each State chief justice was invited to form an interagency/interorganizational team, with at least five members whose expenses would be covered by the SJI/BJA grant. The conference was attended by thirty three state teams, as well as by representatives from three additional states and several interested organizations.

The goals of the conference were the following:

1. **Develop Understanding.** To develop a common understanding among courts and criminal justice, education, health and social service agencies of the dimensions and effects of the substance abuse problem.
2. **Provide Information.** To provide information about strategies, programs, and resources that states can use to address substance abuse problems.
3. **Develop Action Plans.** To help states develop action plans that reflect a coordinated cross-disciplinary approach to addressing substance abuse problems.

To meet these goals, the conference was designed to identify effective programs used by the courts and treatment providers to respond to the drug crisis and to link the courts with other governmental and private agencies to coordinate efforts to combat the drug problem confronting the State courts. Each State team was to return home with a plan identifying the methods available to the courts, the criminal justice system, as well as social, educational, and health agencies for coordinating their efforts to deal with the substance abuse crisis, both now and in the future.

A program was developed that provided education about court processes and case management for non-court participants; and, information was provided for court participants about treatment issues and addiction. Time was set aside for each State team to develop a plan, based on materials they brought to the conference and information they received after arriving. The format included plenary sessions on topics of interest to all participants, and simultaneous panel presentations to meet the varied educational needs of the participants. State teams were encouraged to send a team member to each of the simultaneous sessions so that information from all the sessions could be shared among the team. This ambitious program format used 62 speakers and panelists, some of whom also served as facilitators for the team meetings. Each of the 33 teams was provided with a facilitator at all meetings during the conference.

Team size and membership varied among the States. The chief justices were encouraged to include representatives on the team from criminal justice, education, health and social service organizations. Team size ranged from four to eighteen. All the teams included at least one judge or administrator, 13 included at least one

legislator, 20 included at least one prosecutor, 13 included a representative of the state probation and/or corrections departments, and 17 included an official from the state health or governor's office who was responsible for alcohol and substance abuse.

According to participant evaluations and follow up conversations with team leaders, the conference was highly successful in achieving the goals set for it by the planning committee. Of the 24 sessions presented during two days that were rated on a scale of 1(low) to 7(high), only 2 sessions had an average rating under 5 and the others received average ratings between 5 and 6. The average rating for the state team meetings was 6.1 (See page 128 for evaluation form and summary).

The teams were asked to meet at least once before they came to the conference. They were provided with a checklist of questions to be considered and information to be collected prior to the pre-conference meeting, as well as with a suggested agenda for the meeting (See page 147 for suggested agenda). The checklist was designed to provide an initial assessment of the extent of the substance abuse problem in the state, the agencies involved, and the available resources for addressing the problem. It was suggested that the pre-conference checklist be given by the team leader to each team member, so that, even if a pre-conference meeting could not be scheduled, team members could be better prepared for the first team meeting at the conference. While only a few teams were able to have a pre-conference meeting, the exercise provided a focus for the first meeting at the conference.

Each team was provided with a facilitator who met with the team throughout the conference. The facilitators' roles varied from team to team. At a minimum, they served as resources and kept the sessions on track toward the development of a plan of action. The facilitators were provided with written guidelines for each scheduled team meeting. The guidelines were designed to encourage the progression of the discussions toward agreement on an action plan. (See page 152.)

Central themes emerged as the conference progressed. (See Closing remarks by Chief Justice Moyer and Mr. Sipes, pp. 69 and 71.) The four most prominent themes for future action were: continued building of linkages for cooperative efforts; the assertion of strong leadership to continue the building process; providing education and training as essential to cooperative action; and sharing information about successful programs to aid the progress toward more effective treatment of substance abusing offenders. The need for cooperation and coordination throughout the criminal justice system, and between it and the treatment, education and social services communities, became clear to all of the participants. It was also clear that strong leadership will be necessary to build the links and promote cooperation. Most of the participants from the judicial system

made an explicit commitment to provide this leadership. The team meetings gave many participants their first opportunities to speak with others in their states who represented different points of view about the substance abuse problem. New insights were gained through the team experience as well as through the varied perspectives presented in the program. The learning experience provided by the content of this conference convinced many participants of the need for similar training in their own states. It also opened the possibilities for implementing new programs that were presented at the conference.

## **ACTION AFTER THE CONFERENCE: STRATEGIES FOR COORDINATION AND COOPERATION**

by

**Marilyn M. Roberts, Senior Staff Associate,  
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Since the National Conference on Substance Abuse and the Courts, the State teams have developed a number of strategies to implement the ideas and plans discussed at the conference. The approaches taken vary widely from informal post-conference communication to preparation of grant applications and implementation of programs. The guiding principle underlying the strategies, however, has been to develop cooperation and coordination among criminal justice system agencies, as well as between the criminal justice system and the treatment, education and social service communities. The written plans prepared by the Arkansas, Delaware and Florida teams are included at page 28. These plans vary in level of detail, but each describes the program or activity to be implemented and sets forth the steps to be taken to implement the program or goal. In some cases specific goals are set forth with a time schedule for accomplishment of each step. The timetables allow the teams to monitor their progress in a meaningful way.

The post conference activities of the State teams can be categorized as follows: Establishment of a network for ongoing coordination and communication; Establishment of a new committee/task force/working group to carry out all or part of the team action plan; Participation in existing Statewide bodies addressing substance abuse issues; Participation in drafting or amending Statewide action plans to address substance abuse issues; Planning or conducting education programs; and Implementation of specific programs such as case management, drug court, court referral officer, assessment and treatment, and diversion programs.

### **Establishment of a Network for Ongoing Coordination and Communication.**

By far the most lasting effect of the conference was the development of the State teams themselves. Twenty-one teams have continued to meet or stay in touch, or have been instrumental in the formation of a new committee to carry out specific objectives. These teams have become established networks which further cooperation and coordination. For some teams, discussions at the conference revealed the need to expand the membership of the team or to reconstitute it in order to accomplish the agreed upon activities. For example, some teams saw the need to involve public defenders or prosecutors, legislators, or treatment providers, if their teams did not already have those representatives. The communication that began during team meetings at the conference laid the foundation for ongoing communication at home. One advantage of the team contacts is that it can be done

with little or no additional funding. In many States, teams are meeting on an informal basis and are staying in touch by phone and fax. Team members are also meeting with other agencies and key players. In some cases, plans for implementing specific programs or a particular course of action had to be set aside because of changing political situations or budget constraints. But even in those States, it was possible to improve communication, share information and widen the circle of involvement on an informal basis.

One State team has had a series of interagency discussions in an effort to set up a program of accepting early pleas in drug cases and to refer those offenders to treatment. They are making progress toward gaining the cooperation of everyone needed to make the program work. In another State, the team planned to form a task force to set up an alternative sentencing program, but the task force failed to materialize. They have made progress, however, toward better matching of offenders with already available treatment, simply by improving communication between the courts, the probation department and social service agencies. A clear lesson from the conference was the importance of establishing communication with appropriate legislators about the extent and nature of the substance abuse problem, because funding for treatment and other resources is essential to address the problem. As a result, some teams made efforts to approach the legislature, if a legislative representative had not been included in the original team.

#### **Establishment of New Task Forces/Committees/Working Groups.**

New task forces, committees or working groups are planned or have been formed as a result of team efforts. In one State, a new committee was created to facilitate coordination and to design a system to manage drug-involved offenders more efficiently and effectively. Another State plans to ask for the establishment of a Statewide team appointed by the chief justice. One chief justice has formed and heads an inter-branch council on substance abuse and the criminal justice system. It meets once a month, with the primary goal of bettering intergovernmental communication. An inter-agency task force on substance abuse was spearheaded by the prosecutor's office in one State as a result of the conference team. In two States where teams attended the national conference, a judicial system study group and a problem solving team have been formed. The study group conducted interviews throughout the judicial system and concluded that education, information, resources, and most importantly, a system-wide effort is needed to allow the judicial system to effectively address the substance abuse problems. The second State's working group includes representatives of all three branches of government, is divided into three subcommittees, and expects to develop a Statewide action plan.

### **Participation in Existing Statewide Bodies.**

Another approach taken by teams who attended the national conference is to seek access to already existing Statewide task forces, committees or commissions on substance abuse issues. A number of State teams determined that the most effective way to further the goals of interagency and intergovernmental cooperation was to work through existing Statewide bodies. One State team now has a court representative working with a State health department commission to develop a comprehensive substance abuse plan. This team has a member of the State criminal justice commission on it and likewise has a court representative from the team on the commission. Another team is working with an existing commission established by the legislature to prepare proposed legislation on sentencing and treatment. Another team had a specific goal to join a subcommittee of an existing criminal justice commission to consolidate efforts. The team leader, a judge, has now joined the subcommittee and is participating in the development of a pilot project to test assessment instruments and identify unmet treatment needs. One team decided that it would be necessary to work with the governor's commission on alcohol and drug abuse, which is developing a Statewide plan, to be effective in accomplishing any changes; since the conference two team members have been appointed to the commission. Yet another team left the conference with the goal of getting legislation passed to create a judiciary sub-committee of the existing Statewide coordinating council on substance abuse. The team decided it was critical to work through this council to effect any changes. They drafted legislation which did not pass, largely because the key sponsor became ill. The team will renew efforts in the next legislative session.

### **Participation in Drafting or Amending Statewide Plans.**

One of the most important outcomes of joining existing bodies is the resulting input into the development of Statewide plans to address alcohol and substance abuse. One State team had as a specific goal to rewrite an existing State substance abuse plan to include the courts. They received an SJI grant to assist them with this effort. Other teams are having input into the development or amendment of Statewide plans by joining the Statewide bodies.

### **Planning and Conducting Education Programs.**

Providing more education and training in their States was a goal for many State teams that attended the national conference. The national conference reinforced the commitment of the participants to building cooperative linkages and developed their understanding of the perspectives, options, and constraints of their team members and potential team members at home. It was seen as important to carry this experience back to the State level. Some teams have already sponsored

successful education programs and others are engaged in successful planning efforts. These programs have taken various forms and have been funded through Federal, SJI, State and local grants, or judicial system budgets. Education programs have ranged from inclusion of certain substance abuse topics in the State judicial conference to the provision of a Statewide interagency education and training program.

In two States where teams attended the national conference Statewide education and training programs focusing on building linkages and adjudication and training of drug offenders already have been held. One program was conducted with some Federal funds. One conference was attended by local teams who were asked to develop local action plans for coordinated efforts in their locality. The other conference included small group reports on which there will be follow up activity. Another State has held a judicial system program on intermediate sanctions.

The department of corrections in another State that sent a team to the conference has received Federal funding for coordinated interagency drug training. This training conference is endorsed by the chief justice and will be attended by representatives of parole services, probation services of the judicial system, and State and private treatment providers. The goals of the conference are to educate the criminal justice and treatment agencies about the criminal justice and treatment systems and to develop a coordinated set of standards for referral, information sharing, application of sanctions and service termination.

Two State teams applied for SJI funding for Statewide conferences. Another State team has had to postpone a judicial system program until 1993 due to budget cuts. Yet another team is trying to gather judicial system support for a Statewide conference.

### **Implementation of Specific Programs.**

The National Conference on Substance Abuse and the Courts provided the participants with information about many successful programs to address the substance abuse problem in the criminal justice system, such as special case management program, drug courts, court referral, assessment and diversion programs. As a result, a major focus of team activity since the conference in 12 States has been to facilitate the implementation of specific programs to address the substance abuse problem. Some of these teams have prepared grant applications for SJI and BJA funding to implement the programs and others have gone forward without Federal funds.



One State team focused much of its post conference activity on expanding a pilot-targeted treatment program to provide specialized treatment for women in custody in the county jail. They hosted a meeting of representatives of the health services, probation, and sheriff's departments, and of the public defender's and district attorney's offices. They also formed a working committee and obtained local approval for funding of \$100,000 to establish sober living centers for women leaving the county jail.

Another State team sought Federal funding to develop a pilot screening and treatment program. The program would provide accelerated screenings, evaluations and treatment. It would involve cooperation among the State office of alternative sanctions, the alcohol and drug abuse commission, the State judiciary, the bail commission and the adult probation office. Another State team prepared a funding application to support two court referral officers who would provide background information on defendants and make recommendations for placements and alternatives to incarceration. Two other State teams mentioned earlier are trying to implement a diversion program and a sentencing alternatives program on an informal basis.

One team is focusing on starting a new program in a major metropolitan area based on an existing program currently in effect in juvenile courts. This program will establish an assessment process in the court system for criminal offenders to assess the needs of the offender for treatment (drug, mental health, or other), education, and social services. State money has been made available to start a pilot program in one jurisdiction.

Two State teams sought Federal grant funding for improved case management programs for substance abuse cases. Another received funding to replicate a drug court in a rural setting and to prepare a sentencing manual for judges.

One State team prepared grant applications for Federal and private funding for two treatment programs, one for a medium security holding facility and one for probationers. Both proposed programs will be guided by interagency teams. Another team also prepared a grant application to develop an assessment instrument for substance abusing offenders, which will contribute to the ultimate goal of establishing a comprehensive system for effectively managing drug-involved offenders.

## **Examples Of Successful Team Efforts**

**ARKANSAS.** Chief Justice Jack Holt, who served on the Advisory Planning Committee for the National Conference on Substance Abuse and the Courts, convened a nine-member team to attend the conference. With Chief Justice Holt as the team leader, the team included J. D. Gingrich, the Director of the Administrative Office of the Courts, two judges, an attorney, a state senator, a prosecuting attorney and the state drug director from the Governor's Office. As a result of the conference, a written action plan was developed (see page 28) and substantial progress has been made toward completing many of the tasks planned.

Since the conference, a working group that meets bi-monthly has been established. The members are: the Director of the Administrative Office of the Courts, the State Drug Director, the State Alcohol and Substance Abuse Director, the president of a private association of treatment providers, the Director of Adult Probation, the Director of the Department of Corrections, and the Parole Board Director. One result of these meetings has been the development of plans for regional training for treatment providers and probation department staff. Working group members are also working with the existing Corrections Resource Commission to prepare alternative sentencing legislation for presentation to the state legislature.

An important outgrowth of the Conference was the Arkansas Drug Conference that was held July 30 and August 1, 1992. Local teams from most of the judicial circuits attended the conference. The teams were composed of judges, prosecutors, defense attorneys, probation officers, and treatment providers. Each team attending the conference developed a local action plan to meet the particular needs of the local jurisdiction. The Arkansas Sixth Judicial Circuit plan calls for the establishment of a "drug court," based on a diversion-treatment model. The anticipated starting date for the drug court is July, 1993. A grant has been received from the State Justice Institute to fund an evaluation of the new court.

**COLORADO.** The Colorado Judicial Department sponsored a five-member team led by Judge William Meyer to attend the National Conference on Substance Abuse and the Courts. The other team members were a state representative, a probation administrator, the state judicial educator and a criminal justice administrator. Colorado prepared a written action plan, the goals of which were: to develop an overall statewide policy to address the substance abusing offender; to join a subcommittee on offender treatment of the existing Criminal Justice Commission; to broaden participation in the team to include public defenders and district attorneys; and to explore development of an information clearinghouse. The team was also interested in a drug court.

Upon returning from the National Conference, the team decided to focus their efforts on joining and participating in the Criminal Justice Commission. The Subcommittee on Offender Treatment was formed to guide the implementation of a law (HB 91-1173), the basic intent of which is to provide consistency among Colorado's criminal justice systems' responses to offender substance abuse. Integration by the team into the Subcommittee was successful. By joining the Subcommittee, the team's circle of influence was expanded. A primary focus of the subcommittee's work so far has been standardization of the substance abuse assessment process, and substantial progress has been made.

The subcommittee also identified the need for education on intermediate sanctions and alcohol and drug issues related to criminal offenders. To address this need, funding is being sought from the State Justice Institute to conduct an education program that will be attended by five-member teams from individual judicial districts. The teams will be composed of a representative from the bench, probation, treatment, and the offices of the district attorney and public defender. The curriculum will include relevant information on drug and alcohol issues, intermediate sanctions and treatment modalities. The teams will identify local needs and develop a plan to address those needs.

Additionally a pilot project has been developed in Denver to provide rapid assessment and treatment of drug offenders. The program assesses offenders upon arrest and recommends, when appropriate, drug treatment as a condition of a personal recognizance bond.

**OHIO.** Chief Justice Thomas Moyer, Chair of the Advisory Planning Committee for the National Conference on Substance Abuse and the Courts, convened and led a ten-member team to the National Conference. The team members were Stephan W. Stover, Administrative Director of the Courts, a public defender, the Director of the Department of Alcohol and Drug Addiction Services, Director of the Department of Youth Services, the Superintendent of Public Instruction, a judge, a prosecutor, the Director of the Department of Rehabilitation and Correction, and the President of the Fraternal Order of Police. A written action plan was developed and the team has continued to meet since the National Conference.

The primary focus of the team action plan is to revise the Ohio Alcohol and Drug Addiction Services Plan to include greater involvement of the courts and law enforcement. The first major event toward carrying out the action plan was the Ohio Conference on Substance Abuse and the Courts which was held on June 29, 1992 to identify and frame the issues to be addressed in revising Chapter Two, "Justice," of the Ohio Plan. This conference promoted a multidisciplinary approach by including representatives of all the constituencies identified as interested in the

problem of substance abuse and the courts. The conference was funded by the Supreme Court of Ohio and the state agencies represented on the Ohio Team. The Ohio Team appointed teams to draft the revisions to the Ohio Plan.

A State Justice Institute grant was received to continue implementation of the team action plan. The grant provides for a consultant project coordinator who is coordinating the revision of Chapter Two of the Ohio Plan. The grant will also cover two one-day working conferences at which participants will review and discuss proposed revisions to the Ohio Plan. Finally, the grant will fund publication and distribution of the revised Ohio Plan. Various constituencies and the public will be educated about the changes to the Plan. The Ohio Team will participate in hosting informational meetings with the Governor and legislative leaders, holding public meetings, and coordinating working groups to inform all who are affected of the changes to the revised Ohio Plan. It is planned the each member of the Ohio Team will coordinate programs about the revisions within his or here discipline. Also, eight regional interdisciplinary conferences are planned to provide education and information on the revised Plan.

### **Keys To Success And Possible Pitfalls**

The above-described team activities are examples of successful efforts to promote a multidisciplinary approach to substance abuse issues and the courts. Underlying all of the successful team activities has been the recognition that judicial leaders must take the lead to expand the possible court responses to substance abuse and the recognition that treatment is a key to expanding the court responses.

Where there has been successful team activity, the team has been led by the chief justice, another judge or the state court administrator. Someone with status and authority in the judicial system must continue to call the team together to meet and lead the development and implementation of a plan of action. Without this leadership, nothing can happen.

The State teams that have implemented the widest range of activities have been those with the most divergent representation on the team, as exemplified by the Arkansas, Colorado and Ohio teams. It is crucial to involve the key players in the planning and implementation process. To be effective in promoting a cooperative approach, team membership must reach beyond the judicial branch of government to the executive and legislative branches and must reach beyond government, in some cases, to reach the treatment community.

A workable plan of action that is endorsed by the entire team must be developed and followed. A few State teams left the National Conference with some good ideas that never materialized into an action plan because there was no

enduring leadership or appropriate team member support beyond the Conference. Most teams, however, continued in some form under strong leadership after the Conference, often expanding or reconstituting the membership to include key players or merging into an existing task force or commission to expand the base of cooperation and coordination. Most teams generated more ideas and plans than could be realistically carried forward and ultimately focused on implementation of one or two activities or made plans for a sequence of events. A number of things can get in the way of carrying through overly ambitious plans, not the least of which are changing political conditions and lack of funding or other resources. A workable plan is one that can be modified and adapted to, rather than defeated by, changed politics or scarce resources. A workable plan can only be developed and adapted by a strong and devoted team.

Finally, education has been a key component to building successful cooperative approaches to the substance abuse problem. Education at the most fundamental level has occurred when team members from different disciplines, branches of government and points of view have met to discuss and address substance abuse and the courts. From this new understanding of the problems faced, and the contribution to be made, by each team member new approaches become possible. For all the State teams that attended the National Conference, this first level of education began there. When they returned home the education process continued in some way, through continued team meetings, expanded team membership to bring in new points of view, and statewide conferences to expand the education process to the local levels.

In a continuing effort to promote a multidisciplinary approach to substance abuse issues affecting the courts, the National Center for State Courts is offering technical assistance to state teams who are implementing action plans developed at the National Conference until April, 1994, through a joint grant from the State Justice Institute and the Bureau of Justice Assistance, U. S. Department of Justice. Assistance is also available to teams that did not develop an action plan at the conference, but are now prepared to move forward.

Available technical assistance includes assistance with: strengthening state planning and coordination; improving case management policies and procedures; obtaining and using better information about treatment alternatives and available treatment slots; and developing a range of treatment modalities that can meet the needs of the target populations and developing mechanisms for matching people with appropriate programs.

## Conclusion

The single, important theme that runs through all of the successful State team activities since the conference is interagency communication. The fact that this communication was facilitated by the National Conference on Substance Abuse and the Courts and has continued is no small feat for a judicial system with a tradition of isolation and independence. The leadership that is being shown by the judicial branch of government to build linkages within the criminal justice system and between it and the health, education and social services agencies will be significant to the progress of coordinated efforts to handle the substance abuse problem.

There are a number of lessons to be learned from the experiences of the State teams thus far. First, it is important to have a plan of action that is possible to implement. The plan of action should have deadlines or milestones to be attained so that the team can monitor progress and adjust the plan as needed. It may be helpful to have a "best case" plan and a "worst case" or "fallback" plan. In other words, if funding fails or politics interfere, there should be a plan for continuing communication and coordination efforts at a minimal level. Second, for any plan to be implemented, it is important to identify a leader who has status and authority and who is committed to the plan. The key players who are essential to making the plan work must be identified so that their cooperation can be gained. The approach for involving the key players must be included as the first steps in the action plan. Third, education and information exchange must occur so that knowledge about the nature of the substance abuse problem is expanded throughout the three branches of government and the treatment community.

Finally, it is important to remember that the size of the judicial system or the number of people involved in the implementation effort are not important, nor is the amount of readily available funds. Progress can be made, as demonstrated by the teams who attended the conference, on an informal basis with little or no funds. What is important is that the judicial system takes the lead in opening and maintaining the communication channels that will support a cooperative effort to address effectively the substance abuse problem as it affects the criminal justice system.

**PROMOTING COOPERATION AND COORDINATION AMONG  
THE COURTS IN RESPONDING TO THE NATION'S DRUG PROBLEM:**

**PROMOTING COOPERATION AND COORDINATION AMONG THE COURTS  
IN RESPONDING TO THE NATION'S DRUG PROBLEM: BASES FOR A  
NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

by  
**Thomas Hafemeister**

It is widely acknowledged that in order to contribute effectively to the nation's efforts to combat its drug problem, the state courts of the country must cooperate and coordinate more fully with one another and with a range of governmental entities. Both the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have so recognized.

Concurrent resolutions were adopted by CCJ and COSCA in 1989 that noted that campaigns to reduce drug supply and demand through vigorous enforcement of strengthened drug laws have been mounted in many jurisdictions without consideration of the impact of these actions on the courts, prosecutors' offices, the defense bar, and corrections agencies.<sup>1</sup> These resolutions called for the development of coordinated plans and programs in response, including coordinated drug case management strategies, whose underlying principles are agreeable to the court, prosecutor, and defense communities. They also called for the convening of a national conference "for the purpose of opening and/or improving lines of communication" among these groups and the various states.

Similarly, in 1990, CCJ and COSCA adopted concurrent resolutions that stated that: (1) "improved coordination among agencies involved in the administration of justice is essential to the nation's drug strategy;" (2) "improved linkage between the justice community and the education, treatment, and health communities is vital to the war on drugs;" and (3) "the state courts have the responsibility for processing, adjudicating, and fairly disposing of almost every case arising out of the current drug crisis."<sup>2</sup> They also called for national and regional

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<sup>1</sup> Conference of Chief Justices, *Resolution X: In Support of a Judicial System Response to the Drug Problem in the United States* (adopted at the 41st Annual Meeting in Lake Tahoe, Nevada on August 2, 1989) (available from the National Center for State Courts); Conference of State Court Administrators, *Resolution III: In Support of a Judicial System Response to the Drug Problem in the United States* (adopted at the 35th Annual Meeting in Lake Tahoe, Nevada on August 2, 1989) (available from the National Center for State Courts).

<sup>2</sup> Conference of Chief Justices, *Resolution XVII: In Support of Conferences to Improve Future State Court Communication, Coordination, Programs, and Plans In The War on Drugs* (adopted at the 42nd Annual Meeting on Lake George at Bolton Landing, New York on August 16, 1990) (available from the National Center for State Courts); Conference of State Court Administrators, *Resolution XVI: In*



conferences to be held that would: address these issues, generally promote improved coordination, and initiate relevant long-term strategic plans.

It has been noted that the success of any judicial strategy for managing the courts' drug caseload is dependent to a large degree on obtaining the active cooperation of nonjudicial agencies (e.g., police, corrections, prosecutors, and public defenders).<sup>3</sup> Furthermore, efforts to expedite drug caseflow may be overwhelmed by changes initiated outside the judiciary, e.g., modifications in the laws governing sentencing or in charging policies by the prosecutor's office.<sup>4</sup>

The President's National Drug Control Strategy has recognized the need to facilitate communication between the various governmental groups and other entities concerned about deterring substance abuse and fostering cooperation and coordination among them.<sup>5</sup> Particular attention has been given to organizing community-wide drug prevention partnerships.<sup>6</sup> These Community Partnerships are designed to bring together schools, housing authorities, law enforcement, businesses, service organizations, health providers, and others to coordinate local drug prevention efforts.<sup>7</sup> Federal funding has been provided to several hundred of these Partnerships.<sup>8</sup> It has been reported that almost all of these grants "support work with the whole array of community groups, as well as local law enforcement and the juvenile justice system."<sup>9</sup> Additional funding has been requested by the President for this work.<sup>10</sup> The federal government has also sponsored national conferences to promote the development of community anti-drug coalitions.<sup>11</sup>

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*Support of Conferences to Improve Future State Court Communication, Coordination, Programs, and Plans In The War on Drugs* (adopted at the 36th Annual Meeting on Lake George at Bolton Landing, New York on August 16, 1990) (available from the National Center for State Courts).

<sup>3</sup> Thomas A. Henderson, *Judicial Management Strategies for Addressing Drug Caseloads*, Remarks at the Conference on the Judicial Response to the Drug Problem in the Most Populous States (April 21-22, 1989).

<sup>4</sup> *Id.*

<sup>5</sup> UNITED STATES, OFFICE OF NATIONAL DRUG CONTROL POLICY, NATIONAL DRUG CONTROL STRATEGY: A NATION RESPONDS TO DRUG USE 34-35 (January, 1992) (hereinafter 1992 National Drug Control Strategy).

<sup>6</sup> *Id.* at 36-38.

<sup>7</sup> EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, NATIONAL DRUG CONTROL STRATEGY, IMPLEMENTING THE PRESIDENT'S PLAN 2 (June 1992).

<sup>8</sup> *Id.* at 2 ("As of 1991, 252 of these Partnerships have been established with Federal funds.").

<sup>9</sup> 1992 National Drug Control Strategy, *supra* note 3, at 37.

<sup>10</sup> *Id.* It has also been suggested that additional funding for these efforts may be available from other sources. *Id.* ("State governments should also consider using funds from the DFSCA Governor's Program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, and the prevention set-aside of the ADMS Block Grant to develop and sustain community coalitions.").

<sup>11</sup> *Id.* at 37-38.

At the same time that the federal government is attempting to combat drug abuse by fostering inter-agency, community-wide working groups, the federal government has also recognized that efforts to deter substance abuse by prosecuting drug offenders are weakened by an insufficient number of prosecutors, judges and other court personnel.<sup>12</sup> This can lead to delay in bringing offenders to trial, both endangering the safety of the community as these individuals remain free pending trial and diminishing the deterrent effect of criminal arrest and conviction. It has been recognized that prosecution of street-level drug dealers is primarily the responsibility of State and local governments, and that there has been a "flood" of drug cases in urban courts.<sup>13</sup> Nonetheless, the 1992 National Drug Control Strategy, as did its predecessors, recommends state legislation to further increase the prosecution of drug offenders.<sup>14</sup>

In order to successfully carry out their responsibilities, judges and other court personnel must work with a range of individuals representing various interests and systems. At a macro-level, judicial, legislative, and executive branch officials need to open and maintain lines of communication addressing policy development pertaining to substance abuse and its implementation.<sup>15</sup> For example, the executive branch, through its law enforcement agencies, determines the number of individuals who will be arrested, prosecuted, and brought before the courts.<sup>16</sup> The legislative branch determines which actions are subject to criminal sanction, establishes the parameters of judicial sentencing and disposition, and appropriates through its budget the resources that establish court capacity.<sup>17</sup>

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<sup>12</sup> Id. at 121 ("Two major bottlenecks can weaken the ability of the criminal justice system to prosecute arrested drug dealers: first, delay in trying accused offenders because of lack of prosecutors, judges, and other court personnel; and second, lack of jail and prison space.").

<sup>13</sup> Id.; UNITED STATES, OFFICE OF NATIONAL DRUG CONTROL POLICY, NATIONAL DRUG CONTROL STRATEGY 33 (February 1991) ("The most pressing problem for the court system is the enormous number of criminal prosecutions, a growing number of which are drug-related. These cases increase the workload of court personnel and add to the existing backlog of cases. Critical to the successful prosecution of these cases are sufficient judgeships. Without them, we will continue to have a bottleneck in the criminal justice system.").

<sup>14</sup> 1992 National Drug Control Strategy, *supra* note 5, at 49-157 (Appendix C).

<sup>15</sup> See, e.g., Hon. Stewart G. Pollock, Strategies of Coordination; Integrating Court and Non-Court Communities, Remarks at the National Conference on Substance Abuse and the Courts (November 8, 1991) (in discussing the work of the New Jersey Task Force designed to integrate the efforts of the court and non-court communities in responding to substance abuse, importance noted of including: bipartisan representatives from the legislative branch, commissioners or high level assistants of interested departments from the executive branch, the governor's chief counsel, treatment providers from both the private and public sectors, and the public).

<sup>16</sup> Robert D. Lipscher, *The Judicial Response to the Drug Crisis: A Report of an Executive Symposium Involving Judicial Leaders of the Nation's Nine Most Populous States*, 13(4) STATE CT. J. 13, 14 (1989).

<sup>17</sup> Id.

In addition, a number of other institutional actors must be taken into account by the courts in responding to these cases. For example, in order to appropriately process substance abuse cases, the courts must respond to and consider the nature and availability of the treatment community. A disposition that requires a convicted drug offender to undergo a given treatment may be the most appropriate outcome for the defendant, and may be necessitated in part by overcrowded prisons and jails, but will be pointless if access can not be gained to the needed treatment program. The relevant treatment community includes both individual treatment programs and state substance abuse agency directors. The latter are responsible for coordinating treatment programs, planning for allocation of financial resources, and administering federal funds provided through the Alcohol, Drug Abuse, and Mental Health Service (\) Block Grant program. In addition, the Office for Treatment Improvement (OTI) is the federal agency responsible for ensuring that technical assistance and training is provided to states, counties, and community \ programs and has a strong interest in ensuring that court officials and state legislators understand the operation of the block grant program and work effectively with each other and with state substance abuse agency directors.

At a more micro-level, there is a considerable need for cooperation and coordination among court personnel and with court-related personnel in responding to substance abuse cases. For example, previously many prosecutors used their discretionary authority to screen and divert away from the courts drug cases that were perceived as relatively less serious, thereby limiting demands on the courts. It has been reported, however, that prosecutors are now more reluctant to serve that role with regard to drug cases.<sup>18</sup> In general, it has been recognized that in order to successfully handle the increased drug caseload, cooperation among judges, court staff, probation officers, prosecutors, and public defenders is essential.<sup>19</sup>

Court personnel may also need to work with pretrial services, probation, and parole agencies to develop effective methods and techniques for supervising offenders who are in a substance abuse treatment program during the pre-trial, post-adjudication, or release from sentencing stage. This cooperation is needed to respond to an identified need to develop alternative sentencing options.<sup>20</sup> Similarly, there may be a need to respond constructively to relapses into substance abuse by criminal defendants that may constitute technical violations of judicial orders or other conditions of release (i.e., in a way that will assist in effective treatment where possible). In addition, court personnel may need to coordinate their responses to substance abuse cases to more effectively handle these cases and/or identify persons

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<sup>18</sup> Id. at 15.

<sup>19</sup> Id.

<sup>20</sup> Id.

with substance abuse problems and the nature of their problem at an early stage of the proceedings.

The need for coordination and community partnership has been explicitly recognized by the courts themselves. For example, in their 39 recommendations regarding drugs and the American family, the Metropolitan Court Judges Committee of the National Council of Juvenile and Family Court Judges noted:

Cooperation and active collaboration among each community's concerned institutions, agencies, and systems are the cornerstones of effective prevention programs. The judiciary, law enforcement, education, health, social services, housing authorities, religion, parent organizations, employers, and government systems in each community must form active partnerships to develop and sustain effective prevention programs. Each of these entities has an explicit interest in reducing substance abuse in the community. Each has a specialized capability to continue the task. Each has specific experiences which serve to create strong commitment to the effort. These groups must become mutually supporting partners in an effort that overrides turfdom, competitiveness, and narrow self-interest.<sup>21</sup>

In addition, these judges recommended that each community establish a Substance Abuse Council to coordinate information about and referral to prevention, intervention, treatment, and rehabilitation services,<sup>22</sup> and that judges assert community leadership for the prevention and treatment of substance abuse among juveniles and their families.<sup>23</sup> In conjunction with the latter, it was suggested that, "[s]uch leadership should involve all of the major systems within the community, both public and private, in order to develop a comprehensive approach to the complex social, legal, health, and behavior issues connected with substance abuse."<sup>24</sup> Furthermore, it was recommended that "Judges should establish and maintain active cooperation with schools, public health, social services, law enforcement, parent groups, and other appropriate agencies and institutions in the community to combat substance abuse among juveniles and their families."<sup>25</sup>

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<sup>21</sup> *Drugs: The American Family in Crisis*, 39 Recommendations, 39(4) JUV. & FAM. CT. J. 1, 9-11 (1988).

<sup>22</sup> *Id.* at 11.

<sup>23</sup> *Id.* at 25.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 27.

Similarly, an executive symposium involving judicial leaders of the nation's most populous states also called for better communications and coordination between the judicial, legislative, and executive branches, among the courts and criminal justice agencies, and between the state and federal governments.<sup>26</sup>

In light of the forgoing, it is perhaps not surprising that a major focus of the National Conference on Substance Abuse and the Courts held in November 1991 in Washington, D.C., was the need for coordination in policy development, both within the justice system and across the justice system, the treatment and education communities, and the legislatures and other funding authorities. In addition, one of the clear themes of the conference was that in addressing substance abuse problems affecting (and affected by) the state courts, all three branches of government--legislative, judicial, and executive--have key roles to play and that every level of government is and must be involved. It was indicated at the 1991 National Conference that some states already had coordinating mechanisms in place that are designed to bring together all of the key institutional actors that have stakes in handling substance abuse problems in the courts. The National Conference provided the attending states with an opportunity to take stock of their accomplishments to date in fostering this cooperation and coordination, to identify gaps in these efforts, and to begin to refine already developed applicable plans, policies, and procedures. Where such efforts had not yet begun, the Conference provided an opportunity to map out strategies for promoting and assisting this development.

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<sup>26</sup> Lipscher, *supra* note 16, at 16-17.

## **THE ESSENTIALS OF DEVELOPING AN ACTION PLAN**

by

**Stewart G. Pollock, Justice, Supreme of New Jersey**

**Thursday, November 7, 1991,**

Understanding New Jersey's State Action Plan requires some grasp of the underlying problem that drug cases pose for the courts. The basic problem, of course, is that New Jersey, like many other states, is plagued by the use of illegal drugs. In response, the New Jersey legislature in 1987 enacted a Comprehensive Drug Reform Act (CDRA), which is a tough drug law that imposes severe mandatory sanctions on all drug offenders, whether manufacturers, sellers, or users. The penalties include fines, suspensions of drivers' licenses, and imprisonment. One provision includes mandatory penalties for distribution of drugs within 1,000 feet of school property. The act reflects both the legislature's "zero tolerance" for drug use and distribution and its commitment to use the coercive power of the criminal law to enforce this policy.

For their part, the attorney general and the county prosecutors have vigorously enforced the act. Between 1987 and 1989, for example, law enforcement officers made 184,926 arrests for drug offenses - an increase of 53% over the previous three years.

The impact on the criminal justice system has been staggering. State prisons are at 140% of capacity and county jails are even more overcrowded, averaging 170% of capacity, with several over 200%. In the four-year period before July 1990, the number of indictment had risen 49%; the number of cases pending for more than one year had increased by 70%. In brief, the system is swamped.

In response, Chief Justice Wilentz, aided by Administrative Director Bob Lipscher, first appointed a special committee to assess criminal division needs, then he transferred seventeen judges from civil to criminal cases. Finally, he appointed the Task Force on Drugs and the Courts, which I had the privilege of chairing. Chief Justice Wilentz directed the Task Force to prepare a report for discussion at the annual judicial conference. Each year at that conference the Supreme Court examines one major problem confronting the judiciary. We try to involve all affected groups. Preparation for the conference takes over a year.

Our charge was to develop a comprehensive approach to drug case processing, to supervision of pre-trial defendants, and to the adjudication of drug offenses, including imprisonment or its alternatives. We could achieve that objective only by working with the executive and legislative branches of state

government and with drug treatment and education programs. In sum, the underlying problem arose outside the judiciary, and at least part of the answer had to come from outside the courthouse.

So, we created a task force consisting not just of judges, but of legislators -- and yes they actually came to meetings -- of representatives of the Governor's office, including one of his key advisors, his chief counsel, who also attended the meetings. We also included the commissioners, or their designees, of the Departments of Health, Education, and Human Services. We included the Attorney General, County Prosecutor's Association, and the state police. Also, the public defender, private criminal defense lawyers, and probation officers. We invited county freeholders, other county officials, academicians, treatment professionals, and concerned citizens.

Then we divided the work among three committees, each chaired by a distinguished judge. The committees were pre-trial population, adjudication, and post-adjudication and community involvement.

The pre-trial population committee reported on the identification and classification of drug cases and offenders and on ways in which the pre-trial processing of drug cases and offenders could be improved.

The adjudication committee examined how to expedite the disposition of cases without diminishing the quality of justice.

The post-adjudication and community involvement committee reviewed sentencing philosophies and policies, and considered how probation and community-based treatment programs might fit better into sentencing.

We were not sure how so diverse a group or how the general public would react to our effort, so we held three forums, one for each of the committees. We invited several hundred people, from ministers of inner-city churches, to cops on the beat, to academicians at state colleges.

I chaired the plenary session at each forum, and the committee chairman would make a presentation discussing the committee's work. We never were sure what to expect, and we encouraged open discussion and criticism. At each forum, the opening session was followed by breakout sessions that would focus on part of the committee's work. Then everyone would return for a closing session. We learned a lot.

For instance, we discovered broad public support for expanded treatment services - a topic that received so much attention this morning. People saw the waste of time, money, and lives in revolving-door justice in which drug offenders would be arrested, released on bail, and sent back on the streets, only to be arrested again -- and again -- and again.

The public also supported increased diversion of offenders through expanded pre-trial programs. People understood the common sense of separating the casual user from the king-pin. And we learned that the public wanted to be involved in expanded use of community volunteers to assist in supervision and monitoring of drug offenders. Some wanted judges to do more than decide cases. They asked if judges couldn't take off their robes and come to schools and inner-city churches, so people could see that justice has a human face.

Throughout the year, the task force met eight times. Generally the mood was constructive. Some judges favored amendments to mandatory sentencing provisions of the CDRA. Moved by the belief that some offenders would benefit more from mandatory drug treatment than from mandatory incarceration, they thought that sentencing could be both tough and reasonable. Pointing to overcrowded jails and prisons, they asked whether it makes sense to build prisons when it might be more economical to treat, rather than incarcerate. These judges found a welcome, and unexpected, ally in the Commissioner of Corrections, who attended the judicial conference, analyzed the comparative costs of incarceration and treatment, and concluded that the state could not build its way out of the problem of prison overcrowding.

The Attorney General and the county prosecutors, on the other hand, urged that the punishment must fit the crime, not the criminal. Urging the deterrent effect of criminal justice, they argued that any significant move from mandatory sentencing would send the wrong signal. They also thought that any such changes would undermine their ability to conduct plea negotiations, thereby greatly increasing the number of cases to be tried. Somehow we held everyone together, and we agreed on a draft report as the centerpiece of the Judicial Conference.

The Conference was a great success. Several hundred lawyers and other people from all walks of life spent the day at the Conference. Governor Florio delivered the keynote address. I chaired a round-table discussion that included the Commissioner of Corrections, the Assistant Attorney General, a priest who runs a rehabilitation clinic, Judge Reggie Walton of the Office of National Drug Control Policy, and several other dignitaries.



Following the Conference, and after more negotiations with the law enforcement community, we put the report in final form.

We then formed an executive planning group to develop a comprehensive intergovernmental plan to implement the recommendations of the report. Our next step is to press for implementation of the task force recommendations, to develop a strategy for obtaining resources -- a daunting task in today's climate -- and to nurture the relationships we have established with other branches and levels of government.

What did we learn? We learned that the judiciary is not just a receptacle for drug cases. To the contrary, courts have a major role in coordinating the components of the criminal justice system and other agencies such as treatment providers. We learned that notwithstanding understandable difference with the law enforcement community, we can work together in the public interest. We learned legislators and the governor were willing to listen, even if they could not always agree with us or with each other. We learned that early screening is a promising idea -- one that has already been implemented in several vicinages. We learned that it's not enough for a justice system to be a revolving door between a congested courthouse and an overcrowded prison and that treatment may break the cycle for some drug offenders. We learned that drug offenders are a living refutation of Thomas Wolfe's admonition that "[Y]ou can't go home again." Drug offenders return to their communities. Community volunteers are determined to eradicate drug use and are eager to help solve the problem.

We also learned that there is no quick fix to the drug problem. But we are beginning to see some encouraging signs:

1. Increased prosecutorial screening;
2. The contribution by some prosecutors of funds from forfeitures to the cost of drug assessment;
3. Some legislative interest in increased alternatives to sentencing to treatment; and
4. Improved coordination in the executive branch between the Department of Health and the Governor's Council on Alcoholism and Drug Abuse.

I conclude on a personal note. Forty years ago, when I was in my first year of college, my father advised me "Plan your work. Then work your plan." I thought that was sound advice then. I still think so. In New Jersey we have a plan to cure the problem that substance abuse cases pose for the courts. Our job now is to make that plan work.

## **STATE TEAM PLANS OF ACTION**

**ARKANSAS TEAM PLAN OF ACTION:  
NATIONAL CONFERENCE ON SUBSTANCE  
ABUSE AND THE COURTS**

The level of substance abuse and the crime, social problems and personal and family disorder resulting therefrom, have grown tremendously in Arkansas during the past decade. Many of these problems eventually make their way into the justice system. This impact is felt not only in criminal courts but translates into increased delinquency, f.i.n.s. and abuse and neglect cases in juvenile court and complex family matters in chancery courts. In short, the whole court system is affected. A great burden is also placed upon police, prosecutors, public defenders, corrections officials, and public and private service providers to both manage the large influx of cases and respond effectively to the problem.

Relative to many other states, however, the problem in Arkansas has not reached such critical proportions as to have totally paralyzed public and private institutions and agencies. Arkansas, therefore, has a unique opportunity to draw upon the experience of others who have faced the problem in a somewhat more dramatic fashion and formulate a comprehensive and strategic plan of action.

The most critical and immediate issues lie in four areas:

- 1) education and preventive programs;
- 2) treatment programs;
- 3) sentencing and corrections issues; and
- 4) statewide coordination of efforts.

A very brief review of programs and agencies in the state reveals that much has been and is being done to combat these problems. A tremendous amount of expertise and resources are being devoted to the issue. The same review, however, shows that there is little coordination or cooperation between agencies with duplicative programs, competing or conflicting goals, and a great variation in the level of services available across the state. In some cases, inappropriate policy - particularly in the sentencing and corrections arena - leads to a great waste of resources and poor results.

**The following general plan of action is offered and designed to provide an immediate and high-level response to these issues.**

**Chief Justice Jack Holt, Jr.  
Senator Mike Beebe  
Judge John Plegge  
Judge Joyce Warren  
Mr. Ron Fields  
Mr. Robert Shepherd  
Ms. Ruth Kaplan  
Mr. Bobby McDaniel  
Mr. J. D. Gingerich**

## STATEWIDE COORDINATION OF EFFORTS

ACTION ITEM	PARTY(IES) RESPONSIBLE	TARGET COMPLETION DATE
<p>(1) Convene a meeting of high level public officials to assess the substance abuse problem, including identification, resource availability, and long and short-range planning. Parties should include:</p> <ul style="list-style-type: none"> <li>- education</li> <li>- health</li> <li>- D.H.S.</li> <li>- corrections</li> <li>- governor</li> <li>- courts</li> <li>- E.S.D.</li> <li>- higher education</li> <li>- legislative</li> <li>- prosecutors</li> <li>- public defenders</li> <li>- probation/parole</li> <li>- public &amp; private treatment</li> <li>- recovering people</li> </ul>	Chief Justice/Senate Judiciary Committee	January 1, 1992
<p>(2) Secure public or private funds to employ a person in the court system to coordinate substance abuse efforts and particularly to locate programs, help the courts to utilize programs, replicate successful programs across the state and foster communication and cooperation among agencies in the state.</p>	AOC	July 1, 1992
<p>(3) Secure public or private funds to hold a state-wide education conference to include judges, prosecutors, public defenders, and providers, with the goals of providing cross-training on relevant issues and fostering an atmosphere of cooperation and communication.</p>	AOC, Prosecutor Coordinator, Public Defender's Association, Department of Corrections	November, 1991

## EDUCATION AND PREVENTION PROGRAMS

ACTION ITEM	PARTY(IES) RESPONSIBLE	TARGET COMPLETION DATE
(1) Evaluate the current program of substance abuse programs and legal education in public schools. Evaluate the need for additional/alternative programs.	Special Committee, AOC, ABA, Department of Education	October, 1992
(2) Consider the use of judges and lawyers in public education programs.	AOC, ABA	July, 1992 Immediate
(3) Incorporate into judicial education programs the issue of substance abuse, including - treatment issues - alternative sentencing - diversion programs	AOC	July, 1992
(4) Prepare a cost-benefit analysis of various sentencing and treatment options for the education of public officials and the general public.	AOC	

## TREATMENT PROGRAMS

ACTION ITEM	PARTY(IES) RESPONSIBLE	IMPLEMENTATION DATE
(1) Explore the use of closed hospitals and health facilities for the provision of substance abuse treatment programs.	Special Committee, Correction Resources Commission, Kaplan	January 1993
(2) Increase the availability of public and private treatment programs in all parts of the state.	Special Committee, Correction Resources Commission, Kaplan	January, 1993



## SENTENCING AND CORRECTIONS ISSUES

ACTION ITEM	PARTY(IES) RESPONSIBLE	TARGET COMPLETION DATE
(1) Draft legislation to give more discretion to trial judges/prosecutors in sentencing, particularly in the area of community-based corrections, intermediate sanctions & treatment.	Holt, Corrections Resources Commission	April, 1992
(2) Evaluate and draft legislation to give the trial court more control over the length of the sentence when a prison sentence has been imposed (both over the minimum and maximum stay).	Holt, Corrections Resources Commission	April, 1992
(3) Explore and evaluate the use of day reporting centers.	Holt, Beebe, Corrections Resources Commission	April, 1992
(4) Evaluate the sentencing/treatment options for pregnant, addicted offenders with the specific goal of insuring the welfare of the fetus.	Beebe	January, 1993

## **DELAWARE COORDINATED STATEWIDE PLAN TO MANAGE DRUG-INVOLVED OFFENDERS**

### **Introduction**

A team of policymakers and criminal justice professionals attended the National Conference on Substance Abuse and the Courts November 6 - 8, 1991 in Washington, D.C. Members of the team were: Hon. Henry duPont Ridgely, President Judge of the Superior Court and Team Leader; Hon. Richard S. Gebelein, Judge of the Superior Court; Hon. Richard F. Davis, House of Representatives; Hon. James T. Vaughn, Senate; Charles E. Butler, Esq., Deputy Attorney General; and Beth Peyton, Criminal Justice Council Planning Coordinator.

The stated goal of the conference, sponsored by the National Center for State Courts, was "to have each state team return home with a plan that identifies the methods that the courts, the criminal justice system, social, educational, and health agencies can use in their states to coordinate their efforts to deal with the substance abuse crisis, both now and in the future." Each team was asked to convene a pre-conference meeting to begin developing an action plan and to get some consensus on the scope of the problem. A suggested agenda and a checklist of questions to be considered and information to be collected was distributed to each team. These materials and the team's response to the checklist are attached.

Conference participants attended several large group sessions and topical workshops. Sessions were designed to describe the impact of substance abuse on the courts and to offer some models and examples for managing this impact. In addition, much of the conference was devoted to facilitated working sessions designed to develop state-specific action plans. The Delaware team agreed to limit the scope of its plan to managing drug-involved offenders in part because other entities (DACC, House and Senate Substance Abuse Committees, etc.) are in place to address other aspects of the general substance abuse problem.

The team recognizes that the development and implementation of a comprehensive action plan to manage drug-involved offenders is an evolutionary process which will gain shape, inflection, and momentum as it is more fully developed. The notwithstanding, the following is the action plan for effectively managing drug-involved offenders in Delaware.

## **Problem**

At least two-thirds of offenders are drug-involved, committing drug offenses, and/or committing other crimes because of their drug involvement. Caseloads in the courts and the criminal justice system have increased dramatically during the last three years; much of this increase can be attributed to the increased numbers of drug-involved offenders coming through the system. There is well documented evidence that substance abuse treatment can reduce both the drug use and criminality of drug-involved offenders. Sentencing orders are being imposed with conditions of substance abuse treatment as part of the sanctions imposed at all five accountability levels. The treatment and criminal justice systems are complex, and there is no systematic process in place to assess, refer, and case manage offenders in treatment. As a result, offenders court-ordered to treatment occupy prison beds at the same time residential treatment facilities have openings. While treatment availability is inadequate to meet the needs of all offenders, the existing programs are inefficiently utilized. There is no central data base to describe the drug-involved offender population or to make justified program recommendations. Judges do not know with certainty that their sentencing orders are fully implemented.

## **Action Plan**

The goal of this Action Plan is to establish a comprehensive system for effectively managing drug-involved offenders in Delaware from arrest through final discharge from the authority of the criminal justice system. The system shall be cost-effective by maximizing resources; it shall contain strategies to protect the public from violent offenders; and it shall rehabilitate offenders who disrupt society because of their involvement with drugs.

**Objective 1:** Develop a broad-based consensus of all stakeholders on the scope and definition of the problem and the activities needed for solution.

Strategies

- a. Develop and disseminate a description of the problem to all stakeholders.
- b. Establish a forum whereby stakeholders can participate in the development and implementation of the plan.
- c. Develop an approach to gain support from the wider criminal justice and treatment communities, other governmental entities, the private sector, and the general public.

**Commentary:** A new committee, the Drug-involved Offender Coordination Committee, was recently appointed by Carl Schnee, Esq., Chairman of the Criminal Justice Council, and Lieutenant Governor Dale Wolf. The committee has been charged with designing a system to manage drug-involved offenders more efficiently and effectively. Chaired by Hon. Richard S. Gebelein, the committee consists of many of the decision-makers and leaders who have a stake in managing the drug-involved offender population. A copy of the committee membership is attached. With the addition of representatives from the legislature and the expansion of representation from the law enforcement and correction communities, this existing body may serve to achieve this strategy.

**Objective 2:** Establish a system based on the Treatment Alternatives to Street Crime (TASC) model to identify, assess, refer to treatment, and case manage offenders who commit crimes because of their involvement with drugs.

This system should include measures to ensure accountability of the offender and accountability of both the criminal justice and treatment systems. These measures should include, but not be limited to, urinalyses, program evaluations, cost-efficiency analyses, availability of information on specific drug-involved offenders, and management reports to the treatment and criminal justice communities and other interested parties.

Strategies:

- a. The criminal justice system should develop and/or adopt an offender-specific substance abuse assessment instrument which measures the level of drug involvement of the offender as well as his or her risk to the community. This assessment should be conducted on a population of drug-involved offenders at the pretrial stage of criminal processing.
- b. A centralized mechanism should be established to refer appropriate offenders to treatment as an alternative or supplement to additional criminal sanctions.
- c. Policies, procedures, and mechanisms to conduct urinalyses in conjunction with the assessment and treatment processes should be established.
- d. A system to provide case management services for offenders in treatment should be established to ensure accountability of the offender and accountability of the treatment and criminal justice systems. Progress reports on specific offenders in treatment should be submitted on a regular basis to the courts and the probation office.
- e. A data base of all offenders assessed, referred, and case managed should be maintained for the purpose of evaluating procedures and programs and for making additional program recommendations to the criminal justice and treatment systems.
- f. A process to provide training to the criminal justice and treatment systems on effective strategies for managing drug-involved offenders in treatment should be established.

**Commentary:** The Superior Court has requested \$75,000 in Drug Control and System Improvement Block Grant funding from the Criminal Justice Council to begin to establish such a system. This request should be supported. The funding should be utilized to identify and adopt an offender-specific drug assessment instrument and to develop a process to assess appropriate drug-involved offenders at the pretrial stage of the criminal process. In order to accomplish this, a project director should be hired and contractual money should be set aside for the

development and implementation of this new assessment process and to support the activities of the Drug-Involved Offender Coordination Committee or its successor.

Additional state resources should be identified and earmarked to fully implement this objective and other objectives in this action plan. In addition, the Delaware team has agreed to submit a concept paper to the State Justice Institute to try to assess additional federal funds to continue planning and implementing a comprehensive system, to train the criminal justice and treatment systems, to better assess Delaware's needs in terms of managing the drug-involved offender, and to evaluate the implementation of this action plan.

***Objective 3:*** Create an environment in Delaware that encourages optimal achievement of the objectives of this action plan.

**Strategies:**

- a. Budget recommendations should be developed to support the implementation of this action plan and to encourage the effective management of drug-involved offenders.
- b. Existing laws, regulations, policies, and procedures should be examined and modified, if necessary, to ensure they are consistent with effectively managing the drug-involved offender.
- c. Sentencing standards and practices should be examined and modified, if necessary, to ensure they are consistent with effectively managing the drug-involved offender.

**FLORIDA'S STATUS REPORT**  
**on**  
**NATIONAL CONFERENCE ON SUBSTANCE**  
**ABUSE AND THE COURTS**

The State of Florida participated in the National Conference on Substance Abuse and the Courts through its five advisory members -- Deputy State Courts Administrator Peggy Horvath; Seventeenth Judicial Circuit Court Administrator Carol Ortman, Twentieth Judicial Circuit Chief Judge Thomas S. Reese; Program Director Harry Dodd, Florida Department of Corrections; and Acting Deputy Assistant Secretary of Alcohol and Drug Abuse Pamela Petersen, Florida Department of Health and Rehabilitative Services. The Florida team hoped that the conference would balance their knowledge, and provide a platform for developing a strategy for coordinating the planning and state budgeting efforts relative to drug court programs.

The conference provided valuable information which led the team to realize that Florida's decentralized court system, vast geographic and demographic diversities, and separation of powers required a different approach than originally thought. Therefore, a new approach was developed. This approach focuses on:

- Collecting valuable research and results related to operational drug courts in Florida;
- Communicating these findings to other interested judicial circuits;
- Assisting with the planning, implementation, and monitoring of new drug court programs; and
- Producing a guiding manual which will provide the key decision makers with critical information, standards of practices, expectations, and criteria for operations.

Since their return, the following activities have occurred:

1. An agreement was reached among the advisory committee members that Deputy State Courts Administrator Peggy Horvath would coordinate the development of the court plan and ensure that a State Justice Institute grant concept paper was submitted by the deadline of March 1, 1992.

- a. Telephone conferences were held with individual advisory committee members in an effort to codify ideas and recommendations for the plan and the grant concept paper.
  - b. Once developed, the advisory committee members would review and accept the grant concept paper.
  - c. The concept paper would focus on goals and objectives which would benefit the state of Florida.
2. At the state level, a meeting was held between the Office of the State Courts Administrator and Department of Corrections in order to discuss existing state legislation that promotes interdisciplinary operations between the court and the correctional processes and functions. The meeting also recognized the steps that should be taken to maximize the effectiveness of such legislation.
  - a. Information was exchanged on the current and future plans and programs related to progressive sanctions underway within the Department of Corrections.
    - Information was provided on Florida's Drug Punishment Act, and
    - Information was provided on Florida's Community Partnership Act.
3. The outcome of these discussions resulted in an acknowledgement that:
  - a. Florida's court system is divided into twenty separate and independent circuit courts which have geographic and demographic variances. These variances cannot be ignored.
  - b. The Supreme Court sets broad rules, policies, and procedures which allows each circuit to tailor such directives to its unique situation. This approach allows the circuit to understand the overall goals and requirements set by the Supreme Court but provide the necessary flexibility required for implementation.
  - c. Therefore, the grant concept paper must mirror the approach typically used by the Supreme Court by providing sound



guidance and direction concerning a coordinated cross-disciplinary approach to substance abuse problems.

4. The key concepts planned for the grant concept paper are:
  - a. Research and collect experiential data relative to current drug courts operating within the Florida State Court System. Assessments will be conducted on these programs concerning:
    - The management models used by the program;
    - The screening criteria applied to the those adjudicated;
    - The type of treatment provider used (private, public) and the services offered;
    - The type of data base maintained by the program;
    - The system used to monitor treatment of the individuals; and
    - The system used to evaluate the program's success on an ongoing basis.
  - b. Set up, provide technical assistance to, and evaluate four drug courts which are at various stages of development and implementation.
    - The circuits targeted for participation include a large, medium, and small circuit population, and one county court program.
    - The level of technical assistance will vary based on the implementation stage. Likewise, those circuits which have been operational for a period of time will receive evaluation services in order to determine the success of the program.
    - Each program will be given a communication link up with the necessary data collected by the Department of Corrections, the Department of Health and Rehabilitative Services, and the Courts.

- c. Based on the research and collected experiential data, produce a manual for use by all twenty circuits which:
- Outlines all laws, rules, and procedures which must be followed. Provide detailed information on Florida's Community Partnership Act and how the courts can develop an interdisciplinary program that can save the state money while providing needed treatment;
  - Offers options for implementing different types of programs based on the outcome of the four pilot programs and other experiential information collected. For example, based on population size and the type of offense more readily experienced by the circuit, different programs and activities may prove more beneficial to the courts and the individuals. These "lessons learned" can save valuable time and money by guiding circuits away from programs or activities which are not best suited for their needs;
  - Provides insight into methods and strategies for screening individuals, maintaining the individuals' participation in the program, and determining when the individual's treatment program should be revisited and when other sanctions may be necessary;
  - Identifies critical data that should be collected; offers suggestions on the type of automated system that should be used.
  - Provides standard contract language used between the court and the individual who opts to enter into a court required drug treatment program;
  - Provides standard contract language used between the court and the treatment provider to ensure all critical services and responsibilities are included in the service agreement.
  - Provides current information to the judge on the progressive sanctions available to the courts relative to adjudication.

The Florida team believes this approach will serve the various circuits and provide each with options for implementing a drug court and substance abuse programs within their courts. The manual will provide guidance, information, answers, and suggestions in one organized place. Programs will be implemented in a more streamlined fashion with great assurances of each program's success. Future plans will incorporate juvenile court programs with the Department of Health and Rehabilitative Services.

## **SECTION II**

### **PROCEEDINGS: NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

# **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

## **PROGRAM**

Sponsored by: State Justice Institute, Bureau of Justice Assistance  
and the National Center for State Courts  
Hyatt Regency Washington  
November 6 - 8, 1991

### **WEDNESDAY, NOVEMBER 6**

- |                       |                         |
|-----------------------|-------------------------|
| 1:30 p.m. - 3:00 p.m. | FACILITATORS MEETING    |
| 3:30 p.m. - 5:00 p.m. | PRESENTERS MEETING      |
| 6:30 p.m. - 7:30 p.m. | REGISTRATION            |
| 7:30 p.m. - 8:15 p.m. | OPENING PLENARY SESSION |

### **WELCOMING REMARKS**

- Ms. Marilyn McCoy Roberts**, Director  
Deputy Director, Washington Office  
National Center for State Courts
- **Hon. Thomas J. Moyer**, Chairman,  
Conference Planning Committee;  
Chief Justice, Supreme Court of Ohio
- **Larry L. Sipes, Esq.**, President,  
National Center for State Courts

### **KEYNOTE SPEAKER**

- **Jimmy Gurulé, Esq.**, Assistant Attorney General,  
Office of Justice Programs, U.S. Department  
of Justice

8:15 p.m.- 9:15 p.m.      DESSERT RECEPTION

**THURSDAY, NOVEMBER 7**

7:30 a.m. - 12:00 noon      REGISTRATION

8:30 a.m. - 10:30 a.m.      GENERAL SESSION

8:30 a.m. - 8:45 a.m.      WELCOMING REMARKS  
**Presiding: Hon. Thomas J. Moyer**

- **Hon. Malcolm Lucas**, Chairman of the Board  
State Justice Institute; Chief Justice, State of  
California
- **Robert D. Lipscher, Esq.**, Vice-Chair,  
Conference of Chief Justices/Conference of  
State Court Administrators, Advisory  
Committee on Drug Issues Affecting  
State Judicial Systems; Administrative  
Director of the Courts, New Jersey
- **Hon. Robert N. C. Nix Jr.**, President,  
Conference of Chief Justices; Chief Justice,  
Supreme Court of Pennsylvania

8:45 a.m.- 9:15 a.m.      OPENING SPEAKER

1. Defining the Substance Abuse Crisis: Its Impact  
on the Courts

- **Hon. Sol Wachtler**, Chief Judge  
of the State of New York

9:15 a.m.- 9:45 a.m.      1. State of the Art in Substance Abuse Treatment

- **Ms. Linda N. Lewis**, Assistant Deputy for  
Treatment and Rehabilitation, Office of  
Demand Reduction, National Drug Control  
Policy

9:45 a.m.- 10:30 a.m.

1. Establishing Linkages: The Importance of Coordination

- **Moderator: Hon. Sol Wachtler**, Chief Judge of the State of New York
- **\*Mr. Robert Aukerman**, Director, Alcohol and Drug Abuse Division, Colorado Department of Health
- **Mr. Parker Evatt**, Commissioner, South Carolina Department of Corrections
- **Hon. James G. Exum, Jr.**, Chief Justice, Supreme Court of
- **Andrew L. Sonner, Esq.**, States Attorney Montgomery County, Maryland
- **Mr. Robert Wessels**, Court Manager, County Criminal Courts at Law, Houston
- **Ms. Barbara A. Zugor**, Executive Director, Treatment Assessment Screening Center, Phoenix

10:30 a.m. - 10:45 a.m.

BREAK

10:45 a.m. - 12:00 noon

BREAKOUTS

1. The Adjudicatory Process

This session will provide the basics of the court perspective on handling drug cases. The court will be explained, along with some special efforts the courts have made to handle drug cases more efficiently. Legal issues, such as due process and the drug offender, will also be covered in this session.

- \* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

- **Moderator: Ms. Maureen M. Solomon**, Court Management Consultant and Senior Faculty, Institute for Court Management, National Center for State Courts
- **Ms. Joan E. Jacoby**, Jefferson Institute
- **Hon. Janice Gradwohl**, Judge, State of Nebraska
- **Hon. Dalton A. Roberson**, Executive Chief Judge, Third Judicial Circuit, Detroit

10:45 a.m. - 12:00 Noon  
(Continued)

## 2. Helping Courts Identify and Evaluate Treatment Providers

This session will cover strategies for identifying treatment providers and establishing cooperative relationships with them, the essential elements of treatment, what constitutes a certified program, what the difference is between support services and treatment, what treatment works and doesn't work.

- **Moderator: Hon. John F. Daffron, Jr.**  
Judge, 12th Judicial Circuit, Chesterfield, Virginia
- **Mr. John Gregrich**, Assistant Deputy, Office of National Drug Control Policy
- **Mr. Timothy J. Murray**, Director,  
Office of Substance Abuse Control, Miami

## 3. Overview of Addiction and Its Relationship to Criminal Behavior

This session will include a discussion of criminal and addictive behavior and the relationship of criminal behavior to substance abuse.

- **\*Bert Pepper M.D.**, Executive Director,  
The Information Exchange on Young Chronic Patients

- \* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration



- **Hon. Michael Brennan Getty**, Judge,  
Circuit Court, Chicago
- **Hon. Francis X. Halligan**, Judge,  
Municipal Court, Island Heights, New Jersey

10:45 a.m. - 12:00 noon  
(Continued)

4. Strategies of Coordination: Programs that Succeed

This session will present three programs that take a coordinated approach to handling substance abusing offenders.

- **\*Roger Peters Ph.D.**, Assistant Professor,  
Department of Law and Mental Health,  
Florida Mental Health Institute
- **Hon. Jeffrey S. Tauber**, Judge,  
Oakland-Piedmont-Emeryville  
Judicial District, California
- **Ms. Barbara A. Zugor**, Executive Director,  
Treatment Assessment Screening Center,  
Phoenix

5. Special Issues of Substance Abuse Among Juveniles and Families

This session will present and discuss issues that arise as a result of substance abuse among juveniles.

- **Hon. Gladys Kessler**, Associate Judge,  
Superior Court of DC, Washington, DC
- **Elizabeth Rahdert, Ph.D.**, Research  
Psychologist, Clinical Research, National  
Institute on Drug Abuse
- **H. Ted Rubin**, Senior Staff Attorney,  
Institute for Court Management,  
National Center for State Courts

12:00 noon - 1:30 p.m.

**WORKING LUNCH  
STATE TEAM MEETINGS**

- \* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

1:30 p.m. - 3:00 p.m.

## **BREAKOUTS**

1:30 p.m. - 3:00 p.m.

### **1. Juvenile Substance Abusers and the Court**

This session will describe the unique juvenile court system and the way in which juvenile substance abusers are handled by it.

- **Moderator: Roberta Messalle**, Senior Advisor,  
Office for Treatment Improvement
- **+ Hon. J. Dean Lewis**, Judge,  
15th Judicial District Court, Juvenile Division,  
Virginia
- **+ Hon. Michael McPhail**, Judge,  
Forrest County, Juvenile Court, Mississippi
- **+ Vincent Picciano**, Director of Court Services,  
Fairfax County JDRDC, Virginia

### **2. Special Problems of Minority Substance Abusing Offenders**

This session will cover the special problems of minority offenders, including information about the percentage of apprehended drug offenders who are members of a minority population.

- **Moderator: Hon. Veronica McBeth**, Judge,  
Los Angeles Municipal Court
- **\*Carol Patton, Esq.**
- **Randolph N. Stone, Esq.**, Professor,  
University of Chicago School of Law

\* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

+ Sponsored by the National Council of Juvenile and Family Court Judges

1:30 p.m. - 3:00 p.m.  
(Continued)

3. Substance Abuse Problems Among  
Female Offenders

This session will cover the special problems of substance abusing female (minority and non-minority) offenders, including pregnant abusers.

- **\*William Miller, M.D.**, Assistant Professor,  
Dept. of Psychology/OB-GYN, University of  
Kentucky
- **Hon. Peggy Hora**, Presiding Judge,  
San Leandro-Hayword Municipal  
Court, California  
**Judith Larsen, Esq.**

4. State of the Art in Substance Abuse Testing

This session will provide information on traditional and non-traditional testing, problems and strengths of various methods, and problems of monitoring compliance.

- **Hon. Bruce Beaudin**, Judge, D.C. Superior Court
- **John A. Carver, Esq.**, D.C. Pretrial  
Services Agency
- **Mr. Kevin Jackson**, Project Manager,  
Aerospace Technology in Corrections
- **Walter F. Vogl, Ph.D.**, National Institute on Drug Abuse

5. Special Needs of the Substance Abusing Mentally Ill Offender

This session will describe the special needs of, and a successful program for, "dually diagnosed" offenders.

- **Ingo Keilitz, Ph.D.**, Director, Institute on  
Mental Disability and the Law, National Center  
for State Courts
- **David Meyer, Esq.**, Assistant Public Defender,  
Los Angeles County

\* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

- **\*Bert Pepper M.D.**, Executive Director,  
The Information Exchange on Young Chronic  
Patients

3:00 p.m.- 3:15 p.m.      **BREAK**

3:15 p.m.- 4:00 p.m.      **CREATING A STATE ACTION PLAN: PANEL  
AND DISCUSSION PERIOD**

- **Barry Mahoney, Esq.**, Senior Staff Attorney,  
Institute for Court Management,  
National Center for State Courts
- **Hon. Stewart Pollock**, Justice,  
Supreme Court of New Jersey
- **Allen L. Tapley**, Executive Director,  
The Sentencing Institute, affiliated with Auburn  
University at Montgomery, Alabama

4:00 p.m.- 5:15 p.m.      **STATE TEAM MEETINGS**

6:00 p.m.- 7:00 p.m.      **LIGHT REFRESHMENTS  
STATE MEETINGS CONTINUE IF NEEDED**

- \* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse  
and Mental Health Administration

## FRIDAY, NOVEMBER 8

8:30 a.m. - 10:00 a.m.      **PANEL**

1. What Courts Need to Know about Alcoholism, Public Health, and State of the Art Education

- **Moderator/Presenter: Robert Phillips, M.D.,**  
Whiting Forensic Institute
- **Ms. Jane Kratovil, Director AIDS and School Health Programs, Resource Center on Educational Equity, Council of Chief State School Officers**
- **T. Steve Jones, M.D., Special Assistant for Substance Abuse & HIV, Centers for Disease Control**

10:00 a.m. - 10:15 a.m.      **BREAK**

10:15 a.m. - 11:45 a.m.      **BREAKOUTS**

1. Combining Intermediate Sanctions with Substance Abuse Treatment

This session will cover the range of possibilities for sentencing drug offenders using intermediate sanctions, including such sanctions as denial of federal benefits, treatment with close community surveillance, day fines, restitution, community service and probation.

- **Sally T. Hillsman, Ph.D., Vice-President, Research & Technical Services, National Center for State Courts**
- **Mr. George Keiser, Chief of Corrections, National Institute of Corrections**
- **\*Carl Luekefeld, D.S.W., Director, Center on Drug and Alcohol Abuse Research**
- **Ms. Peggy McGarry, Center for Effective Public Policy**

\* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

10:15 a.m. - 11:45 a.m.  
(Continued)

2. Using the Pretrial and Presentence Investigations to Facilitate Coordination of Treatment

This session will cover the court's need for presentence investigation information, the availability of information, from what sources and in what form. The focus will be the importance of communication and coordination between the providers and the receivers of the presentence investigation reports.

- **John A. Carver, Esq.**, Pretrial Services Agency
- **Mr. Timothy J. Murray**, Director,  
Office of Substance Abuse Control
- **Ms. Mickey M. Neel**, Project Manager,  
Council of State Governments
- **Mr. Alan M. Schuman**, Director,  
Social Services Division, D.C. Superior Court

3. Funding Panel - SJL, BJA, OTI

This panel will provide a description of available funds and the way to gain access to those funds when the teams return home.

- **Mr. Jay Marshall**, Chief, Adjudication Division,  
Bureau of Justice Assistance
- **David I. Tevelin, Esq.**, Executive Director,  
State Justice Institute
- **Ms. Roberta Messalle**, Senior Advisor, Office for  
Treatment Improvement

4. Strategies of Coordination: Integrating Court and Non-Court Communities

This session will discuss strategies of coordination that have been successful and will address the issues of importance to planning cooperative arrangements.

- **\*Margaret K. Brooks, Esq.**, Director/President,  
Legal Action Center, New York

\* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration

- **Hon. Herbert M. Klein**, Associate Chief Judge,  
Circuit Court, 11th Judicial District of Florida
- **Justice Stewart Pollock**, Justice,  
Supreme Court of New Jersey

11:45 a.m. - 1:15 p.m.

**WORKING LUNCH  
STATE TEAM MEETINGS**

1:15 p.m. - 2:30 p.m.

**BREAKOUTS**

**1. State/Local Coordination**

This session will focus on programs that have launched a successful state and locally coordinated approach to handling substance abuse cases and/or examine unsuccessful attempts to such an approach.

- **\*Mr. Robert Aukerman**, Director, Alcohol & Drug Abuse Division, Colorado Department of Health
- **Mr. Robert Wessels**, Court Manager, County Criminal Courts at Law, Houston
- **Floyd O. Pond, Esq.**, Executive Director, Governor's Drug and Alcohol Abuse Commission, Maryland
- **Mr. Allen L. Tapley**, Executive Director, The Sentencing Institute, affiliated with Auburn University at Montgomery, Alabama

**2. Funding Panel - SJI, BJA, OTI**

This panel will provide a description of available funds and the way to gain access to those funds when the teams return home.

- **Mr. Jay Marshall**, Chief, Adjudication Division, Bureau of Justice Assistance
- **Ms. Roberta Messalle**, Senior Advisor, Office for Treatment Improvement
- **David I. Tevelin, Esq.**, Executive Director, State Justice Institute

**\* Sponsored by the Office for Treatment Improvement, U.S. Alcohol, Drug Abuse and Mental Health Administration**

1:15 p.m. - 2:30 p.m.  
(Continued)

3. Assessment, Evaluation, and Classification of the  
Substance Abusing Offender

This session will include explanations of the difference between assessment and classification, how assessment works, how to start an assessment process if one is not already in place, linkage and coordination intra-system and inter-system and how to share data.

- **H. Mikel Thomas, M.D.,** Director,  
Inpatient Substance Abuse,  
Veterans Administration Hospital  
University of Kansas
- **Mr. Harvey M. Goldstein,** Assistant Director,  
Probation Services, New Jersey Administrative  
Office of the Courts

2:30 p.m. - 2:45 p.m.

BREAK

2:45 p.m. - 3:45 p.m.

STATE TEAM MEETINGS

3:45 p.m. - 4:30 p.m.

PLENARY SESSION

1. Outlook for the Future - Synthesis of State Plans &  
Final Statements

- **Hon. Thomas J. Moyer,** Chair  
Conference Planning Committee;  
Chief Justice, Supreme Court of Ohio
- **Larry Sipes, Esq.,** President  
National Center for State Courts

ADJOURNMENT



## **CONFERENCE OPENING**

**Opening Session - Welcoming Remarks**  
**Chief Justice Thomas J. Moyer**  
**Wednesday, November 6, 1991**  
**7:30 p.m.**

Welcome to this first-ever National Conference on Substance Abuse and the Courts, sponsored by the Conference of Chief Justices and the Conference of State Court Administrators in conjunction with the National Center for State Courts, and funded by the State Justice Institute and the Bureau of Justice Assistance. I am pleased to see that 36 of the 50 states are represented here, and 33 have brought teams.

We have only to stand on any street corner or read any newspaper in America to know that the specter of this nation's drug crisis is still with us. From the so-called "mean streets" of Washington, D.C.; to Columbus, Ohio, in the heart of middle America, which has seen 119 homicides already this year, most of them drug related; to rural America. The most recent national statistics indicate a 50 percent increase in convictions for felony drug trafficking and that more than 40 percent of the increase in jail population is attributable to drug offenses. A recent study indicated that 50 percent or more of those arrested tested positive for drugs. For males, this ranged from 30 percent in Omaha to 78 percent in San Diego, and, for females, the percentage positive ranged from 39 percent in Indianapolis to 76 percent in Philadelphia.

We have only seen the tip of the iceberg. Even if drug use appears to be declining, the residual effects of the drug culture will be with us for years to come, in the cruel fates of crack babies and AIDS patients. NBC news reported this week that there are 200,000 intravenous drug users in New York City alone, and half, 100,00 people, are HIV positive. Drug and drug related cases are already choking the courts, disrupting schools, burdening hospitals and strangling resources of social

service agencies in many of our large urban states, including New York and California. We need to be prepared for the onslaught, and work together to stem the tide. We need to look 5, 10 years into the future and develop methods of coordinating the efforts of those agencies and disciplines.

In August, 1990, the Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution calling for a national conference on substance abuse problems in the states. The goal of this conference would be to address the impact of substance abuse on state courts by doing something that has never been attempted on this scale.

A CCJ/COSCA task force solicited advice from organizations representing key representatives from the various disciplines, courts, criminal justice, education, health and social service agencies. The consensus was that we should plan a national conference to improve communication and coordination among the constituencies, and to develop specific plans and long-term strategies that states may implement to address the impact of substance abuse on the courts.

Each state Chief Justice was asked to assemble a team consisting of the state leaders in the key areas. It is significant that 36 states are represented because too often the judiciary feels constrained or protected by its independence from initiating or even participating in efforts to enhance communication and coordination with the agencies represented here.

The primary goals of the conference are:

- to develop a common understanding among the courts and criminal justice, education, health, and social services agencies of the dimensions and effects of the substance abuse problems across the country;

- to provide information about strategies, programs, and resources that states can use to help address substance abuse problems;
- to help states develop action plans that reflect a coordinated, cross-disciplinary approach to addressing substance abuse problems.

This is a significant task and a significant challenge to all of us. However, it is a challenge we must address. Each state team must work together, not just at this conference, but after returning home. The plans developed at this conference are only a first step. Each of us should resolve to work with our colleagues--our team leaders--to implement these plans in our home state and within our disciplines. If we fail to act now, the powerful grip of drugs will continue to tighten.

**EXCERPTS FROM OPENING ADDRESS GIVEN ON  
NOVEMBER 6, 1991, AT THE NATIONAL CONFERENCE  
ON SUBSTANCE ABUSE AND THE COURTS**

**Excerpts from Opening Address given on November 6, 1991, at the National  
Conference on Substance Abuse and the Courts**

**by  
Sol Wachtler Chief Judge of the State of New York**

You may have heard that I was forced to bring a lawsuit to assert the independence of the judiciary in New York state. But things were not always that way between me and Governor Cuomo.

Last January I had the privilege of swearing in the Governor, and we reminisced about the time, six years ago, when he swore me in as Chief Judge.

My mother was with me and was walking down the hall with Governor Cuomo. He asked her, she was then in her 80's, how old she was.

She replied, "can you keep a secret?"

"Why, yes," he said.

She replied, "so can I." It's the only time I've seen the Governor at a loss for words. I say this because I'm reminded of a statement my mother recently said to us. She said, "when my great grandfather was born, Thomas Jefferson was still alive."

When I think of this, I say, as we all have said during these many National Bicentennial celebrations, that we are a nation, still in its youth, and those who came before did their work well.

But all the magnificent documents which are a product of our founding fathers -- the Declaration of Independence, the Constitution, the Bill of Rights -- are not self-propelled chariots of justice. They are only words, depending upon each generation to give them a meaning and significance. This has basically been the burden of the courts and we ask ourselves the question, "How well will we do in the future?"

Last year the American Judicature Society and the State Justice Institute sponsored a national conference in San Antonio, Texas, to examine the future of the courts in this country. I was asked to address that gathering as to what would propel the courts into the future.

All I could think of was the Mel Brooks record: "The 2000 year old man." When this 2000 year old man was asked by the interviewer, "What keeps you going?"

He responded, "Fear, when you're being chased by a dinosaur, I tell you, it's fear." Fear that without the courts, our republic would not be able to survive.

I believe that the common law, if the courts are able to function, could meet the challenges which will stem from the social and demographic advances of the next generation, the potential intergenerational strife as the aged population increases, the weakening middle class, the new science and technology -- everything from life support systems, to genetic engineering -- areas where the courts will be called upon to act before the legislatures. I say the common law could keep up -- but before it can, the courts must be able to function.

The Delphi study conducted in preparation for the San Antonio conference, despite many disagreements among the experts, did seem to agree on one thing: "Our justice system's effectiveness is being squeezed between financial limitations and rising public expectations."

And when we speak of public expectations, I would hope that an educational process could diminish the public's expectations when it comes to the criminal courts.

Unfortunately, I don't expect this to happen. A citizenry which prides itself on civil liberties finds itself living behind triple-lock doors with the fear of crime being more disturbing than the crime itself.

My hope is that the Rhetoricians who blame the courts for crime -- who seek to heighten the public's expectations when it comes to the role of the courts -- will either be stilled or have their voices drowned out by more responsible voices.

In the criminal justice system, there long has been a strange ambivalence about the future: a vague sense of public expectation that somehow things will improve, and an underlying doubt that nothing we do really can improve things. We know that we cannot change human nature, and so we believe that to the extent society's problems derive from defects in our nature, those problems cannot be resolved. And so we seek easy solutions:

We hear people in public office say "Stop all plea bargaining". When we recognize the fact that we have 1,000 cases a day coming into the Criminal Court of the City of New York with only 72 judges serving in that court, we realize that trying all of those cases would be impossible. This is true of every major metropolitan area in the country.

Felony drug arrests in New York State have increased some 150% since the crack epidemic in 1985. And although we know that the federal courts are terribly

overburdened, it is interesting to note that all the federal courts in all of the states handled 11,800 drug cases in one year, whereas New York State handled 230,000 drug cases during that same period.

And there is the other easy political solution: "If those soft-headed, soft-hearted judges would put more people in jail we could solve the crime problem."

In 1985 when I first became Chief Justice in New York State, there were 32,000 prisoners in our state penitentiaries -- today we have 60,000 -- and not one of them went there voluntarily. They were all put there by judges.

But this does not diminish crime. Today, in the United States, we have one million people behind bars -- per capita more than any other country in the world and the crime rate continues to mount.

But by far the most troubling in terms of the future of our justice system is "It is time we thought more about the victims and less about the criminal." This suggests, somehow, that judges are sympathetic toward criminals and lack empathy with victims. This is absurd. It also suggests that we should somehow do away with certain constitutionally protected rights such as the presumption of innocence, the right to counsel, the right not to be forced into confession. This we can not do.

You see, the courts don't cause crime -- we are at the wrong end of the criminal cycle. Those of you from the various disciplines can identify the causes. A societal deficiency when it comes to providing housing, and training, and education, and job opportunities to a large class of citizens who are raised without a family and without hope.

You know the swamps where crime breeds, and where drugs are readily available.

We all know that 70% of all crime relates to these drugs and alcohol -- the perpetrator is either on drugs when he commits the crime, or commits the crime to buy drugs, or is dealing with drugs.

And so we look for solutions:

\*Interdiction -- If we build a 15 foot wall, they would build a 16 foot ladder.

\*Work with foreign governments, like the "Andean policy" in South America. This may help, but the traffic is mobile and politics, as well as huge and tempting profits, undermine the effort.



**\*Legalize -- crack. I'll give you one reason why this won't work. Anybody can make the stuff. Even if it were legal, an individual could still undersell the government. A cottage industry could be born.**

Now there are some early, almost tentative, signs that our immediate problems may ease up a bit: casual drug uses appears to be declining; emergency room overdose admissions have dropped slightly; urinalysis screening of arrestees in New York city at the end of last year showed some decrease in drug use.

But there are other signs that our problems have not diminished: The murder toll and the robbery rate likely will hit a new high this year; the national reported crime rate continues to rise; as do arrest rates, indictment rates, and jail and prison populations.

By far the most troubling signs for the future, however, cannot be seen in arrest rates, criminal court dockets, or jail populations. Those signs can be seen only in the innocent eyes of children now less than six years old. The drug crisis has had a devastating effect on children; an effect not yet visible in the criminal justice system, but an effect that surely will dominate our future in this decade and the next.

Crack does not have to be injected, and it has been an especially attractive drug for women. Surveys show that 50% or more of crack addicts are women; and urinalysis screening of female arrestees in New York City shows that almost 75% test positive, most for cocaine.

The consequences will be profound and lasting. A study done two years ago by the National Association for Prenatal Addiction, Research and Education concluded that each year 375,000 or more children in this nation are born exposed to drugs. The Inspector General of the Department of Health and Human Services has estimated that by the end of the decade there may be 4 million children who were drug exposed at birth.

Often these days, we see accounts of the early lives of these children: crack babies born with an abnormally small head size and less brain tissue than other infants. Babies undernourished, constantly crying, extremely sensitive to light and noise. Babies who look delirious, who cannot play, cannot talk. Babies who cannot be consoled when they cry, and who cannot stand to be touched.

The impact of the drug crisis on children already has been stunning. Cases of the neglect and abuse of children increased 650% during the 1980's, most of it in the last few years. In five years, the foster care population has risen from 27,000 to 62,000 -- a faster rate than the rise in the state prison population. Intra-family violence in New York City has risen 400%. As Senator Moynihan observed, while

the welfare system of the 1960's created the one parent family, the drug crisis is creating the "no parent family".

And so, as we look over the rim, if we do not make the changes which must be made, we can see our future:

We know that hundreds of thousands of children are growing up knowing only violence, abuse, neglect, addiction, and hopelessness.

And we know that children who grow up in those conditions almost inevitably come into the justice system.

This is our future.

We must prepare for it today; tomorrow it will be upon us.

The methods that we use today -- the concepts of our criminal justice system -- will be inadequate for that stormy future. We must find new methods; new concepts within the principles that have guided us for so long.

And we must remember that the criminal justice system is not just in the business of punishment. It is in the business of shaping behavior, keeping it within norms that make our lives together safe and productive. It shapes behavior first by deterrence -- the presence of the police, the fear of punishment; then by structured supervision; and ultimately by isolation from society.

But the police, the criminal courts, prosecutors, defenders, probation departments, jails, and prisons are not alone in the business of shaping behavior. There are family courts, social services departments, health services, mental health services, schools with special education programs, family counseling centers, transitional living centers, mediation centers, and job training centers. All working toward the same end; all in the same basic business; not competing, but not really working together either.

It is time we changed that. It is time for the criminal justice system to structure a way to work together much more closely with the other parts of government that also are in the business of shaping behavior. It is time to use all of society's resources to intervene to prevent crime. And it is time we did that within the justice system, where the threat of punishment can back up the offer of help.

This needs assessment -- it is not brought into the criminal courts and the system to replace or lessen punishment. Instead it is an attempt to concentrate our resources to fight crime in one place, in one process.

Our hope is that this conference will help lead the way - that together we will succeed -- if we do not succeed, our future as a nation will be diminished beyond measure.

## **MAJOR CONFERENCE THEMES**

## **CLOSING REMARKS**

**by**

**Thomas J. Moyer, Chief Justice, Supreme Court of Ohio**

**Friday, November 8, 1991**

I thank you all for your participation in this historic conference. It has been a thoughtful and productive session. I am struck by the fact that all the participants seem to have a sense of purpose, to recognize the severity of the problem of substance abuse, and genuinely want to work together.

When we came here, some states, such as Ohio, Alabama, and New Jersey, already had state plans. In the case of Ohio, the judiciary is not a part of the plan. Some of you met here for the first time. Some thought the judiciary was not interested enough or able to initiate such a conference. Some came with high expectations. We all arrived here with a wide range of starting points.

No one can leave this Conference believing that the problem of substance abuse in our society is less overwhelming than we thought it was when we arrived. Hopefully, we leave with more tools and a greater appreciation of how the problem affects each of us.

The 33 state teams each has its own conclusions. But I believe that we can all agree upon the following general and overriding conclusions:

1. There is a critical need for more coordination and communication among the agencies and disciplines that must respond to the impact of drug abuse. Some of you have cited examples of overlapping responsibilities and a lack of knowledge of what each other is doing.
2.
  - (a) There is a general consensus that it is the judiciary, indeed the chief justice in each state, that must lead the coordination. That means that as we return to our states, we should convene the agencies and disciplines that were represented here and others to assemble a structure for coordinating our efforts.
  - (b) We need a quick follow up in the states to keep the momentum that has been generated here.
3. Each state needs to identify the resources that are available to meet the substance abuse crisis. In some instances, that will result in a reallocation and actually a savings of some resources where there is considerable duplication.

4. Each discipline needs to know what services are available and how they can be accessed by other agencies and by individuals.
5. There is a strong consensus that there should be a greater emphasis on alternatives to traditional sentencing responses. This Conference has demonstrated that there are a variety of approaches being successfully used throughout the country that reduce recidivism of persons that are in the criminal justice system because of a problem with substance abuse.
6. Finally, most agree that an early, comprehensive assessment of an offender is the most effective means of responding to the problem. Early identification of the offender's needs with a link to the resources available in the community is a goal that is difficult to achieve but produces the most predictable results.

I think it is safe to predict that the Conference of Chief Justices and the Conference of State Court Administrators will make permanent the committee initiated this Conference in order that we can be a catalyst for the implementation of state plans. I am informed that the State Justice Institute and the Bureau of Justice Assistance will be receptive to receiving grant applications to help us in that most important follow up to this Conference.

Winston Churchill observed that people frequently stumble over the truth; but too often they pick themselves up and hurry off as if nothing had happened. Let us all return to our states with the information we have found here and continue to make things happen.

## **CLOSING REMARKS**

### **THE THREE "Cs": CRISIS, COLLABORATION AND COMMITMENT**

**by**

**Larry Sipes, President, National Center for State Courts  
Friday, November 8, 1991**

The educators who produced Sesame Street promoted literacy among children in many new ways. One was to feature a letter of the alphabet followed by a series of words starting with that letter accompanied by a visualization for each word. This series always began with an announcement "Today's letter is \_\_\_\_\_."

We have gathered here in a new way and increased our literacy regarding substance abuse and the courts. If the producers of Sesame Street had been with us, watching, listening and learning as I have, I am convinced they would have concluded, as have I, that this conference and all that is yet to come could not have occurred without the letter "C."

You will have to mentally furnish the visualizations but I can furnish the words beginning with "C" that have permeated our presentations and discussions:

**CRISIS**

**COCAINE**

**COURTS**

**CORRECTIONS**

**CONVICTIONS**

**COMMUNITY**

**CREATIVITY**

**COMMUNICATIONS**

**CHIEF JUSTICES**

**COURT ADMINISTRATORS**

**CONNECTIONS**

CONSULTATION

CONSENSUS

COUNCILS

COALITIONS

COORDINATION

COOPERATION

COMPREHENSIVE

COLLABORATION

COURAGE

Each of these has significance but three deserve special attention because they lie at the heart of our deliberations here and at the heart of your success at home: Crisis, Collaboration and Commitment.

Few, if any of us, doubted when we came here that there is a crisis of substance abuse involving courts. However, few if any of us, appreciated the breadth and depth of that crisis until we were immersed in the state by state tableaux presented here which so dramatically and vividly captures the full proportions from coast to coast, border to border. From the explosion in drug homicides in Chief Justice Moyer's Columbus, Ohio; to Chief Justice Wachtler's increase of 150% in New York drug cases; to the one out of every two babies born addicted to cocaine in some New York hospitals; to Linda Lewis' observation that for the substance abuser treatment usually comes only after they have acquired a criminal record and lost everything else - family, job, self-worth; to Judge Klein's report that in Dade County 80% of arrested felons test positive for drug use; to the conclusions of Mr. Sonner and Mr. Evatt, that we cannot jail or imprison our way out of this crisis. If these confirmations of crisis were all that we gained this would indeed be a grim occasion. Fortunately, that is not all.

Collaboration also has been given to us as a concept and tool. For me, collaboration is the sum of many other important "C" words. It involves communication. Just talking with one other while focussing on drug abuse will be progress in many places. Coordinating also would be a new and worthy step in other places. And beyond those we would do well to achieve cooperation in the many



areas of shared interest among judges, court administrators, police, prosecutors, corrections, public health officials and providers of treatment. If you put these together with an institutional "C" word like Council, you have a splendid recipe for collaboration.

Part of the scripture of reducing court delay is the need for commitment which is the third vital "C" word. I am convinced it is no less needed in addressing the crisis of substance abuse and the courts. Paraphrasing Arthur Vanderbilt, this is not the commitment of the short winded. The progeny of substance abuse will be with us and will be in the courts of this nation for a long time; beginning now with cases involving the young mothers who are cocaine addicts and the young men who are drunk drivers to the future cases involving afflicted children of those mothers and battered spouses and children of those alcoholic men.

You heard Justice Pollock describe the broad participation that was an integral part of the New Jersey plan and the fact that the plan was developed within one year even with public forums and other forms of community involvement. Commitment is the engine that drives such vehicles of improvement.

Alabama's multi-year effort, described so ably by Alan Tapley, with its policy council and task forces is another commendable model. Alan cited the need for energy to launch and sustain such a program. That undoubtedly is true. Equally true, I'm sure we all recognize, is the need for a commensurate amount of commitment.

So you return home with more baggage than you brought. And, although the sense of crisis weighs uncomfortably heavy, I hope it is more than offset by the value of collaboration and your replenished sense of commitment. In addition to crisis, collaboration and commitment, the final "C" word I offer is Congratulations to CCJ and COSCA for inspiring this gathering, to Chief Justice Moyer and Bob Lipscher for their leadership, to SJI and BJA for their investment and to each of you for your diligence and contributions.

**NATIONAL CONFERENCE ON SUBSTANCE ABUSE  
AND THE COURTS**

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**November 6, 7, and 8, 1991  
WASHINGTON, D.C.**

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**NATIONAL CONFERENCE ON SUBSTANCE  
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## SPEAKER BIOGRAPHIES

**ROBERT B. AUKERMAN**, Director of the Alcohol and Drug Abuse Division of the Colorado Department of Health, is responsible for the overall administration and management of publicly subsidized substance abuse prevention, intervention and treatment services for the State of Colorado. Mr. Aukerman establishes policy and has created a state plan for the direction of a comprehensive statewide program as well as recommends necessary rules and regulations to the Alcohol and Drug Abuse Advisory Council and to the State Board of Health. Mr. Aukerman has served as Deputy Director to the Division of Services for the Aging, Colorado Department of Social Services (August, 1979 - December 1981); Chief of the Staff Development Section of the Colorado Department of Social Services (June, 1975 - August, 1979); Assistant Director to the Alcohol and Drug Abuse Division of the Colorado Department of Health (September, 1973 - June, 1975) as well as many other positions with the Department of Health and Colorado Department of Social Services. A graduate of Ohio State University and Miami University at Oxford, Ohio, Mr. Aukerman is active on many boards such as Chairman of the Colorado Prison Association, Board Member of the Colorado Branch of Volunteers of America and former board member and President of the Mile High Council on Alcoholism.

**BRUCE BEAUDIN**, Associate Judge of the Superior Court of the District of Columbia, was appointed to the court in 1984. Fifteen years prior to this appointment, Judge Beaudin was the Director of the District of Columbia Pretrial Services Agency. Judge Beaudin was also a staff attorney, Deputy Director and Director of the District of Columbia's Public Defender's Office. Judge Beaudin received his law degree from Georgetown University in 1964.

**MARGARET K. (PEGGY) BROOKS** has been Director of the Legal Action Center for 11 years. The Center is a non-profit law firm that provides legal advice and assistance to drug and alcohol treatment programs and their clients and handles questions about drug testing, discrimination against ex-offenders, AIDS, and related subjects. The Center also publishes Of Substance, a newsletter for the drug and alcohol treatment community and several other publications. Ms. Brooks is a 1972 graduate of Columbia University School of Law, where she was on Law Review and has taught at Fordham University and Columbia University School of Law.

**JOHN A. (JAY) CARVER, ESQ.**, is the Director of the District of Columbia Pretrial Services Agency, which serves as a neutral information source for judicial officers, both local and federal, in the D.C. courts. After interviewing and investigating the backgrounds of persons charged with criminal offenses,

## **SPEAKER BIOGRAPHIES**

it recommends nonfinancial release alternatives designed to assure appearance in court and community safety. The Agency has also played a pioneering role in implementing the largest, most comprehensive program of pretrial drug testing and drug monitoring in the country. A 1967 graduate of the University of Wisconsin, Mr. Carver served with the Peace Corps in Bolivia for three years. He received his J.D. from Georgetown University Law Center in 1974 and is a member of the Bars of the District of Columbia and Virginia.

**PARKER EVATT**, Commissioner of the South Carolina Department of Corrections, served from 1966 - 1987 as Executive Director of the Alston Wilkes Society, an organization dedicated to helping former prison inmates and their families establish new lives. During his 13 years as a member of the South Carolina House of Representatives, Mr. Evatt served on the House Ways and Means Committee and was Vice Chairman of the Ethics Committee. He has served since 1974 as a member of the Governor's Committee on Criminal Justice, Crime and Delinquency and chaired the Corrections Committee of that group for several years. Mr. Evatt has received many honors and awards, including the Special Recognition Award for Outstanding Achievement from the National Association on Volunteers of America, the Distinguished Service Award from the South Carolina Correctional Association and numerous others. In addition to a B.A. degree from University of South Carolina, Mr. Evatt earned his Master's degree in Criminal Justice from USC's College of Criminal Justice and an honorary Doctor of Laws degree from Presbyterian College.

**JAMES G. EXUM, Jr.**, Chief Justice of the Supreme Court of North Carolina, took office in 1986, having served on the Supreme Court of North Carolina since 1975. He was Superior Court Judge from 1967-1974; served on the State House of Representatives in 1967; was in private practice from 1961-67; and was law clerk to Supreme Court Justice Emery B. Denny from 1960-61. Chief Justice Exum has served on the Board of Directors of the Conference of Chief Justices since 1990, was Chairman of the ABA Committee on Ethical Considerations in Prosecution and Defense of Criminal Cases (1979-81); and numerous other judicial boards and committees. He received his B.A. from the University of North Carolina (Phi Beta Kappa and Algernon Sidney Sullivan Award) and his LL.B. from New York University School of Law (Root Tilden Scholar and Benjamin F. Butler Memorial Award).

**MICHAEL BRENNAN GETTY, J.D.**, has served as an Illinois circuit judge for the past eight years. For the past 17 years, Judge Getty has served as Chairman of the Illinois Department of Alcoholism and Substance Abuse Advisory

## **SPEAKER BIOGRAPHIES**

Council and has served as a member of the National Judicial College faculty for six years and developed the College's course on "Alcohol, Drugs and the Courts." Judge Getty is a former member of the Illinois Legislature, practiced law for over 20 years in the Chicago area, both as a prosecuting and a defense attorney. He also serves on the National Conference of Commissioners on Uniform State Laws and is the author of several articles on substance abuse, including, "The Alcoholic Attorney - New Perspectives on an Old Problem" and "Alternative Sentencing for the Alcohol/Drug Defendant."

**HARVEY M. GOLDSTEIN** has been the Assistant Director of Probation Services of the Administrative Office of the Courts in Trenton, New Jersey since 1983. He is an 18-year veteran of the Probation Services Agency which provides technical assistance, research, training, and program development to the 21 county probation divisions throughout New Jersey and directly operates an Intensive Supervision Program. Among his many memberships, Mr. Goldstein served as Chairman of the APPA Drug Testing Guidelines Project, he has been a member of the American Probation and Parole Association Board of Directors and is currently president of that organization. A graduate of the City College of New York, Mr. Goldstein holds a Masters Degree in Criminal Justice from the State University of New York.

**JANICE L. GRADWOHL** is on active retirement from the County Court, Third Judicial District, State of Nebraska, having served as Presiding Judge of that Court. She is a Special Adjunct Professor of Law at the University of Nebraska College of Law, International Programs, teaching in Japan and the Peoples' Republic of China. Judge Gradwohl is a former Chair of the National Conference of Special Court Judges, a member of the National Association of Women Judges, and serves as Secretary of the State Justice Institute Board of Directors. She received both her B.A. and her LL.B. from the University of Nebraska.

**R. JOHN GREGRICH** is a policy analyst on detail to the Office of Demand Reduction, Office of National Drug Control Policy for the Executive Office of the President in Washington, D.C. As Assistant Deputy of Treatment and Rehabilitation, Mr. Gregrich is responsible for the oversight of demand reduction programs in institutional and community corrections, and for coordination of Federal agency plans to implement the objectives of the National Drug Control Strategy addressing drug-dependent offenders. Mr. Gregrich has also a long employment history with the Wisconsin state government and the Department of Justice after having received his B.A. from Marquette University and his M.S. at the University of Wisconsin.



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**FRANCIS X. HALLIGAN, Jr.** is currently the Presiding Judge of six municipalities in Ocean County, New Jersey, where he has been a lifelong resident. Prior to this post, Judge Halligan has been an Assistant County Prosecutor for Passaic County; Special Deputy Attorney General, Criminal Division, State of New Jersey; Municipal Prosecutor; Police Officer, U.S. Capitol Police Department, Washington, D.C.; and Municipal Police Officer for New Jersey. Among his many affiliations and memberships, Judge Halligan is Chairperson of the Highway Safety Committee, American Judges Association; and have been in the private practice of law since 1975. He received his B.A. Degree from Georgetown University and his J.D. Degree from Loyola University School of Law.

**SALLY T. HILLSMAN**, Vice President, Research and Technical Services for the National Center for State Courts, became the Vice President of Research and Technical Services for the National Center for State Courts in October, 1991. She oversees all NCSC federal grant proposals and national scope projects. The NCSC is currently undertaking over 70 national scope action, demonstration, technical assistance, research, training and organizational development projects with over 10 million dollars in federal funding. From 1979 - 1991, Dr. Hillsman was the Associate Director of the Vera Institute of Justice in New York City and its Director of Research. She conducted research using experimental as well as non-experimental designs in a wide range of criminal justice areas including intermediate sanctions, case processing, prosecution and court delay, pretrial diversion and policing. Her past work included research on narcotics law enforcement in New York City, the provision of criminal defense services in the New York criminal courts, and fining practices in criminal cases in the United States and Western Europe. Dr. Hillsman holds a Ph.D. in Sociology from Columbia University.

**PEGGY FULTON HORA**, Presiding Judge, was elected as the first woman judge of the San Leandro-Hayward Municipal Court in Alameda County in November, 1984 where she remains today. Prior to that, Judge Hora was managing attorney of the Legal Aid Society of Alameda County, which is a poverty program funded through the Legal Services Corporation, providing civil representation to indigents. After re-entering school at 24 as a single parent of two children, Judge Hora obtained her Associates Degree from Chabot College in Hayward with highest honors and received her B.A. (magna cum laude) from California State University and her J.D. from University of San Francisco. Her many awards include Associated Students of Chabot College endowment of the Judge Peggy Hora Scholarship;

## **SPEAKER BIOGRAPHIES**

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**KEVIN M. JACKSON** is Project Manager of the NASA Technology Project at the National Institute of Corrections in Washington, D.C. Mr. Jackson has been a program specialist at the National Academy of Corrections in Boulder, Colorado (1990-91); Deputy Cabinet Secretary of the New Mexico Youth Authority, at which he was instrumental in the development (1989-90); and State Director of Probation and Parole for New Mexico (1988-89). Mr. Jackson implemented a full spectrum of intermediate sanctions to include electronic monitoring, non-residential community-based corrections and Intensive Supervision Program (ISP) for offenders. He received his B.A. in Engineering from West Point Military Academy, where he is now Adjunct Professor, and his M.A. in Management from Webster University.

**JOAN E. JACOBY**, Executive Director of the Jefferson Institute for Justice Studies, has been with the Institute since 1980. Ms. Jacoby has an extensive history as Director of many project studies, to include the Evaluation of Asset Forfeiture Programs and Evaluation of Expedited Drug Case Management Programs with the National Institute of Justice and her publications include Handbook on Artificial Intelligence and Expert Systems in Law Enforcement and The American Prosecutor: A Search for Identity. A graduate of Boston University (B.A. in Sociology) and American University (M.A. in Statistics), Ms. Jacoby resides in Silver Spring, Maryland.

**T. STEPHEN JONES, M.D.**, is the Special Assistant for Substance Abuse and HIV Prevention for the Office of the Deputy Director for the Centers for Disease Control in Atlanta, Georgia where he is responsible for coordination of CDC policy for HIV prevention related to substance abuse and Liaison for CDC with the Alcohol, Mental Health, and Drug Abuse Administration. Dr. Jones has spent many years in South America and in Africa and Asia working as an epidemiologist for various health organizations as well as concentrating his most recent efforts on the CDC. After graduating from Yale, Dr. Jones received his medical training from Columbia University in New York, Stanford University in California, Harvard School of Public Health and University of Michigan School of Public Health as well as CDC.

**INGO KEILITZ** currently is Senior Staff Associate of the National Center for State Courts, Williamsburg, Virginia, where he has been since 1978. He is the founding director of the Institute on Mental Disability and the Law, an arm of the National Center's Research Division. He is also a lecturer in mental health law at the Marshall-Wythe School of Law, College of William and

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Mary. Dr. Keilitz has held professorships in psychology at Creighton University in Omaha, Nebraska and in special education at the University of Missouri. He received his Ph.D. in experimental psychology from Kansas State University in 1971 and is the author of several monographs and books, and over fifty book chapters, law reviews, and articles on topics in mental disability and the law, special education, psychology, and program evaluation.

**GEORGE M. KEISER** is Chief of Corrections for the National Institute of Corrections in Washington, D.C., managing a public sector consulting/training service for state and local community corrections agencies. With 15 years of experience in the Iowa Corrections System, Mr. Keiser started from the ground up as a Correctional Officer at a maximum security penitentiary. Mr. Keiser is one of the authors of the Iowa Community Corrections Act, creating multi-county public community corrections agencies governed by boards of directors. He was administratively responsible for moving the state corrections agency out of the Community Corrections service delivery and into funding, technical assistance and oversight responsibilities.

**GLADYS KESSLER** is an Associate Judge on the District of Columbia's Superior Court. Judge Kessler has a lifetime of court-related positions, such as a member of the District of Columbia Courts' Joint Committee on Judicial Administration (1989-present); as a supervising judge for the Multi-door Dispute Resolution Program (1985-90), Presiding Judge of the Family Division (1981-85) and Chairperson for the Committee on Voluntary Arbitration for the D.C. Superior Court. Judge Kessler's membership in many judicial organizations has resulted in her position on the Board of Directors for the American Judicature Society and National Center for State Courts and President of the National Association of Women Judges, Women Judges' Fund for Justice and the Foundation for Women Judges. A long-time resident of Washington, D.C., Judge Kessler received her undergraduate degree from Cornell University and her L.L.B. from Harvard Law.

**HERBERT M. KLEIN** has been a Circuit Judge in Florida for 16 years. He is presently the Associate Chief Judge of the 11th Judicial Circuit in and for Dade County, Florida. In November of 1988, Judge Klein was assigned by the Chief Justice of Florida with the concurrence of the County Manager of Dade County to coordinate the public sector's anti-drug efforts and to formulate and implement a Master Plan. Judge Klein has been on the faculty of the University of Miami Law School, the National Judicial College,

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and the National Institute for Trial Advocacy. He is also an elected member of the American Law Institute.

**JANE KRATOVIL**, Director of AIDS and School Health Programs for the Resource Center on Educational Equity, Council of Chief State School Officers in Washington, D.C., has been with CCSSO for eight years and a director since 1987. Projects under her consideration have been gender equity and special education. Prior to that, she was a classroom teacher for 15 years, teaching social studies in middle school, high school and the community college level. Ms. Kratovil has authored and co-authored several publications addressing issues of the health and health education needs of at-risk children and youth, AIDS and adolescents, and comprehensive school health programs.

**JUDITH LARSEN**, an attorney in Washington, D.C., is a consultant for the American Bar Association's Center on Children and the Law. Her projects include co-author and editor of a monograph on drug-exposed infants and their families; she has developed a national judicial curriculum on drug exposure in families; she has prepared a report for the State of Washington on substance abuse by pregnant women; and she has developed a legal training curriculum for the Florida State Health and Rehabilitation Service. As a trial attorney in Washington, D.C., Ms. Larsen's private practice has focused on family law including child abuse and neglect, mental retardation, mental illness, guardianship, advice to the homeless, and mediation in domestic cases since 1985. She received her undergraduate degree from the University of Alaska, her Masters from Columbia University, and her J.D. from Georgetown University, where she wrote for the Georgetown Law Journal.

**CARL G. LEUKEFELD** is Professor and Director of the Multidisciplinary Research Center on Drug Abuse and Alcohol Abuse at the University of Kentucky in Lexington. Before coming to Kentucky, he was with the National Institute on Drug Abuse for over 20 years. He has co-edited 10 books, is currently working on three others, and has numerous articles and presentations on AIDS, criminal justice, prevention, and treatment. Dr. Leukefeld has his Doctorate in Social Work.

**J. DEAN LEWIS** is Judge of the 15th Judicial District, Juvenile Division, in Fredericksburg, Virginia. A native of Virginia, Judge Lewis was admitted to the practice of law in 1973, after having received her undergraduate degree from Mary Washington College in

## **SPEAKER BIOGRAPHIES**

Mary, in Williamsburg Judge Lewis has been extensively involved in family and juvenile issues throughout her judicial career, and this year was appointed Chair of the Alcohol and Substance Abuse Committee of the National Council of Juvenile and Family Court Judges. Judge Lewis received her B.A. from Mary Washington College in Fredericksburg and her J.D. from Marshall-Wythe School of Law, College of William and Mary.

**LINDA N. LEWIS** is the Assistant Deputy Director for Treatment and Rehabilitation, at the Office of National Drug Policy (ONDCP), Executive Office of the President in Washington, D.C. Ms. Lewis began her work in substance abuse in 1970 in Tampa, Florida. There she directed community-based treatment and prevention services until 1985, when she became Program Administrator and then Deputy Assistant Secretary for Alcohol and Drug Abuse for the Florida Department of Health and Rehabilitation Services. She served in this position for four years before joining ONDCP. Ms. Lewis has an undergraduate degree in International Relations and Economics and a Masters in Counseling. Her primary responsibilities within the Office of Demand Reduction include coordination of Federal agencies providing treatment services, developing and advising on treatment policies, working with treatment data and research activities and promoting Drug-free Workplace initiatives.

**VERONICA S. McBETH**, Los Angeles Municipal Court Judge, was appointed to the Municipal Court in 1981 and re-elected to office in 1986. Judge McBeth has been a committee planner and presenter for the Municipal & Justice Courts Institute, California Judicial Education and Research; a lecturer for the National Judges' College in Reno, Nevada; and a presenter at the Pennsylvania Trial Judges' Winter Conference in Philadelphia. She received her undergraduate degree from California State University and her J.D. from the University of California at Los Angeles, where she was a member of the UCLA Law Review and Editor-in-Chief of the Black Law Journal.

**PEGGY McGARRY**, Senior Associate for the Center for Effective Public Policy in Washington, D.C., joined the Center as state coordinator in 1983. The Center was created to administer the National Jail and Prison Overcrowding Project, jointly funded by the National Institute of Corrections and the Edna McConnell Clark Foundation. Her work focused on providing information and policy analysis assistance to state policy groups on correctional overcrowding issues and on the development and implementation of policy options to control jail and prison populations. Ms. McGarry is currently the Director of the Intermediate Sanctions Project, a joint effort of the NIC and the State Justice Institute. Before joining the Center, Ms. McGarry founded

## **SPEAKER BIOGRAPHIES**

and directed a shelter and legal services center for battered women, worked with women inmates in Pennsylvania prisons and jails, and ran a community service sentencing program in Philadelphia.

**MICHAEL W. McPHAIL** has been County Court Judge for the Forrest County Juvenile Court in Hattiesburg, Mississippi since 1984. After graduating from the University of Southern Mississippi with an undergraduate degree in Political Science and Criminal Justice, Judge McPhail received his J.D. with distinction from the Mississippi College School of Law. Since then, Judge McPhail's distinguished career has included a clerkship to the Honorable Harry Walker, Justice of the Mississippi Supreme Court and the Honorable John M. Roper, United States Magistrate for the Southern District of Mississippi; city judge of Lumberton, Mississippi; practice with the law firm of Lambet and McPhail in Hattiesburg, and Assistant District Attorney for the 12th Circuit Court District in Mississippi. Judge McPhail is currently Co-Chair of the Child Abuse Task Force for the State of Mississippi, on the Board of Directors for the Pine Belt Association for Community Enhancement (P.A.C.E.); and Chair of the Council of County Court Judges for the State of Mississippi.

**ROBERTA MESSALLE** is Public Health Advisor on Criminal Justice Linkages to the Office for Treatment Improvement of the U.S. Alcohol, Drug Abuse and Mental Health Administration in Rockville, Maryland. She has worked as Professional Staff Specialist on narcotics and adult and juvenile justice issues for the U.S. House of Representatives. Ms. Messalle began her career in criminal justice as an investigator of prison conditions for the American Civil Liberties National Prison Project and later went on to found The Prison Monitor, a monthly law and legislation reporting journal. She also founded a second organization which made recommendations to courts in the states of Maryland, Virginia and Washington, D.C. for alternative and therapeutic sentences for criminal offenses. Ms. Messalle holds a Bachelor of Science degree from the University of Maryland.

**DAVID MEYER** is Assistant Public Defender for Los Angeles County, second in command of the oldest and largest governmental defender's office in the nation. Mr. Meyer obtained his undergraduate degree in government from the University of Southern California and his law degree from UCLA. Since joining the Public Defender's Office in 1968, Mr. Meyer served as Bureau Chief for Special Services, Bureau Chief for Central Operations; Chief of Superior Court Trials; Head Deputy Defender; and a trial attorney. He also spent seven years at the Public Defender's Mental Health Branch which he

## **SPEAKER BIOGRAPHIES**

headed for three years and is a Clinical Professor of Law and Psychiatry at the University of Southern California School of Medicine.

**WILLIAM H. MILLER, Jr., M.D.** is an Assistant Professor for the Department of Psychology/OB-GYN at the University of Kentucky College of Medicine in Lexington. Dr. Miller received a B.A. from University of Colorado, his medical degree from Northwestern University Medical School as well as his internship and residency in Obstetrics and Gynecology and his residency in Psychiatry from Oregon Health Sciences University. Since that time, Dr. Miller has been heavily involved in providing prenatal care and substance abuse treatment for pregnant women and has served as Director of P.R.I.D.E. Program (Perinatal Recovery, Infant Development and Evaluation) at the University of Kentucky Medical Center and Medical Director of Chrysalis House, a halfway house for recovering women in Lexington.

**THOMAS J. MOYER**, Chief Justice of the Ohio Supreme Court, took office in January 1987 after being elected in general elections. Chief Justice Moyer was Judge of the 10th District Court of Appeals (1979-86); Executive Assistant to the Governor (1975-79); Assistant Attorney General (1964-66); and was in private practice for eight years. He is also a member of the National Council Advisory Committee, Ohio State University College of Law and the Board of Trustees of Franklin College. Chief Justice Moyer is the recipient of the Herbert Harley Award (American Judicature Society, 1989) and an honorary Doctor of Laws degree from Akron University as well as his B.A. and J.D. from Ohio State University.

**TIMOTHY J. MURRAY** is Executive Director of the Office of Substance Abuse Control and the Dade County Addiction Services Board. He was previously Director of the Dade County Pretrial Services and Director of Release Services for the District of Columbia's Pretrial Services Agency. Since graduating from the University of Maryland with a degree in Criminology, Mr. Murray has served as a consultant in over 40 jurisdictions on issues such as jail crowding and bail reform. He is a member of the American Corrections Association; the American Jail Association; the National Association of Pretrial Services; and is a 1990 recipient for the Career Achievement Award from the Florida Association of Pretrial Services.

**MICKEY M. NEEL** is Manager of Special Projects, Center for Law and Justice, for the Council of State Governments in Lexington, Kentucky. She is also Project Director for the American Probation and Parole Association's Coordinated Interagency Drug Training and Technical Assistance Project.

## **SPEAKER BIOGRAPHIES**

She delivers technical assistance to state and local probation/parole agencies on substance abuse issues and she serves as Project Director for APPA's Training and Technical Assistance Curriculum for Drug Identification, Screening and Testing in the Juvenile Justice System and for APPA's Offender Supervision and Victim Restitution Project. Ms. Neel received her Bachelor of Arts degree from Louisiana State University and did graduate work and received her teaching certification from Stephen F. Austin University in Nacogdoches, Texas.

**CAROL PILLSBURY PATTON** is an attorney in private practice in Detroit. Along with her J.D. from the University of Detroit School of Law, Ms. Patton has both a Ph.D. and M.S. degrees in Physiology from Ohio State University and her research has dealt with such diverse subjects as Sudden Infant Death Syndrome and feline and canine coronary research.

**BERT PEPPER, M.D.** is Founder and Executive Director of the Information Exchange on Young Adult Chronic Patients, Inc. in New York City. Dr. Pepper received his Masters Degree from Columbia University School of Public Health and Administrative Medicine and his medical training from the New York University School of Medicine. He has been Commissioner of the Rockland County Community Mental Health Center in Rockland County, New York; past President of the American Orthopsychiatric Association; Director of Consultation Service of the American Psychiatric Association; Clinical Professor of Psychiatry, NYU School of Medicine; and lecturer at John Hopkins University.

**ROGER H. PETERS** is Assistant Professor for the Florida Mental Health Institute in Tampa, Florida and, since 1987, has been Project Director for evaluation of the Bureau of Justice Assistance's national model demonstration in-jail drug treatment programs through a grant from the American Jail Association. He has also been Project Director for development and implementation of the Hillsborough County Sheriff's Office Substance Abuse Treatment Program through a grant provided by the Bureau of Justice Assistance and has been responsible for the training of jail, probation, community treatment and prison staff in relapse prevention approaches with substance abusers. Dr. Peters received his education from Haverford College in Pennsylvania (B.A.), Florida State University (Ph.D.), and the University of North Carolina School of Medicine, Department of Psychiatry (APA-approved predoctoral internship).



## **SPEAKER BIOGRAPHIES**

**ROBERT T.M. PHILLIPS, M.D.**, Assistant Clinical Professor of Psychiatry in the Law and Psychiatry Division of the Yale University School of Medicine, currently serves as Director of Forensic Services for the State of Connecticut, Department of Mental Health, and is Chief Executive Officer of the Whiting Forensic Institute in Connecticut, the state's sole maximum security hospital. Dr. Phillips received his B.S. degree (cum laude) in Biology and Psychology from Boston College; his Masters in Education, Administration, Planning and Public Psychology from Harvard University; took advanced studies in basic medical sciences from Tufts University School of Medicine; a Doctor of Philosophy and Science Education from the University of Iowa; and a Doctor of Medicine from the Mayo Medical School.

**VINCENT M. PICCIANO** is the Director of Court Services for the Juvenile and Domestic Relations Court in Fairfax County, Virginia. As Director, Mr. Picciano is responsible for a wide range of intake, probation, detention and other residential services, such as overseeing the design and construction of a major juvenile courthouse renovation project plus four youth residential programs. He holds a Bachelors Degree in Sociology from the State University of New York at Binghamton and a Masters Degree from the University of Rochester. Along with considerable post-degree training over his 30 years in the fields of criminal and juvenile justice, Mr. Piccinao has been a lecturer in Criminology at George Mason University in Fairfax and is Chair of the Virginia Department of Mental Health's Substance Abuse Advisory Council.

**STEWART G. POLLOCK** was appointed Associate Justice of the New Jersey Supreme Court in 1979. Justice Pollock is currently a member of the Board of Trustees of the Law Center Foundation of the New York University School of Law and has served as a member of the faculty of the Appellate Judges Seminar sponsored by that law school and the Institute of Judicial Administration. He has chaired a judicial task force on drugs and the court and is currently Chair of the Appellate Judge's Conference, American Bar Association. He received his undergraduate degree from Hamilton College, an LL.B. degree from New York University School of Law (Root-Tilden Scholar); and an LL.M. degree from the University of Virginia School of Law.

**FLOYD O. POND**, Executive Director of the Governor's Drug and Alcohol Abuse Commission, was appointed by Governor William Donald Schaefer of Maryland. The Commission was established by Executive Order specifically to create and implement a comprehensive plan for reducing illegal, drug-related activities and drug and alcohol abuse in Maryland. Mr. Pond was

## **SPEAKER BIOGRAPHIES**

formerly Executive Director of the Governor's Office of Justice Assistance where he coordinated and administered in excess of \$10 million in federal funds designated for school programs, as well as treatment, law enforcement, and community-based prevention. After receiving his J.D. from the University of Baltimore's School of Law, Mr. Pond worked as a State's Attorney with the Baltimore City Office of the State's Attorney.

**ELIZABETH RAHDERT** is a psychopharmacologist and research psychologist in the Treatment Research Branch, Division of Clinical Research, at the National Institute on Drug Abuse, Rockville, Maryland, positions she has held since 1985. Dr. Rahdert plans and evaluates NIDA-funded studies concerned with drug treatment programs designed especially for adolescents and for drug-abusing pregnant women and their offspring. She received her undergraduate degree in Pharmacy and her Ph.D. in Clinical Psychology from Purdue University. Following her studies, she held dual appointments as Assistant Professor in the School of Pharmacy and the Department of Psychological Sciences at Purdue where she conducted studies concerned with the diagnosis and treatment of learning disabilities. Dr. Rahdert also maintained a clinical practice as a child and family therapist at a regional mental health center hospital and outpatient clinic.

**DALTON A. ROBERSON, Sr.** has been Executive Chief Judge for the Third Judicial Circuit for the past four years and the Recorder's Court for the City of Detroit since 1974. An undergraduate of Michigan State University and a recipient of a J.D. degree from the Detroit College of Law, Judge Roberson began his legal career as an attorney trainee with the Wayne County Neighborhood Legal Services in Detroit and as Assistant Wayne County Prosecuting Attorney. Following that, he was an Assistant United States Attorney and a senior partner with the law firm of Harrison, Friedman and Roberson, P.C. Judge Roberson has also been a lecturer for the Center for Administrative Justice at Wayne State University and for the Criminal Justice Institute in Detroit.

**H. TED RUBIN** is Senior Staff Attorney, Institute for Court Management of the National Center for State Courts in Denver, Colorado. He joined ICM in 1971 and now directs ICM's juvenile justice workshops. A judge of the Denver Juvenile Court from 1965 - 71, Mr. Rubin has been a consultant to numerous national commissions concerned with juvenile and criminal justice; he was a Colorado State Representative from 1961-65; had a private practice in Denver from 1957-65; and held social service positions in Denver and Chicago prior to that. He obtained his Masters in Social Service Administration from Case Western Reserve University and his law degree

## **SPEAKER BIOGRAPHIES**

from DePaul University. Throughout his career, Mr. Rubin has served as Visiting Professor of Criminal Justice, School of Criminal Justice, State University of New York at Albany; primary American instructor for the American University Institute on Juvenile Justice in Great Britain and the United States, London; and has authored numerous articles concerned with juvenile justice and corrections.

ALAN M. SCHUMAN, since 1972, has been the Director of the Social Services Division for the Superior Court, District of Columbia where he has been responsible for adult, juvenile, and family social services. He was staff member of the President's Crime Commission for the District of Columbia (1965-67) and Director of Youth Services and Superintendent of the Lorton Youth Center, Department of Corrections, Washington, D.C. Mr. Schuman received his MSW in Psychiatric Social Work from Loyola University and was a Graduate Fellow of the Institute for Court Management (1975); he served as Co-Director for ten years of the National Center for State Courts/Institute for Court Management Adult Probation Seminar and as a trainer in organizational development there. He is Co-Founder and former Vice President of the National Association of Probation Executives and past President of the Middle Atlantic States Correctional Association. Mr. Schuman also currently serves as a faculty member for the National Intermediate Sanctions Project.

MAUREEN M. SOLOMON, Court Management Consultant and Senior Faculty with the Institute for Court Management (ICM), Denver, Colorado, brings to her profession 27 years of experience in the field of judicial administration. She serves as a consultant to courts throughout the country and abroad on caseflow management and delay reduction and develops and teaches courses for the Institute for Court Management and other organizations. Her career in judicial administration began in 1964 on the staff of the Executive Officer of the Los Angeles Superior Court and in 1970, she joined the staff of the newly-created ICM. In 1972, she resigned to organize her own consulting business and since that time, she has consulted to supreme courts and trial courts throughout the United States, in Canada, Micronesia and Australia. Ms. Solomon is a graduate of the University of California at Los Angeles and holds a Masters degree in Public and Judicial Administration from USC and is the author of many articles and monographs, including her 1973 monograph, Caseflow Management in the Trial Court, which is considered a seminal work in the field.

## **SPEAKER BIOGRAPHIES**

**ANDREW L. SONNER**, Deputy State's Attorney for Montgomery County, Maryland, was appointed in 1967, was elected to the post in 1970 and has been re-elected since then. Mr. Sonner has been Vice President of the National District Attorney's Association and Chair of the Criminal Law Section of the Maryland State Bar. He is scheduled to become Chair of the American Bar Association's Criminal Justice Section this year. Along with teaching law and criminology at American University Law School, Montgomery College and the University of Maryland, Mr. Sonner has written articles for journals on the death penalty and enforcement of drunk driving laws. He received his B.A. from American University in 1957 and his J.D. from American University Law School.

**RANDOLPH N. STONE** is Clinical Professor of Law and Director of the Mandel Legal Aid Clinic at the University of Chicago Law School. From 1988 to 1991, he served as Public Defender of Cook County, Illinois and was responsible for the management of a \$32 million budget and the leadership of 508 attorneys and 248 support staff servicing over 200 clients a year. He was previously the Deputy Director of the District of Columbia and has served as a Lecturer of Law and Team Leader in the Trial Advocacy Workshop at Harvard Law School. Mr. Stone is Vice Chair for Planning of the American Bar Association's Criminal Justice Section, a Defender Committee Member of the National Legal Aid and Defender Association and on the Board of Directors of the Sentencing Project, Inc. He received both his B.A. and J.D. from the University of Wisconsin.

**ALLEN L. TAPLEY** presently serves as the Executive Director of The Sentencing Institute which he founded in 1991. This non-profit corporation, located in Montgomery, Alabama, serves as a center for the development and coordination of correctional and criminal sentencing policy and reform in the state of Alabama. Mr. Tapley served as Administrative Director of Courts from October 1977 to March 1991, after having served as the Deputy Administrative Director of the courts of Alabama from January to October of 1977. He has served as Chair of the Alabama Prison Review Task Force (1987-88) and Chair of the Commission on the Future of the Alabama Juvenile Justice System (1989). In 1985, Mr. Tapley received the American Judicature Society's Herbert Harley Award in recognition of his services to promote the effective administration of justice in Alabama. Mr. Tapley received his B.S. degree from Auburn University and his M.A. degree from the University of Alabama.

**JEFFREY S. TAUBER** is Judge of the Oakland-Piedmont-Emerlyville Municipal Court in Oakland, California where he previously served as Commissioner.

## **SPEAKER BIOGRAPHIES**

He is Chair of the Oakland Mayor's Advisory Committee on Drug Abuse and Co-Chair of the Alameda County Municipal Court Judges' Committee on Substance Abuse. Judge Tauber presides over the Drug Court where most of Oakland's felony drug cases are processed. He also initiated a pilot Drug Division Project which provides immediate and intensive supervision and treatment for drug users (FIRST). In 1968, Judge Tauber received his B.A. from Brooklyn College, City University of New York and in 1971, he received his J.D. from Boston University Law School.

**DAVID I. TEVELIN** was appointed in January, 1987 as Executive Director of the State Justice Institute in Alexandria, Virginia. He was formerly Deputy General Counsel of the United States Sentencing Commission and prior to that, served as Associate General Counsel for the Office of Justice Programs of the United States Department of Justice. He was instrumental in the passage of the Victims of Crimes Act of 1984 and has considerable experience in the administration of Federal grant programs. Mr. Tevelin is a member of the District of Columbia Bar, the American Bar Association and received his B.A. and J.D. degrees from George Washington University.

**H. MIKEL THOMAS** is currently Associate Medical Director and Staff Psychiatrist at the Kansas City Veteran's Hospital in Kansas City, Missouri as well as Assistant Professor of Psychiatry at the University of Kansas School of Medicine. Dr. Thomas has a long and distinguished career in teaching and practicing psychiatry in various educational institutions to include Yale University School of Medicine and Texas A&M University. He received his B.S. from the University of Utah, his M.D. from Texas A&M University College of Medicine, his psychiatry residency at the University of Kansas Medical Center and his post-doctoral fellowship at Yale University's School of Medicine.

**WALTER F. VOGL** is currently a chemist with the National Institute on Drug Abuse in Rockville, Maryland where he manages approximately 25 Small Business Innovation Research (SBIR) program grants that involve research related to the substance abuse detection, deterrence, and prevention programs. Dr. Vogl also develops technical program policies and proposals and administrative guidelines to support the research mission of NIDA and works directly with Federal officials, state and local representatives and the research community to solicit input to the national planning process and provide technical assistance and guidance in implementing research and Congress-mandated substance abuse prevention programs. Dr. Vogl received his B.S. and M.S. in Chemical Engineering from Rutgers University and his Ph.D. in Chemical Engineering from the University of Virginia.

## **SPEAKER BIOGRAPHIES**

**SOL WACHTLER** was appointed Chief Judge in 1985, having been elected to the New York State Court of Appeals in 1972. Chief Judge Wachtler served as Justice of the New York Supreme Court from 1968-72 and practiced law from 1957-67. He is Chair of the State-Federal Judicial Council of New York State; Vice Chair of the Conference of Chief Justices' Committee on Decisionmaking in Life-sustaining Medical Treatment; and past Chair of the State-Federal Judicial Council of New York State. Chief Judge Wachtler is the recipient of numerous awards and honorary degrees and he received his B.A. (magna cum laude) and LL.B. (cum laude) from Washington and Lee University.

**ROBERT WESSELS** is the Court Manager for the 14 County Criminal Courts at Law, Harris County, Texas, a position he has held since 1976. He received his B.A. from Sam Houston State University and his M.A. from the University of Houston at Clear Lake (both in Texas) and is a Fellow of the Institute for Court Management. In his current capacity, Mr. Wessels is responsible for the areas of caseflow management, budget, legislative/governmental liaison, management information systems, court support services, policy development and evaluation. He is a founding member of the Texas Association for Court Administration and Director of the "Professional Development Program for Texas Court Administrators and Coordinators.

**BARBARA A. ZUGOR**, Executive Director for the Treatment Assessment Screening Center (TASC), Inc. in Phoenix, Arizona, was responsible, in 1972, for the transition of the program from a federal-funded component of a behavioral health umbrella entity to an independent, non-profit corporation supported by local funding and client fees. Ms. Zugor initiated a first time non-violent felony adult diversion program in conjunction with the Maricopa County Attorney's Office supported solely by client fees and currently serving 1,500 clients per year. Ms. Zugor is the Chair of the Maricopa County Substance Abuse Teen Task Force, past President of the National Consortium of TASC Programs, and received her B.A. degree in Sociology from Florida Atlantic University and her M.A. in Education (Guidance and Counseling) from Northern Arizona University.

**NATIONAL CONFERENCE ON SUBSTANCE ABUSE  
AND THE COURTS**

**EVALUATION**

**NATIONAL CONFERENCE ON SUBSTANCE ABUSE  
AND THE COURTS**

**November 6 - 8, 1991  
Washington, D.C.**

**EVALUATION**

Please check the appropriate space.

State Team Member \_\_\_\_\_  
Speaker \_\_\_\_\_  
Non-Team Participant \_\_\_\_\_

Please complete this evaluation form and leave it at the Registration Desk before you leave the Conference. Rate each session on a scale from 1 - 7, with 7 being the highest rating possible. Your cooperation will be greatly appreciated.

**WEDNESDAY, November 6**

1. Opening Plenary Session                      1        2        3        4        5        6        7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Thomas J. Moyer                      1        2        3        4        5        6        7

Larry L. Sipes                      1        2        3        4        5        6        7

Comments: \_\_\_\_\_  
\_\_\_\_\_

2. Keynote Speaker:  
Jimmy Gurule, Esq.                      1        2        3        4        5        6        7

Comments: \_\_\_\_\_  
\_\_\_\_\_



**THURSDAY, November 7, 1991**

**1. Welcoming Remarks**

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Malcolm M. Lucas	1	2	3	4	5	6	7
Robert D. Lipscher	1	2	3	4	5	6	7
Robert N. C. Nix, Jr.	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**2. Defining the Substance Abuse Crisis**

Its Impact on the Courts	1	2	3	4	5	6	7
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Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speaker:**

Sol Wachtler	1	2	3	4	5	6	7
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**3. State of the Art in Substance**

Abuse Treatment	1	2	3	4	5	6	7
-----------------	---	---	---	---	---	---	---

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speaker:**

Linda N. Lewis	1	2	3	4	5	6	7
----------------	---	---	---	---	---	---	---

Comments: \_\_\_\_\_  
\_\_\_\_\_

4. **Establishing Linkages:  
The Importance of  
Coordination**

1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Sol Wachtler	1	2	3	4	5	6	7
Robert Aukerman	1	2	3	4	5	6	7
Parker Evatt	1	2	3	4	5	6	7
James G. Exum, Jr.	1	2	3	4	5	6	7
Andrew L. Sonner	1	2	3	4	5	6	7
Robert Wessels	1	2	3	4	5	6	7
Barbara A. Zugor	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

5. **The Adjudicatory Process**

1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Maureen M. Solomon	1	2	3	4	5	6	7
Joan E. Jacoby	1	2	3	4	5	6	7
Janice Gradwohl	1	2	3	4	5	6	7
Dalton A. Robertson	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

6. **Helping Courts Identify and  
Evaluate Treatment Providers**    1    2    3    4    5    6    7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

John F. Daffron, Jr.	1	2	3	4	5	6	7
John Gregrich	1	2	3	4	5	6	7
Timothy J. Murray	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

7. **Overview of Addiction and  
Its Relationship to Criminal  
Behavior**    1    2    3    4    5    6    7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Bert Pepper	1	2	3	4	5	6	7
Michael Brennan Getty	1	2	3	4	5	6	7
Francis X. Halligan	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

8. **Strategies of Coordination:**  
**Programs that succeed**

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Roger Peters 1 2 3 4 5 6 7

Jeffrey S. Tauger 1 2 3 4 5 6 7

Barbara A. Zugor 1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

9. **Special Issues of Substance**  
**Abuse Among Juveniles**  
**and Families**

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Gladys Kessler 1 2 3 4 5 6 7

Elizabeth Rahdert 1 2 3 4 5 6 7

H. Ted Rubin 1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

10. **Juvenile Substance Abusers  
and the Courts**

1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

**Roberta Messalle**                      1      2      3      4      5      6      7

**J. Dean Lewis**                        1      2      3      4      5      6      7

**Michael McPhail**                    1      2      3      4      5      6      7

**Vincent Picciano**                   1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

11. **Substance Problems of Minority  
Substance Abusing Offenders**

1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

**Veronica McBeth**                    1      2      3      4      5      6      7

**Carol Patton**                        1      2      3      4      5      6      7

**Randolph N. Stone**                1      2      3      4      5      6      7

Comments: \_\_\_\_\_  
\_\_\_\_\_

12. Substance Abuse Problems  
Among Female Offenders

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

Speakers:

William Miller

1 2 3 4 5 6 7

Peggy Hora

1 2 3 4 5 6 7

Judith Larsen

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

13. State of the Art in Substance  
Abuse Testing

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

Speakers:

Bruce Beaudin

1 2 3 4 5 6 7

John A. Carver

1 2 3 4 5 6 7

Kevin Jackson

1 2 3 4 5 6 7

Walter F. Vogl

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

14. Specialty Needs of the Substance  
Abusing Mentally Ill Offender

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

\_\_\_\_\_

Speakers:

Ingo Keilitz

1 2 3 4 5 6 7

David Meyer

1 2 3 4 5 6 7

Bert Pepper

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

\_\_\_\_\_

15. Creating a State Action Plan:  
Panel and Discussion Period

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

\_\_\_\_\_

Speakers:

Barry Mahoney

1 2 3 4 5 6 7

Stewart Pollock

1 2 3 4 5 6 7

Allen L. Tapley

1 2 3 4 5 6 7

Comments: \_\_\_\_\_

\_\_\_\_\_

## **FRIDAY, November 8**

1. What Courts Need to Know  
about Alcoholism, Public  
Health and the State of  
the Art Education

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Moderator/Presenter:  
Robert Phillips

1 2 3 4 5 6 7

Speakers:

Jane Kratovil

1 2 3 4 5 6 7

T. Steve Jones

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

2. Combining Intermediate  
Sanctions with Substance  
Abuse Treatments

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Sally T. Hillsman

1 2 3 4 5 6 7

George Keiser

1 2 3 4 5 6 7

Carl Luekefeld

1 2 3 4 5 6 7

Peggy McGarry

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_



3. Using the Pretrial and Presentence  
Investigations to Facilitate  
Coordination

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

John A. Carver	1	2	3	4	5	6	7
Timothy J. Murray	1	2	3	4	5	6	7
Mickey M. Neel	1	2	3	4	5	6	7
Alan M. Schuman	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

4. Funding Panel - SJI, BJA, OTI 1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Jay Marshall	1	2	3	4	5	6	7
David I. Tevelin	1	2	3	4	5	6	7
Roberta Messalle	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

5. Strategies of Coordination:  
Integrating Court and  
Non-Court Communities

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Margaret K. Brooks	1	2	3	4	5	6	7
Herbert M. Klein	1	2	3	4	5	6	7
Stewart Pollock	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

6. State/Local Coordination

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Robert Aukerman	1	2	3	4	5	6	7
Robert Wessels	1	2	3	4	5	6	7
Floyd O. Pond	1	2	3	4	5	6	7
Allen L. Tapley	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

7. Funding Panel - SJL, BJA  
and OTI

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

Jay Marshall	1	2	3	4	5	6	7
David I. Tevelin	1	2	3	4	5	6	7
Roberta Messalle	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

8. Assessment, Evaluation and  
Classification of the Substance  
Abusing Offender

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

Speakers:

H. Mikel Thomas	1	2	3	4	5	6	7
Harvey M. Goldstein	1	2	3	4	5	6	7

Comments: \_\_\_\_\_  
\_\_\_\_\_

9. Closing Plenary  
Session Outlook for the  
Future - Synthesis of State  
Plans & Final Statements

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Speakers:**

Thomas J. Moyer

1 2 3 4 5 6 7

Larry Sipes

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

10. State Team Meetings

1 2 3 4 5 6 7

Comments: \_\_\_\_\_  
\_\_\_\_\_

# NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS

**November 6 - 8, 1991  
Washington, D.C.**

## **EVALUATION**

### **Representatives**

State Team Member: 76%  
Speaker: 10%  
Non-Team Participant: 10%

	<b>Very Low</b>		<b>Medium</b>			<b>Very High</b>		
<b>Means</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
Please rate the following:								

### **Wednesday, November 6**

1. Opening Plenary Session	2%	9%	5%	20%	32%	28%	5%	4.8
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### **Thursday, November 7**

1. Welcoming Remarks								
2. Defining the Substance Abuse Crisis:								
Its impact on the Courts	---	---	---	7%	19%	38%	36%	6.0
3. State of the Art in Substance Abuse Treatment	---	---	7%	12%	52%	24%	5%	5.1
4. Establishing Linkages: Importance of Coordination	---	---	---	6%	28%	42%	25%	5.8
5. The Adjudicatory Process	---	---	---	6%	50%	25%	19%	5.6
6. Helping Courts Identify and Evaluate Treatment Providers	---	---	---	21%	36%	29%	14%	5.4

<b>Means</b>	<b>Very Low</b>		<b>Medium</b>			<b>Very High</b>		
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
7. Overview of Addition and Its Relationship to Criminal Behavior	---	---	---	10%	40%	40%	10%	5.5
8. Strategies of Coordination: Programs that Succeed	---	---	---	21%	29%	29%	21%	5.5
9. Special Issues of Substance Abuse Among Juveniles and Families	---	---	---	10%	30%	40%	20%	5.7
10. Juvenile Substance Abusers and the Courts	---	---	---	---	38%	38%	25%	5.9
11. Special Problems of Minority Substance Abusing Offenders	11%	---	---	---	11%	33%	44%	5.8
12. Substance Abuse Problems Among Female Offenders	---	20%	---	20%	40%	20%	---	4.4
13. State of the Art in Substance Abuse Testing	---	---	6%	42%	29%	24%	---	4.7
14. Special Needs of the Substance Abusing Mentally Ill Offender	---	---	---	---	20%	40%	40%	6.2
15. Creating a State Action Plan: Panel and Discussion Period	---	---	3%	20%	43%	31%	3%	5.1

**Friday, November 8**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	
1. What Courts Need to Know about Alcoholism, Public Health and the State of the Art Education	3%	3%	5%	18%	16%	37%	18%	5.3
2. Combining Intermediate Sanctions with Substance Abuse Treatment	---	---	---	5%	10%	55%	30%	6.1
3. Using the Pretrial and Presentence Investigations to Facilitate Coordination of Treatment	---	---	7%	7%	13%	67%	7%	5.6
4. Funding Panel - SJI, BJA, OTI	---	---	---	12%	29%	41%	18%	5.6
5. Strategies of Coordination: Integrating Court and Non-Court Communities	---	---	---	---	---	100%	---	6.0
6. State/Local Coordination	---	---	---	30%	40%	20%	10%	5.1
7. Funding Panel - SJI, BJA and OTI	---	---	---	---	33%	50%	17%	5.8
8. Assessment, Evaluation and Classification of the Substance Abusing Offender	---	---	---	15%	15%	23%	46%	6.0
9. Closing Plenary Session Outlook for the Future - Synthesis of State Plans & Final Statements	---	---	---	12%	35%	47%	6%	5.5
10. State Team Meetings	---	---	3%	6%	17%	31%	44%	6.1

**NATIONAL CONFERENCE ON SUBSTANCE ABUSE  
AND THE COURTS**

**PRE-CONFERENCE MEETINGS AND MATERIALS**

**Prepared by**

**Barry Mahoney  
Senior Staff Attorney  
National Center for State Courts**



**MEMORANDUM**

October 7, 1991

**TO:** State Team Leaders  
Advisory Committee Members

**FROM:** Marilyn Roberts  
Barry Mahoney

**RE:** National Conference on Substance Abuse And The Courts  
and the Pre-Conference Meetings and Materials

The National Conference on Substance Abuse and the Courts is now barely a month away, and we are looking forward to your team's participation. If you have not already done so, please send us a complete list of your team's members--with names, position titles, addresses, and phone and FAX numbers immediately.

While a few details remain to be ironed out, the agenda for the conference is in close to final form. A copy of the current draft agenda is enclosed. As you will see, the agenda has been developed in light of three main conference goals:

- To develop a common understanding among courts and criminal justice, education, health, and social service agencies of the dimensions and effects of substance abuse problems across the country.
- To provide information about strategies, programs, and resources that states can use to help address substance across the country.
- To help states develop action plans that reflect a coordinated cross-disciplinary approach to addressing substance abuse problems.

To help get started on developing action plans, the Conference Planning Committee has strongly recommended that each team meet at least once, in the team's home state, before coming to the conference. (If an in-person meeting is not possible, a conference telephone call may be a feasible alternative.) For the meeting to be productive, it will be helpful to have some staff work done in advance and for each team member to contribute to a common base of information and ideas.

Enclosed you will find (1) a checklist of questions to be considered and information to be collected prior to the pre-conference team meeting; and (2) a suggested agenda for the pre-conference state team meeting. We recommend that both the checklist and the suggested agenda for the pre-conference meeting be distributed to every member of the state team. Each team member should respond to the questions on the checklist that fall within his or her areas of responsibility and knowledge. The responses can then be compiled and organized into a single summary, for use at the pre-conference meeting at the conference itself.

The pre-conference checklist should be completed within two weeks of your receipt of this letter, and that the pre-conference team meeting be held no later than Friday, October 25th. A summary of the discussions at the pre-conference meeting plus the compilation of responses to the checklist questions, should be prepared and forwarded to me no later than Friday, November 1. At the conference, each team will have a facilitator assigned to work with it, and these materials will be used during the state team sessions.

We recognize that this pre-conference assignment involves some work, and that the time frame is short. Please do your best. We think that time invested in thinking about these issues and collecting relevant information will be well spent.

If you have any questions, please do not hesitate to contact me on (703) 841-0200.

**NATIONAL CONFERENCE ON SUBSTANCE  
ABUSE AND THE COURTS**

**SUGGESTED AGENDA FOR PRE-CONFERENCE  
STATE TEAM MEETING**

**Prepared by**

**Barry Mahoney  
Senior Staff Attorney  
National Center for State Courts**

1. Review the information and views obtained through use of the attached checklist.
  - Is the factual information accurate and complete? If not, make additions/revisions.
  - To what extent do team members share similar views with respect to the nature of the problem and the top priority goals for the state?
    - What areas of agreement?
    - What areas of disagreement?
2. Consider the issue of goals (Questions 4 and 5)
  - To what extent do team members agree about the desirability of state-level goals and programs?
  - If you agree on the desirability of a coordinated state-level program, what are your initial ideas--subject to reconsideration at the conference--concerning top priority goals?
    - Long-term ( 3 - 6 years)
    - Short-term (6 months - 3 years)
3. What do you think will be the principal obstacles to achieving the goals you are considering?

4. Consider the organization of your team.

- Having reviewed the lists of agencies and institutions involved in dealing with substance abuse problems (see Questions 1 and 2), do you think your team has the people you need? If key actors are missing, how will you deal with this?
- Where are the staff resources? Who will be responsible for following up, after the conference, on development of program initiatives, funding applications, etc? Who will prepare minutes of subsequent (post-conference) meetings of the team, sending out announcements, etc.)

You will probably find it helpful to record the results of this meeting, for future meetings and work sessions.

**NATIONAL CONFERENCE ON SUBSTANCE  
ABUSE AND THE COURTS**

**CHECKLIST - QUESTIONS TO BE CONSIDERED  
AND INFORMATION TO BE COLLECTED PRIOR TO  
PRE-CONFERENCE TEAM MEETING**

**Prepared by**

**Barry Mahoney  
Senior Staff Attorney  
National Center For State Courts**

1. What are the principal state-level agencies involved in implementing policies and programs designated to address substance abuse problems? List these agencies: if possible also provide information on the types of programs run by each agency and the level of services available in each program.
2. What are the key local-level agencies and institutions that are involved in dealing with substance abuse problems and should be consulted in development of state-level initiative?
3. What, if any, formal documents exist, such as substance abuse plans or federal consent decrees, to restrict or proscribe the way in which substance abusing offenders are handled?
4. Does the state already have a coordinated overall program for addressing substance abuse problems? If so -
  - a) What are the goals of the program?
  - b) Who (what agency/individual is in charge of the program)?
  - c) What is the implementation process?
  - d) What information is available about activities conducted and progress to date? (Summarize; circulate copies of reports and other relevant documents to team members.)

- e) What is the courts' role in this program?
  - f) What are the strengths of the program?
  - g) What are the perceived problems?
  - h) What new or revised goals should be considered, if any?
  - i) What new program initiatives should be considered?
5. If the state does **not** already have a coordinated overall program for addressing substance abuse problems:
- a) Is it desirable to have a coordinated state-level program?
    - If yes, why?
    - If no, why not?
  - b) What are the other agencies that will be important to involve to ensure program success? state agencies? local agencies?
  - c) If a decision is made to develop a coordinated state-level program, what should be its goals? What should the state seek to accomplish?
  - d) What agency or other unit of government should be in charge of the program?
  - e) What should be the courts' role in the program?
6. What are the principal ways in which substance abuse problems have direct impact on the courts in your state? (Consider all types of courts, including criminal, civil, family/juvenile, traffic, and appellate courts.)
7. What do non court agencies (e.g., health, education, social services) need to receive from courts, in order to do a more effective job in dealing with substance abuse problems?

8. What are the principal obstacles facing the institutions and agencies that will be represented at the conference, as they seek to address substance abuse problems?
9. What are the principal resources that might be available?  
Realistically, what are the prospects for increasing/enhancing these resources?
10. What would you most like to gain from the November 6 - 8 conference?

**NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS  
GUIDELINES FOR FACILITATING STATE TEAM MEETINGS**

**Prepared by**

**Barry Mahoney  
Senior Staff Attorney  
National Center for State Courts**



## MEMORANDUM

TO: Facilitators for State Team Session

FROM: Marilyn Roberts and Barry Mahoney

DATE: October 28, 1991

SUBJECT: National Conference on Substance Abuse and the Courts -  
Guidelines for Facilitating State Team Meetings

---

1. First, thank you for agreeing to serve as a facilitator. It can be a demanding job. Hopefully, it will also be interesting, informative, and fun.
2. The agenda for the conference is enclosed with the memorandum. The agenda provides for four team sessions, with each team assigned a facilitator to work with it. Note that the agenda also provides for a meeting of the facilitators on Wednesday afternoon, November 6, from 1:30 p.m. to 3:00 p.m. We will have a full briefing of facilitators at that time. If you have any questions about the process, that is the best time to raise them. This memo is intended to give you an initial sense of the role we will be expected to play at the conference, and to get you started thinking about it.
3. On October 7th, Marilyn Roberts sent a memorandum to every State Team Leader, strongly recommending that each team meet at least once, in the team's home state, before coming to the conference. Enclosed with that memo were (1) a checklist of questions to be considered and information to be collected prior to the pre-conference team meeting; and (2) a suggested agenda for the pre-conference team meeting. Team leaders were requested to prepare both a summary of the discussions at the pre-conference meeting and a compilation of responses by November 5, copies will be provided to you at the pre-conference meeting of facilitators. If these materials have not been received, it is nevertheless possible that the team has met prior to the conference. We

know, however, that some teams will be meeting together for the first time at this conference.

4. Regardless of whether or not there have been any prior meetings, it will be important to spend some time with your team, at the first team session (Thursday, 12:00 p.m. - 1:30 p.m.), reviewing the current situation in the state with respect to handling substance abuse problems--especially as those problems affect (and are affected by) the courts.
5. Outlines for conducting each of the four state team sessions are attached to this memorandum. Note that the outline for Team Session I includes, as attachments, the Checklist and Suggested Agenda that were sent to the Team Leaders last month.
6. The session outlines are intended to be general guidelines, not strait-jackets. You should be flexible in using them with your team. However, one of your jobs is to help keep the team on track toward development of an action plan. The outlines for the team session incorporate a sequence of activities designed to provide a basis for development of viable action plans.
7. We anticipate that the facilitator's roles will vary from team to team. At a minimum, you will be a resource person and will keep the sessions on track toward development of an action plan. You may be a recorder, too, using the flip chart, but it is possible that someone on the state team may play this role--especially if the team has a history of working together. In any event, you should make sure that someone on the team is keeping a record of the discussions, the key ideas that are developed, and the action plan itself.
8. We anticipate having a short meeting with the facilitators at the end of the first full day of the Conference--i.e., Thursday afternoon, November 7, at approximately 5:30 p.m.--to get some feedback on progress made in the first two team sessions. Please keep the 5:30 - 6:00 p.m. time period clear on Thursday.

We look forward to seeing you in Washington on November 6th.

Encl: Excerpt from the proposal  
Minutes from the February Planning Committee Meeting

## **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

Team Session I

Thursday, 12:00 p.m. - 1:30 p.m.

### **Identifying Key Issues and Problems**

The principal objectives of this session are (1) to make sure that all members of the team share a common base of knowledge with respect to policies and programs designed to address substance abuse problems in their home state; (2) to elicit team members' perceptions of critical problems that must be addressed.

1. Review the attached checklist of questions to be considered and information to be collected prior to the conference.
  - a) If a written summary of the pre-conference meeting and/or summary of responses to the checklist has been prepared, review these materials. Taking account of the morning's presentations and breakout session, are there any additional items that should be considered?
  - b) If there is no summary of a pre-conference meeting and no compilation of responses to the checklist, use the checklist as an agenda for this session.
  - c) What checklist questions are the most difficult to answer? (If a question is hard to answer, it may point to problems or communication gaps that the team will want to consider.)
2. Focus particularly on Checklist Question 6: What are the principal ways in which substance abuse problems have direct impact on the courts in your state? (Make a list; be sure that the team takes account of the full range of substance abuse problems.)
  - a) What are the most severe impacts?
  - b) What are the top priority problems? (List on flip chart.)

3. Questions for the members of the team who are not part of the court system:
- a) How does your agency interact with the courts?
  - b) What does your agency most need to receive from the courts, in order to do a more effective job dealing with substance abuse problems?
  - c) What are the top priority problems with respect to substance abuse and the courts, from your perspective? (List on flip chart.)

## **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

Team Session II

Thursday, 4:00 p.m. - 5:15 p.m.

### **Shaping Goals**

The principal objective of this session is to develop a tentative statement of policy goals for the state with respect to addressing problems of substance abuse and the courts. If the state already has a statement of policy goals, this session should be used as an opportunity to re-examine the previously articulated goals in light of presentations and discussions at the conference.

1. Continue the discussion of key problems, begun at the first team session. Using the flip chart, develop a list of top priority problems, taking account of the perspectives of all team members. (NOTE: Consider having team members work individually for a few minutes, to make short lists of 1 - 3 high priority problems, before beginning to make a "group" list).
2. Shift the focus from problems to goals. Taking account of the problems listed, what should the state seek to accomplish with respect to addressing problems of substance abuse and the courts? Phrased differently, if the state were doing a very good job dealing with substance abuse problems, what would the system look like?
  - a) Get ideas from all team members regarding possible goals; list these on flip chart.
  - b) Review the list of possible goals. Then, seek to get a group consensus on TENTATIVE top priority goals.
    - Long-term goals (3 - 5 years)
    - Short-term goals (6 months - 2 years)
3. If time permits, begin making two lists:
  - a) Factors that may hinder the achievement of the goals
  - b) Factors that may facilitate achievement of the goals

## **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

Team Session III

Friday, 11:45 a.m. - 1:15 p.m.

### **Analyzing the Environment**

The objectives of this session are (1) to provide and opportunity for team members to re-examine the tentative goals set in Team Session II and modify them if necessary; (2) to identify both factors that may hinder achievement of the goals and factors that may facilitate their achievement; and (3) begin identifying tasks that must be undertaken in order to achieve the goals.

1. Begin by returning to the discussion of goals, reviewing the short-term and long-term goals that were set (or should have been set) previously.
  - Are these goals realistic?
  - Do they address the key problems that have been identified?
  - How (if at all) should they be modified?

**(NOTE:** If tentative goals were not set in Team Session II, they should be established at the outset of this session.)

2. Use the flip chart to list factors that would facilitate achievement of the goals and factors that would facilitate their achievement. (Use separate sheets for Facilitating Factors and Hindering Factors.) Star the most critical Hindering Factors; these are factors that must be taken into account in developing a plan.
  - In developing this list, you may want to refer to the attached checklist entitled "Factors to Consider - preliminary List".
  - Pay particular attention to information needs. How adequate is the team's information base? What information would they like to have but can't easily obtain (or can't obtain at all)?

- Note that some factors can be either hindering or facilitating factors, depending upon circumstances and strategies.
3. Discuss possible strategies to overcome the hindering or facilitating factors. List tasks that might be undertaken to help achieve the goals.
- Consider what key factors--agencies and/or individuals--are not represented on the team. Where do they fit into the Hindering Factor/Facilitating Factor analysis?

## **NATIONAL CONFERENCE ON SUBSTANCE ABUSE AND THE COURTS**

Team Session IV

Friday, 2:45 p.m. - 3:45 p.m.

### **Action Planning**

The objective of this session is to make plans for moving toward achievement of the goals that the team has identified. The plan will probably be rough, but they should provide an important start toward improving the state's capacity to address substance abuse problems that affect (are affected by) the courts.

1. Using the flip chart, list the tasks that must be undertaken to achieve the goals that have been set. (For this purpose, focus mainly on tasks needed to move toward achievement of the short-term goals.)
2. Identify which tasks must be accomplished quickly within the next 2 - 3 months in order to give the effort momentum.
  - Which team member(s) will be responsible for these tasks?
  - What are the target dates/deadlines for completion of these tasks?
3. Identify the agencies and persons whose involvement will be essential for the success of any plan to achieve the goals that have been set.
  - How will they be involved in future development and implementation of plans?
  - Who will be responsible for bringing them into the process?
4. What is the first task that each team member will take on, for himself or herself, when you return to your home state?