

RICHLAND COUNTY DRUG COURT
The Impact of Drug Courts on Court Operations
A Case Study

Robert Swisher, M.A.
Chief Researcher
Ohio Office of Criminal Justice Services

July, 2002

Ohio Office of Criminal Justice Services
400 East Town Street, Suite 300
Columbus, OH 43215
www.ocjs.state.oh.us

RICHLAND COUNTY DRUG COURT

The Impact of Drug Courts on Court Operations

Most of the research attention on drug courts concerns their impact on outcome measures, especially their impact on recidivism. Additional measures of drug court effectiveness have also been considered and researched. The Ohio Office of Criminal Justice Services (OCJS) has funded research projects that address drug court impact on recidivism and other measures of drug court effectiveness. Dr. Edward Latessa and colleagues at the University of Cincinnati have collected recidivism data on Ohio drug court participants. Dr. Joseph Donnermeyer of The Ohio State University has conducted focus groups composed of Ohio drug court professionals to identify measures of effectiveness for Ohio's drug courts.

However, less attention has been paid to the impact of drug courts on court operations, which is the focus of this case study. This study was motivated by recognition that some Ohio judges oppose drug courts on philosophical and practical grounds. Often, these judges acknowledge that drug courts can be effective. But they have concerns about the impact drug courts might have on their dockets and on court operations. This case study was designed to assess those practical, court operations, concerns.

A Public Policy Note

While informed public policy must include objective analysis, this study, and perhaps no one study, can do justice to the human drama of drug courts. Decision makers and stakeholders forming public policy are strongly urged to observe a drug court in action. As Judge Henson stated, "These are not 60 cases. These are 60 people with a thousand problems." It is only by observing court staff, the judge, treatment staff, and the drug court participants struggling to deal with those "thousand problems" that one begins to understand what drug courts are.

This report presents a brief overview of the Richland County drug court. The overview is intended to provide enough description that the case study findings are understandable for readers not familiar with drug courts. The conduct of the case study follows the drug court description. Case study findings are presented in the third section of the report, which comprises the bulk of this report. The final section of this report presents a summary of key points and concluding comments.

Overview of the Richland County Drug Court

The Richland County Substance Abuse Treatment Center (SATC) is a specialized court within the Richland County Court of Common Pleas. SATC handles non-violent, drug/alcohol related cases through intensive supervision and substance abuse treatment. Drug court participants (i.e., offenders participating in the drug court) may enter the program as a diversion *in lieu* of conviction, while on probation after conviction, or as re-entry into the community following incarceration. The intervention program lasts a minimum of 18 months.

The SATC Treatment Coordinator screens offenders as potential program participants. Those accepted into the program enter one of the following based on their needs: Residential, Intensive Outpatient, or Aftercare. There follows a four-phase treatment program that incorporates required elements of urine screens, group sessions, bi-weekly court appointments, and AA/NA meetings. Participants are required to pay program fees (\$15 per month) and urine screen fees (\$8 per month for four weekly screens plus \$2 per screen for any additional screens).

The SATC court sessions are conducted every other Thursday. There are two sessions each day drug court is in session, the first at 11:30 a.m. and the second at 4:00 p.m. Each session lasts one to one and one-half hour. Prior to court, there is a pre-meeting at 10:00 a.m. where the progress of each participant from both court sessions is reviewed by the drug court team. This team consists of the drug court Judge, Treatment Coordinator, drug court Probation Officers, the Mansfield Police Officer assigned to drug court, and staff from the treatment service providers. The Judge chairs this meeting which usually lasts right up to the first court session.

During the SATC court sessions, the Judge addresses each participant individually. Success and failure in meeting program requirements and progress in the individual's treatment are discussed. Except for participants who leave for work, the participants remain in court through the entire court session. The Judge opens and closes the session with comments to the drug court participants as a group.

Drug court participants receive intensive supervision from the Richland County Adult Probation Department and the Adult Parole Authority. One full-time and two part-time Probation Officers are dedicated to the drug court participants. A unique Community Policing-Probation/Parole Partnership has been established in Richland County that provides enhanced police/probation supervision of offenders. This program is described in more detail as part of the case study findings.

The specific treatment varies with the risk and needs of the drug court participant. The SATC Treatment Coordinator assigns participants to one of four local service providers. Participants are assigned to the treatment provider whose services best match the treatment needs of the participant. The service provider assesses the participant and develops the participant's treatment plan. While the treatment focus is on substance abuse, Richland County SATC offers a broad array of services that support the substance abuse treatment: education, employment, mental health, physical health, and many more. Determining the range of services included in the treatment plan is usually done in consultation with the Treatment Coordinator and drug court Probation Officers.

In addition to providing services and case management, the treatment providers conduct urinalysis testing, provide regular reports to the court, participate in the drug court pre-meetings, and attend every session of drug court.

SATC uses a structured continuum of rewards and sanctions for meeting or failing to meet program requirements. For example, failure to attend treatment sessions often results in additional hours of community service. Participants who successfully complete all program elements, including payment of fees, graduate from the SATC at a graduation ceremony. Those who repeatedly fail to meet program requirements or who commit serious infractions face reinstatement of criminal proceedings, incarceration, and termination from the drug court program.

Since its inception in 1996, the SATC has served 228 participants. Eighty-nine have successfully graduated from the program, 63 have been unsuccessfully terminated, and there are 76 active participants. The court also notes that nine drug-free babies have been born to SATC participants.

Conducting this Case Study

Surveys

This case study began with a pair of surveys to judges in Ohio. The first survey went to judges who currently serve as drug court judges. They were asked how their drug court had impacted court operations. The second survey went to a sample of judges who are not drug court judges. These judges were asked about how they anticipate a drug court impacting operations in their court and what they thought would be the advantages and disadvantages of having a drug court.

In general, judges in Ohio drug courts thought the primary benefit of drug court is that it works more effectively than traditional court. This was true whether the offenders are juveniles or adults, or whether adults are in Municipal or Common Pleas courts. Drug courts do not appear to reduce dockets for other divisions of the court system. One of the major court operation challenges posed by drug courts is the increased number of hearings vs. traditional court. More hearings may require the drug courts to extend their hours, make more space available for hearings, hire additional staff, or invest in new administrative or computer systems. On the other hand, survey results indicate that drug courts may result in a lower number of cases in traditional probation, fewer commitments to local or state facilities, and fewer new cases due to lower recidivism of drug court participants. Finally, the surveys indicated that a number of Ohio drug courts operate with grant funds and that, at least in some courts, it is not clear where continued funding will come from once the grants run out.

Regarding the non-drug court judges, the overarching comment is that the non-drug court judges anticipate fairly well the impact of drug courts on court operations (when compared to the responses received on the companion survey of drug court judges). Drug court judges particularly commented on the impact of the increased number of hearings on court operations. Non-drug court judges very much anticipate this being an issue. It is notable how often "time" is mentioned in the narrative responses, non-drug court judges appear to be cognizant of the impact

of drug court hearings on the time available for other court activities. Similarly, there were comments about the need to expand the use of magistrates or even add a magistrate or judge due to increased hearings if a drug court were to be established in their court.

It is also notable that when asked where they would seek information about drug courts, the non-drug court judges stated they would turn to judges in courts where there already is a drug court. It may be that judges from drug courts should do the primary "outreach" to non-drug court judges. A final observation is that a number of courts say they have already implemented many drug court activities without establishing a formal drug court.

On-Site Interviews

The survey results were used to generate questions to be asked in the on-site case study. The study advisory group reviewed drafts of the questions and made many useful suggestions. Members of the advisory group are:

Honorable John M. Durkin, Mahoning County

Tracy Robinson, Ohio Judicial Conference

Douglas Stephens, Supreme Court of Ohio

Michael Stringer, Ohio Department of Alcohol and Drug Addiction Services

On-site interviews were conducted during February 2002 with key respondents from the Richland County Court of Common Pleas and the SATC. Gray Barton, SATC Treatment Coordinator, provided invaluable assistance in identifying key respondents and scheduling interviews. Research staff also observed a pre-meeting and one session of drug court. Finally, several of the interviewees provided documents, data, and other material helpful to the case study.

Case Study Findings: Drug Court Impact on Court Operations

Case study findings cover how the Richland County Court of Common Pleas met and continues to meet the immediate demands of staffing the drug court, organizing dockets, and so forth. However, findings also cover the many "fall out" effects drug court has produced in Richland County. These effects include not only court operations, but extend to the court's relationship with law enforcement and the treatment community. Secondary impacts are included and further illustrate how any cost benefit analysis that does not take such secondary impacts into account is incomplete.

Initiation

Interviewees indicate that the Richland County Court of Common Pleas involvement with drug courts kicked-off early in 1996 when one of the judges had his bailiff attend a national conference on drug courts. Material received at that conference prompted actions towards establishing a Common Pleas drug court within the county. Through the County's Community Corrections Board, a group was organized that wrote an application for funding from the U.S. Department of Justice, Office of Justice Programs. This application was successful in obtaining funding. The court also received funding from the Ohio Department of Alcohol and Drug Addiction Services in April 1997 and a federal enhancement grant in October 1997.

Shortly after receiving the initial grant, a Treatment Coordinator was hired - a new position at the court. The Coordinator assembled the drug court staff, including three half-time probation officers and a secretary. Two of the three probation officers were new hires who had a background in drug and alcohol intervention.

Court Dockets

The overall pattern of absorbing drug court into the Richland County Court was described as one of more specialization, a shift of court personnel. Consider first the judges: the drug court judge initially kept his old caseload, with drug court cases added to the cases he was already handling. Over time this changed to where the drug court judge now handles all drug cases. The other Common Pleas judge has also become more specialized, especially regarding the establishment of a felony DUI court. More serious and violent offense cases are still divided between both judges, although the non-drug court judge may hear slightly more of those cases.

The felony DUI court is one of the secondary impacts of the drug court in Richland County. Early experience with the drug court convinced the judges that this approach works better than the more traditional “hands off” approach of judges, at least with some offenders. The non-drug court judge hears cases in this DUI court that is loosely patterned on the drug court model. As with drug court participants, interviewees reported “amazing” effect on the DUI offenders as intensive supervision and treatment is combined with the sanctioning authority of the court. Also similar to drug court, DUI court treatment includes an array of treatment services (e.g., education, employment) that address needs in addition to alcohol treatment.

Another secondary impact of drug court has been the establishment of Re-entry courts, with each judge presiding over his own Re-entry court. Again, the drug court model has been loosely applied to a different group of offenders, in this case offenders returning to the community following incarceration. Overall, the Richland County judges have moved to more specialized dockets and continued to handle their caseloads without adding a judge or magistrate.

Specialization

Drug court staff have grown to now include the judge, Treatment Coordinator, an Assistant to the treatment coordinator, two half-time Probation Officers and one assigned full-time, and a Case Manager who assesses offender needs and refers to ancillary services in the community. The Probation Officers, Case Manager, and Secretary are all dedicated to the drug court. The Treatment Coordinator is also responsible for the DUI and Re-entry courts as well as the drug court.

While drug court staff have grown and become more dedicated to the drug court, interviewees indicate that other court staff have also become more specialized. In some cases this reflects assignment to the DUI or Re-entry courts. This case study did not find resistance by court staff to this specialization but, rather, those interviewed expressed support for it, citing increased effectiveness of the specialty courts in changing offenders and greater efficiency in their area of court operations. Although hard data was not available, one area of greater efficiency was the sense that cases are being processed more quickly. The belief was that more consistent assessments with drug court and DUI court clients are having the effect of streamlining the case

handling process. A second area of efficiency has to do with standardized conditions of probation, which will be developed below.

Addition of Court Session

The Richland County courthouse typically closes at 4:00 p.m. each day and there are normally no hearings scheduled after 3:00 p.m. The exception to this is the second drug court session at 4:00 p.m. This additional session after normal hours was part of the Richland County design from the beginning. However, interviewees indicated that the additional session was done as much to accommodate drug court participants who are employed as it was to handle the increased number of hearings associated with drug court. The court has not had to add space or make any other accommodations for the increased number of hearings.

Changes in Probation

Besides the judges, probation is the area of court operations that has experienced the most operational impact from the drug court. At one level, directly related to drug court operation, this consists of some probation officers being dedicated to drug court while other officers' caseloads shift to accommodate that specialization. At another level, the impacts consist of a number of "secondary" impacts that have resulted in whole or in part from the existence of the drug court. One secondary probation impact has been the development of standardized conditions of probation within Richland County. Whether an adult offender is in drug court, Common Pleas or Municipal court, there is a set of probation conditions that are the same for everyone. Thus, for example, probation officers and law enforcement know that curfew for all probationers is the same time (10:00 p.m. to 6:00 a.m.). This has improved monitoring of probationers by both probation staff and law enforcement.

Another change, due at least in part to the drug court, has been a change in the work hours for probation officers. Officers are now required to have 33% of their work hours after 5:00 pm and on weekends. Combined with overlapping work schedules, this has allowed probation to provide monitoring and enforcement of supervision conditions on a 24 hour a day, 7 day a week basis.

Changed work hours and frequent use of electronic monitoring have resulted in much higher levels of monitoring for drug court participants. All of those interviewed for this case study emphasized that drug court is not an "easy" alternative to incarceration. They emphasized that monitoring and supervision of the drug court participants is much more pervasive and that violating drug court program requirements is much more likely to be detected than prior to the establishment of the drug court.

The probation department has also instituted a new information technology system that allows much more complete information to be kept on each probationer and makes that information much more readily accessible. It is also used as a management tool for such things as monitoring the caseload of each officer and identifying liaison issues to be discussed with law enforcement. Further, print-outs listing drug court participants are shared with community policing officers so that they are kept current on who is a drug court participant.

Community Policing – Probation/Parole Partnership

The most far-reaching secondary impact of the Richland County drug court on probation has been its role in the establishment of the “Community Policing-Probation/Parole Partnership.” This partnership consists of officers from the Mansfield Police Department, Richland County Sheriff’s Office, Richland County Adult Probation, Mansfield Municipal Probation, and the Ohio Adult Parole Authority-Mansfield Unit Probation and Parole Office. It began with an observation by the Chief Probation Officer that the community policing officers and the drug court probation officers were both organized on a geographic basis and that their clientele often overlap. It followed that community policing and drug court probation should use the same geographic boundaries and complement each other’s enforcement roles.

From there, the partnership has grown and become institutionalized with four different types of formally defined joint exercises. Information provided to the case study indicated that the partnership has helped law enforcement investigate and solve crimes, identify persons on probation/parole status, and alert officers to persons who have absconded from probation or parole supervision. The partnership has helped probation officers become more knowledgeable about persons with outstanding arrests warrants, local gang-involved offenders, specific crime problems, and persons with whom probationers or parolees associate. Local data indicate that the partnership has been successful in decreasing both violent and property crime in the participating jurisdictions. Further, the law enforcement interview indicates that experience with the partnership has increased law enforcement awareness of and respect for the role of probation officers.

Court Impact on Local Treatment System

The impact of the Richland County drug court on the local treatment system is deserving of a study in its own right. The reverberations of drug court practices and funding procedures throughout the treatment system in Richland County have been far-reaching and have varied over time. This case study, however, focuses on the impact of the drug court on the relations between court and the treatment providers.

Local alcohol and substance abuse treatment providers were involved in the group that wrote the original application for federal funding. They are members of the drug court team and participate fully in the pre-meeting, drug court sessions and of course provide treatment services to the drug court participants.

Both court and treatment staff indicated that drug court has had the overall impact of improving relationships between them. Court staff stated that the closer involvement with treatment providers had given them a better appreciation of what the treatment providers are capable of doing. Both court and treatment interviewees indicated that the drug court has changed from initially a “social worker” orientation to one that is now more oriented to enforcing conditions of drug court participation. Those interviewed support this change in orientation; indeed, treatment providers indicated some support for the court moving even further in that direction.

This last point needs to be emphasized. Both court staff and treatment providers argued for the value of enforcement of conditions for successful intervention in the lives of the drug court participants. The treatment providers stated that judicial oversight and enforcing program

requirements enhanced the effectiveness of the treatment. None of the treatment providers interviewed spoke of conflict between the roles of treatment and enforcement.

Funding Uncertainties

That does not mean that there are no issues in the relationship between the drug court and the treatment providers. Indeed, the greatest area of concern expressed by those interviewed for this case study – court staff and treatment providers alike – is who will pay for treatment services for drug court participants now that the federal grant has expired. The drug court was initially able to use grant funds to support both court staff and contract for treatment services contracts. The contracts basically secured a relatively low cost per client in return for guaranteed number of clients. These contracts produced a fairly stable set of relationships between the drug court and service providers and a fairly steady flow of clients to the respective service providers. Expiration of the federal grant funds has resulted in a more competitive market for providing drug court services. This has impacted the flow of clients to the respective service providers and required adaptations they are having some difficulty making.

Summary

Time

The overriding concern about drug courts reflected in the OCJS survey of non-drug court judges was *time*. How will the judge and court staff find the time for drug court? The Richland County Court of Common Pleas has done it through a combination of specialization and a highly motivated staff. Shifts in responsibility for many staff, addition of a few positions, and the addition of a late court session have resulted in a functioning and apparently effective drug court. It is not known from this case study if the same would be true in other Ohio counties, but in this case the drug court has had a neutral or beneficial impact on court operations.

Organizational Impact

The impact of the drug court is not limited to sorting out dockets and arranging court sessions. Indeed, to this researcher, the far more impressive organizational impact of the Richland County drug court has been in the many and varied secondary effects it has helped produce. Establishment of DUI and Re-entry courts, standardized conditions of probation, improved liaison between probation and law enforcement, a new probation information system, and improved relations between the court and treatment providers all are attributable in some way to the Richland County drug court.

Most interviewees commented on the strong community corrections orientation in Richland County that preceded the existence of the drug court. Some attributed this orientation to judicial philosophy; others to the influence of two state institutions, three halfway houses, and a relatively rich array of local treatment options. It appears that the Richland County drug court built on a pre-existing community corrections orientation and served to crystallize a number of subsequent new and innovative programs and practices within the county.

The major budgetary concern in Richland County is not with supporting drug court staff but, rather, with funding for treatment services. This was particularly precipitated by the expiration of the federal grants to the Richland County drug court. Further, it is known that a number of drug courts in Ohio face a similar situation with federal grants. The struggle over whether the courts or others should pay for treatment services is not at all unique to drug courts. It is the intensity of the services received by drug court participants and the close relationship between treatment providers and drug court that magnifies the importance of the “who pays” issue for drug courts.

Outcomes & Observations

The purpose of this case study was to assess drug court impact on court operations. It was not an outcome study. However, a number of observations on impact need to be recorded. First, this researcher was struck by the frequency with which the word “responsibility” was heard in interviews with court staff, in the observation of drug court, in the interview with law enforcement, and in the interviews with treatment providers. While supporting data is not available, it appears that drug court participants receive a much more consistent message on the changes they need to make in their lives than it found with traditional court practice. Consistent application of appropriate interventions may produce better results.

The second observation does have data to support it. Over time, there has been an increase in the proportion of drug court participants successfully completing and graduating from the Richland County drug court. Court staff attributed this increase to improvements in screening potential drug court participants, and to gradually learning how to better deliver interventions. If this finding is true in other Ohio drug courts, then it may be that the effectiveness of drug court intervention increases over the life of the drug court. This possibility should be considered when reviewing outcome data on what is still a relatively new method for offender behavior intervention.