

OVERVIEW:

THERA-

PEUTIC

COURTS

1.

**Presentations to House and Senate Judiciary
Committees
February 2 and 3, 2005**

AGENDA

**Therapeutic Justice
in the
Fight Against Addiction Based Crime**

Janet McCabe, Chair, Partners for Progress, Inc.

National Trends: Growth of Therapeutic Courts

**Judge Jim Wanamaker (Ret.), Director, Alaska Center for Therapeutic
Justice (an arm of Partners for Progress, Inc.)**

**How Therapeutic Courts Change Addicted
Offenders**

**The DUI Killer
Strategic Solutions**

**Robyn Johnson, Therapeutic Courts Program Coordinator, Alaska
Court System**

Overview of Alaska's Therapeutic Courts

2

PURPOSES OF OUR PRESENTATION:

- ✓ **To give you a full understanding of why and how therapeutic courts are effective.**
- ✓ **To have you see that, for strongly addicted repeat offenders, therapeutic courts are the smart and realistic way to protect the public.**
- ✓ **To give you a recommendation about how the Administration and the Legislature can strengthen Alaska's therapeutic court system.**

3.

NATIONAL GROWTH OF THERAPEUTIC COURTS

<u>YEAR</u>	<u>COURTS TO DATE</u>
1989	1
1993	19
1998	347
2003	1183

(Recent information shows that the 2004 total is 1621)

SOURCE: NATIONAL DRUG COURT INSTITUTE

A DAY IN THE LIFE OF THE WELLNESS COURT

**This is a snapshot of one Wellness Court Calendar in
September 2003. It provides a cross-section of the Wellness
Court clientele.**

**James N. Wanamaker
District Court Judge**

description	Current Offense	BAC @ Arrest	Total Priors	Months in Wellness Court
3 year old male	6th DUI	Refusal	10	7 months
4 year old male	5th DUI	0.171	16	18 months (graduated)
3 year old male	PTRP/assault-DV			2 months
3 year old male	5th DUI	Refusal	4	13 months
3 year old female	5th DUI	0.23	4	8 months
7 year old male	Theft 3rd	0.334	54	9 months
5 year old male	11th DUI	Refusal		10 months
7 year old male	3rd DUI	0.222	2	5 months
3 year old male	5th DUI	0.308	7	10 months
year old female	3rd DUI	0.133	3	17 months
3 year old female	Shoplifting			8 months
3 year old male	7 DUI	0.282	17	14 months
year old male	DUI			7 months
year old male	4th DUI	Refusal	10	10 months
year old male	9th DUI	0.18	11	13 months
year old male	9th DUI	Refusal	9	5 months
year old female	Assult, DV		0	14 months
year old male	4th DUI	0.216	5	5 months
year old male	3rd DUI	0.175	4	6 months
year old male	6th DUI	0.255	22	5 months
year old female	4th DUI	Refusal	3	18 months (graduated)
year old male	5th DUI	0.158	9	10 months
year old female	3rd DUI	0.221	4	11 months

PARTNERS' 2005 LEGISLATIVE REQUESTS

1. That the Legislature, in consultation with the Governor, creates a fulltime position within the Administration charged with the duty of implementing therapeutic courts.

Because the Department of Law and its District Attorneys are so central to therapeutic courts, it is recommended that this be an attorney position within the Department of Law. It should be staffed through the regular open application process that would call for a person of suitable training, experience and interest in therapeutic courts. The position description would require fulltime efforts of this person solely on therapeutic court implementation.

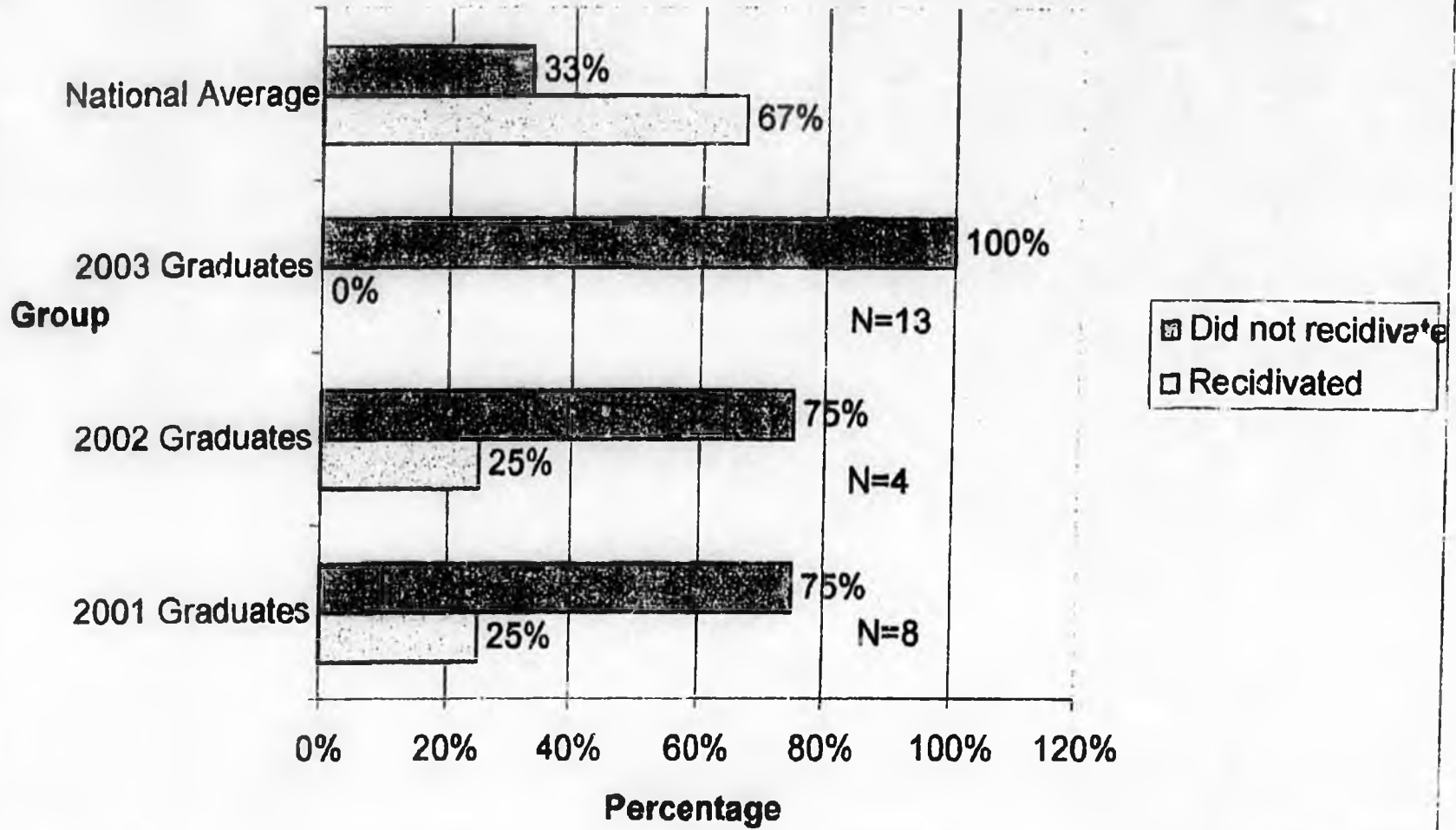
Also, the occupant of this position would be empowered to recommend to the Governor measures that are needed to assure compliance of all administrative agencies in fulfilling their duties as members of therapeutic court teams. Funding of the position through the National Highway Transportation Safety Administration (NHTSA) is a possibility.

2. That the Legislature extends the Wellness Court method to Felony DUI cases.

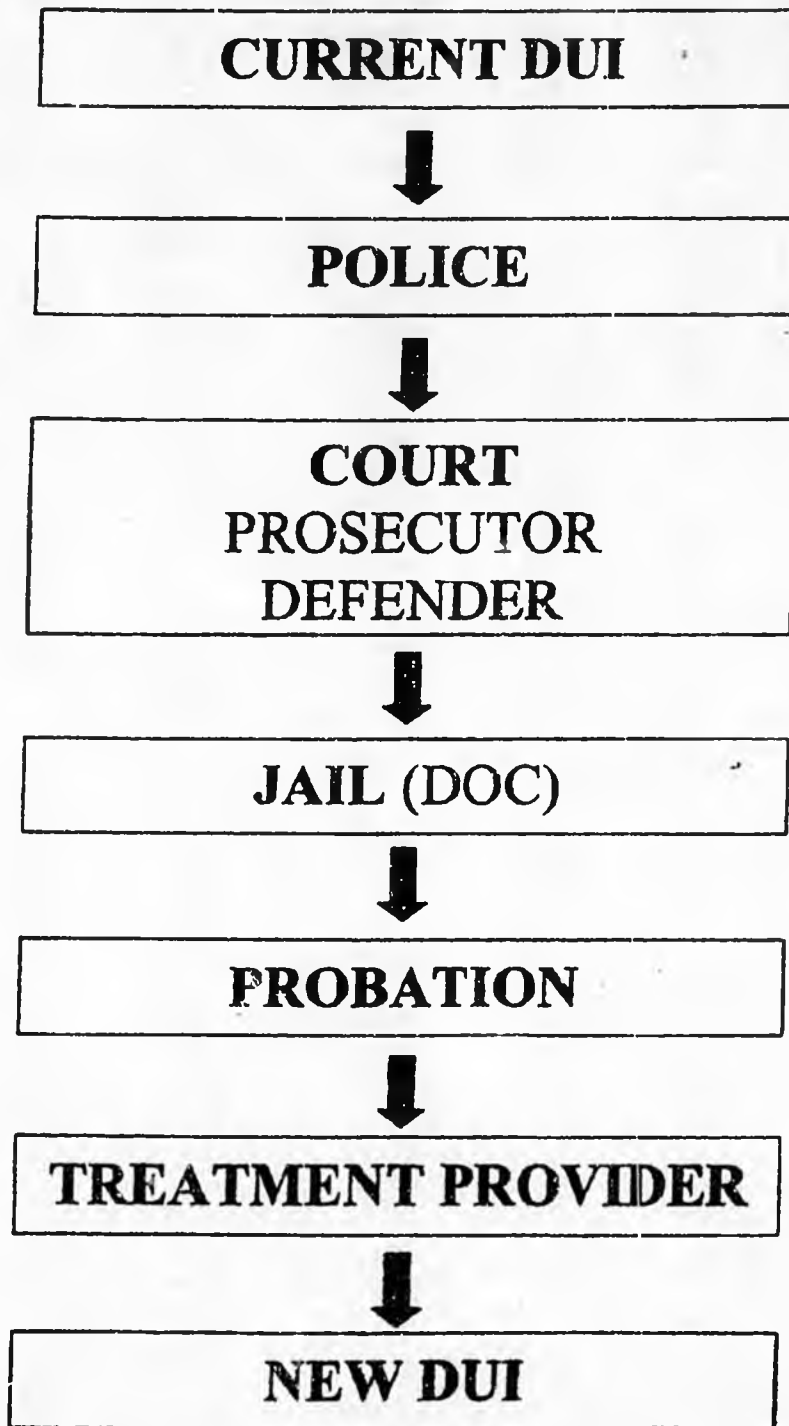
Partners has been working with Representatives Rokeberg on such legislation and it is expected to be introduced shortly. Opening Wellness Courts to felons would create economies of scale and increase public protection from DUI crime. The success of the 18-month "court-ordered treatment" system created by the Legislature in the original (HB 4) legislation is demonstrated by data that shows that over a three-year period after graduation, only 25 percent of Wellness Court graduates have had any repeat crime. This is in stark contrast to the 75 percent repeat of crime for the DUI defendants who serve their time in jail.

Felony DUI defendants are essentially the same population as the misdemeanor defendants who are on their 4th, 5th, 6th or more DUI in the Wellness Courts – all are seriously addicted persons whose crime occurs because of their addiction.

Recidivism Rate Comparison



Typical DUI Case Processing



WELLNESS COURT

The purpose is to get alcohol out of the alcoholic addicted defendant.

The process starts with and Alcohol Assessment by the treatment provider. This is followed by a consultation between the following.

Defendant's Counsel

Prosecutor

Defendant

Case Coordinator

This Consultation results in a

Criminal Rule 11 Agreement

- Completing the Wellness Court Treatment Plan is required.
- **Benefits for Completion:** Reduced Jail & Fines or Dismissal. On DUI cases 75% of mandatory jail and 50% of mandatory fines can be forgiven.
- **Detriments for non-completion:** Jail & Fines as specified in the Rule 11 Agreement.

Treatment Team Review to determine if Defendant is suitable for Wellness Court.

Approval by the Judge: The Rule 11 agreement is reviewed by the Judge, and, if suitable, is approved.

Plea of Guilty or No-Contest.

The Defendant is found Guilty.

Sentencing is set for 18 months later. Defendant must complete the Wellness Court Treatment Plan.

Wellness Court Treatment Plan

Naltrexone
Self Pay

Nalgroup

**Cognitive-Based
Outpatient
Treatment
Provider**

Alaska Human Services
or
The Borealis Center
Self Pay

OR

**Residential
Treatment
Provider**

Salvation Army Adult
Rehabilitation Program
(SAARP)
with joint
Participation by
Alaska Human Services
Self Pay

M. R. T. - Moral Reconation Therapy

Work

A. A.

Abstinence

Intensive Sobriety Monitoring
HAP/EM **Sobrieter** **Police**
Self Pay Self Pay

Frequent Appearances Before the Judge

18 Months Duration

**Case
Coordinator**

**Public
Defender**

**Municipal
Prosecutor**

**Defense
Lawyers**

**Wellness
Court
Team**

**Treatment
Provider A**

**Nalgroup
Leader**

**Treatment
Provider B**

D.O.C

AASAP

Partners

Judge



Graduation Day



Sentence is imposed on the charge

- Credit is given for time spent in HAP/EM
- Credit is given for time spent in residential treatment which is equivalent to jail.
- On DUI cases – up to 75% deduct from mandatory jail and 50% deduct from mandatory fines
- A probation condition is imposed that: “Defendant shall not possess or consume alcohol during probation”
- The court calendars a voluntary hearing 1 year out, where Defendant is invited to report back on his or her progress.

Graduation Ceremony:

Short speeches are made.

A mounted Certificate of Graduation is presented.

The Graduate Speaks.

There is standing applause and congratulations by all.

Summary of Existing Therapeutic Courts

Location	Type of Court	Assigned Judge	Capacity	Target Population	Month/Year Court Began
Anchorage	Anchorage Coordinated Resources Projects	Rhoades/Lohff	80	Misdemeanor offenders with mental illness, co-occurring disorders, developmental disabilities & other related disorders	July 1998
Anchorage	Municipal Wellness Court	Rhoades	40	People convicted of DUI and alcohol related Municipal misdemeanor offenses	August, 1999
Anchorage	Felony Drug Court	Joannides	40	People convicted of non-violent drug and drug related felony offenses	June 2001
Anchorage	Felony DUI Court	Joannides	40	People convicted of felony DUI offenses	December 2001
Bethel	Therapeutic Court	Devaney	45	People convicted of alcohol related felony or misdemeanor offenses	June 2002
Anchorage	Family CARE Court	Rindner	12	Parents with CINA cases Primarily mothers with alcohol related substance abuse problems	September 2002
Anchorage	State Wellness Court	Rhoades	40	People convicted of DUI and alcohol related State misdemeanor offenses	April 2004 - August 2004 Reopened December 2004

Summary of Therapeutic Courts in Planning Process

Location	Type of Court	Assigned Judge	Projected Opening Date	Projected Capacity
Palmer	Coordinated Resources Project	Estelle/Heath	March 2005	12
Fairbanks	Wellness Court	Funk	To be determined	40
Ketchikan	Wellness Court	Miller	April 2005	12
Juneau	Wellness Court	To be determined	March 2005	8 (1st yr) 24 (2nd yr)

“Drug courts are an effective and cost efficient way to help non-violent drug offenders commit to a rigorous drug treatment program in lieu of prison. By leveraging the coercive power of the criminal justice system, drug courts can alter the behavior of non-violent, low-level drug offenders through a combination of judicial supervision, case management, mandatory drug testing, and treatment to ensure abstinence from drugs, and escalating sanctions.”

President George W. Bush

Therapeutic Courts Can Halt Cycle

By Judge James N. Wanamaker and Janet McCabe

What if there was a new governmental program that saved ten dollars for every dollar spent, reduced death and destruction on our highways, helped prevent fetal alcohol syndrome in newborn babies and healed broken families? Well, the therapeutic courts (also called Wellness Courts or DUI Courts) currently operating in Anchorage and Bethel are doing just that and more.

In the traditional system of punitive justice, a person convicted of Driving Under the Influence (DUI) is simply sent to jail for a mandatory term. This gives the public a brief term of protection from the defendant's criminal behavior. However, all such offenders are eventually released. For the addict, being in jail only intensifies the craving for alcohol or drugs. Without treatment - the norm in our current corrections system - the new parolee plunges back into alcoholism, re-offends and is returned to jail. Historically seventy-five percent of Alaska's DUI felons re-offend after a term in jail. This costly cycle has been referred to as the "prison recycling system".

Therapeutic courts intercede to halt this downward cycle by getting the alcohol out of the alcoholic. State Representative Fred Dyson has described this as "doing the smart thing, not just the tough thing".

In actuality, the therapeutic courts are both smart and tough. To use the Anchorage Wellness Court as an example, the offender who "opts-in" commits to a life-changing, eighteen-month program that requires sobriety, addiction treatment, group meetings and employment. He or she is held accountable by repeated appearances before the judge and strict monitoring for alcohol or drug use. Success is applauded. Failure to comply is immediately sanctioned.

Participants in a therapeutic court often start with a certain amount of cynicism and doubt. Most have been through a number of treatments for their addiction. About mid-way they show real change. They have started to taste the rewards of normal, healthy life. Their children now want to be with them. Employers appreciate their reliability and stability.

Freedom from addiction becomes its own reward. As one person said recently in court, "When I started the program, I thought, at least I'll be sober for eighteen months. But now I'm part of the community. I'm out here walking with you. I have a job. I'm responsible; I got a raise at work. My family loves me. It's phenomenal."

The success of the Anchorage Wellness Court has been well documented. Seventy-five percent of the graduates do not re-offend. District Attorneys should do the "smart thing, not just the tough thing" by increasing the numbers of alcoholic offenders brought into the existing therapeutic courts built on the Wellness Court model, including the Anchorage and Bethel Felony DUI Courts and the Anchorage Wellness Court for state misdemeanants.

Money is available. The National Highway Traffic Safety Administration has committed \$885,000 in grant funding in 2005 and will probably provide a similar amount in 2006. The Alaska Court System is doing its part to support therapeutic courts. It has hired and trained people to serve as administrators and project managers, and many judges have received specialized training in therapeutic justice. The Alaska Legislature has been extremely supportive.

However, the Legislature has noted the need for increased dedication by the Administration. During the last session, the Legislature passed Legislative Resolve 65, urging the Department of Law, the Public Defender Agency and the Department of Corrections to increase their participation in the team effort that makes therapeutic courts possible.

The leadership of the Department of Law has expressed support, and Attorney General, Greg Renkes, has graciously agreed to speak at a therapeutic justice seminar in Anchorage on December 6. To convert this top-down support into action in court, his District Attorneys need to bring more cases into the existing therapeutic courts in Anchorage and Bethel. The District Attorneys should also become actively involved in creating new therapeutic courts in other cities.

To learn more about therapeutic courts in Alaska, come to a free seminar that is being held at the Anchorage Museum on Monday, December 6 from 8:30 AM to 3:30 PM. For information email akwellnesspartners@yahoo.com.

Judge James N. Wanamaker and Janet McCabe, Chair, Partners for Progress, Inc. worked together to create and support the Anchorage Wellness Court

Anchorage Wellness Court
Summary of Facts
2003 Update

February 14, 2004

Prepared By:

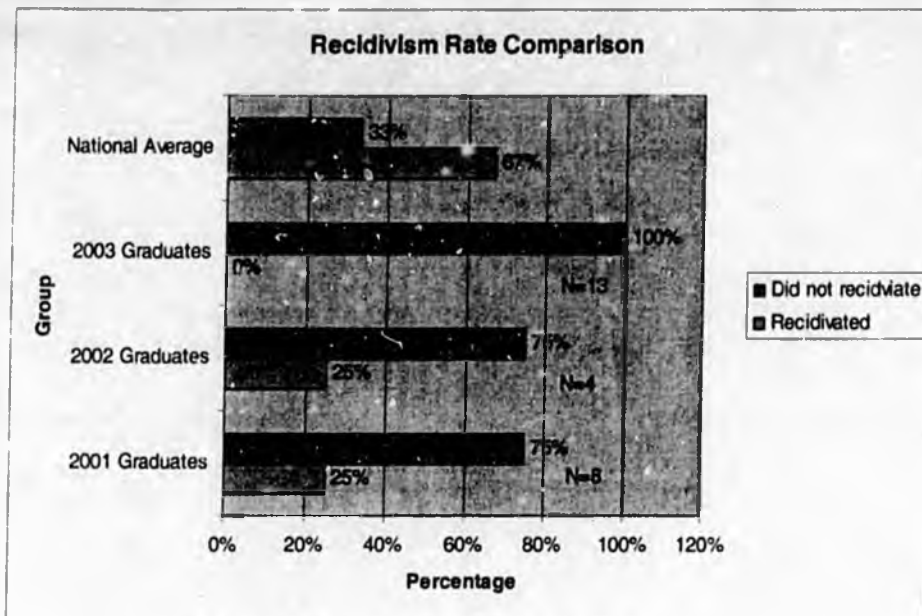
Alan R. McKelvie
Justice Center
University of Alaska, Anchorage

Executive Summary

Anchorage Wellness Court, a therapeutic court for alcoholic misdemeanants, has been operating for three years under Judge James N. Wannamaker of the Anchorage District Court. Participants enter the 18-month program under a plea agreement that gives them a reduced sentence if they complete the program. During their 18 months in the program they must:

- Stay alcohol and drug free,
- Be monitored for sobriety,
- Attend treatment for their addiction,
- Take naltrexone for the first four months
- Attend a weekly group for people on naltrexone,
- Attend a weekly workbook based cognitive behavioral group,
- Attend AA,
- Appear before the judge at regular intervals,
- Be rewarded or sanctioned for progress,
- Be employed,
- Pay restitution,
- Pay most of their treatment costs.

As of December 31, 2003, twenty-five participants had completed this rigorous 18-month program and graduated from Wellness Court. (An additional 5 have graduated since January 1, 2004). The Justice Center obtained recidivism data from the Alaska Court System's case management system and the Department of Corrections movement files. The data consisted of all filed arrests, bookings and convictions for the 2001, 2002, and 2003 participants from January 2001 to February 2004. The results are as follows:



*Based on post-graduation convictions.

Statistical Summary

Gender and age of the 2003 Wellness Court participants varied little compared to previous years. Males comprised 72% percent of the group, compared to 67% in 2002, and 68% in 2001. Females comprised 28% in 2003, 33% in 2002 and 32% in 2001. The average age of participants was also similar.

	2001 Wellness Court	2002 Wellness Court	2003 Wellness Court*	Comparison Group
<i>Total participants</i>	34	45	46	30
<i>Gender</i>	11 female (32%) 23 male (68%)	15 female (33%) 30 male (67%)	13 female (28%) 33 male (72%)	5 female (17%) 25 male (83%)
<i>Average Age of all participants</i>	41	43	41	40
<i>Average Age of male participants</i>	42	43	42	39
<i>Average age of female participants</i>	39	42	41	46

*2003 participant total includes 30 individuals who were carried over from 2002. There were 16 new participants in 2003.

Figure 2 illustrates the Wellness Court participant activity for the years 2001 through 2003 and cumulative. The opt-out category includes participants who violated conditions of release.

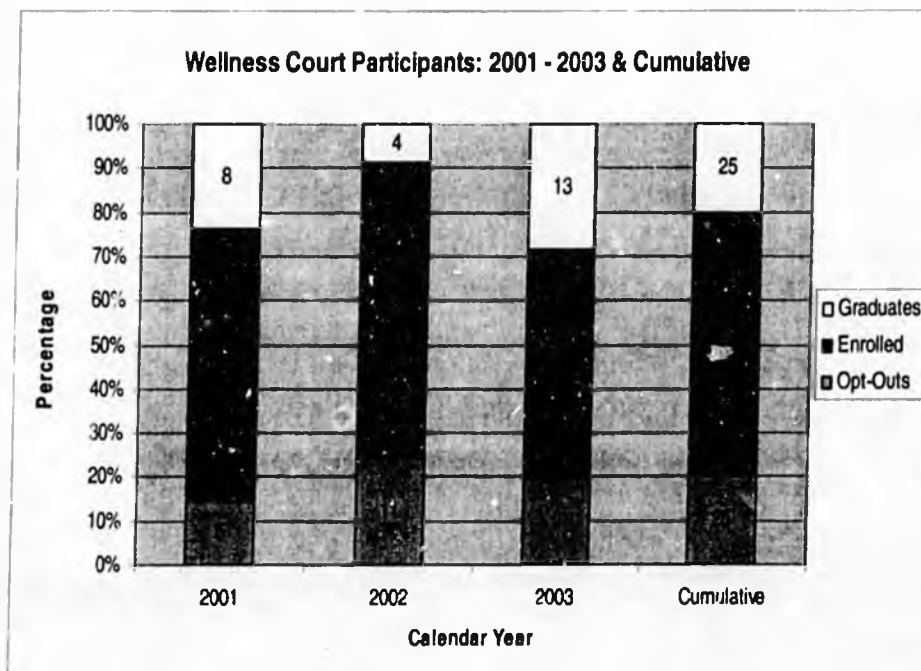


Figure 2

Figure 3 illustrates the gender breakdown of the Court participants. As shown in the first table the ratios are similar across years.

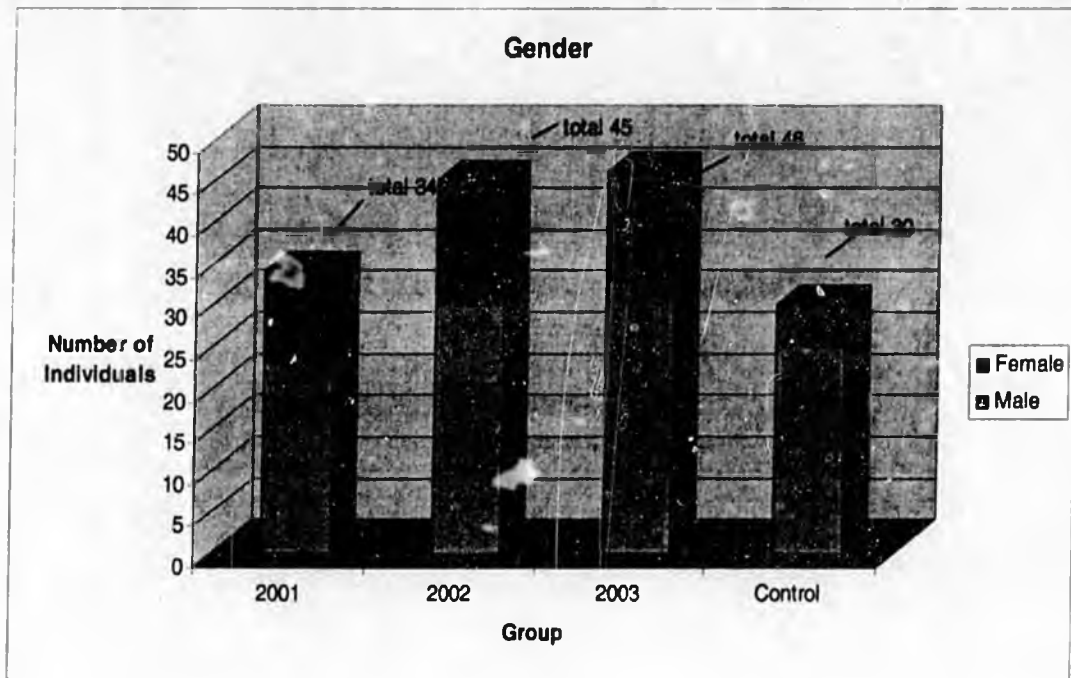


Figure 3

As in previous years the Ethnic makeup of Court participants is primarily Native Alaskan and Caucasian. Only eight individuals fell outside of these two groups.

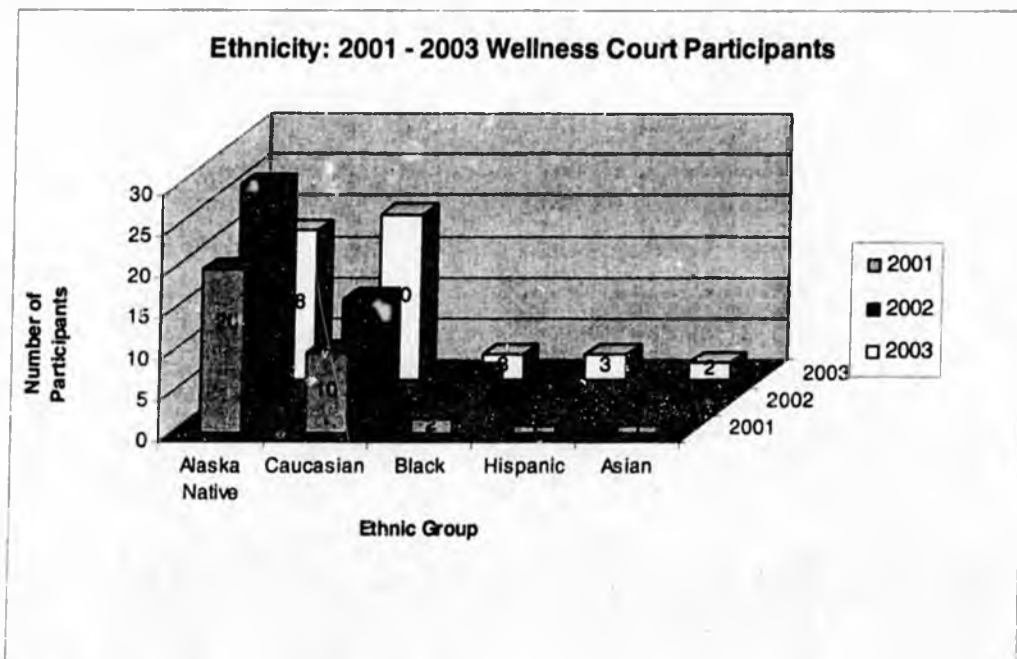


Figure 4

Nearly all of the Wellness Court participants are repeat offenders. Before entering Wellness Court, 2003 participants had accumulated 143 DUI offenses for an average of 3.1 per person. They had also committed 324 non-DUI offenses for an average of 7.0 per person.

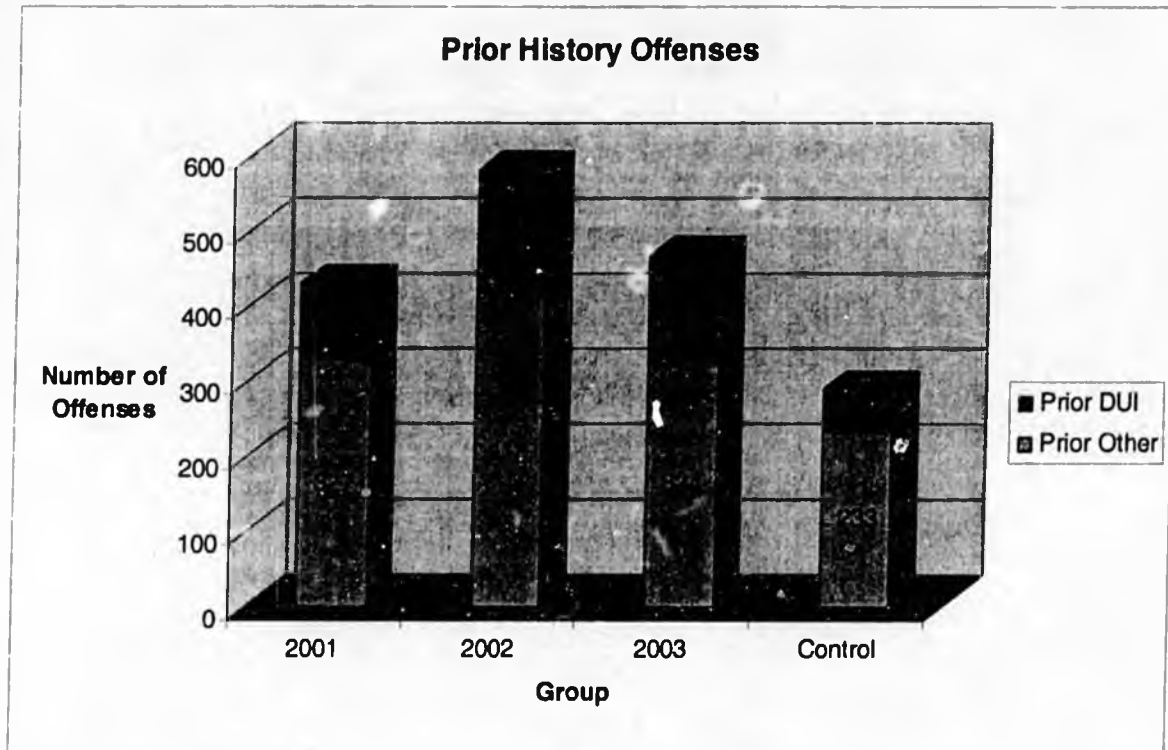


Figure 5

A FOCUS ON REPEATERS

There is a widely held belief among law enforcement officers that a small percent of repeat offenders is responsible for most of the crime committed in Alaska. Members of the judicial and law enforcement system also affirm that most of these repeat offenders are alcohol and drug addicts.

This is the population targeted by the therapeutic courts – repeat addicted offenders. The following “snapshot of one Wellness Court Calendar in September 2003” provided by Judge James N. Wanamaker offers a cross-section of these offenders. By intervening and stopping this costly cycle of repeat offence, the therapeutic courts have a positive impact on the judicial, law enforcement and corrections systems that goes far beyond the defendant’s current case.

A DAY IN THE LIFE OF THE WELLNESS COURT

This is a snapshot of one Wellness Court Calendar in September 2003. It provides a cross-section of the Wellness Court clients.

James N. Wanamaker

District Court Judge

Description	Current Offense	BAC @ Arrest	Total Priors	Months in Wellness
43 year old male	6th DUI	Refusal	10	7 months
44 year old male	5th DUI	0.171	16	18 months (graduate
39 year old male	PTRP/assault-DV			2 months
48 year old male	5th DUI	Refusal	4	13 months
39 year old female	5th DUI	0.23	4	8 months
47 year old male	Theft 3rd	0.334	54	9 months
45 year old male	11th DUI	Refusal		10 months
40 year old male	3rd DUI	0.222	2	5 months
36 year old male	5th DUI	0.308	7	10 months
41 year old female	3rd DUI	0.133	3	17 months
33 year old female	Shoplifting			8 months
38 year old male	7 DUI	0.282	17	14 months
51 year old male	DUI			7 months
54 year old male	4th DUI	Refusal	10	10 months
54 year old male	9th DUI	0.18	11	13 months
32 year old male	9th DUI	Refusal	9	5 months
37 year old female	Assault, DV		0	14 months
39 year old male	4th DUI	0.216	5	6 months
35 year old male	3rd DUI	0.175	4	6 months
37 year old male	6th DUI	0.255	22	5 months
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