

NORTHERN HILLS DRUG COURT PROGRAM QUARTERLY REPORT

This quarterly report includes all data collected between July 1, 2008 and September 30, 2008. The next quarterly is due January 31, 2009. It will include all data collected between October 1, 2008 and December 31, 2008.

Budget

During the 2007 Legislative Session, \$212,193 was appropriated for the Northern Hills Drug Court program through HB1271.

Federal Grant

On July 31, 2007, the Unified Judicial System was notified by the Department of Justice that it received a grant for \$350,000. The grant period covers July 1, 2007 through June 30, 2009. This Federal Grant requires a 25% match.

- Data provided by the Unified Judicial System Budget and Finance Office

Total Quarterly Expenditures*	General	Federal
Personal Services	\$ 8,688.02	\$ 26,065.92
Travel	\$ 395.99	1,188.01
Contractual Services	\$ 4,682.91	\$4,009.54
Supplies and Materials	\$ 397.41	\$1,192.40
Capital Assets	\$ 0	\$ 0
Total	\$14,164.33	\$32,455.87

Treatment Costs

Each participant is responsible for 1/3 of their treatment provider costs.

Participant	Cost to UJS	Cost to Participants
*Participant I July, August, September	\$164.20	\$82.11
Participant II July, August, September	\$320.60	\$160.30
Participant III July, August, September	\$234.60	\$117.30
Participant IV July, August, September	\$328.44	\$164.22
Participant V July, August, September	\$437.90	\$218.95
Participant VI July, August, September	\$336.19	\$168.13
Participant VII July, August, September	\$ 320.61	\$160.31
Participant VIII July, August, September	\$1348.41	\$674.28
**Participant IX July, August, September	\$992.73	\$496.38

Participant X	August, September	\$891.54	\$445.57
Participant XI	September	\$734.80	\$367.40
Participant XII			
Participant XIII			
TOTAL		\$6110.02	\$3054.95

* Graduated 9/12/08

** Terminated 9/10/08

Participant Status

Drug Court eligibility first requires a States Attorney to approve entry pursuant to a plea agreement. In other words, a States Attorney must ***refer*** a defendant to Drug Court. However, prospective participants can be ***recommended*** by individuals/entities other than a States Attorney (e.g. court services officers, defense counsel, treatment providers, and family members). This report includes prospective participants from all sources.

For this quarter, July 1 through September 30, 2008, the program received 10 recommendations from all sources. Of those 10 recommendations, 7 were referred by a States Attorney from the following counties (Meade, Lawrence, Butte, Perkins, and Pennington). Of the 7 referred from the States Attorney:

1. One did not meet the minimum eligibility requirements and was determined to be inappropriate for entry.
2. Six were admitted to the program.
3. Three are in the initial application process.

Two drug court candidates have submitted applications and one recommendation had been emailed by her attorney. Written plea agreements have not been received. The candidates are aware they need to complete a drug and alcohol evaluation and are in that phase of the application process.

Of the six admitted to the program, one individual failed and was expelled from the drug court program. One has completed in-patient treatment and a jail sentence. Two are currently completing their jail sentences.

Prospective Participants

There were 3 recommendations made by other individuals/entities, other than States Attorneys. Because entry into the program is conditioned upon States Attorney approval, independent assessment of the quality or appropriateness of this population is difficult because an application has not been completed and an evaluation has not been performed. However, of those *not* referred by the States Attorney, three (3) were recommended by their defense counsel.

10 Key Components of Drug Court

In the late 1980's in Dade County Florida, the first Drug Court began operation in response to the judicial system being overrun with substance abusing criminals. This was causing an overcrowding of the jails and many were returning to the system within a short period of time. Over the last twenty years, 10 key components have been identified that ensure a successful Drug Court Program.

1. Integrate treatment with justice system case processing.
2. Provide a non-adversarial approach to protect public safety and protect participants' due process rights.

3. Identify eligible participants early and place them promptly in drug court/treatment.
4. Provide access to a continuum of treatment and rehabilitation.
5. Monitor abstinence by frequent alcohol and other drug testing.
6. Coordinate the response to participants' compliance through sanctions and incentives.
7. Provide ongoing judicial interaction with each participant.
8. Monitor and evaluate the achievement of program goals and effectiveness.
9. Provide continuing inter-disciplinary education to guide planning, implementation, and operations.
10. Forge partnerships among drug courts, public agencies, and community based organizations.

Drug Testing (Key Component #4, #5)

Two-hundred-eighty-two (282) drug tests were administered through September 30, 2008. Two-hundred-eighty-two (282) tests were negative.

Incentives (Key Component # 6)

One participant graduated from the drug court program on September 12, 2008. One participant advanced to Phase III on July 1, but as a result of a sanction due to her violation was restarted in Phase III on July 29. Two participants advanced to Phase IV on August 26, 2008. One participant was expelled from the drug court program on September 30, 2008.

Sanctions (Key Component # 6)

One participant lost "good time" in Phase III for crossing State lines without permission. This same participant was sanctioned to 3-weeks in the Meade County Jail for the consumption of alcohol. One participant was sanctioned multiple times to jail for violation of a protection order, failure to report for a drug test, treatment and curfew. He was ultimately expelled from the program for driving under the influence of alcohol.

Intensive Supervision (Key Component #1, #5, & #7)

The Court Services Officer (CSO) had 2,607 contacts with thirteen participants including curfew checks, telephone contacts, field visits, collateral, written, and office visits.

Participants' Accomplishments:

Participant I was the first drug court graduate on September 12, 2008. At his graduation he gave a heartfelt speech thanking the drug court and treatment for all of his opportunities. He attended mental health counseling on a weekly basis after being involved in a head-on accident on July 14, 2008, which killed the driver of the other vehicle. He was not under the influence of any drug or alcohol and a search of his house revealed no contraband. He sustained some facial and head injuries as a result of the accident and was monitored for heart problems as the possible cause of the accident. He maintained stable employment during the quarter and the entire duration of the program.

Participant II was promoted to Phase III and has attended "Sweat Lodge" ceremonies on a regular basis as part of her personal religious experience. She was sanctioned by the Team and placed on House Arrest for crossing state lines into Wyoming without permission to buy cigarettes. She was reminded by the Judge to remain within the boundaries of her authorized work permit when driving. On July 25, she was taken into custody for consuming alcohol at her residence after testing positive on a PBT administered by a Whitewood police officer. As result of the violation, she was sanctioned to three weeks in jail, lost her work permit, and returned to day-one of Phase III. After release from jail, while waiting to be put back on the work schedule at McDonald's, she performed community service at the Whitewood PD. She stated she was motivated to work harder after

attending the graduation of Participant I. She is looking into better employment opportunities such as health care, as opposed to the fast food services.

Participant III had concerns about a positive test for benzodiazepines. Results from an independent laboratory came back negative. He continued to work as a self-employed plumbing contractor and was very busy throughout the summer season. Because of his exemplary work in the program, he was able to enjoy travel permits to Minnesota and North Dakota to visit daughters and grandchildren. This participant celebrated one year of sobriety on September 2 and was promoted to Phase IV as well. He was allowed by the team to attend NA meetings with his brother who is on parole.

Participant IV was involved in an auto accident on July 14 when her vehicle was rear-ended by a drunk driver. She was not injured except for minor soreness. She and her boyfriend obtained a free trailer that they moved to a lot in Rapid City. She spent the larger part of the summer attending college classes and doing repairs to her trailer. She received a 4.0 GPA for the summer semester at NAU. She was promoted to Phase IV on August 26.

Participant V was allowed to move from an apartment to a rental trailer in the same town because she stated that cutting the grass at the apartment was triggering cravings to use methamphetamine. She began counseling with her ex-boyfriend, the father of her three year old son, who lives three houses down from her. The Team voted to allow contact with ex-boyfriend if he agreed to sign release and waiver. The ex-boyfriend refused to sign the waiver and stated he did not want contact with her. The team reinstated no-contact. The ex-boyfriend committed an assault on Participant V by choking her in front of her child. She filed a protection order against him and he was arrested for assault. After posting bail, the ex-boyfriend made several veiled threats. He violated the protection order by confronting her at her job site and by slitting the tires of her vehicle. However, she dropped the protection order against her ex-boyfriend but was told that any contact with him would result in a sanction of jail. At his hearing, he entered a plea of guilty to assault and was ordered to have no contact with her and in addition, visitation with their son was to be arranged by the court.

Participant VI was successfully discharged from Pennington County probation but remains in the drug court program as a Lawrence County probationer. She was promoted to Phase III on July 8. She was selected as Participant of the Month for June. She and family were considering other housing options. She continues to be employed full-time and works a lot of hours. There is some concern among Team members about the amount of Red Bull she consumes each day. She was embarrassed at graduation ceremony about sitting up front with other participants and there are concerns among Team members about her feeling that she is "above" the other participants. She is an excellent mother of two young children. Her boss depends on her and has given her a sizeable raise to remain under his employment.

Participant VII maintained stable employment as a heavy equipment operator on road construction. Weather and finances contributed to this participant's frustrations as he was unable to work numerous days during the summer because of muddy or unsuitable conditions. Several urine specimens were submitted that appeared dilute due to large intakes of water to keep hydrated during heat but were within normal range of specific gravity and creatinine levels when tested. The quality of the samples improved as quarter progressed. He worked his farm as well as construction this summer. This participant asked permission of the drug court CSO to attend homecoming activities with his family. He confided he used to "hideout" when he was using and would not be involved in community events. Now he wants the community to see him as a family man.

Participant VIII began drug court on July 8. She was not allowed to live with her sister who is also an addict with a criminal history. She moved into the women's shelter in Sturgis until other housing could be obtained. This woman has fibromyalgia and receives disability compensation. She has medical issues and takes several

medications. Initially, she showed very little motivation to obtain housing or perform required community service. She was placed on House Arrest by Team to motivate her into obtaining housing and performing community service. With the assistance of Meade County Housing she moved into her own apartment and then began performing 15 to 20 hours per week of community service at the Sturgis Public Library. She is seeing an endocrinologist who is working to regulate her thyroid function. She completed a DUI class in order to obtain a suspended driver's license from Florida. The CSO has received very positive feedback from the library with regards to her work performance and professionalism.

Participant IX began drug court on July 10 and was serving his probation jail sentence in the Meade County Jail. On July 24 he entered Addiction Family Resources for inpatient treatment. He completed treatment on August 21 and returned to Meade County Jail to complete probation jail sentence. He completed jail sentence on September 8. He was ordered by the Team to perform a PBT twice daily at the Spearfish Police Department until full-time employment is obtained and at which time he will go on the SCRAM bracelet. He has placed several job applications but has had difficulty finding a job and the Team questions his effort and sincerity in obtaining employment.

Participant X began drug court on July 17 and began by serving 19 days in the Meade County Jail as part of his sentence. He completed his jail sentence on August 10 and was employed at his father's business while waiting to attend the college fall semester. A temporary protection order was filed against him by his ex-girlfriend. He violated the protection order by text messaging her and emailing unflattering pictures of her to co-workers. He was placed in custody as a public safety concern until further investigation. He was released from the Meade County Jail on August 20 and was ordered to report to the Pennington County Jail for violation of protection order charges; however, he failed to turn himself in, failed to show for a scheduled UA, and failed to show for treatment session. His whereabouts were unknown for one night until he turned himself into the jail the next day. The Team sanctioned him to three weeks in jail with authorization to attend treatment. After being released to attend a court session in Pennington County he showed up for treatment with alcohol on his breath. He was ordered to begin Phase I of drug court and Level I of IOP on September 2. After completing a jail sanction he was arrested for DUI on September 23 while driving 40 mph in a 15 mph school zone. He was expelled from the drug court program on September 30, 2008.

Participant XI began drug court on August 28 and is currently serving a 90 day jail sentence as part of his probation in the Lawrence County Jail. He is on work and treatment release from the jail which allows him to work 40 hours per week. This participant's supervisor for the construction company in which he works, has given very positive feedback to the CSO regarding this young man's attitude and work performance.

Participant XII began drug court on September 23 and is currently serving a 90 day jail sentence as part of her probation at the Lawrence County Jail, and is awaiting a bed date for inpatient treatment at Keystone. She was still using methamphetamine the week prior to entering the program. She is steadily gaining weight and looking much healthier while completing her jail time. She is disappointed by the fact she will not be out of jail for the holidays as she wants to be with her two young children. Last year, she was "unable to score some meth" which depressed her so much she just let Christmas slip by—not so much as a tree or a treat for her children. She is carrying that guilt. The CSO encourages her to remember these moments for when she feels tempted to use.

Participant XIII began drug court on September 25 and began serving a seven day jail sentence as part of his probation on September 30 at the Lawrence County Jail.