

# **TUOLUMNE COUNTY DRUG AND ALCOHOL COURT**

## **REASON FOR INVESTIGATION**

The Civil Grand Jury decided to attend, observe, and report on the program to the citizens of Tuolumne County.

## **BACKGROUND**

Every Friday at 3:00 P.M. individuals with drug and/or alcohol problems meet in Department 2 in the Old Court House. They meet as a condition of their sentence for a one year drug and alcohol program established in 1998. The following Tuolumne County Departments were involved with organizing the program; Behavioral Health, the Courts, District Attorney, Probation, Public Defender, Sheriff, and the Sonora Police Department.

## **METHODOLOGY**

Members of the Grand Jury attended several sessions of the Tuolumne County Drug and Alcohol Program. The presiding judge gave members of the Grand Jury a background of the program and answered numerous questions about the program for jurors. In addition to the presiding judge, Grand Jury members spoke with the Drug Court Manager and two individuals ordered into the program after their court appearance.

## **REMARKS**

As previously stated the drug and alcohol program is a one (1) year program that starts shortly after an individual is released from their court ordered county jail sentence. The one (1) year program is broken down into three (3) phases. The first phase is to assist the individual in getting off of drugs and alcohol. During the first phase the individual is required to attend each Friday court session where he or she explains to the presiding judge what steps they have taken during the past week to promote a sober lifestyle. Questions asked by the judge of the participants generally are directed to the individual's efforts in looking for employment, continuing education (acquiring a GED), and their ability to stay away from drugs and alcohol. The individual is encouraged to begin a search for a sponsor to assist him or her through an Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) program. Members of the Grand Jury agreed this phase of the program would best be described as heavy supervision by the presiding judge. Some leniency was noted by members of the Grand Jury from the judge for individuals in the first few weeks of the program. The tone of the judge changed as the weeks passed for members who appeared to be malingering. On one occasion, an inmate missed one of his meetings and the judge remanded the individual into custody for the weekend.

During the second phase of the program, individuals are given more latitude by the court and the rules are relaxed when the individuals are progressing with the program. Individuals are required to attend the court hearings every other week, if they had secured a sponsor and are regularly attending Narcotics Anonymous or Alcoholics Anonymous, and keeping their regular counseling appointments with the Behavioral Health

Department. During this phase, the individuals are required to attend “30 meetings in 30 days”, either in Narcotics Anonymous or Alcoholics Anonymous.

When a particular individual is succeeding beyond the court’s expectations, the presiding judge may give the individual concerned court acknowledged praise and the individual maybe rewarded with tickets to the movies or a meal at a local restaurant. Of the 18 individuals in the program, two (2) were praised for their progression and extra work in the program. The extra work by an individual is generally for assisting other members meeting their obligations and finding sponsors or for accelerating their own progress in the program.

The third phase would be considered an “exit strategy” from the program for an individual. The judge evaluates the successful completion of phase one and two of the program for the individual and gives supervision as he or she works towards “graduation.” Graduation generally takes place in court, two (2) or three (3) times each year. The ideal graduation from the program for an individual would be completion or continued participation of either Narcotics Anonymous or Alcoholics Anonymous, full or part time employment, continued education, and the ability of the individual to stay “clean and sober.”

During the one (1) year program all participants are randomly tested for drugs and alcohol through the Probation Department. Depending on the random selection, individuals are tested as often as every day. They do not know they will be tested until the night before the test. This random testing gives the court an accurate picture of the individual’s sobriety during the program.

The Grand Jury observed at one particular drug and alcohol hearing the following: 18 individuals were present, three (3) were “no shows,” and an arrest warrant was issued for one (1) individual. Once the hearing began, it lasted for approximately 55 minutes and all of the individuals were expected to be present for the entire hearing. The Public Defender represents an individual at his or her first Drug Court appearance. At that particular court appearance the Public Defender represented four (4) new individuals. Members of the Grand Jury commented on how young the participants were, but noted there was a wide range in age involved with the program.

The two (2) individuals that jurors spoke with after the court hearings were at different levels of the program. One had been released from the county jail two (2) days prior to the court hearing, while the other was in phase two of the program. Although talked to separately, both had similar experiences after their arrest. Both found that individuals they thought were friends failed to contact them after their arrest. Both had past acquaintances that came forward to help them when they were in jail. Both of their acquaintances had previously been arrested for drugs and wanted to help them. The individual that had just been released from jail indicated that he felt that he was going to have to be more selective with whom he associated. He knew that he had to stay away from friends that continued to abuse drugs or alcohol.

One of the key positions for the program is the Drug Court Manager. The Drug Court Manager coordinates the court scheduling for three programs, Dependency Drug Court, Proposition 36 (State's diversion program), and the Tuolumne County Drug and Alcohol Court Program. The Tuolumne County Grand Jury chose not to review the Dependency Drug Court or the Proposition 36 program, but those programs fall under the supervision of the Drug Court Manager. In addition to coordinating the three programs, the Drug Court Manager also acts as a liaison for all of the Departments involved with the three programs.

According to the Drug Court Manager counseling for the Drug and Alcohol Court is provided by the Behavior Health Department. If a participant of the program needs additional supervision it is the Drug Court Manager's duty to arrange "intensive treatment" for the participant. Intensive treatment or "in house" treatment is provided by the Salvation Army or Nirvana. Nirvana is a setting where participants receive ongoing residential treatment during their stay. Tuolumne County contracts for the service with Nirvana in Modesto. The Salvation Army has a similar residential treatment program but is independent of the County.

### **FINDINGS**

1. According to the current White House Drug Czar, Gil Kerlikowske, "research shows that it doesn't matter if an individual goes into a drug program by choice or in handcuffs! Drug treatment costs much less than incarceration."
2. Even though the numbers of individuals who fail to graduate from the program or the individuals who relapse after graduating from the program are significant, the Grand Jury believes the drug and alcohol program is well worth the time, effort, and cost. The Grand Jury believes that the drug and alcohol problem in Tuolumne County is both a public health problem and a public safety problem and should be addressed by the Behavioral Health Department, the Probation Department, the Sheriff's Department, and the courts.

### **RECOMMENDATIONS**

1. The Grand Jury has no recommendations for the Drug Court in Department 2.

The Grand Jury would recommend that citizens attend one of the Drug and Alcohol hearings. The hearings are open to the public.