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I. INTRODUCTION

In October, 1993, at the invitation of Georgia Supreme Court Justice Robert Benham, the writer joined First Assistant District Attorney Charles Weston, Assistant District Attorney Robin Flanders, Criminal Defense Attorney Christina Hunt and Macon Probation Officer Greg Jones at an Athens, Georgia, seminar on the subject of the criminal justice system's response to the drug problem in Georgia. From Judge Harl Haas, Portland, Oregon, the architect of a special drug court program in Multnomah County, Oregon, and others, we heard details about drug court programs in Oregon, Dade County, Florida and New York. After some brainstorming, our group designed a local program. Before implementing the program in January, 1994, we sought and received the support of the superior court judges of the Macon Judicial Circuit, the District Attorney, the Sheriff of Bibb County, the Chief of Police of Macon, Georgia, and the Chief Probation Officer of the Macon Judicial Circuit.

At the outset, all agreed that this would be an experimental program for fifteen months with an intake phase of nine months to begin on January 1, 1994. For administrative reasons, it was understood the court would continue certain aspects of the program through March, 1995. In May of 1995, the court issued a Final Report on the operation of the Special Drug Court that included several recommendations if the program was to be restarted.

In October, 1995, under a new plan, the Special Drug Court was restarted. What follows is an eight-year report on the workings of the court, including the participants from the 1994-95 pilot program.

II. MISSION STATEMENT

The mission of the Bibb County Drug Court program is the reduction of crime and recidivism by substance abuse offenders within our community. We seek to achieve this goal by implementing a judicially supervised substance abuse treatment and rehabilitation program specifically designed to administer to specific cases within the Macon Judicial Circuit. The desired result will be a decrease in the substance abuse by the identified population of targeted offenders. There should also be a corresponding decrease in crime and recidivism rates for this population. The benefits of this program will be an increase in the safety and security of the citizens of this community and a reduction in the population held in custody at the Law Enforcement Center. A successful program should show a reduction in the number of infants addicted to illegal drugs at

birth.

Successful graduates of this program will taken positive steps to address their substance abuse, have demonstrated abstinence from all illegal or illicit substances for a substantial length of time, and establish a lifestyle that is comparable to that of law-abiding citizens. We believe that by providing alcohol and other drug treatment for substance abusing offenders, in an effort to reduce crime and recidivism, our chances of success are much greater than incarceration alone.

III. THE 1994-95 EXPERIENCE

In the drug court program as organized in 1994, participants were expected to attend group counseling sessions for three months, attend N/A or A/A meetings and be tested in-house for drug use. Near the end of this three-month course, the participants were subjected to independent drug screening by a nurse from the Medical Center of Central Georgia. If the participant was then drug free and had attended all of the prescribed drug counseling sessions, he/she was required to report to the Special Drug Court probation officer, James Banks, for a period of three months for random drug screening. Participants who remained drug free during this time were eligible for graduation. From the beginning, the court decided that it would be responsible for the payment of fees associated with the 28-day program operated by Bibb County Mental Health Center.

Seventy-six persons were admitted into the program. Forty-six participants had no past criminal record at the time of arrest. Twenty-three were on probation. Six were on parole at the time of arrest.

Forty-one of the participants graduated.

IV. PROGRAM PARTICIPANTS

There are two types of cases that fall under the administration of the Bibb County Drug Court Program. They are known as Pre-Trial Diversion cases and Post-Adjudication cases. The following information outlines the eligibility requirements for offenders to enter the program under both cases.

A person arrested for possession of an illegal substance offense in Bibb County is allowed to post an Own Recognizance Bond and is released from custody within four hours of his/her arrest unless there is a probation or parole hold in effect. The person receives written instructions to appear in Bibb County Superior Court on the earliest Drug Court calendar date following his/her arrest.

When the person appears in Court, several matters are addressed. First, the District Attorney's Office determines the eligibility of an offender for the pre-trial aspect of the program and reports their findings to the Judge. The District Attorney will deny eligibility to an offender who has been arrested and/or convicted for a prior violent offense or a prior sale-related substance abuse charge. Eligibility is also denied if a sale-related substance abuse offense and/or a violent offense and /or possession of a firearm is a part of the current offense. Offenders that are not eligible for the program receive an arraignment date and proceed through the normal Criminal Justice process. In addition, a bond amount is determined, if one had not been previously set, and the Court inquires as to the offender's plans for counsel. If the offender reports that they cannot afford an attorney, he/she is immediately interviewed by the Indigent Defense Administration to determine if he/she is eligible to receive a court-appointed attorney.

When an offender is eligible for the program, this initiates a non-adversarial process of action between the Narcotics Division of the District Attorney's office and two members of the Criminal Defense Bar, retained through the Indigent Defense Administration. This non-adversarial relationship is one of the unique aspects of the Drug Court process. The Judge instructs the defense attorneys to meet with the

offender to explain what legal and constitutional rights the offender may concede by entering the program. In addition, the defense attorneys explain the legal ramifications of the choice to accept or reject program entry, answers any legal question the offender may have related to his/her current charge and then advises the Judge of an offender's decision.

Offenders who choose not to participate in the program are ordered to return to court, at a later date, to proceed with arraignment proceedings. The District Attorney prosecutes the case through the normal criminal justice process. Offenders who choose to participate in the program are ordered to sign court orders and forms to facilitate program entry. Orders include a waiver of judicial recusal and an order, with the assistance of counsel, changing the terms and conditions of his/her bond that allows for partial revocation of his/her bond in the event such a sanction becomes necessary. The District Attorney will then agree to place the case on the Dead Docket. In either case, offenders lose the right to have their cases presented to the Grand Jury but retain all other legal and constitutional rights.

Some offenders who enter a plea of guilty or are found guilty at a trial can be ordered to participate in the program as a condition of their sentence. These cases enter the program on a Post-Adjudication basis. These offenders must complete the program in order to complete all of their requirements of their probated sentence.

If a Post-Adjudicated case successfully completes the program, he/she remains on probation but is now eligible for consideration of early termination if he/she has complied with all other terms and conditions of his/her probation. Unsuccessful cases are charged with Violation of Probation and face revocation proceedings.

V. EDUCATIONAL PROGRAM

• **INITIAL ASSESSMENT**

Everyone who enters the program is expected to complete an Entry Assessment within

the first two weeks of entry into the program. The staff at the Life-Line program of the Coliseum Psychiatric Hospital conducts the assessment. They are open twenty-four hours a day, seven days a week. The Court reviews the Drug Court Assessment before a person is allowed to participate in the program.

• **GENERAL OPERATIONS**

Program is divided into three phases.

- Classes meet every Monday night and Thursday night.
- Classes begin promptly at 7:00 p.m.
- All classes receive a fifteen-minute break starting at 7:45 p.m.
- Classes resume at 8:00 p.m. and continue until 9:00 p.m.
- Samples for urinalysis are accepted during the following times only:

From 6:00 p.m. and 7:00 p.m.

From 7:45 p.m. until 8:00 p.m.

Participants must pay a program participation fee of \$500 to the Clerk of Superior Court.

- Participants must agree to the imposition of sanctions when and if deemed necessary

by the Court.

- Participants must appear before the Court on a two week and later on a monthly

schedule for a progress hearing.

PHASE I

Phase 1 is a thirteen week period during which participants are expected to complete the following:

- Attend 26 period of instruction (two times per week for thirteen weeks).
- Submit to urinalysis on twenty-six occasions.
- Conduct and dress themselves in a manner conducive to the educational process

(Bad attitudes, halter tops, "short" shorts, etc. are not permitted).

- Appear in Court for all scheduled report back hearings.

At some point during the last two weeks of *Phase I*, a meeting occurs between the Program Administrator and the counselor for that class. Each participant is discussed and evaluated in four areas during this meeting: attendance at counseling sessions, attitude/participation in counseling sessions, urinalysis results and payment of program participation fee. The Administrator and counselor then make a recommendation to the Court as to what actions each participant must undertake in the second phase of the program.

At the report back hearing scheduled after the end of the first thirteen-week period, successful participants receive the letter that outlines their requirements as they enter the second phase of the program.

PHASE II

Phase II is a thirteen week period during which participants are expected to complete one of the following plans of action:

Plan A:

- Attend class meeting every Monday night.
- Submit a sample for urinalysis every Monday night.
- Be subject to random urinalysis at all times.
- Attend a minimum of two AA/NA (Alcoholics Anonymous or Narcotic Anonymous) meetings per

week.

- Appear in Court for all scheduled report back hearings.

Plan B:

- Attend class meeting every Monday night.
- Report every Thursday night and provide a sample for urinalysis.
- Submit a sample for urinalysis every Monday night.
- Be subject to random urinalysis at all times.
- Attend a minimum of two AA/NA (Alcoholics Anonymous or Narcotic Anonymous)

meetings per week. (This requirements was originally set at four meetings per week).

- Appear in Court for all scheduled report back hearings.

Plan C:

- Attend class meetings every Monday and Thursday nights.
- Submit a sample for urinalysis every Monday and Thursday nights.
- Be subject to random urinalysis at all times.
- Attend a minimum of three AA/NA (Alcoholics Anonymous or Narcotic Anonymous)

meetings per week. (This requirements was originally set at four meetings per week.)

- Appear in Court for all scheduled report back hearings.

Plan D:

- Enter into an approved residential substance abuse treatment program.
- Upon release, comply with all after-care instructions from the treatment program, and
- Comply with the instructions above for Plan C participants.

The plan of action selected for each participant is based upon their performance in *Phase I* of the program as well as which plan offers the best chance for long-term or life-long sobriety in the opinion of the Court, Program Administrator and Counselor. Participants receive attendance sheets to take to their AA/NA meetings. They must have the Secretary or Meeting Leader supply the requested information on the attendance sheet. Participants must bring that attendance sheet with them to Court for their report back hearings.

At some point during the last two weeks of *Phase II*, a meeting occurs between the Program Administrator and the Counselor for that class. Each participant is discussed and evaluated in four areas during this meeting, attendance, attitude, urinalysis and payment. The Administrator and Counselor then make a recommendation to the Court as to what actions each participant must undertake in the third phase of the program.

At a scheduled report back hearing, after the end of the second thirteen-week period, successful participants receive the letter that outlines their requirements as they enter the third phase of the program.

PHASE III

Phase III is the "unsupervised" part of the program. *Phase III* is a four to six month period during which participants are expected to complete the following:

- Report for urinalysis on Mondays, Thursdays or Mondays and Thursdays.
- Attend a minimum of two AA/NA meetings per week.
- Be subject to random urinalysis.
- Appear in Court for all scheduled report back hearings.

During all phases the participants are subject to a home visit from either the Program Administrator or the Assistant Program Administrator.

C. PROGRAM PARTICIPATION FEES

All program participants are expected to pay a total of \$500. Payments are made at the Court Receiver's section of the Bibb County Superior Court Clerk's Office. The Court Receiver's section is located on the second floor of the Bibb County Courthouse. The participants must give their names to the clerk at the window and tell the clerk how much the participants want to pay and that the money is applied to the Drug Court fee.

D. URINALYSIS

Every program participant is expected to give a sample for urinalysis every time he/she comes to class. Samples are to be given during the times mentioned earlier only unless special permissions has been given. All samples are tested immediately. Our Program has the ability to do drug tests for the following drugs:

Marijuana

Cocaine

PCP

Heroin

Opiates

(Such as Lortabs, Vicodin and Codeine)

Amphetamines

Methamphetamines

Benzodiazepines

Barbiturates

Alcohol

Even though alcohol is legal for use by anyone over the age of twenty-one, we do not approve of its use by Program participants. A positive test for alcohol is the same as a positive test for any other drug. All samples are tested for adulterants and/or flushing agents if deemed necessary by program staff. Any sample found to contain any adulterant, contaminant or flushing agent shall be considered positive for all the drugs for which the participants are being tested. All samples must be observed by a member of the program staff of the same sex as the person giving the sample. No unobserved samples will be accepted. Failure to give a urine sample will result in being considered positive for all drugs. Bringing a fraudulent sample will result in dismissal from the Program.

E. SANCTIONS

Sanctions are imposed for absences, inappropriate behavior, inappropriate dress, failure to pay program fees or perform Community Service Work in lieu of fees. However, sanctions are imposed more often for continued drug abuse based on urinalysis results than for all other reasons combined. We use a system of graduated sanctions that consists of the following measures:

- Spend the day in Court.
- Spend a day in jail.
- Spend three days in jail.
- Spend one to four weekends in jail.
- Spend one week in jail.
- Enter a detoxification program.
- Enter a short-term residential treatment program.
- Enter a long-term residential treatment program.
- Dismissal fro program.

Sanctions can be and are used for any violation of program rules. The severity of the imposed sanction determined by the Court is often based upon the prior performance of the participant as well as which phase of the Program the participant is in when the violation occurs.

VI. GRADUATION/RECIDIVISM RESULTS

A total of 1,380 persons entered the program January 1, 1994, through December 31, 2002. This included 1,048 males and 332 females. The racial profile reflects: White 498, Black 877, Hispanic 2, and Asian 3. The total number of graduates during this time period was 394 or 28.5%. When you take into consideration that all of the persons who came into the program in the calendar year 2002 are not eligible to graduate until 2003, it is fair to say that the graduation rate for the Program thus far is in excess - 35%.

The recidivist rate or the 394 graduates is as follows:

Number of Persons arrested for Drug Related Offenses: 46 or 11.5%

Number of Persons Arrested and Convicted for Drug Related Offenses:

28 or 7%

Unfortunately, the writer does not have any statistic on recidivism for the persons who did not opt to participate in the Program but experience suggests it is much higher than the above figures.

EPILOGUE

When you look at the Drug Court Program, you see a program that restores lives.

A program that gives hope to those who often lost hope.

A program that invests in the lives of some of the less fortunate members of our society and that investment returns the dividends of reunited, functioning families, safer community for us all.

BIBB COUNTY SPECIAL DRUG COURT

EIGHT YEAR REPORT

1994 - 2002

PRESIDING JUDGES:

TOMMY DAY WILCOX

THOMAS J. MATTHEWS

PROGRAM ADMINISTRATOR:

JACQUELINE DUNCAN

ASSISTANT PROGRAM ADMINISTRATOR:

ROBERT SCHWARTZ

MACON-BIBB COUNTY DRUG OVERSIGHT COMMITTEE

EDWARD BOND, CHAIR

BRENDA YOUMAS

JOSEPH M. HENDRICKS

EDNA COPELAND

JIMMY SWIFT

J. MICHAEL CRANFORD

AMY MORTON

KIMBERLY S. SCHWARTZ

SHARON PATTERSON

ROBERT A. BERLIN

VII. COMMUNITY BENEFITS

The writer is convinced that the major emphasis of a drug court should be the restoration of individuals with a drug/alcohol habit to the status of a productive citizen. When this goal is accomplished, the betterment of the lives of family members and the community as a whole are positive dividends.

There are direct financial returns for the community. The writer will highlight two of these areas.

A. CRIMINAL JUSTICE SYSTEM

At present the cost for imprisonment of an individual in the Bibb County Law Enforcement Center is \$67.50 per day. Since the beginning of the Special Drug Court Program persons arrested for simple possession of various illegal drugs and obtaining prescription drugs by fraudulent means are released within four hours of arrest on their own recognizance with a date certain to appear in court. This date is within ten days of arrest. If the person is on parole or probation, there is no release.

This process results in substantial savings. Further, the average sentence for a person convicted of the above crimes is thirty days. Thus, it is fair to say that since 394 persons avoided a conviction by participating and graduating from the program over the last eight years the amount of the savings is:

$394 \times \$67.50 = \$26,595.00 \times 30 = \$797,850.$

In short, the program results in:

- Reduced time that Drug Court participants spend incarcerated at

the Bibb County LEC before and after conviction.

- Reduced the man-hours spent by law enforcement officials

investigating and arresting Drug Court graduates.

- Reduced costs to the Indigent Defense Administration by

deferring cases into the program that previously needed legal

counsel and representation.

B. HEALTH CARE

Health care costs are an additional, and very important, benefit that can be easily overlooked when considering the impact of a Drug Court program on the community.

Health care costs for women who are both pregnant and addicted can place a major strain on community resources. Women who give birth while addicted to drugs are more likely to give birth to premature babies than women who have no addiction.

There is an extremely high probability that these infants will be born addicted to whatever drug the mother was using. Studies from health care professionals indicate that the costs for treating a baby addicted to drugs can run from \$125,000 to \$200,000 or more.

For example, four of the women who graduated from the program in 1998 had babies. All of the women were either pregnant when they entered the Drug Court Program or became pregnant while participating in the Program. All four women received Federal, State, and/or County financial assistance and would likely qualify to receive indigent hospital care. Fortunately, all four women had normal pregnancies and gave birth to infants who did not have a drug addiction.

VIII. REVENUE

The costs for the Special Drug Court Program and the Juvenile Drug Court Program are funded by Bibb County's share of a Federal Law Enforcement Block Grant, the payment of the yearly drug educational fee by defendants convicted of violation of the drug laws of the State of Georgia, and the fees paid by the participants. In 2002, these figures totaled:

Law Enforcement Block Grant - \$139,500

Drug Education Fee - 36,925

Participants Fees - 26,970

\$203,395

EIGHT-YEAR ANNUAL REPORT

APRIL 15, 2003

BIBB COUNTY

SPECIAL DRUG COURT PROGRAM

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