
DRUG COURT

*U.S. Probation Office
District of Oregon*

*Drug
Court
Interagency
Agreement*

*Adopted
April 4, 2005*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
INTERAGENCY AGREEMENT
FOR THE CREATION OF AN ALTERNATIVE DRUG COURT
FOR HANDLING OF SUPERVISED RELEASE AND PROBATION VIOLATIONS**

Drug Court Committee: Hon. James A. Redden, Hon. John Jelderks, Eric Suing, Sam Wedge, John Deits, Craig Meyer, Steve Wax, and Amy Baggio

Mission Statement: In a cooperative effort of the Court, Probation Office, Federal Public Defenders Office, and the U.S. Attorneys Office, we are committed to providing a Drug Court Program for individuals on federal supervision. This Program shall offer a creative blend of treatment and sanction alternatives to effectively address offender behavior, rehabilitation, and the safety of our communities. While drug court programs have been widely used in state systems, the District of Oregon's Drug Court program will be only the second program of its kind in the federal system to date.

Introduction: During the past several years the increase in substance abuse in the State of Oregon has reached a staggering level. Heroin, marijuana, and cocaine addiction have been prevalent; however, recent studies show methamphetamine abuse has reached an epidemic level. Oregon treats more people for methamphetamine addiction per capita than any other state in the union.¹

The federal judiciary in Oregon has been adversely affected by these alarming trends. Well over 60% of the offenders in the District of Oregon have been sentenced for drug offenses, firearms violations, robbery, and violent offenses.² The majority of these offenders have past histories of substance abuse. This District has one of the highest revocation rates for a district of its caseload size, and there is a very high correlation between substance abuse and violations of supervision. These trends have placed a significant burden on the workload of the Court, the U.S. Attorneys Office, and the Federal Public Defenders Office. Because of limited sentencing alternatives, revocation is often the only option. Offenders are incarcerated for ongoing drug abuse, which is costly to the community and a burden to the already overcrowded prison system.

Studies show drug courts are successful. In 2003, there were more than 1,500 drug courts nationwide, operating or in the planning stages. According to a May 2004 report of the Bureau of Justice Assistance, National Court Institute, drug courts provide numerous benefits to the government, the participant, and the community at large. The National Institute of Justice's 2003 study found of 17,000 drug court graduates nationwide, only 16.4% have been re-arrested or charged with a felony offense.

¹STEVE SUO, *Unnecessary Epidemic*, THE OREGONIAN (Oct. 3, 2004).

²Federal Probation System, Table E (September 30, 2004).

Drug courts save money. In 2003, the Center for Court Innovation found the State of New York saved \$254 million in incarceration costs by diverting 18,000 non-violent drug offenders into treatment as part of its drug court. The National Institute of Justice reports that locally, Multnomah County Drug Court saves taxpayers \$10 for every dollar spent on Drug Court. Over the last 30-month period, Multnomah County Drug Court has saved \$1.5 million per year.

Key Components to a Successful Drug Court Program: The National Association of Drug Court Professionals has identified ten key components for successful drug courts. The parties agree these elements are essential, and strive to incorporate them as principles underlying the drug court program in the District of Oregon.

- A. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
- B. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- C. Eligible participants are identified early and promptly placed in the drug court program.
- D. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
- E. Abstinence is monitored by frequent alcohol and other drug testing.
- F. A coordinated strategy governs drug court responses to participants' compliance.
- G. Ongoing judicial interaction with each drug court participant is essential.
- H. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- I. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
- J. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Drug Court Program Overview

The District of Oregon Drug Court Program is voluntary for its Participants. The Program requires Participants to enter into a Contract for Participation, and abide by the Contract terms. See Attachment 1. Successful Participants will be involved in the Program for at least one year. During this year or more, Participants will engage in varying levels and modalities of treatment to address issues of substance abuse. The Program also involves regularly scheduled court appearances in order to report on Participant progress. Failures to abide by the mandates of the Program may result in the Participant being terminated from the Program and returning to traditional supervision.

Participants

The District of Oregon Drug Court will serve only people who were previously convicted and sentenced in a United States District Court and who are serving a term of supervision. The

District of Oregon Drug Court Program will begin with 30 Participants:

– 20 Participants will be individuals identified by the Probation Office who are currently struggling with issues of substance abuse. These Participants will be educated about the various aspects of the Drug Court Program, and will opt to voluntarily participate in the Program.

– 10 Participants will be identified by the Probation Office as potential Participants while still in the pre-release transition stage at the Oregon Halfway House. These individuals will be offered participation in Drug Court while still under BOP supervision, and will visit the Drug Court and receive written materials from their Probation Officer before their actual supervision begins. If the person opts to become a Program Participant, the Participant will sign the Drug Court Contract on his or her first day of supervision, and immediately begin the Program. During this prerelease status, the Drug Court Probation Officer will monitor potential participants and assist in transitional planning.

Control Group

In addition to the 30 active Participants in the Drug Court Program, 30 additional supervisees will be identified by the Probation Office as the Drug Court Control Group. The Control Group will be created for analysis and research purposes. These 30 people will parallel the selected Participants in their current status on supervision or pre-supervision, and will be tracked by the Probation Office over a one-year period. Neither the supervisee nor the supervising Probation Officer will know the supervisee is a member of the Drug Court Control Group. This data will be maintained by the Chief Deputy Probation Officer. The data collected on this control group will be used to offer a comparison between the success rates of Participants in the Drug Court Program and those on traditional supervision.

Criteria for Participation in the Drug Court Program

In order to be eligible to participate in the Drug Court Program, Participants must (1) be on supervision; and (2) have a documented drug problem. To assist the Probation Office in selecting Participants, all potential participants will be given the Texas Christian University Drug Screen (TCU).

Selection of Participants

Selection of Participants for the Drug Court Program will be made by the Drug Court Probation Officer, with the input as appropriate from other parties to this agreement.

Drug Court Contract

Each Participant's involvement in the Drug Court Program will be confirmed in a written contract to be signed by the Participant, the Probation Office, United States Attorneys Office, the Federal Defenders Office, and the Court. The contract, as set forth in Attachment 1, articulates expectations and obligations of all Participants and parties to this Drug Court Program.

The Role of the Court

The active involvement of the Court³ with Participants in the Drug Court Program is essential. When Participants are excelling in the Program, the Court will provide encouragement. When Participants are in noncompliance with the Drug Court Program or in violation of supervision, the Court, after receiving the recommendation of the Drug Court team, will make a determination as to the appropriate sanction based on the nature of the Participant's noncompliant behavior. If appropriate, sanctions should be progressive in terms of severity. When the parties determine that the Participant has exhausted his or her opportunities to continue in the Program, the Court will make the final decision to terminate the Participant from the Drug Court Program. The Participant then will return to traditional supervision.

All Participants will appear at least monthly before the same federal judge. To ensure continuity, a single Probation Officer, U.S. Attorney, and Federal Public Defender will be involved in the Drug Court, and each will appear for the Drug Court docket. Order of Participant appearances on the docket should provide for those who are in compliance with the Program to proceed first, while those Participants struggling with the Program wait until last.

Probation Officer Duties

The drug court probation officer (PO) is charged with making appropriate treatment referrals with contract and appropriate noncontract treatment agencies based on the needs of the individual. In preparation for Drug Court appearances, the PO will prepare reports in order to inform the Court of the Participants' struggles and achievements. In order to expedite the reporting process, avoid overworking the PO, and create continuity in reporting, a form called "Drug Court Progress Report" will be utilized. *See* Attachment 2. The PO will work with the treatment providers to ensure effective communication between the treatment providers and the Drug Court. In the Drug Court Program, the Federal Public Defenders Office will be permitted to have access to the treatment provider and treatment records.

³In determining how to handle the judicial aspects of the Drug Court, the parties agree that it would be most advantageous to have a limited number of judges involved. While we do not believe it is essential to have only one judge, we do believe it is essential for continuity in the judicial role. With respect to the judicial role, pursuant to 28 U.S.C. § 636 and 18 U.S.C. §§ 3401(h), 3583(e), supervised release revocation - and therefore Drug Court function - can be delegated to a magistrate judge with the consent of the parties. *United States v. Sanchez-Sanchez*, 333 F.3d 1065 (9th Cir. 2003). And while a defendant can not similarly consent to a magistrate conducting a probation violation hearing, *United States v. Colacurcio*, 84 F.3d 326, 329 (9th Cir. 1996) (magistrate has authority to conduct a probation revocation proceeding only if defendant's conviction was for a misdemeanor, defendant consented to trial before a magistrate, and defendant was initially sentenced by a magistrate judge), since the proceedings in Drug Court are not a revocation, but rather a form of intensive supervision, a Magistrate Judge may similarly preside over probationers involved in Drug Court so long as any order or modification of sentence is in the form of Findings and Recommendations, and approved by an Article III judge.

When serious problems in supervision arise, the PO will work with the Assistant Federal Public Defender and the Assistant United States Attorney in order to intervene immediately and address issues with the Participant. The team efforts will be delineated in the monthly Drug Court Progress Report. The Drug Court Progress Reports are to be distributed by the PO, along with any attachments, to the Court, the Assistant United States Attorney, and the Assistant Federal Public Defender a full 24 hours before the Participant's scheduled court appearance. Scheduling of court appearances will be worked out by the parties to this agreement and may be spread out so that the PO has time to work with the various treatment providers and prepare the Drug Court Progress Reports with information as current as possible.

The PO's official file shall contain a separate section for Drug Court Participants. In this clearly identified section, all Drug Court documents will be retained, including the Contract for Participation, progress reports, treatment records, and results of drug testing.

Assistant United States Attorney Duties

The role of the Assistant U.S. Attorney (AUSA) is unique in the drug court context. The AUSA's role is to participate in a team effort with the Assistant Federal Public Defender and the PO to encourage the Participant's success in the Program. The AUSA may report on the Participant's progress during the Drug Court appearance. The AUSA should be involved in decisions about program planning both when the Participant is succeeding and when he is struggling.

Assistant Federal Public Defender Duties

The Assistant Federal Public Defender (AFPD) is available to assist the PO in encouraging Program Participants to succeed in treatment, discourage bad decisions and disinterest in the Drug Court Program at their first sign, and to participate in Drug Court decisions about proper punishments for Participants struggling with the Program's requirements. The AFPD role will be less adversarial than in non-drug court supervision cases.

Waivers and Hearings

To effectuate the intent of the Drug Court Program to make it a less adversarial system and provide more support to the Participants, all parties agree conduct which would otherwise constitute a supervision violation will be handled in an informal manner. Except as noted below, all conduct that could otherwise be considered a violation and lead to a supervision hearing will be presented to the Court and the Participant through the PO's monthly Progress Report to the Court, or a status report to the Court filed on an expedited basis if the circumstances so warrant. Any "sanction" on such violation, short of a term of incarceration, will be handled through a court directive issued at the monthly Drug Court session in a non-adversarial setting. When the Participant, the PO, the AUSA, and the AFPD agree to a particular sanction or treatment intervention, the matter can also be resolved before the Participant's next scheduled Drug Court appearance by a modification executed by the Participant on an expedited basis.

Drug Court Sanctions

Noncompliant behavior by the Participant will result in sanctions. The range of possible sanctions has been drafted broadly to insure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time the Participant has remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether the Participant voluntarily discloses the violation. Dishonesty on the part of the Participant will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below – including termination from the program – is available. As a general rule, when there are repeat violations, more serious sanctions will be applied incrementally. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open court;
- Participant is ordered to return to court and to observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for his/her noncompliant behavior, either in writing or some other means (such as why Participant failed to attend treatment or tested positive, or about the thing that most often causes Participant to relapse and why, or about what Participant will do differently this time so that Participant will not fail again, or about someone Participant admires and why);
- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and hopefully the Court will discuss with the Participant his or her interests and select a community service activity that they may find they actually enjoy, thus encouraging service not as a sanction, but as a fulfilling activity);
- Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring;
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a community corrections center, such as the Oregon Halfway House;
- Participant is ordered to spend up to 7 days in jail;
- Participant is terminated from the Program with or without filing of a formal violation.

These sanctions are designed to take a creative approach to altering behavior, while cutting the costs associated with first resorting to a traditional “days in jail” sanction. The sanctions must be completed by the next court appearance, unless the Court allows more time. Assignments are turned in to the PO. If appropriate, all sanctions may be ordered more than once during the course of the Program.

Sanctions of up to seven (7) days' incarceration⁴ per finding of noncompliant behavior will be handled in the same, nontraditional manner. A Participant will, however, have the option of requesting termination from the Drug Court Program and having the matter handled consistent with the dictates of 18 U.S.C. § 3583 if he or she chooses. The Court will enter the appropriate order.

While the perceived need for a sanction of more than 7 days will ordinarily result in termination from the Drug Court Program, sanctions of more than 7 days' incarceration may be imposed by the Drug Court Judge in a non-adversarial setting with the understanding that the Participant will continue participating in the Drug Court Program with Participant's written waiver and the consent of all parties

Adversarial Hearings

Recognizing that circumstances will arise in which a Participant is alleged to have violated a term of supervision and the Participant believes that he is innocent in fact of the alleged conduct, the parties agree that a request for an adversarial hearing on the guilt/innocence question will not automatically result in termination from the Drug Court Program. Such hearings are, however, to be limited to the question of guilt/innocence in the "I didn't do it" sense, rather than an opportunity to offer an explanation for admitted conduct.

Drug Court Rewards

Participants who successfully complete the Drug Court Program earn a one year reduction in their term of supervision. This one year is vested at the time the Participant completes the Program. Understanding that some Participants may have well over one year left on their supervision, those Participants must still adequately comply with all terms of supervision. If the Participant is revoked from supervision for other reasons, he will be subject to revocation and incarceration, but any term of supervision imposed following the term of incarceration will be reduced by one year.

The Participant's eligibility to receive a one year reduction in supervision will not preclude additional considerations for reduction in the supervision based on the factors set forth in 18 U.S.C. § 3564(c) and 18 U.S.C. § 3583(e)(1).

The Drug Court Graduation will take place at the Participant's final, regularly scheduled court appearance. In addition to Program Participants, family members, sponsors, and friends are invited to attend the Graduation. The Court will present graduating Participants with a Certificate of Completion, and other articles of recognition as determined by the Drug Court Committee.

Termination Procedures

The Drug Court Participant may be terminated as successful or unsuccessful.

⁴This 7 day limit will not apply to orders of participation within a program of community corrections and does not preclude the ability of the PO to place a Participant in a community corrections center for transitional purposes.

1. **Successful Termination:** Participants who complete the Program will be given a Certificate of Completion, which will close the Drug Court section of his or her probation file. The Participant will then be transferred to traditional supervision and to the caseload of a non-Drug Court Probation Officer.

2. **Unsuccessful Termination:** In recognition of the reality of relapse as a part of recovery from drug or alcohol addiction, every effort should be made to continue to work with Program Participants. All parties realize, however, that there will be some circumstances in which it is appropriate to terminate as unsuccessful a Participant from the Program. Unsuccessful termination may be of two types:
 - i) Termination With Return To Regular Supervision – Termination may result from a Participant revoking his interest in the program, or by a joint decision that although the Participant has not committed a serious violation of the supervision or Program rules, the program is not working. This type of termination from Drug Court occurs simply with a transfer to a supervision caseload without a violation charge or a hearing.

 - ii) Termination With A Formal Violation Charge – Termination may result from serious or chronic misconduct by the Participant. The Court will make the ultimate decision that a Participant must be terminated from the Program. Under these circumstances, the Participant will terminate from the Drug Court Program, return to a traditional supervision caseload, and may appear before a non-Drug Court judge for a hearing on the misconduct. Such circumstances may include:
 1. New law violations, as ultimately determined by the Court;
 2. Repeated drug use;
 3. A chronic pattern of refusal to cooperate with the supervising Probation Officer;
 4. A chronic pattern of refusal to cooperate with a treatment provider;
 5. Repeated refusal to cooperate with the Court's sanction or participate in a meaningful manner.

As set forth in this section, upon termination from the Drug Court Program the Probation Office may file a formal violation charge. It will be the policy of the Probation Office not to allege as a formal violation conduct that occurred during the Drug Court Program and which was previously addressed. After the supervisee is outside of the Drug Court Program, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions that occurred during Drug Court.

ATTACHMENT 1

PACTS # _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
CONTRACT FOR PARTICIPATION IN DRUG COURT**

Name: _____ Today's Date: _____

Offense of Conviction: _____ Date of Conviction: _____

Sentence Expiration Date: _____ Sentence/Special Conditions: _____

INTRODUCTION

You have been invited to participate in the Drug Court Program of the District of Oregon. Participation is entirely voluntary, and there will be no negative consequence if you do not wish to participate. If you successfully complete the Drug Court Program, your term of supervision will be shortened by one year.

THE DRUG COURT PROGRAM BASICS

The Drug Court Program will last *at least* one year. Participants in the Drug Court Program will be under the supervision of a Drug Court Probation Officer (PO), rather than a traditional probation officer. Participants agree to participate in a drug and alcohol evaluation, and in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the PO or treatment provider. In addition to the requirements of actively engaging in treatment, you will also be required to comply with the general conditions of supervision.

You will be assigned an attorney from the Federal Public Defenders Office (AFPD) who is assigned to the Drug Court Program. In the Drug Court Program, the Federal Public Defenders Office will be permitted to have access to the treatment provider and treatment records. An Assistant United States Attorney (AUSA) will also be assigned to the Program. Both the AFPD and the AUSA will work with the PO in order to provide additional support and encouragement for your sobriety and success in the Program.

LENGTH OF DRUG COURT PROGRAM

The program will last *at least* one year. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions in the Program to complete their term of treatment and may still be rewarded with the one-year reduction in supervision.

COURT APPEARANCES

At least once per month, at a time to be determined, you will be required to appear before the Drug Court Judge to evaluate your progress. Every effort will be made to ensure the time of the

appearance does not conflict with your employment or treatment programming. The PO, AFD, and AUSA will be present. Progress reports from your PO and your treatment provider will be provided to the Court and attorneys. These reports will describe both successes and problems you have experienced on supervision, either treatment related, or otherwise.

SUPERVISION VIOLATIONS & SANCTIONS

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled Drug Court calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the parties.

If a monthly Progress Report contains an allegation of noncompliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The Drug Court Judge will decide whether a Drug Court sanction is appropriate. As noted above, noncompliance can also be handled outside the presence of the Drug Court Judge if all parties agree.

Noncompliant behavior by you, the Participant, will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the violation. Dishonesty on your part will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below – including termination from the program – is available. As a general rule, when there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open court;
- Participant is ordered to return to court and observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for their noncompliant behavior, either in writing or some other means (such as why Participant failed to attend treatment or tested positive, or about the thing that most often causes Participant to relapse and why, or about what Participant will do differently this time so that Participant will not fail again, or about someone Participant admires and why);
- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and hopefully the Court will discuss with the Participant his or her interests and select a community service activity that the Participant actually enjoys, thus encouraging service as a fulfilling activity, rather than a sanction,);
- Participant is ordered to comply with curfew restrictions or home

- confinement with electronic monitoring;
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a community corrections center, such as the Oregon Halfway House;
- Participant is ordered to spend up to 7 days in jail;
- Participant is terminated from the Program with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of the Program.

If you admit to the violation, you may be able to complete the sanction and remain in the program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The PO's report at the next Drug Court appearance will inform the Drug Court Judge whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in added sanctions, or termination from the Program.

If you wish to contest the sanction allegation, you may do so. The only permissible contested sanction hearing in Drug Court, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, the AFPD will assist you in contesting the allegations. The Drug Court Judge will ultimately decide whether the allegation is true. It is important to note the PO need not wait until your scheduled Drug Court appearance to address problems in supervision. If you fail to abide by the directions of the PO, the PO will contact you to address the problem. Minor violations may be dealt with by either the PO, or by a team including the PO, the AFPD and the AUSA. If you commit a major violation, a warrant will immediately be issued for your arrest.

TERMINATION FROM THE DRUG COURT PROGRAM

You may be terminated from the Program if you fail to participate in treatment and supervision – including repeated technical violations of general conditions of supervision, failure to make your Drug Court appearances, or a new law violation. If you are terminated from the Drug Court Program, you will return to regular supervision status, and may face a violation hearing.

If the Probation Office chooses to pursue a formal violation charge, it will be the policy of the Probation Office not to allege as a formal violation conduct that occurred during the Drug Court Program and that was previously addressed. After the Participant is outside of the Drug Court Program context, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during the Drug Court Program.

You may also voluntarily discontinue the program and return to traditional supervision status. If the Program is discontinued voluntarily, you will not face an allegation of violation unless it is determined that serious violations of supervision have occurred.

GRADUATION & ONE YEAR REDUCTION IN SUPERVISION TERM

Upon successful completion of the Drug Court Program, your total term of supervision will be reduced by one year. After completing the Drug Court Program, most Participants have an additional amount of time to spend on traditional supervision. If this is true of you, you will be required to continue to comply with any and all conditions of supervision. If you violate the terms of your supervision, you will be subject to revocation, but any term of supervision imposed following the term of incarceration will be reduced by one year.

AGREEMENT

Participant:

I, _____, have read, or someone has read to me, this Agreement and I understand the basic workings of the Drug Court Program. I voluntarily agree to participate in the Drug Court Program. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

Signature

Date

Judge:

I, _____, the Judge in the District of Oregon's Drug Court Program, accept the above named Participant into the Drug Court Program.

Signature

Date

Representative of the United States Attorney

The Assistant United States Attorney representing the government in the District of Oregon's Drug Court Program, accepts the above named Participant into the Drug Court Program.

Signature

Date

Representative of the Federal Public Defender

The Assistant Federal Public Defender representing the Participant in the District of Oregon's Drug Court Program, accepts the above named Participant into the Drug Court Program.

Signature

Date

Representative of the United States Probation Office

The Probation Officer assigned to District of Oregon's Drug Court Program, accepts the above named person into the Drug Court Program.

Signature

Date

ATTACHMENT 2

**U.S. DISTRICT COURT, DISTRICT OF OREGON—PROBATION OFFICE
DRUG COURT PROGRESS REPORT**

PARTICIPANT

DATES:

Court:

Address:

DOB/Age:

Program Entry:

... If Halfway House:

Date Entered:

Date Leaving:

Expected Program Completion:

Date of Conviction:

Released from Custody:

Offense of Conviction:

Prob/SR Commenced:

Sentence:

Prob/SR Expiration:

Comments:

LAST APPEARANCE

Date:

Achievements:

Sanctions:

Sanctions Completed? Yes No

Prior Drug Court Action:

Comments:

CURRENT TREATMENT

Providers:

Counselors:

Treatment Schedule:

Attendance: No Misses Excused Absences Unexcused Absences

Treatment: Dual Diagnosis Medication

Report from Provider: Attached Not Attached

Comments:

DRUG TESTING

Results: No Positives Non-Disclosed Positives Positives Disclosed Before Test

Substance(s):

Comments:

COMPLIANCE WITH OTHER CONDITIONS OF SUPERVISION

Fee Assessment

Restitution

Fine

Total Due:

Monthly Payment:

Comments:

MAKING STRIDES

Stable Housing? Yes No

Employed? Yes * No

Seeking Work or in School? Yes No

Making Good Overall Choices? Yes No

* Employer:

Position:

Wage:

Comments:

DRUG COURT TEAM PARTICIPANTS

Judge

PO

SA

D

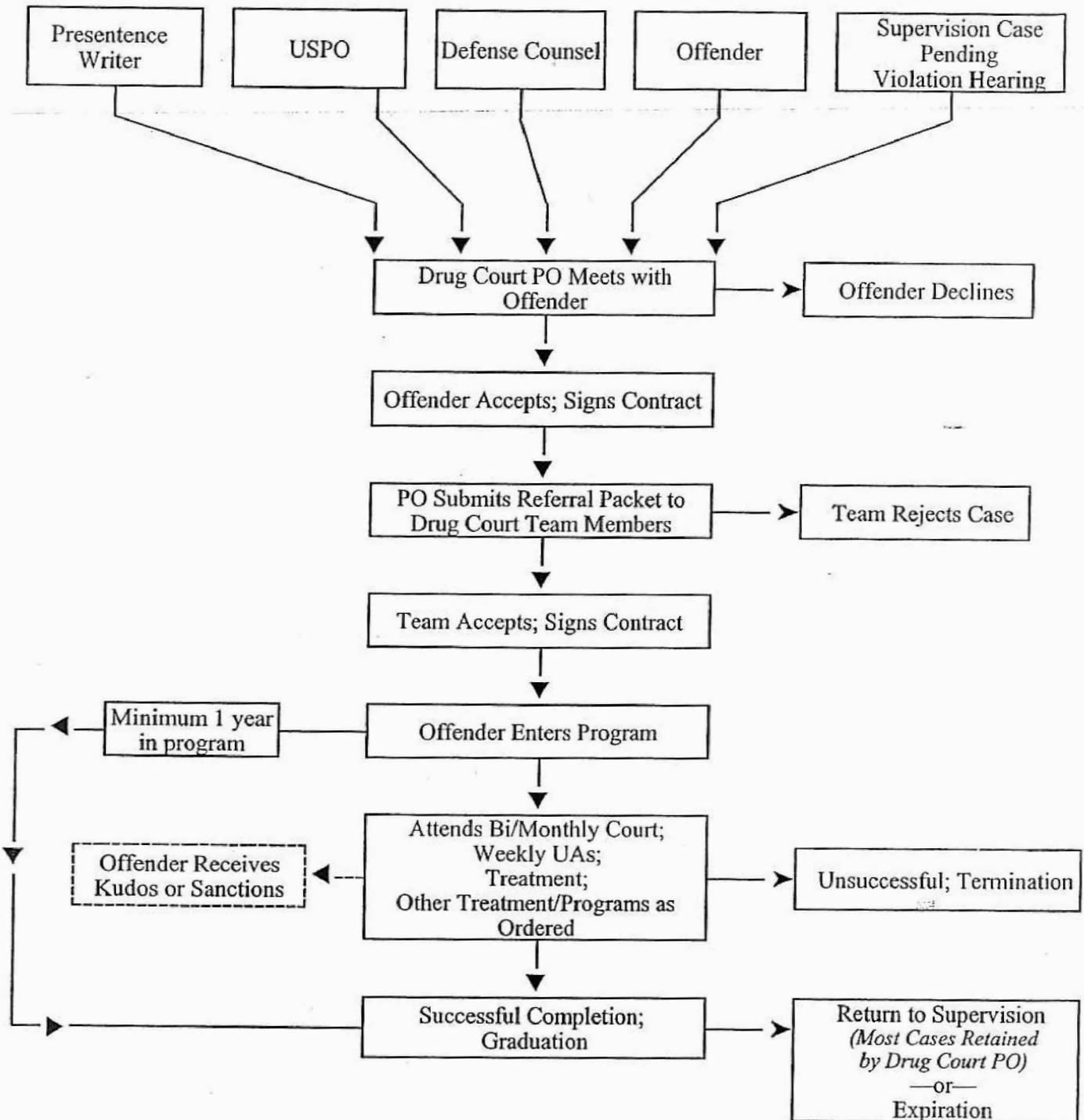
PREPARED BY:

USPO

Date:

*Drug
Court
Case
Referral
Process*

DRUG COURT CASE REFERRAL PROCESS



PERTINENT INFO TO REVIEW:
 *PSI
 *Expiration Dates
 *A/D History
 *Criminal History

EXCLUDED CASES:
 *Sex Offenders
 *Severely Mentally Ill
 *Parolees

*Drug
Court
Ground
Rules*

GROUND RULES FOR DRUG COURT PARTICIPATION

- * Each participant must conduct himself/herself in a courteous, respectful, and appropriate manner at all times while in court. Disrespectful or inappropriate behavior will be addressed through warnings and/or removal from the courtroom.
- * Participants shall report promptly to each Drug Court session at 1:30 p.m. If a participant arrives late, he/she may not be allowed in the courtroom and an appropriate sanction may be imposed.
- * Appropriate attire is required at each Drug Court session. Tank-tops, shorts, and any clothing with inappropriate slogans are not permitted. If you have to ask, don't wear it!

*Drug
Court
Participant
Contract*

FACTS #

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Supervision violations and sanctions will ordinarily be handled on the regularly scheduled Drug Court calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the parties.

If a monthly Progress Report contains an allegation of noncompliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The Drug Court Judge will decide whether a Drug Court sanction is appropriate. As noted above, noncompliance can also be handled outside the presence of the Drug Court Judge if all parties agree.

Noncompliant behavior by you, the Participant, will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant; either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the violation. Dishonesty on your part will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below – including termination from the program – is available. As a general rule, when there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open court;
- Participant is ordered to return to court and observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for their noncompliant behavior, either in writing or some other means (such as why Participant failed to attend treatment or tested positive, or about the thing that most often causes Participant to relapse and why, or about what Participant will do differently this time so that Participant will not fail again, or about someone Participant admires and why);
- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and hopefully the Court will discuss with the Participant his or her interests and select a community service activity that the Participant actually enjoys, thus encouraging service as a fulfilling activity, rather than a sanction,);
- Participant is ordered to comply with curfew restrictions or home

- confinement with electronic monitoring;
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a community corrections center, such as the Oregon Halfway House;
- Participant is ordered to spend up to 7 days in jail;
- Participant is terminated from the Program with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of the Program.

If you admit to the violation, you may be able to complete the sanction and remain in the program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The PO's report at the next Drug Court appearance will inform the Drug Court Judge whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in added sanctions, or termination from the Program.

If you wish to contest the sanction allegation, you may do so. The only permissible contested sanction hearing in Drug Court, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, the AFPD will assist you in contesting the allegations. The Drug Court Judge will ultimately decide whether the allegation is true. It is important to note the PO need not wait until your scheduled Drug Court appearance to address problems in supervision. If you fail to abide by the directions of the PO, the PO will contact you to address the problem. Minor violations may be dealt with by either the PO, or by a team including the PO, the AFPD and the AUSA. If you commit a major violation, a warrant will immediately be issued for your arrest.

TERMINATION FROM THE DRUG COURT PROGRAM

You may be terminated from the Program if you fail to participate in treatment and supervision – including repeated technical violations of general conditions of supervision, failure to make your Drug Court appearances, or a new law violation. If you are terminated from the Drug Court Program, you will return to regular supervision status, and may face a violation hearing.

If the Probation Office chooses to pursue a formal violation charge, it will be the policy of the Probation Office not to allege as a formal violation conduct that occurred during the Drug Court Program and that was previously addressed. After the Participant is outside of the Drug Court Program context, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during the Drug Court Program.

You may also voluntarily discontinue the program and return to traditional supervision status. If the Program is discontinued voluntarily, you will not face an allegation of violation unless it is determined that serious violations of supervision have occurred.

A) GRADUATION & ONE YEAR REDUCTION IN SUPERVISION TERM

Upon successful completion of the Drug Court Program, your total term of supervision will be reduced by one year. After completing the Drug Court Program, most Participants have an additional amount of time to spend on traditional supervision. If this is true of you, you will be required to continue to comply with any and all conditions of supervision. If you violate the terms of your supervision, you will be subject to revocation, but any term of supervision imposed following the term of incarceration will be reduced by one year.

B) GRADUATION AND DISMISSAL OF PENDING SUPERVISED RELEASE/PROBATION VIOLATION HEARING/PETITION

Upon successful completion of the Drug Court Program, the supervised release allegations against you will be formally dismissed and your total term of supervision will be reduced one year.

AGREEMENT

Participant:

I, _____, have read, or someone has read to me, this Agreement and I understand the basic workings of the Drug Court Program. I voluntarily agree to participate in the Drug Court Program. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

Signature

Date

Judge:

I, _____, the Judge in the District of Oregon's Drug Court Program, accept the above named Participant into the Drug Court Program.

Signature

Date

Representative of the United States Attorney

The Assistant United States Attorney representing the government in the District of Oregon's Drug Court Program, accepts the above named Participant into the Drug Court Program.

Signature

Date

Representative of the Federal Public Defender

The Assistant Federal Public Defender representing the Participant in the District of Oregon's Drug Court Program, accepts the above named Participant into the Drug Court Program.

Signature

Date

Representative of the United States Probation Office

The Probation Officer assigned to District of Oregon's Drug Court Program, accepts the above named person into the Drug Court Program.

Signature

Date

*Drug
Court
Study*

2005-2006

Oregon Federal Drug Court

The United States District Court for the District of Oregon established a drug court for persons on supervised release and probation in the spring of 2005. The first group of drug court participants began their participation in the program in May of 2005 in Portland. In Eugene, another group began its participation in July of 2005.

When the drug court commenced, the United States Probation Office for the District of Oregon, with the assistance of the Federal Public Defender for the District of Oregon, established a control group of persons with convictions for similar crimes, drug problems, and other social factors. The control group participants were known only to the director of the Probation Office and Gloria Paola the Case Manager in the Federal Public Defender Office, who monitored the activities of both the drug court participants and the control group.

All court staff involved in the drug court (i.e. the judges, probation officers, federal defenders and United States attorneys) impressionistically believe that the drug court has been highly successful. All players perceived that the drug court participants were highly motivated and that the intensive supervision including incentives and sanctions has had a materially positive effect on their performance on supervision. This report discusses the empirical evidence from the tracking done by Ms. Paola.

This report contains the comparative data for drug court and control group participants. It summarizes the data in five areas, including rates of drug use, restitution payments, treatment participation and completion, employment and housing stability, and supervised release violations. The data for the drug court participants is broken down into three groups with a cumulative total. The groups include data for the graduates. The second group consists of those continuing. They began in drug court with the original group, but have neither graduated nor been terminated. The third group is people terminated from the program.

DEMOGRAPHICS

The drug court and control group participants represent a diverse sample of individuals. The participants cover a wide range, in terms of age, gender and race differences, as well as variations in drug of choice and education level. There were 32 drug court participants and 20 control group participants used in this study. Table 1 below gives the demographics of the four groups.

TABLE 1
Sample Demographics

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Age Range	27-56	27-56	27-50	26-48	27 - 56
Average Age	39	43	38	36	40
Gender	Male: 23 Female: 9	Male: 6 Female: 4	Male: 9 Female: 5	Male: 8 Female: 0	Male: 15 Female: 5
Race	Caucasian: 25 African-American: 5 Native-American: 2	Caucasian: 6 African-American: 2 Native-American: 2	Caucasian: 13 African-American: 1	Caucasian: 6 African-American: 2	Caucasian: 16 African-American: 4
Education Level	GED: 15 H.S. Diploma: 7 Neither: 10	GED: 3 H. S. Diploma: 3 Neither: 4	GED: 8 H.S. Diploma: 3 Neither: 3	GED: 4 H.S. Diploma: 1 Neither: 3	GED: 11 H. S. Diploma: 5 Neither: 4
Drug of Choice	Meth: 19 Heroin: 5 Cocaine: 3 Marijuana: 4 Alcohol: 1	Meth: 4 Heroine: 4 Marijuana: 2	Meth: 11 Heroin: 1 Cocaine: 2	Meth: 4 Cocaine: 1 Marijuana: 2 Alcohol: 1	Meth: 11 Heroin: 1 Cocaine: 6 Alcohol: 1 None: 1
# of Participants	32	10	14	8	20

DRUG USE

The graduates of drug court exhibit a significantly lower incidence of drug use as well as a dramatically higher level of honesty when drug use occurs. Graduates were 20% less likely to submit a positive urinalysis and 42% more likely to disclose drug use prior to urinalysis testing. Table 2 below gives the percentage of positive urinalysis' for each group and the percentage of admissions prior to urinalysis testing.

TABLE 2
Rate of Drug Use

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Positive Urinalysis	47%	30%	64%	63%	50%
Pre-Disclosed Positives	33%	66%	38%	17%	24%
Average Positive Urinalysis Per Person	2.2	1	2.3	3	5

TREATMENT

The rate of treatment completion was significantly higher for drug court graduates and original participants. All graduates completed a treatment program, with 3 graduates completing more than 1 treatment program. The graduates completed treatment at a rate 90% higher than the control group. The continuing group completed treatment at a rate 33% higher than the control group. The control group completed only 2 treatment programs. The drug court participants completed a total of 19 treatment programs. Also, the control group was more than twice as likely to miss a treatment appointment. Table 3 below gives the percentage of treatment completed and the average number of missed treatments per person.

TABLE 3
Treatment Completion and Attendance

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Treatments Completed	59%	100%	43%	0%	10%
Average Missed Treatments Per Person	1.9	.8	2.4	2.5	5

EMPLOYMENT AND HOUSING STABILITY

The drug court graduates exhibited more stability in housing and employment. Graduates changed jobs 45% less and changed housing 15% less than the control group. The control group had 15 participants out of 20 change employment and 13 of the 20 changed housing. Table 4 below gives the percentage of employment and housing changes and the average number of these changes per person.

TABLE 4
Employment and Housing Changes

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage changing employment	53%	30%	86%	63%	75%
Average number of employment changes per person	1.2	.4	1.6	1.7	3
Percentage changing housing	78%	50%	86%	100%	65%
Average number of housing changes per person	1.2	.5	1.8	1.5	2.5

RESTITUTION

The payment on restitution obligations varied dramatically between the drug court participants and the control group. The control group contained 7 individuals with a restitution obligation of whom none are currently paying. The drug court participants included 15 individuals owing restitution of whom 14 are currently paying toward their balance. Table 5 below gives the percentage of participants with a restitution obligation and the percentage actively paying toward it.

TABLE 5
Restitution Payments

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage owing restitution	47%	40%	64%	25%	35%
Percentage paid in full or actively paying on restitution	93%	100%	57%	13%	0%
Average number of payments per person	3.9	7.5	3.6	.5	0

VIOLATIONS

The drug court participants experienced fewer formal violations than the control group. However, both the control group and the drug court participants had 4 revocations. Also, 3 drug court participants and 2 control group participants incurred formal violations due to new criminal activity. Table 6 below gives the percentage of violations and the resulting percentage of revocations.

TABLE 6
Formal Violations

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage receiving formal violations	25%	0%	0%	75%	50%
Violations resulting in revocation	67%	0%	0%	67%	40%
Average number of violations per person	.2	0	0	.75	.50

SANCTIONS AND INCENTIVES

The drug court program uses several different sanctions and incentives. Sanctions have ranged from writing a paper to denial of a travel pass. The 3 most common sanctions handed down have been attending drug court twice per month rather than the one time required for drug court participation, writing a paper about their priorities or the importance of treatment, and community service hours. The least commonly used sanction is jail time. Drug court participants have received 60 sanctions since the inception of the drug court program.

Drug court participants have been awarded a total of 105 incentives (Kudos) throughout the program. The incentives awarded vary. They range from a Kudos candy bar, a certificate of accomplishment, to a sobriety coin. The Kudos candy bar is the most common incentive awarded and the sobriety coin is the least common. Kudos are handed out for many different positive behaviors, including maintaining sobriety, no missed treatments or urinalysis, and for completing community service. Sobriety coins are reserved for long periods of sobriety, such as 1 year.

SUMMARY

The drug court program is an intervention program with a higher level of involvement. This is reflected in the number of kudos handed out for positive behaviors and the number of sanctions imposed for even the smallest infraction. The participants in the drug court have shown significantly lower rates of drug use, and were more open about their drug use. Drug court participants were far more likely to complete and fully participate in treatment. They were more successful in paying off restitution obligations. Finally, they suffered fewer formal violations.

The Eugene component of the District of Oregon drug court had its first graduation in February 2006, graduating 2 individuals. The Portland group had its first graduation in May 2006, graduating 8 individuals.

E:\Drug Court Report2

DRUG COURT FACTS

(as reported by the National Association of Drug Court Professionals¹):

- Drug courts ensure consistency in judicial decision-making and enhance the coordination of agencies and resources, increasing the cost effectiveness of the program.
- American University's Drug Court Clearinghouse reports that over 300,000 drug-using offenders have participated in drug court programs since their inception in 1989. In 1997, the Government Accounting Office reported that 71% of all offenders entering drug courts since 1989 have either successfully completed their drug court program or are currently actively participating in their program. In 2001, an updated study was conducted that concluded that drug courts continue to provide the most comprehensive and effective control of the drug-using offenders' criminality and drug usage while under the court's jurisdiction.
- The average recidivism rate for those who complete the drug court program is between four and 29% as compared to 48% for those who do not participate in a drug court program.

For more information, please contact any of the following team members:

PORTLAND

U.S. Probation Officer
Sara Gnewikow (503) 326-8600

Assistant Federal Public Defender
Ruben Iritiguez (503) 326-2123

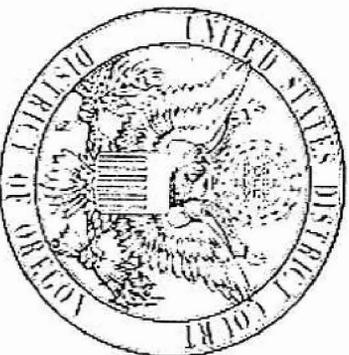
Assistant U.S. Attorney
John Deits (503) 727-1000

EUGENE

U.S. Probation Officer
Mark Walker (541) 465-6747

Assistant Federal Public Defender
Bryan Lessley (541) 465-6937

Assistant U.S. Attorney
Kirk Engdall (541) 465-6771



DRAFT

UNITED STATES
DISTRICT COURT
FOR THE
DISTRICT OF OREGON

FEDERAL DRUG COURT

PORTLAND, OREGON

¹ National Association of Drug Court Professionals, *The Facts on Drug Courts*, available at www.nadcp.org

W

elcome to the District of Oregon's Drug Court! This is one of the first Federal drug courts in the country.*

It is a *one-year minimum* court-supervised program developed to reduce substance abuse and criminal behavior, and to increase rehabilitation through intense court intervention and treatment. Frequent drug testing, drug treatment, sanctions and rewards are used to promote long-term sobriety, accountability, and productive lifestyles.

◆ **WHAT IS THE DRUG COURT TEAM?** The heart of the program is known as the "Drug Court Team," comprised of a U.S. District Court Judge, a U.S. Attorney, a Federal Public Defender, a U.S. Probation Officer, and a treatment provider. All decisions are made by consensus of the Team. No one individual dictates decisions. The Team works together to help participants maintain sobriety and achieve personal and program goals. The Team meets prior to court hearings to review participants' progress based on shared information from treatment providers, probation, employers, and others. During the court hearing, participants receive rewards or sanctions based on their performance.

◆ **HOW DO I ENTER DRUG COURT?** Participation is entirely voluntary. If a person is interested in joining Drug Court, the participant's history is evaluated and the Drug Court Probation Officer interviews the potential participants. If selected, the parties all sign a contract that moves a client from regular supervision by the U.S. Probation Office to supervision by the Drug Court.

◆ THE BENEFITS OF DRUG COURT

Successful completion of Drug Court reduces a participant's probation or supervised release term by one year. More importantly, participants will be drug and alcohol free and become more productive members of society.

◆ PROGRAM GOALS

The goal of the Drug Court Team is to provide participants with ongoing encouragement and individually-designed assistance. Participants receive drug and alcohol treatment and education in life skills. Upon graduation from drug court, participants will have learned skills that allow them to avoid criminal behavior and continue a drug-free life that is fulfilling and productive.

Drugs and alcohol wreck lives. For those who want to change their lives, Drug Court may be the answer. Participants build self-esteem, self-respect and self-confidence. Participants are able to think more clearly and feel healthier.

◆ PROGRAM REQUIREMENTS

Drug Court is tough! The Team helps participants obtain the tools to succeed in becoming sober and productive. Participants are considering Drug Court only if the reduced term of supervised release, and a not dedicated to achieving sobriety, they likely will not succeed. Participants must have genuine desire to eliminate drugs, including alcohol, from their lives. The program lasts *at least* one year.

Participants are required to do the following:

- ▶ Attend court at least once each month for 12 months or longer.
- ▶ Attend individual and/or group treatment, as directed.
- ▶ Submit multiple, random drug and alcohol tests.
- ▶ Attend support meetings (*i.e.*, AA, NA) as directed.
- ▶ Attend other programs and comply with other conditions as instructed by the Drug Court Team.
- ▶ Comply with standard conditions of supervision.

* Two similar but unique programs are now active in Portland and Eugene, Oregon.

FOR IMMEDIATE RELEASE

Thursday, May 25, 2006



PORTLAND FEDERAL DRUG COURT PROGRAM HOSTS FIRST GRADUATION

PORTLAND, OREGON - Eight (8) Portland-metro area residents will become the first graduates of the Portland Federal Drug Court Program at 2:30 pm on Thursday, May 25, 2006 on the 16th floor of the U.S. Courthouse, 1000 SW Third Avenue, Portland. These eight graduates are men and women who are on federal supervision through the U.S. District Court . They have experienced drug addiction problems and have successfully completed an intensive one-year Federal Drug Court Program involving drug testing, outpatient and/or inpatient drug treatment, counseling, and supervision. The graduation ceremony will acknowledge the success of these people in making positive change in their lives to remain drug-free.

ABOUT THE PROGRAM

There are presently two active drug courts in the District of Oregon. District Judge James A. Redden presides over the drug court in Portland, and District Judge Ann Aiken presides over the program in Eugene. They are one-year minimum, court-supervised programs developed to reduce substance abuse and criminal behavior, and to increase rehabilitation through intense court intervention and treatment. Frequent drug testing, drug treatment, rewards and sanctions, are used to promote long-term sobriety, accountability, and productive lifestyles.

- What is the Drug Court Team? The heart of the program is known as the "Drug Court Team." Each Team is comprised of a U.S. District Court Judge, an Assistant U.S. Attorney, an Assistant Federal Public Defender, a U.S. Probation Officer, and a treatment provider. All decisions are made by consensus of the Team. The Team works together to help participants maintain sobriety and achieve personal and program goals. The Team meets prior to each bimonthly court session to review each participant's progress based on shared information from treatment providers, probation officers, employers, and others. During the court hearings, participants are rewarded or sanctioned based on their performance.
- How Does One Enter Drug Court: Participation is voluntary. If an individual is interested in joining Drug Court, his or her history is evaluated and the candidate is then interviewed by the Probation Officer. If selected, all parties execute the standard Drug Court contract which serves to transfer the participant's supervision from the Probation Office to the Drug Court Team.....

THE BENEFITS OF DRUG COURT

Successful completion of Drug Court reduces a participant's term of probation or supervised release by 12 months. More importantly, participants achieve long-term sobriety and become more productive members of society.

PROGRAM GOALS

The goal of the Drug Court is to provide participants with continuous encouragement and individually-designed assistance. Participants receive drug and alcohol treatment and education in life skills. Upon graduation from Drug Court, participants will have acquired skills that enable them to cease criminal behavior and continue drug-free life that is fulfilling and productive.

Drugs and alcohol wreck lives. For those who truly desire to change their lives, Drug Court may be an essential part of the solution. Participants build self-esteem, self-respect and self-confidence. Participants are able to think more clearly and feel healthier.

PROGRAM REQUIREMENTS

Drug Court is tough! The Team assists each participant in obtaining the necessary tools he or she requires to achieve sobriety and productivity. If a candidate is considering enrollment in Drug Court only to reduce his or her term of supervision, and is not genuinely dedicated to achieving sobriety, he or she will not likely succeed. Participants must have a genuine desire to eliminate drugs and alcohol from their lives. The program lasts at least one year.

Each participant must:

- Attend court at least once each month for at least 12 months
- Attend individual and/or group treatment, as directed.
- Submit multiple, random drug and alcohol tests.
- Attend support meetings (i.e., AA, NA) as directed.
- Attend other programs and comply with other conditions, as instructed by the Drug Court Team.
- Comply with all other standard or special conditions of supervision.

The Portland Drug Court Team consists of U.S. District Judge James A. Redden, Drug Court Defense Counsel Ruben L. Iniguez, Drug Court Prosecutor John F. Deits, Drug Court Treatment Provider Fred Collins, and Drug Court Probation Officer Sara Gnewikow.

* * *

Oregon Federal Drug Court

The United States District Court for the District of Oregon established a drug court for persons on supervised release and probation in the spring of 2005. The first group of drug court participants began their participation in the program in May of 2005 in Portland. In Eugene, another group began its participation in July of 2005. Medford began in August of 2006.

When the drug court commenced, the United States Probation Office for the District of Oregon, with the assistance of the Federal Public Defender for the District of Oregon, established a control group of persons with convictions for similar crimes, drug problems, and other social factors. The control group participants were known only to the director of the Probation Office and Gloria Paola the Case Manager in the Federal Public Defender Office, who monitored the activities of both the drug court participants and the control group.

All court staff involved in the drug court (i.e. the judges, probation officers, federal defenders and United States attorneys) impressionistically believe that the drug court has been highly successful. All players perceived that the drug court participants were highly motivated and that the intensive supervision including incentives and sanctions has had a materially positive effect on their performance on supervision. This report discusses the empirical evidence from the tracking done by Ms. Paola.

This report contains the comparative data for drug court and control group participants. It summarizes the data in five areas, including rates of drug use, restitution payments, treatment participation and completion, employment and housing stability, and supervised release violations. The data for the drug court participants is broken down into three groups with a cumulative total. The groups include data for the graduates. The second group consists of those continuing. They began in drug court with the original group, but have neither graduated nor been terminated. The third group is people terminated from the program.

DEMOGRAPHICS

The drug court and control group participants represent a diverse sample of individuals. The participants cover a wide range, in terms of age, gender and race differences, as well as variations in drug of choice and education level. There were 82 drug court participants and 25 control group participants used in this study. Table 1 below gives the demographics of the four groups.

TABLE 1
Sample Demographics

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Age Range	24-56	27-56	24-56	23-48	24 - 56
Average Age	39	42	39	35	39
Gender	Male: 65 Female: 17	Male: 16 Female: 5	Male: 25 Female: 8	Male: 24 Female: 4	Male: 18 Female: 7
Race	Caucasian: 70 African-American: 7 Native-American: 2 Hispanic: 3	Caucasian: 16 African-American: 2 Native-American: 2 Hispanic: 1	Caucasian: 30 African-American: 2 Hispanic: 1	Caucasian: 24 African-American: 3 Hispanic: 1	Caucasian: 20 African-American: 4 Hispanic: 1
Education Level	GED: 51 H.S. Diploma: 15 Neither: 16	GED: 11 H. S. Diploma: 5 Neither: 5	GED: 22 H.S. Diploma: 6 Neither: 5	GED: 18 H.S. Diploma: 4 Neither: 6	GED: 14 H. S. Diploma: 6 Neither: 5
Drug of Choice	Meth: 55 Heroin: 8 Cocaine: 10 Marijuana: 8 Alcohol: 1	Meth: 11 Heroin: 4 Cocaine: 3 Marijuana: 3	Meth: 23 Heroin: 3 Cocaine: 5 Marijuana: 2	Meth: 21 Heroin: 1 Cocaine: 2 Marijuana: 3 Alcohol: 1	Meth: 15 Heroin: 1 Cocaine: 7 Alcohol: 1 None: 1
# of Participants	82	21	33	28	25

DRUG USE

The graduates of drug court exhibit a significantly lower incidence of drug use as well as a dramatically higher level of honesty when drug use occurs. Graduates were 24% less likely to submit a positive urinalysis and 37% more likely to disclose drug use prior to urinalysis testing. Table 2 below gives the percentage of positive urinalysis' for each group and the percentage of admissions prior to urinalysis testing.

TABLE 2
Rate of Drug Use

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Positive Urinalysis	51%	29%	61%	64%	53%
Pre-Disclosed Positives	39%	65%	36%	15%	28%
Average Positive Urinalysis Per Person	3.3	2.1	2.9	5	7

TREATMENT

The rate of treatment completion was significantly higher for drug court graduates and original participants. All graduates completed a treatment program, with 4 graduates completing more than 1 treatment program. The graduates completed treatment at a rate 88% higher than the control group. The continuing group completed treatment at a rate 29% higher than the control group. The control group completed only 4 treatment programs. The drug court participants completed a total of 26 treatment programs. Also, the control group was more than twice as likely to miss a treatment appointment. Table 3 below gives the percentage of treatment completed and the average number of missed treatments per person.

TABLE 3
Treatment Completion and Attendance

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Treatments Completed	47%	98%	41%	0%	12%
Average Missed Treatments Per Person	2.7	1.2	3.3	3.7	8

EMPLOYMENT AND HOUSING STABILITY

The drug court graduates exhibited more stability in housing and employment. Graduates changed employment 33% less and changed housing 3% less than the control group. The control group had 17 participants out of 25 change employment and 15 of the 25 changed housing. Table 4 below gives the percentage of employment and housing changes and the average number of these changes per person.

TABLE 4
Employment and Housing Changes

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage changing employment	60%	36%	79%	66%	69%
Average number of employment changes per person	1.5	1.2	1.4	2.0	2.7
Percentage changing housing	60%	57%	83%	96%	60%
Average number of housing changes per person	1.5	.9	1.7	1.9	2.3

RESTITUTION

The payment on restitution obligations varied dramatically between the drug court participants and the control group. The control group contains 10 individuals with a restitution obligation of whom only 2 have made a payment in the last 8 months. The drug court participants includes 13 individuals owing restitution of whom 11 are currently paying toward their balance. Table 5 below gives the percentage of participants with a restitution obligation and the percentage actively paying toward it.

TABLE 5
Restitution Payments

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage owing restitution	27%	43%	56%	24%	40%
Percentage paid in full or actively paying on restitution	58%	100%	63%	11%	0%
Average number of payments per person	4.8	8.0	5.0	1.4	.3

VIOLATIONS

The drug court participants experienced fewer formal violations than the control group. The drug court participants had 7 revocations and the control group has had 11. Also, 8 drug court participants and 11 control group participants incurred formal violations due to new criminal activity. Table 6 below gives the percentage of violations and the resulting percentage of revocations.

TABLE 6
Formal Violations

	Drug Court Participants				Control Group
	Total	Graduates	Continuing	Terminated	
Percentage receiving formal violations	25%	19%	0%	64%	57%
Violations resulting in revocation	67%	5%	0%	67%	44%
Average number of violations per person	.2	.2	0	.75	.6

SANCTIONS AND INCENTIVES

The drug court program uses several different sanctions and incentives. Sanctions have ranged from writing a paper to denial of a travel pass. The 3 most common sanctions handed down have been attending drug court twice per month rather than the one time required for drug court participation, writing a paper about their priorities or the importance of treatment, and community service hours. The least commonly used sanction is jail time. Drug court participants have received 83 sanctions since the inception of the drug court program.

Drug court participants have been awarded a total of 161 incentives (Kudos) throughout the program. The incentives awarded vary. They range from a Kudos candy bar, a certificate of accomplishment, to a sobriety coin. The Kudos candy bar is the most common incentive awarded and the sobriety coin is the least common. Kudos are handed out for many different positive behaviors, including maintaining sobriety, no missed treatments or urinalysis, and for completing community service. Sobriety coins are reserved for long periods of sobriety, such as 1 year.

SUMMARY

The drug court program is an intervention program with a higher level of involvement. This is reflected in the number of kudos handed out for positive behaviors and the number of sanctions imposed for even the smallest infraction. The participants in the drug court have shown significantly lower rates of drug use, and were more open about their drug use. Drug court participants were far more likely to complete and fully participate in treatment. They were more successful in paying off restitution obligations. Finally, they suffered fewer formal violations.

The Eugene component of the District of Oregon drug court had its first graduation in February 2006. The Portland group had its first graduation in May 2006.

*Drug
Court
Forms*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON—PROBATION OFFICE

ERIC P. SUING
CHIEF U.S. PROBATION OFFICER

HEADQUARTERS
340 U.S. COURTHOUSE
1000 SW THIRD AVE.
PORTLAND, OR 97204
503/326-8600
FAX: 503/326-8700

20370 EMPIRE AVE., SUITE C-1
BEND, OR 97701
541/385-4937; FAX: 541/385-4939

214 FEDERAL COURTHOUSE
211 E. SEVENTH AVE.
EUGENE, OR 97401
541/465-6747; FAX: 541/465-6359

310 W. SIXTH, ROOM 323
MEDFORD, OR 97501
541/608-8780; FAX 541/608-8789

530 CENTER ST, NE, ROOM 406
SALEM, OR 97301
503/399-5715; FAX: 503/399-5735

PLEASE REPLY TO PORTLAND

July 20, 2006

Dear Drug Court Participant:

You have been accepted into the Drug Court Program. Your first court date is on **Thursday, July 27, 2006 at 1:30pm**. You will need to report to Judge Redden's courtroom located on the **15th floor** of the Federal Courthouse. Please allow enough time to ensure that you will arrive at court promptly at 1:30pm.

As a reminder, I will be your assigned probation officer while you are involved in the Drug Court Program. If you need additional monthly report forms or require additional assistance, please contact me immediately at 503-326-8619.

Welcome to the Drug Court Program!

Sincerely,

Sara Gnewikow
U.S. Probation Officer

**U.S. DISTRICT COURT, DISTRICT OF OREGON—PROBATION OFFICE
DRUG COURT PROGRESS REPORT**

PARTICIPANT

DATES:

Court:

Address:

DOB/Age:

... If Halfway House: Date Entered:

Date Leaving:

Expected Program Completion:

Date of Conviction:

Released from Custody:

Offense of Conviction:

Prob/SR Commenced:

Sentence:

Prob/SR Expiration:

Comments:

LAST APPEARANCE

Date:

Achievements:

Sanctions:

Sanctions Completed? Yes No

Prior Drug Court Action:

Comments:

CURRENT TREATMENT

Providers:

Counselors:

Treatment Schedule:

Attendance: No Misses Excused Absences Unexcused Absences

Treatment: Dual Diagnosis Medication

Report from Provider: Attached Not Attached

Comments:

DRUG TESTING

Results: No Positives Non-Disclosed Positives Positives Disclosed Before Test

Substance(s):

Comments:

COMPLIANCE WITH OTHER CONDITIONS OF SUPERVISION

Fee Assessment

Restitution

Fine

Total Due:

Monthly Payment:

Comments:

MAKING STRIDES

Stable Housing? Yes No

Employed? Yes * No

Seeking Work or in School? Yes No

Making Good Overall Choices? Yes No

* Employer:

Position:

Wage:

Comments:

DRUG COURT TEAM PARTICIPANTS

Judge

USPO

UJA

'D

PREPARED BY:

USPO

Date:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

CR _____ RE

PLAINTIFF,

DRUG COURT STATUS REPORT -
VIOLATION

vs.

DEFENDANT.

You have been found in violation. Accordingly, the Drug Court Team imposes the following sanction(s):

- Judicial reprimand in open court today.
- Attend all Drug Court proceedings (every second and fourth Thursday of each month).
- Return to the U.S. Courthouse on _____ to observe the following proceedings: _____
- Provide a written ___-page explanation for noncompliant behavior, as directed.
- Complete ___ hours community service as directed.
- Comply with the following curfew restrictions or home confinement: _____
- Defendant shall reside and satisfactorily participate in a community corrections center to include a prerelease component, if deemed appropriate by the Community Corrections Manager and the U.S. Probation Officer for up to ___ days or until discharged by the Community Corrections Manager and the U.S. Probation Officer.
- Complete ___ days at _____
- Serve ___ days jail, to be released/reviewed on _____
- Other _____
- Termination from the Drug Court Program.
- Changes in current treatment: _____

All previously-imposed terms and conditions of your probation or supervised release remain in effect, unless expressly noted otherwise.

Your next Drug Court review date is on _____ at 1:30 p.m. at the U.S. Courthouse, 1000 S.W. Third Avenue, Portland, Oregon. Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).

Dated this ___ day of _____, 2006.

Defendant

James A. Redden
Senior U.S. District Court Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

CR _____ RE

PLAINTIFF,

**DRUG COURT STATUS REPORT
[COMPLIANCE]**

vs.

DEFENDANT.

You have had no violation since your last appearance in the Drug Court. Accordingly, the Drug Court Team takes the following action(s):

- Case continued without further action.
- Kudos/candy bar.
- _____ sobriety coin.
- Other: _____
- Changes in current treatment: _____

All previously-imposed terms and conditions of your probation or supervised release remain in effect, unless expressly noted otherwise.

Your next Drug Court review date is on _____ at 1:30 p.m. at the U.S. Courthouse, 1000 S.W. Third Avenue, Portland, Oregon. **Failure to appear at this review, or any other review date, may result in a warrant or other sanction(s).**

Dated this ____ day of _____, 200__.

Defendant

James A. Redden
Senior United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA)	CR <u>KEYBOARD</u> (Docket number)
)	
v.)	ORDER FOR DRUG
)	COURT JAIL SANCTION
<u>KEYBOARD</u> (Name),)	
)	
Defendant.)	

On KEYBOARD(Date), the defendant was accepted as a participant in the Drug Court Program. The defendant has been found in violation of the conditions of his release by KEYBOARD(Violations). The Drug Court Team has determined the defendant's violation conduct requires a jail sanction.

IT IS ORDERED that the defendant shall serve KEYBOARD days in the custody of the U.S. Marshals. Upon completion of the jail sanction, the defendant shall be released from custody to the U.S. Probation Officer.

DATED this ____ day of KEYBOARD(Month), 2005.

The Honorable James A. Redden
Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA) CR KEYBOARD(Docket number)
)
 v.) ORDER TERMINATING
) PARTICIPANT FROM
KEYBOARD(Name),) DRUG COURT
)
 Defendant.)

On KEYBOARD(Date), the defendant was accepted as a participant in the Drug Court Program. Based on the decision of the Drug Court Team, the defendant is terminated from the Drug Court Program.

IT IS ORDERED that the defendant is terminated from the Drug Court Program. The Court further orders this case transferred to The Honorable KEYBOARD(*originating judge - if this does not apply, delete this sentence*) for further court action.

DATED this ____ day of KEYBOARD(Month), 2005.

The Honorable KEYBOARD(Judge)
KEYBOARD(Senior?) U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA)
)
 v.)
)
 KEYBOARD(FIRST NAME, LAST NAME))

Defendant.

CR KEYBOARD(Docket #)

MOTION TO REDUCE KEYBOARD(
TERM OF SUPERVISED
RELEASE/PROBATION)
BY ONE YEAR

On KEYBOARD(date), defendant was sentenced to KEYBOARD(supervised
release/probation) for a period of KEYBOARD(#) years. KEYBOARD(His/Her) term of
KEYBOARD(supervised release/probation) commenced on KEYBOARD(Date). The projected
expiration date is KEYBOARD(Date). KEYBOARD(He/She) has successfully completed the Drug
Court Program. It is therefore recommended that KEYBOARD(his/her) term of KEYBOARD(
supervised release/probation) be reduced by one year, which would result in a new expiration date
of KEYBOARD(new expiration date).

Respectfully submitted,

KEYBOARD(PO Name)
KEYBOARD(Senior?) U.S. Probation Officer

///

ORDER OF COURT

Pursuant to the above motion, **IT IS HEREBY ORDERED** that the defendant's term of KEYBOARD(supervised release/probation) be reduced by one year. KEYBOARD(His/Her) new expiration date is now KEYBOARD(Date).

DATED this ____ day of KEYBOARD(Month), 200KEYBOARD(Year).

The Honorable KEYBOARD(Judge)
KEYBOARD(Senior?) U.S. District Judge

*United States District Court
District of Oregon*

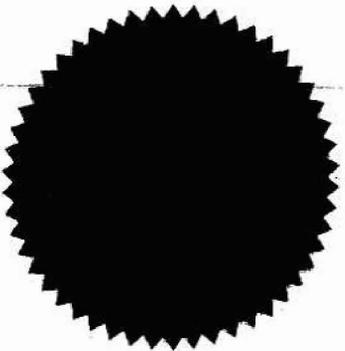
Certificate Of Completion

This certificate is awarded to

*for his successful completion of
Federal Drug Court*

on:

February 3, 2006



Ann Aiken, U. S. District Court Judge

United States District Court for the District of Oregon

*Be it remembered that upon successful
completion of the federal drug court program in Portland*

NAME

*was graduated from the program by the members of the
Drug Court Team of this District Court.*

*In witness whereof, I have hereunto set my hand and affixed the official seal this
25th day of May, 2006.*

[seal]
JAMES A. REDDEN
Senior United States District Judge