



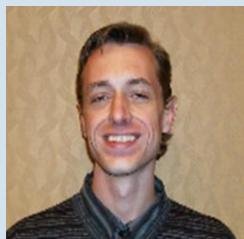
**2010-2011 Biennial Report
Second Judicial District**

ASAC was created nine years ago to further public safety by diverting substance abusing and mentally ill adults involved in the criminal justice system from incarceration to mental health, substance abuse and other support services in the community.

Before Drug Court Picture



After Drug Court Picture



Executive Summary

- There were 119 individuals served in ASAC in 2010-2011. Of the 73 individuals who left the program, 36 (49%) graduated. These graduates were in the program for an average of 630 days (1.73 years) and were sober for an average of 472 days (1.29 years).
- To date, ASAC has served 313 participants and 139 individuals have successfully completed the program.
- At the one year and three year follow-up, fewer ASAC participants re-offended. They also had fewer convictions than those in the comparison group. This was especially true for graduates.
- From 2010-2011, there were 6,250 drug tests conducted and (3%) were positive.
- There were 389 sobriety medallions that were earned over the last two years.
- In 2010-2011, there was a total of \$10,328.00 paid from participant fees and \$18,142.66 was paid by in restitution.
- The Psychiatric Court Clinic had 15 people successfully complete the Clinic and program and all graduates had improved functioning scores as measured by the Global Assessment of Functioning (GAF).
- In 2010, ASAC celebrated the court's 100th graduation.
- In 2010, ASAC was selected by the National Drug Court Institute as one of ten Mentor Courts in the United States which will serve as a model court program and play a significant role in drug court training, technical assistance and research.
- In 2010, the S.O.B.E.R. (Solving Obstacles by Empowering Recovery) Foundation was established in conjunction with DWI Court to raise money for Drug Courts.

History of the Adult Substance Abuse Court (ASAC)

ASAC was created nine years ago to further public safety by diverting substance abusing and mentally ill adults involved in the criminal justice system from incarceration to mental health, substance abuse and other support services in the community. The program is designed to provide individuals the opportunity to change their lives and to break the cycle of substance abuse. It is unique because it represents a closer working union of criminal justice partners (judge, psychiatric professionals, prosecuting and defense attorneys, case managers, and treatment providers) than is traditionally seen in criminal courts.

The program's target population includes those who are non-violent offenders, are at least 18 years old, have a substance abuse problem and in need of treatment, and are willing to participate in the ASAC. Components of the abstinence-based program include: chemical dependency assessment and treatment, assessment for participation in other programming (cognitive behavioral groups, mental health interventions), random alcohol and drug testing, regular court appearances, case management meetings, attendance of community support groups, to obtain employment or to pursue education, to participate in pro-social activities, and to pay program fees. The program is a minimum of 12 months in length and is divided into three major phases, each minimally four months in length.

Structure/Model

The Adult Substance Abuse Court is divided into five Tracks: Track I – Diversion; Track II – Pocket Plea; Track III – Post-Plea; and Track IV – Probation Violators; Track V-Felony DWI.

Eligibility Criteria

All offenders will be screened for substance abuse problems, residency and offense status for the Adult Substance Abuse Court Program when they make their first appearance in court after being charged with a felony offense.

Eligibility criteria for **all** participants:

- Ramsey County resident
- Substance abuse problem and in need of treatment
- Voluntary participation in program
- Non-violent offense

Eligibility criteria for **Track I** (Diversion) include:

- No prior offenses
- Low level alcohol/drug and/or drug-related property charge
- Essentially, the same criteria as traditional diversion cases (which has some exceptions) except that the participant has an identified substance abuse problem.

Eligibility criteria for **Track II** (Pocket Plea) include:

- Offender with multiple misdemeanor offenses
- Low-level alcohol/drug or drug-related property charges, including felonies
- Defendant must admit elements of crime in front of judge

Eligibility criteria for **Track III** (Post-Plea) include:

- Some prior felony offenses
- Commission of a 3rd, 4th or 5th degree drug offense or drug-related property offense (e.g. felony theft, forgery or some burglaries). First, Second and Third degree will be eligible on a case-by-case basis.
- Defendant pleads guilty

Eligibility criteria for **Track IV** (Probation Violator) include:

- Technical violation
- Recommendation of probation officer and approval by sentencing judge

Eligibility criteria for **Track V** Felony DWI (Post Plea or Probation Violation) include:

- 1st Degree Felony DWI-non-presumptive commit to prison
- Defendant pleads guilty
- Some prior felony offense(s)

Dispositions

Track I (Diversion) participants are placed on the Ramsey County Attorney's Diversion Program and directed to the Adult Substance Abuse Court for treatment and other conditions. There is no finding of guilt and no conviction unless the participant fails to complete the program.

Track II (Pocket Plea) participants plead guilty to the charges but the court withholds accepting the guilty plea. If the participant successfully completes the ASAC program, the plea of guilty is not accepted and the charge(s) is (are) dismissed.

Track III (Post-plea) participants enter the Substance Abuse Court program after the plea and the sentence is pronounced and stayed. Jail time is waived or deferred in most cases. Participants may be eligible for early discharge from probation.

Track IV (Probation Violator) participants enter the Substance Abuse Court program at the recommendation of the probation officer and the approval of the sentencing judge.

Track V Felony DWI (Post Plea or Probation Violation) participants enter the Substance Abuse Court program after the plea and receive a stay of execution at sentencing. Participants must serve the required statutory minimum jail, participate in alcohol monitoring and ignition interlock.

Program Requirements

- Attend court appearances regularly
- Participate in substance abuse treatment
- Submit to random alcohol and other drug tests
- Intensive supervision
- Participate in gender-specific cognitive behavioral programming
- Remain law-abiding
- Remain free from alcohol and other drugs
- Obtain employment or education

- Participate in pro-social activities
- Pay program fees

Referral and Entry Process

Cases are reviewed upon arrest by Project Remand staff to determine basic eligibility-the case is then referred to the program screener who will speak to the participant during the Arraignment Court process and offer the opportunity to participate in the program. In order to formally enter the program, the participant must have a chemical dependency treatment start date or be actively engaged in treatment. A participant is considered “in” the program once a formal plea has been made.

The table below compares people who were charged with a Fifth Degree in Ramsey County in 2010-2011 to those who were or were not accepted into ASAC. There were a total of 122 referrals and 70 (58%) were accepted into the program. There are a greater percentage of women accepted compared to Fifth Degree filings. Caucasians are represented in ASAC in greater numbers than those who are charged with a Fifth Degree offense and those who did not enter ASAC. The percentage of African Americans who were not accepted is greater than the percentage of those who were accepted and the percentage of Fifth Degree filings. The ages for all three groups are very similar.

| | 2010-2011 Fifth Degree Filings (n = 663) | 2010-2011 ASAC Acceptances (n = 70) | 2010-2011 ASAC Non-Acceptances (n = 52) |
|----------------------------------|---|--|--|
| Gender | | | |
| Men | 79.6% | 60.0% | 67.3% |
| Women | 20.4% | 40.0% | 32.7% |
| | | | |
| Age | Range: 18-70 years Average: 32.67 years | Range: 19-54 years Average: 31.64 Years | Range: 20-55 years Average: 30.81 |
| Race | | | |
| Caucasians | 46.8% | 65.7% | 46.2% |
| African Americans | 28.8% | 11.4% | 36.5% |
| Hispanic | 5.3% | 4.3% | 1.9% |
| Asian | 10.0% | 11.4% | 5.8% |
| Native American or Alaska Native | 1.5% | 1.4% | 5.8% |
| Other | 3.2 | 5.7% | 1.9% |
| Missing/Refused | 10.8% | 0.0% | 1.9% |

Program Graduates and Terminations

In 2010 and 2011, there were 36 graduates and 37 individuals who were terminated from the program. Below is a table that compares these two groups on demographic variables. Graduates were more likely to be women than men and they were older than those who were terminated. There appears to be minimal differences with regard to race between graduates and terminations.

| | Graduated (n = 36) | Terminated (n = 37) |
|--------------------------|--|--|
| Gender | | |
| Men | 61.1% | 67.6% |
| Women | 38.9% | 32.4% |
| Age | | |
| | Range: 20-54 years Average: 33.81 Years | Range: 19-51 years Average: 30.22 Years |
| Race | | |
| Caucasians | 69.4% | 64.9% |
| African Americans | 19.5% | 16.2% |
| Hispanic | 2.8% | 5.4% |
| Asian | 8.3% | 8.1% |
| Multi-Racial | 0.0% | 2.7% |
| Native American | 0.0% | 2.7% |



Program participants with Judge Smith.

Drug Use and Mental Health Data

Those who graduated were more likely to have used alcohol, marijuana, prescription medications, and over-the-counter drugs than those who were terminated. Graduates spent fewer days in outpatient and inpatient treatment compared to those were terminated.

| | Graduates (n = 36) | Terminations (n = 37) |
|---|---|---|
| Drugs Used (will be greater than 100%) | | |
| Alcohol | 83.3% | 67.6% |
| Cocaine | 41.7% | 45.9% |
| Methamphetamine | 58.3% | 62.2% |
| Heroin | 8.3% | 8.1% |
| Marijuana | 80.6% | 75.7% |
| Prescription drugs | 27.8% | 13.5% |
| Over-the-Counter | 8.3% | 2.7% |
| Inhalants | 5.6% | 2.7% |
| Other: Ecstasy, Hallucinogens | 19.5% | 24.3% |
| Chemical Health Assessment Level | | |
| No Identifiable Problem | 0.0% | 0.0% |
| Abusing | 5.6% | 0.0% |
| Dependent | 94.4% | 100% |
| Number of days of Sobriety | Range: 189- 1075 days Average: 472.03 days | Range: 0-302 days Average: 16.83 days |
| Number of days in Inpatient Treatment | Range: 0-196 days Average: 42.96 days | Range: 0-362 days Average: 57.30 days |
| Number of days in Outpatient Treatment | Range: 0- 300 days Average: 119.73 days | Range: 0-318 days Average: 129.14 days |
| Mental Health | | |
| Diagnosed with a Mental Illness | 50.0% | 54.1% |

Court Data

There were minimal differences between graduates and those who were terminated for offense types. Track II participants were also represented at a higher rate in the graduate group.

| | Acceptances (n = 70) | Graduates (n = 36) | Terminations (n = 37) |
|--|--|---|--|
| Main Charge | | | |
| Theft/Forgery/Motor Vehicle Theft/Possession of Burglary Tools | 20.0% | 27.8% | 29.7% |
| Fifth Degree | 48.6% | 55.6% | 51.4% |
| First-Fourth Degree | 25.7% | 16.7% | 18.9% |
| Felony DWI | 5.7% | 0.0% | 0.0% |
| | | | |
| I | 0.0% | 0.0% | 0.0% |
| II | 35.7% | 47.2% | 37.8% |
| III | 21.4% | 22.2% | 16.2% |
| IV | 37.1% | 30.6% | 45.9% |
| V | 5.7% | 0.0% | 0.0% |
| Number of days from referral to acceptance | Range: 7-189 Days Average: 32.51 Days | Range: 7- 175 days Average: 37.58 days | Range: 0- 154 days Average: 41.49 days |
| Number of days in ASAC | | Range: 322 – 1,288 days Average: 630.19 days | Range: 42 – 1,211 days Average: 387.05 days |

Drug Testing

Drug and alcohol testing is one of the ten key components for a problem-solving court and most important for program integrity. Effective testing is frequent, observed, random (unexpected, unannounced, unanticipated) and progressive (linked to phase requirements).

Drug testing occurs through Ramsey County local contract vendor RS Eden, to conduct and analyze drug and alcohol (ETG) tests. The vendor has established testing protocol and provides training to staff on proper testing procedures. All urinalysis tests are observed. Participants are placed on a Code-A-Phone System which instructs them via means of a recorded message when a test has been scheduled. They are assigned a color which dictates the day they are to report to RS Eden for the drug test.

Random testing is conducted at a minimum of 2 times per week for Phase 1, a minimum of one time per week for Phase 2, and a minimum of twice per month for Phase 3. In addition, the case managers and/or team has the ability to instruct participants to provide a random test upon instruction. Breathalyzers are also administered when necessary during court sessions, office and home visits. Instant urine kits and oral swab tests are also used during home visits and court sessions when necessary.

Participants choosing to enter ASAC must agree to cease the use of all mood-altering substances that would test positive during a drug test (including, but not limited to narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications). If during the course of participation it becomes necessary for a participant to take prescription medication, prior approval must be sought by the ASAC Court Team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis based on the established facts. Any use of doctor monitored prescription drugs is determined on a case-by-case basis by the ASAC Team.

In 2010-2011, there were 6,250 drug tests conducted and (3%) were positive.

Pro Social Activities

Each year, ASAC holds court off-site for a picnic. This is a time for the participants to interact with the court in a fun, sober environment. The goal of the picnic is to get the participants together with their families to learn how to have a good time without drugs or alcohol. In both 2010 and 2011 the ASAC team won the kickball tournament against the DWI Court participant team. Judge Tilsen and Judge Smith proudly hold the winner's trophy.



Annual Drug Court Day/Rally at the Capitol



ASAC participants walked to the Minnesota State Capitol to gain legislative support for Drug Courts and participate in a Drug Court rally in the Rotunda. In addition, participants met with their local representatives and senators to share their drug court experiences with them.

Recidivism Analysis

The analysis includes all participants who left the program on or before 12-31-10. The second table includes convictions that occurred for cases where the offense date was in within one year of leaving the program or one year after the disposition date for the comparison group. The second table is for those who had three years pass since program exit. The percentages reflect the number of *people* with a new conviction. Individuals are counted only once for each category but may be represented in multiple categories. Incarceration time for each individual was recorded and added to the one year window to account for time in jail and/or prison.

The first table compares the ASAC participants to those in the comparison group on key demographic variables. Overall, ASAC participants, regardless of whether they graduated or were terminated, were less likely to be convicted of a new offense than those in the comparison group. Graduates were least likely to re-offend. This is especially true for new felonies.

| | Comparison Group (n = 49) | ASAC (n = 227) |
|---|------------------------------|-------------------|
| Race | | |
| Caucasians | 54% | 61% |
| African Americans | 40% | 28% |
| Hispanic | 4% | 5% |
| Native American | 2% | 1% |
| Multiracial | 0% | 1% |
| Asian | 0% | 4% |
| Age | 33.53 | 34.15 |
| Gender | | |
| Women | 43% | 45% |
| Men | 57% | 55% |
| Charge | | |
| 5 th Degree | 67% | 54% |
| Prop Offense | 25% | 36% |
| 1 st to 4 th Degree | 8% | 10% |

One Year Post Drug Court Exit (or disposition date for the comparison group)

| | Graduates (n = 110) | Terminations (n = 117) | All ASAC ¹ (n = 227) | Comparison Group (n = 49) |
|--------------------------|------------------------|---------------------------|------------------------------------|------------------------------|
| Any Conviction | 8% | 28% | 19% | 33% |
| Misdemeanor | 5% | 16% | 11% | 18% |
| Gross Misdemeanor | 0% | 9% | 4% | 6% |
| Felony | 6% | 13% | 9% | 20% |

¹ New convictions exclude all traffic offenses, except DWIs.

Three Years Post Drug Court Exit (or disposition date for the comparison group)

| | Graduates (n = 75) | Non-Completers (n = 82) | All ASAC (n = 157) | Comparison Group (n = 49) |
|--------------------------|-----------------------|----------------------------|-----------------------|------------------------------|
| Any Conviction | 25% | 50% | 38% | 59% |
| Misdemeanor | 20% | 31% | 26% | 39% |
| Gross Misdemeanor | 4% | 16% | 10% | 18% |
| Felony | 7% | 29% | 19% | 35% |

In addition to fewer people re-offending, ASAC participants also had fewer new convictions than those in the comparison group:

| | Graduates | Non-Completers | All ASAC | Comparison Group |
|---------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|
| | New Convictions | | | |
| Year 1 | Range: 0-2 Average: 0.10 | Range: 0-6 Average: 0.50 | Range: 0-6 Average: 0.31 | Range: 0-5 Average: 0.57 |
| Year 3 | Range: 0-4 Average: 0.47 | Range: 0-7 Average: 1.26 | Range: 0-7 Average: 0.88 | Range: 0-13 Average: 1.35 |

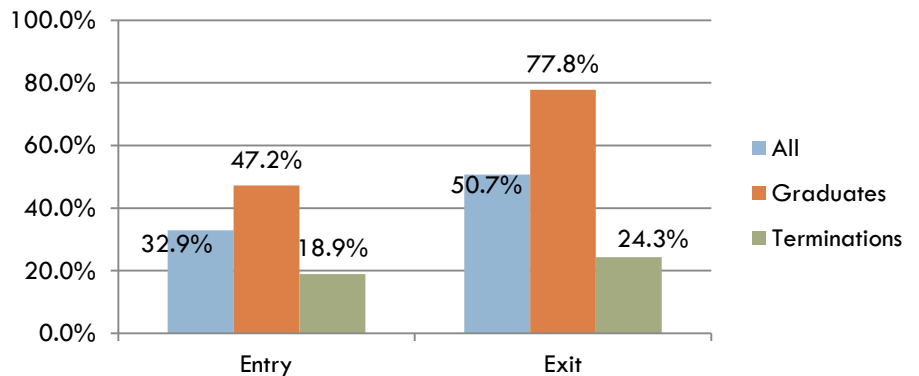
Community Functioning Variables

In addition to sobriety and law abiding behavior, the Adult Substance Abuse Court strives to help participants make positive changes in their lives. Therefore, data were also collected for driver's license status, housing, education, and employment status upon entry and exit of the program.



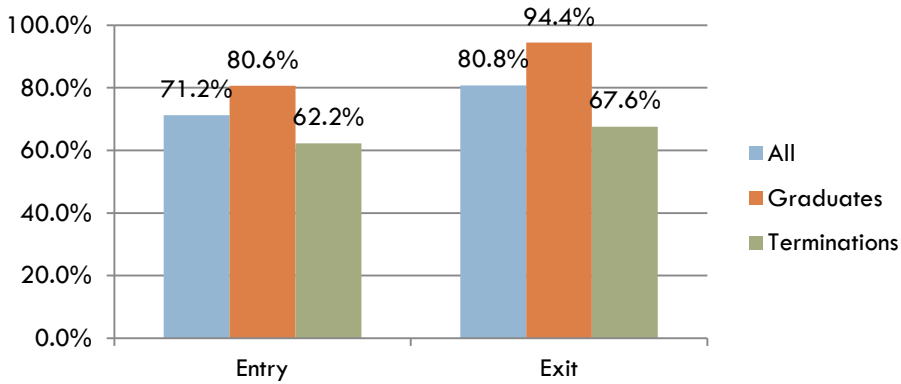
Driver's License Status

Graduates were more likely to enter the program with a valid driver's license and were more likely to obtain a valid license before graduation compared to those who were terminated. The percentage of those with a valid driver's license increased from 33% to 51% from program entry to exit.



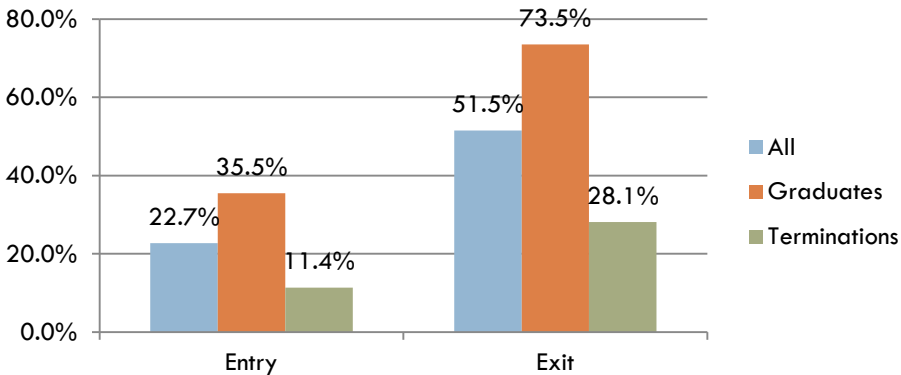
Education Status

The percentage of those with at least a high school diploma/GED increased from 71% to 81% from program entry to exit. Graduates were more likely to enter the program with a high school diploma/GED and were more likely to have one upon leaving the program.



Employment Status

Upon program exit, 52% of participants were either employed or were full-time students compared to 23% at program entry.



Housing Status

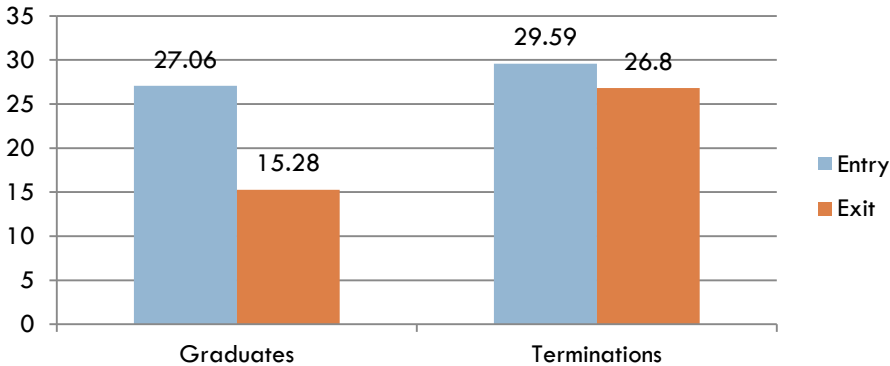
All graduates who were either transient or lived in a facility upon program entry had found stable housing upon graduation.

In 2010, ASAC became an affiliate of the H.E.A.R.T Foundation (a nonprofit organization that helps addicts receive chemical dependency treatment and sober living). As an affiliate, ASAC is granted access to the 90-in-90 program which funds up to three months of sober living expenses for participants as long as they attend 90 meetings in the 90 days following treatment completion. We have also used their one time grant opportunity to help participants access

treatment as well as sober housing. Since 2010, eight participants have secured funding from the H.E.A.R.T Foundation for treatment and/or sober housing. We are very proud to partner with this organization that has been helping addicts since 1971.

LSI-R Scores

Graduates experienced a 44% reduction in their LSI-R scores from program entry to exit. Terminations only experienced a 9% decrease (only 14% of those who were terminated completed a second LSI-R). Those accepted into the program from 2010-2011 had a score of 28.99.



Program Fees and Restitution

Program fees have been established as follows; Tracks I and II \$300.00 and Track III and IV \$200.00. Participants make payment arrangements with their case manager. Participants are required to have their program fees paid in full and half of their court ordered restitution paid before advancing to Phase III of the program. Restitution must be paid in full before a participant will be approved for graduation. Most of the participants charged with Drug offenses are not required to pay restitution as there is no designated victim. However, participants charged with crimes such as Theft; Forgery; or Burglary may be court ordered to pay restitution.

In 2010-2011, there was a total of \$10,328.00 paid from participant fees and \$18,142.66 was paid by restitution.

Co-Occurring Participants

Psychiatric Court Clinic

The Psychiatric Court Clinic is directly attached to the ASAC courtroom. The Clinic began when the ASAC coordinator brought in a psychiatric nurse to evaluate how the court could better serve those with co-occurring disorders. The impetus for her work was based on the continual relapse issues in this population and those with co-occurring disorders who were failing in the ASAC program. When reviewing the data from ASAC's first years of operation, the court discovered that 77% of those terminated from the program suffered from a mental illness. By incorporating the Psychiatric Clinic as a part of the drug court, participants with mental illness are able to receive more timely care for their mental illness. Our psychiatrist also works at the jail which provides an added continuum of care for our courts. Due to the impulsive nature of co-occurring

individuals, they were less likely to access community-based mental health services before relapsing.

When participants did meet with a psychiatrist in the community, they did not have a lot of interaction with the medical staff. There was also no continuum of care for the co-occurring participant. Close supervision of co-occurring participants is needed to identify when a medication is not working, as well as to help participants develop a plan for when medications do not work or when they are in crisis. Additionally, many participants had difficulty navigating the mental health systems alone. The Clinic provides direct access and monitoring so that participants do not have to do this alone.

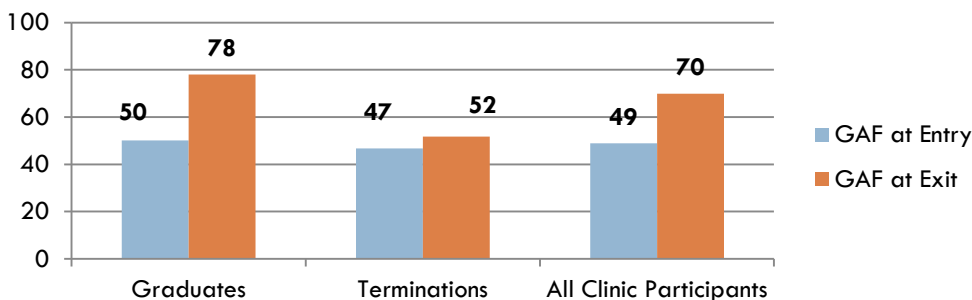
Participants need to have an Axis I mental health diagnosis in order to be accepted into the Clinic. The key elements of the PCC are: 1). Assessment and diagnosis of mental illness including: intake interview based on psychosocial, psychiatric and medical history; MSE and GAF scoring; continued evaluation of participant's diagnosis and how it changes with continued abstinence 2). Medication management and health education which includes finding the right medication; managing the participants response to medication; treatment planning; referral for case management; referral to group or individual counseling; and education to each participant about their diagnoses, symptom recognition and symptom management 3). Preparation for community integration including: monthly visits with participants who are approaching graduation; connecting participants to psychiatric/medical care after graduation; connecting participants to support meetings specific to co-occurring individuals.



Clinic nurse, Brigid Chase (L), clinic and ASAC graduate (M), and Psychiatrist, Dr. Dupre (R)

In 2010-2011, there were 29 people accepted into the clinic. A majority of the clinic participants were from ASAC (72%) and 28% were DWI Court participants.

From 2010-2011, there were 15 graduates. All graduates had a Global Assessment Functioning (GAF) assessment done upon entry and exit. This assessment provides a quantitative assessment of an individual's functioning across multiple areas of life (e.g., social, psychological, occupational). Higher scores represent higher levels of functioning. There was a 43% improvement in GAF scores for all Clinic participants and gradates experienced an improvement of 56% from entry to exit.



Training and Teambuilding

Team members are highly skilled professionals who continually engage in training to enhance their skills and acquire knowledge. During the past year, case managers attended training in the areas of: Working with Female Offenders, DBT, Core Communications, Cognitive Programming, Risks Assessments, Motivational Interviewing, Case Planning, Trauma and the Brain. Two case managers attended role specific case management training offered through NDCL. The program coordinator attended statewide coordinator training. The ASAC Team attended the MN State Drug Court conference in June 2011.

Team brown bag meetings were held on a monthly basis where day to day operations and procedures were enhanced, refined, deleted. Team retreats were held every quarter in an effort to focus in specific program issues and check in with all team members.

Program Accomplishments

National Association of Drug Court Professionals Annual Conference



Prosecutor, Kim Bingham, Cognitive Skills Leader, Lisa Portinga, Judge Tilsen, Clinic Nurse, Brigid Chase and Judge Smith hold signs and wear buttons that read "Drug Courts \$AVE" at the Washington, D.C. capital.

In both 2010 and 2011, team members of the Ramsey County Adult Substance Abuse Program attended National Association of Drug Court Professionals Annual Conference in Boston, Massachusetts (2010) and Washington, D.C. (2011). In 2011, Judge Smith and Clinic Nurse, Brigid Chase shared their expertise with a presentation on the Psychiatric Court Clinic. Attendance at the conference in Washington, D.C. allowed

team members to learn about new drug court initiatives and share their experiences with other courts. In addition, ASAC team members participated in a rally at Capitol Hill and spoke with their

senators/representatives about the benefits and successes of drug courts.

100th Graduate

In coordination with "National Drug Court Month" the Adult Substance Abuse Court celebrated their 100th graduation on May, 20th 2010. The graduate had been a long-term methamphetamine user who was committing burglaries to support his addiction. While in the program, he was diagnosed with Obsessive Compulsive Disorder (OCD) and Bipolar Disorder. With the assistance of the team and the Psychiatric Court Clinic, he was able to regain his sobriety, receive psychiatric care and successfully completed the program. Upon graduation, he paid over \$14,000 in restitution and is currently employed. His experience highlights the benefits of timely care for both substance use and mental health issues.

Mentor Court

The Ramsey County Adult Substance Abuse Court (ASAC) Program was selected by the National Drug Court Institute as one of ten Adult Mentor Courts in the United States. The Court was



ASAC Team photo upon selection as a National Mentor Court, 2010.

awarded a plaque by Cynthia Herriott, Deputy Director of the National Drug Court Institute on September 23, 2010. ASAC will serve as a model court program and play a significant role in drug court training, technical assistance and research.

Since receiving this award, the Adult Substance Abuse Court has hosted several courts

from all across the country.

S.O.B.E.R. Foundation

The Adult Substance Abuse Court and DWI Court collaborated to develop a 501(c)3 in order to allow the courts to fundraise, enhance grant seeking opportunities, increase public awareness, and support the activities of the Ramsey County Drug Courts. In 2010, the State of Minnesota incorporated the non-profit organization, S.O.B.E.R. (Solving Obstacles By Empowering Recovery) Foundation.

Grant Activities

The Adult Substance Abuse Court was awarded a two-year Drug Court Enhancement Grant by the Bureau of Justice Assistance (BJA) in October 2010. The enhancement grant was used to incorporate first time Felony DWI offenders into ASAC. In addition, the grant was used to implement Motivational Enhancement Therapy, gender-specific Cognitive Behavioral groups, ETG (alcohol) testing, program incentives and provide a stipend for ignition interlock.

ASAC was also awarded a one-year grant from the Chemical Health Division of the MN Department of Human Services in 2011. The grant was used to provide funding for the Psychiatric Court Clinic and drug testing.