

HCR

29

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 16, 2004

FURTHER REFERRALS:

Date of Committee Action: March 1, 2004

The JUDICIARY Committee considered:

HCR 29

HOUSE CONCURRENT RESOLUTION NO. 29

SUPPORT THERAPEUTIC COURTS

Relating to support for therapeutic courts for repeat driving while under the influence offenders.

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
<u>CRT</u>				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Gara	✓			
	Holm	✓			
	SAMUELS			✓	
	Greenberg	-			
	Ogd	X			
	ANDERSON	X			
Chair:	Moore	✓			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCR29-ACS-TC-2-27-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Support Therapeutic Courts BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Heinze
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HCR 29.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2/27/04 10:03 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/27/2004
 Agency Alaska Court System

Alaska State Legislature



Representative Cheryll Heinze

TO: Representative Lesil McGuire, Chairman
House Judiciary Committee

DATE: February 20th, 2004

I would request that you schedule HCR 29 for a hearing before your committee.

Enclosed are:

1. HCR 29
2. Sponsor Statement
3. Anchorage Wellness Court's Feb. 2003 Summary of Facts
4. Criminal Justice Drug Letter 2002 Anchorage Drug Court Treats With Naltrexone
5. Alaska Therapeutic Court's Have You Heard About Therapeutic Courts?
6. Alaska Court System powerpoint presentation Driving While Impaired DWI Courts

Sincerely,

Representative Cheryll

Alaska State Legislature

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Representative Cheryll Heinze
District 24 - Anchorage

Sponsor Statement

HCR 29

This House Concurrent Resolution recognizes therapeutic courts and their effectiveness in treating alcoholism, particularly in regards to Driving Under the Influence (DUI).

In 2001 there were 85 traffic related fatalities. Over half of them were directly related to drunk driving. The cost and effectiveness of dealing with Drunk drivers in the conventional court system is prohibitive to say the least.

Therapeutic Courts on the other hand have a proven success rate as well as being significantly cheaper for the state. Conventional incarceration methods cost roughly six times as much as treatment from therapeutic courts.

HCR 29 encourages the Department of Law and the Public Defender Agency to actively participate in the startup of therapeutic courts in communities where there is a large population of DUI offenders and local support for therapeutic courts.

Anchorage Wellness Court: Summary of Facts

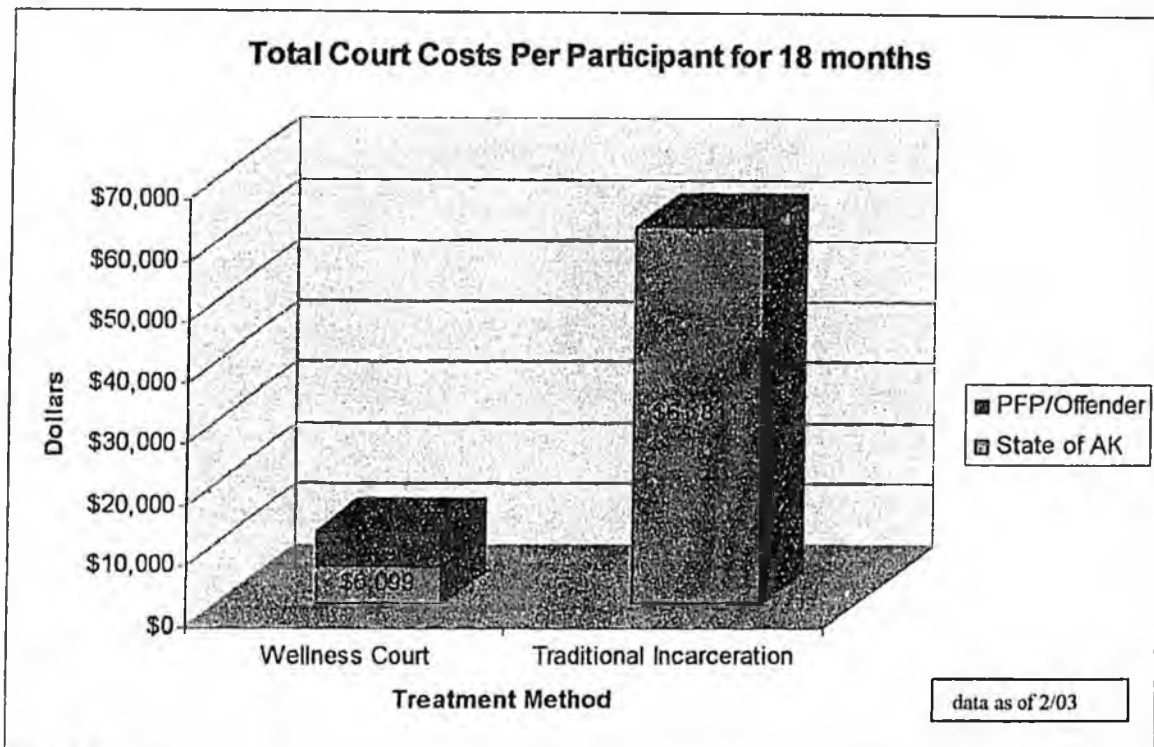


Figure 11

Anchorage Drug Court Treats With Naltrexone

A drug court in Anchorage has reported success in treating its participants — all of whom have alcohol problems — with naltrexone, a medication that reduces the craving for alcohol.

The court, known as the Wellness Court, is a separate municipal docket for defendants who have been charged with alcohol-related offenses. Most have been charged with driving under the influence; others have been charged with assault, disorderly conduct, and child neglect.

The program is optional for defendants. Those who choose the program are required to spend 18 months in treatment with frequent court appearances before Judge Jim Wanamaker, who monitors their progress along with the Wellness Court "team," which includes a caseworker, treatment providers, prosecutors, and defense attorneys.

The Anchorage Wellness Court was established in 1999 by Judge Wanamaker and the Partners for Progress, an Anchorage nonprofit that provides services for the homeless and alcoholics. Partners for Progress now raises funds for the Wellness Court and administers the treatment program.

Defendants entering Wellness Court are assessed by a treatment professional who prepares a treatment plan. The offender then pleads guilty to the underlying charge and sentencing is deferred. The judge, after consulting with the Wellness Court team, issues a court order that includes the type of treatment to be provided. If the participant successfully completes the program, his or her sentence is dropped or reduced. Many Wellness Court participants who must serve some time after treatment are sentenced to home electronic monitoring instead of jail.

All of the Wellness Court participants are required to take naltrexone, which appears to reduce cravings in alcoholics and to block the reinforcing effects of alcohol in patients who drink. According to the National Institute on Alcohol Abuse and Alcoholism, the latter effect lessens the likelihood that patients treated with naltrexone who drink a small amount of alcohol will return to drinking. Wellness Court participants are required to take daily doses of naltrexone for four months. After that time, cravings are unlikely to occur in most patients.

In addition to naltrexone, participants are treated with cognitive-behavioral therapy. Although some

participants with particularly severe problems receive residential treatment, most are given intensive outpatient treatment. According to Janet McCabe, chairman of the board of directors of Partners for Progress, the emphasis on outpatient treatment is in keeping with the philosophy of the program — that treating an offender in the community, thus helping him integrate into society, will be more successful than isolating him in jail. Clients are also required to attend AA meetings and a support group for people who are taking naltrexone.

The Wellness Court contracts with various treatment providers but most treatment is done by Alaska Human Services, Inc., a local treatment program.

Participants Monitored

Participants are required to maintain abstinence for 18 months and are monitored through a variety of methods, including random visits from Anchorage police officers. The intensity of the monitoring is reduced as the participant successfully progresses in the program.

The participants are mostly male and middle aged, according to the court. Most have prior convictions and have spent considerable time in jail. A majority have a history of prior treatment.

Last year — the first full year of the program — the court had 40 participants. This year it expects to have 80, Ms. McCabe said.

Although the treatment program is less than three years old, its staff considers it a success. In a progress report assessing the 2001 cases, Partners for Progress wrote: "The simple yet overriding fact about the 2001 Wellness Court is that 85 percent of its participants have stayed in the program and remained sober and lived crime-free lives under the program. For a group of people with severe alcohol addiction and a long history of repeated alcohol-related offenses, this is a remarkable outcome."

Ms. McCabe attributes the success of the court to two factors.

"First, the program recognizes that alcohol is a physical as well as psychosocial disease," she said. "The naltrexone takes care of that, but the treatment is not medicine alone."

The second factor, she said, "is the emphasis on helping people stay in the community." She noted that alcoholics who go to jail most often are "dry drunks" when they are released. By keeping offenders in the community, "We are giving them responsibility instead of giving up on them," she said. □

Have You Heard About Therapeutic Courts?

Within the past two years, therapeutic justice in Alaska, and particularly in the Anchorage courts, has become a reality. Very simply, therapeutic justice is a concept where the justice system works primarily to restore a person to society. It requires a new kind of partnership from the various justice agencies, and it requires a shared vision of the goal: return the defendant to the community, as a contributing and healthy member.

The four courts which are currently operating in Anchorage have all forged unique relationships and explored new ways of working to achieve the goal of restoration. They share a common "Drug Court" model but serve a wide variety of constituents. The judge works with a team, which typically includes the prosecuting and defense attorneys, a treatment provider, a case manager and a member of a local law enforcement agency (corrections or police). The purpose of this structure is to provide a unique kind of support to the defendant: the focused attention of the entire justice community. Once defendants have "opted in" to one of these therapeutic courts, they become participants in a highly structured program and plan.

In each court, defendants enter a plea of "no contest" or guilty; their sentences are deferred for the duration of their participation in the program. Participants are required to attend court hearings on a weekly or bi-monthly basis, accounting to the court team for their progress - or lack of it. Positive effort and progress merits reward; lack of effort and progress results in sanction, and both, by virtue of frequent court appearances, are immediate. Upon successful completion of the programs, participants' sentences are imposed according to the previously negotiated agreements; this can include dismissal, or a reduction of jail time or probation. Participants who have entered their pleas and are unable or unwilling to complete the program are dismissed, and their cases are set for sentencing (outside of the previously negotiated agreement). It should be noted that participation in these therapeutic courts is voluntary but not automatic. Each court maintains the discretion to deny an individual the ability to participate based on an eligibility disqualifier or treatment recommendation. Hearings in each of these courts are public.

The Wellness Court works to restore misdemeanor alcohol offenders to sobriety through the use of Naltrexone (a pharmaceutical shown to be effective in reducing the craving for alcohol), court ordered treatment, police supervision, and electronic monitoring. Once accepted into this program, the participant is bound by plea agreement to participate in the program for the entire period of time (12-18 months), to maintain sobriety, and to abide by the orders of the court regarding his/her progress.

The Mental Health Court has focused its attention on mentally disabled misdemeanor offenders in an effort to divert them from jail and into appropriate community behavioral health treatment. Anyone charged with a misdemeanor and who experiences a mental health diagnosis is eligible to participate in this project. Once accepted into the court, a defendant is both required and assisted to obtain an appropriate treatment plan in the

community addressing his/her specific behavioral and health needs. If approved by the court, the treatment recommendations are ordered as conditions of bail or probation and are monitored by a case coordinator or the prosecutor.

The Drug Court and DUI Therapeutic Court serve the needs of felony drug and DUI offenders. Participants are required to work toward finishing their education, obtain employment, and, if appropriate, work to make restitution. The treatment requirement for both courts includes weekly-supervised drug and alcohol testing to ensure compliance with maintaining drug and alcohol-free lives. A unique feature of the Felony Drug and DUI Therapeutic Courts is that probation officers have been assigned to the courts to serve as the case managers for participants. The probation officers working with the Drug Court and the DUI Therapeutic Court are Judith Kalles and Olga Guerra.

COURT INFORMATION:

Mental Health Court

Judges Rhoades and Lohff, presiding
Project Manager: Kathi Trawver 264-0886
Hearings: Tuesday, Wednesday, Thursday, 2:00 p.m.
Courtroom: check court calendar

Wellness Court

Judge James Wanamaker, presiding
Wellness Court Coordinator: Thea Whitehead 264-0656
Hearings: Friday, 1:30 p.m.
Courtroom: 202

Drug Court

Judge Stephanie Joannides, presiding
Hearings: Thursday, 3:00 p.m.
Courtroom: 602

DWI Therapeutic Court

Judge Stephanie Joannides, presiding
Hearings: Friday, 2:30 p.m.
Courtroom: 602

Driving While Impaired DWI Courts:

**Over 60 "DWI Courts" in operation, 25
planning and many more "hybrid" Drug/DWI
Courts operational**

**Bernalillo County, New Mexico (T-N)
Recidivism: 15.5% vs. 28.5% (2 yrs)**

**Lansing, Michigan
Recidivism: 13% vs. 33% (5 yrs)**

Driving While Impaired DWI Courts:

Kootenai County, Idaho DUI Court (T-0)

Recidivism: 4% vs. 25% (2 yrs)

70% Retention Rate