

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Breaking the Cycle

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Document No.: 188087

Date Received: 06/11/2001

Award Number: 96-IJ-CX-0065

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Breaking the Cycle

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Box 6000
Rockville, MD 20849-6000

University of Alabama at Birmingham

Grant 96-IJ-CX-0065

2001

Introduction

In 1995, Jefferson County, Alabama, and seven other jurisdictions were asked to submit proposals for Breaking the Cycle (BTC), a national demonstration program funded by the Office of National Drug Control Policy through the National Institute of Justice. These communities were selected based on several criteria including: (1) the experience in offering drug testing and drug treatment to criminal justice populations; (2) the proven track record of interagency cooperation and justice system, governmental and community support for similar efforts; (3) the existing infrastructure to support a demonstration project; and, (4) the history of successful performance under related federal grant programs. In 1996, Jefferson County was selected as the first demonstration site after visits by Justice Department officials who met with Sheriff's Department officials, the District Attorney, local judges and representatives of the defense bar, local drug treatment providers and the Circuit Clerk's Office. The University of Alabama at Birmingham (UAB) Treatment Alternatives to Street Crime (TASC) Program was designated as the grantee.

BTC calls for the development of a single project to demonstrate the full use of the criminal justice system's coercive powers to reduce drug use and related criminal activity. The initiative employs an integrated approach of early intervention, judicial oversight, graduated sanctions/incentives and close collaboration between criminal justice agencies and drug treatment. BTC marks the first time a criminal justice system sought to test all felony defendants entering the system, provide appropriate treatment for those who are drug-involved and impose sanctions for continued drug-related behavior. The goals of BTC include:

- Reduced drug use
- Reduced criminality
- Reduced jail and prison populations
- System re-design/reorganization (i.e. speedier case processing, rapid response to non-compliance, better information for decision-making, better supervision of defendants/offenders, speedier entry into treatment)
- Improved life skills and circumstances (i.e. employment, education, health)
- Better allocation of system resources

The following report briefly chronicles the experiences of UAB TASC in the implementation of the BTC initiative. The report spans the duration of the Birmingham initiative from October 1996 – May 2000.

Agency Overview

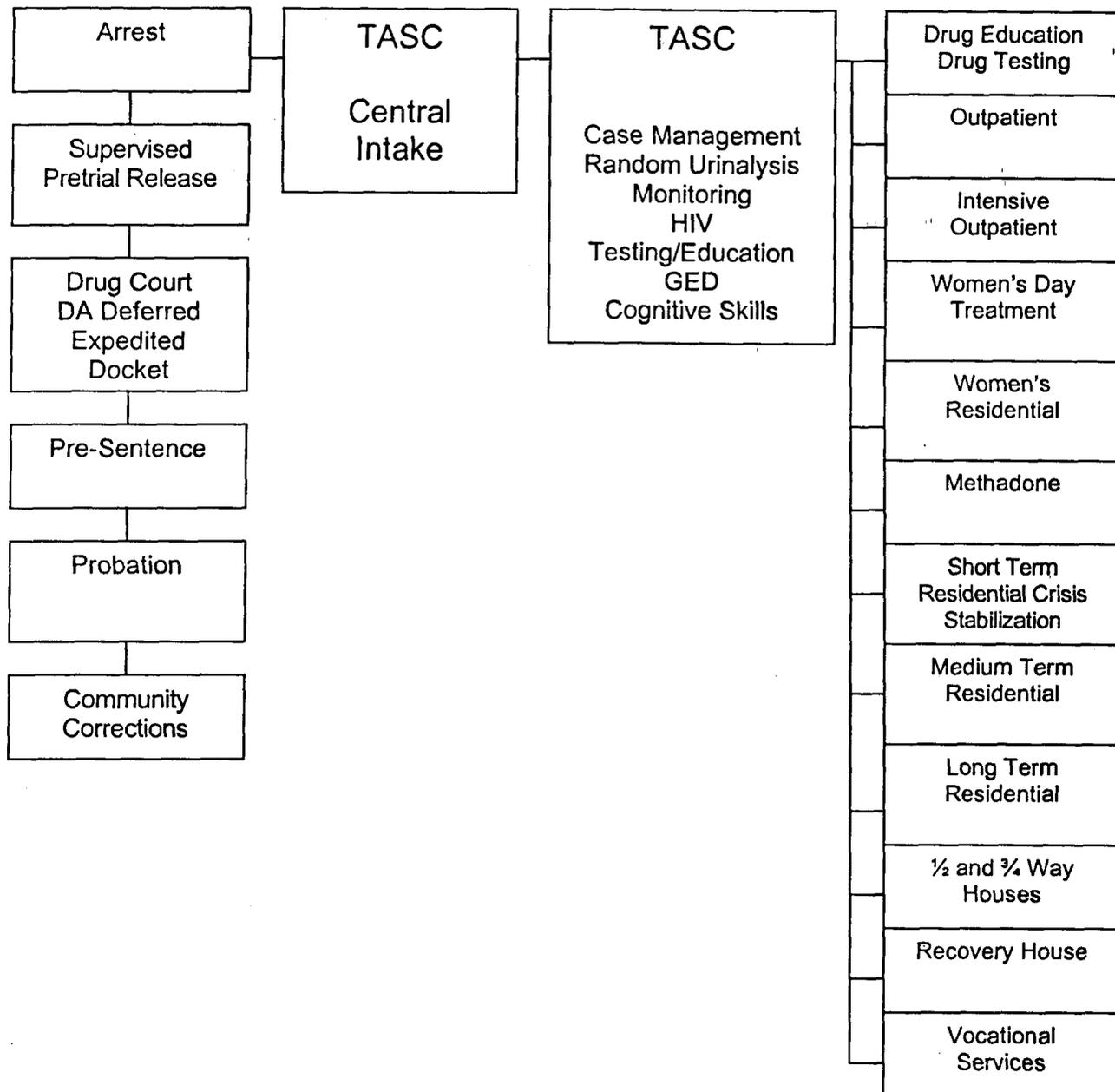
UAB TASC, begun in 1973, is the oldest operational TASC program in the country. Since inception, TASC has screened over 54,000 adult offenders and referred more than 30,000 into community treatment programs. The program currently provides drug dependent offenders in Jefferson County, Alabama with criminal justice supervision and drug treatment services. Through these programs and its linkage system, TASC offers access to an enhanced continuum of community-based substance abuse treatment. TASC serves as the designated Community Corrections agency to provide community based alternatives for prison-bound offenders. In addition, the organization manages the juvenile and adult drug court programs and the Arrestee Drug Abuse Monitoring (ADAM) project. An historical summary of funding sources and program involvement includes:

- 1987 - Drug Use Forecasting
- 1988 - Focused Offender Disposition Project
- 1990 - OTI/CSAT Model Offender Treatment Support Program
- 1990 - Pretrial Services
- 1991 - Edna McConnell Clark Foundation/Alternative Sentencing Project
- 1992 - District Attorney/TASC Deferred Prosecution Program
- 1992 - NIDA TASC Evaluation
- 1994 - Community Corrections
- 1995 - Drug Court Implementation
- 1996 - Breaking the Cycle

TASC continues to act as a bridge between the justice system (with legal sanctions that reflect community concerns for public safety) and the treatment community (with emphasis

on changing individual behavior and reducing the personal suffering associated with substance abuse.) Through TASC, community-based treatment is made available to drug dependent offenders who would otherwise burden the justice system with their persistent criminal behavior.

*Table 1:
TASC Linkages to Community Resources*



Planning Process

In order to better manage the BTC process, Birmingham implementation was divided into three phases. The Planning Phase began in October 1996 and ended in May 1997. In June 1997, Phase I implementation provided service to offenders charged with felony drug possession and/or possession of a forged prescription. And finally, Phase II implementation serving all felony offenders was initiated on August 10, 1998. Efforts to prepare the system for implementation included:

- Meetings were held with key stakeholders to formulate a plan for implementation.
- A contingency of system representatives visited the Brooklyn Treatment Court to view the jurisdiction's MIS and court process.
- Additional staff were hired to insure adequate coverage of projected caseloads.
- A Policy and Procedures Manual was developed to guide the agency in implementing the BTC initiative.
- Renovations were made to available lab space to accommodate a Hitachi analyzer and necessary lab staff.
- A day reporting program was initiated. In addition, case management staff were trained to facilitate cognitive skills classes.
- A BTC Planning Retreat was held on November 13 – 14, 1997 to bring together key stakeholders to discuss project successes, BTC goals, implementation concerns and short-term task assignments. Barry Mahoney, Justice Management Institute, provided retreat facilitation to encourage the active exchange among entities. Perhaps the most important accomplishment of the retreat was the discussion of concerns and the brainstorming of solutions.

- In November 1997, a Policy and Advisory Oversight Committee consisting of judges, prosecutors, defenders, probation and parole supervisors and law enforcement officials was formed. The Committee established a forum for criminal justice system feedback regarding implementation and evaluation of the program.

Implementation Plan

The implementation plan for the Birmingham site was based on the model provided by NIJ with slight adaptations to meet local needs. The plan involved a system of (1) identifying and drug testing offenders at the point of arrest, (2) assessing the offender for treatment needs, (3) making necessary treatment referrals, (4) reporting offender compliance to court, and (5) levying consistent and appropriate sanctions and incentives. The Birmingham strategies integrated traditional TASC case supervision with established drug court judicial oversight in the following model.

*Table 2:
Birmingham BTC Vision*

Supervised Pretrial Release

with

Drug Court Type Reviews and Sanctions

built upon a

TASC Case Management Platform

The site planned to conduct initial screening and drug testing of offenders within the jail setting to insure early intervention. Assessment and treatment referrals would follow to appropriately link offenders to a variety of treatment options including day reporting, urinalysis, job preparedness, electronic monitoring, cognitive skills instruction, drug education, residential treatment and intensive outpatient. Progress with the treatment

plan would be closely monitored and reported to the court at each subsequent appearance. Intermediate sanctions and incentives would follow each violation or accomplishment in a timely and consistent manner.

Program Success

The Urban Institute is presently evaluating program success. Preliminary accomplishments achieved by the Birmingham site include:

- ✓ The average monthly census within the BTC program was 2,040.
- ✓ During each month, an average of 357 assessments were conducted with felony offenders to ascertain treatment needs.
- ✓ A bond has been implemented requiring felony offenders to report to TASC within forty-eight hours for assessment and urinalysis.
- ✓ The period of time that elapsed between a BTC offender's entry into the system and his/her TASC assessment has dropped from twenty-four days in December 1997 to five days in December 1999.
- ✓ According to results of the 1998 Arrestee Drug Abuse Monitoring Program, 67.1% of male offenders were positive for drug use at the time of arrest.¹ In contrast, only twenty-three percent of BTC offenders tested positive during routine random urinalysis after intervention had occurred.
- ✓ A Policy and Advisory Oversight Committee composed of criminal justice system representatives has proactively identified systemic barriers and made substantial steps to develop solutions.

¹ 1998 Annual Report on Adult and Juvenile Arrestees, National Institute of Justice.

- ✓ Through the membership of the Policy and Oversight Committee, additional dispositional alternatives including the deferred and expedited dockets have been established. These sentencing options were designed to utilize BTC compliance information to qualify defendants for early dispositions. By diverting these cases prior to the grand jury, circuit court docket space is available for jail cases.
- ✓ A management information system has been developed to automate the assessment, offender tracking and drug testing functions of the TASC effort. The system was linked to the Criminal Justice Center for easy access by on-site TASC personnel.
- ✓ Office space within the Criminal Justice Center was secured for drug court and pretrial staff members. The space was renovated by the County.
- ✓ On-site drug testing was initiated at court to assist judges in confirmed offender compliance.
- ✓ Funding was received from the Alabama Department of Economic and Community Affairs to lease twenty-four residential treatment beds for male, non-violent offenders in a community punishment setting.
- ✓ TASC Pretrial Services implemented a new procedure to notify judges of defendants held for FTA and/or probation violations on the day the individual is booked.

Program Challenges / Organizational Response

The implementation of BTC posed many challenges for TASC and its system partners. The challenges encountered and the jurisdiction's responses are as follows.

Jail Overcrowding

Jefferson County has had an ongoing problem with overcrowded jails. In 1998, the County faced legal action in a long-standing federal lawsuit brought against it as a result of dangerously overcrowded conditions in its two detention facilities. In response, judges held a "rocket docket" in September 1998 and January 1999 to move pretrial cases through the system and reduce inmate population. In October, the Jefferson County Commission contracted with the Institute for Law and Policy Planning to conduct an assessment of its justice system. The report sites TASC as having a "critical role in the development of a more responsive justice system." System recommendations made by the report include:

1. Create and implement a criminal justice and population management committee, consisting of all agencies involved with criminal justice, including TASC, to develop system policies for the resolution of present and future system issues and to identify system needs as they arise.
2. As one component of a population management program, create one pretrial services agency. *The report recommends that the agency be organized under the leadership of TASC as part of the community corrections program.*
3. Establish a pre-plea screening unit.
4. Establish a community corrections program that reflects Jefferson County's public safety goals and justice philosophy. *Suggests that a comprehensive program including pretrial screening, pretrial release and alternative sentences be developed under the governance of TASC.*

5. Completely revise procedures for the "48 hour" hearing to include appointment of counsel and bail review and to establish policies that set a specific time and place for the hearing to allow pretrial staff, prosecution and defense counsel time to prepare and appear.
6. Reallocate judicial resources in Birmingham from civil cases to criminal cases.
7. Replace the appointed counsel system to allow for more system accountability and to have a formal representative of defense counsel at system coordinating meetings.
8. Additional agency recommendations call for the review of drug court policies to "allow for earlier determination of eligibility" with the "goal of intervening in a drug-related case as early as possible."

Although the overcrowding condition deterred several judges from utilizing jail-based sanctions, the lawsuit motivated the system to adopt alternative dispositional alternatives including an expedited and deferred docket. Further, the overcrowded situation emphasized the need for pretrial release and supervision.

Jail Screening

Jail screening procedures soon proved to be cost prohibitive. In order to capture the target population, jail staff were needed seven days per week and twenty-four hours per day. Although coverage was improved, gaps in staff availability were still encountered. In addition, a substantial portion of offenders refused to submit to drug testing in the jail setting. The high rate of refusal may have been due to the reluctance of jail staff to encourage drug testing as a means of accessing necessary treatment services. In response, jail screening was abandoned and a bond condition requiring offenders to report to TASC within forty-eight hours of release was adopted.

Maintaining the Project Concept

Direct and timely communication of program elements and modifications proved to be a challenge during the Planning Phase and Phase I. During this period, the program was being modified on a regular basis to adapt to system barriers and to address program deficiencies. Monthly Advisory Committee meetings and quarterly newsletters were employed to open the lines of communication between TASC and its system partners.

Project Ownership Phenomenon

It was a constant challenge to frame BTC as a jurisdiction endeavor rather than a TASC grant program. The Advisory Committee was utilized a vehicle for engaging criminal justice entities in the system-wide reform effort and encouraging the jurisdiction's ownership of the program.

Unrealistic Expectations for Judges

BTC calls for the development of a consistent schedule of intermediate sanctions and incentives. Unfortunately, the majority of judges interpreted the schedule as an infringement on their desire to address each case individually. Further, several judges labeled the schedule as an external attempt to "tell them how to do their job." Despite numerous efforts to reeducate and emphasize the rationale behind intermediate sanctions, judicial administration proved erratic and undependable. TASC responded by focusing energy on the levying of a consistent schedule of internal sanctions and incentives.

Enormity of Scope

Preliminary projections and planning meetings could not prepare the jurisdiction for the enormity of the scope of the BTC program. The program affected every facet of the criminal justice system and relied heavily on the cooperation of independent entities. TASC realized very quickly that it had very little actual control over many program aspects (i.e. judicial oversight, jail screening, information sharing, cooperation of the probation office). Further, the degree of internal resistance to change was underestimated. For example, the Sheriff's Department refused to give TASC access to electronic data; therefore, TASC could not determine who had reported as required and who was in violation of the condition of bond. These issues were discussed within Advisory Committee meetings and addressed as directly as possible (i.e. one-on-one communication to the President of the Jefferson County Commission, Sheriff and Probation Supervisor). Unfortunately, many of these issues remain unsettled at program end.

MIS Challenges

Prior to BTC, TASC operated under a "paper system" of client files and case notes. Subsequently, the agency had no internal expertise in programming, networking and/or database design. This challenge was further aggravated by the presence of varying levels of automation within the Administrative Office of Courts (AOC), Jefferson County, area treatment providers and the Probation Office. TASC relied heavily on external consultants to guide the agency through the development of the MIS.

Roles and Responsibilities of Stakeholders

Tensions between agencies arose over poorly defined roles and responsibilities. Before the implementation of BTC, TASC case managers conducted post-conviction supervision. With the initiation of the program, TASC moved its efforts to pre-arraignment and transferred full supervisory responsibility of probationers to the Probation Office. Subsequent misunderstandings emerged over the roles of each agency. Likewise, the delineation of responsibilities of the Sheriff's Department Pretrial Program was vague. Efforts to rectify these situations included the following: (1) the formation of a Probation/TASC Subcommittee; (2) the introduction of a two-day Cross Discipline Team Building Training for representatives of TASC, treatment and probation; (3) the utilization of the Advisory Committee to openly discuss and define roles and responsibilities; (4) the creation of a memorandum of understanding to outline the roles of each partner.

Amount of Money

Although the grant amount appeared adequate in the planning stages, staff and treatment resources were soon overwhelmed by the number of offenders entering the system. At one point, caseloads reached 160 per case manager and the quality of service provision was called into question. TASC responded by hiring additional staff people, implementing a monthly quality assurance process and seeking supplemental funding to expand the treatment capacity.

Lessons Learned / Recommendations for Future Sites

Through the implementation process, the Birmingham site gained a greater understanding of the inter-relatedness of its criminal justice system and the significance of contributing entities. Further, the site witnessed the impact that external factors (i.e. politics, jail overcrowding, system weaknesses, personal agendas) can have on a project. Perhaps the greatest lesson learned was the necessity of collaborative planning. Based upon the experiences of the Birmingham site in the implementation of BTC, the following elements are essential to a successful program.

1. Base implementation strategies on proven program models – When possible, review several models before choosing the one that best serves your needs. Speak with actual staff, both administrative and front-line, who work with the proposed model before adopting.
2. Involve all possible parties in the preliminary and ongoing planning sessions – It is better to invite *too* many individuals than to overlook an integral player. Smaller working groups can be created to address specific issues.
3. Utilize an outside facilitator as needed – External, objective facilitators are often helpful in guiding a system through a productive strategic planning process. The process should result in a concrete planning document that outlines participant input, issues addressed and consensus achieved.
4. Formalize all roles and responsibilities in a written document – Roles and responsibilities should be concisely outlined in a memorandum of understanding and signed by all affected entities. If roles are modified, signed addendum should be

attached. This document should be used as a reference tool in the event of confusion, change of leadership and/or dispute.

5. Have realistic expectations and maintain flexibility. Systemic reform does not occur quickly or effortlessly. Further, external partners cannot be expected to simply abandon embedded policies and procedures to accommodate the program model. The successful model should anticipate incremental change and encourage flexibility to address unforeseen barriers.
6. Conduct a feasibility study when developing a MIS – A feasibility study will be helpful to jurisdictions considering MIS development. The study will ensure that the final product meets program needs (i.e. extraction of data, ease of future modification, integration of external data, ability of system to maintain). A quality study will review existing MIS that perform comparable tasks and make recommendations for a course of action. The potential for wasted programming time in addressing barriers to deployment, operation and maintenance will far outweigh the cost of the study.
7. Utilize a consultant to serve as a liaison with MIS developers – It is imperative that program needs are adequately and appropriately communicated to developers. If there is insufficient technical expertise on staff to communicate with developers and monitor the development process, a consultant should be utilized to serve as a liaison. Again the benefit of recognizing and addressing problems during the development phase will exceed the cost of hiring a consultant.
8. Make necessary program modifications – Program modifications should be made after carefully documenting the rationale for change and involving affected partners in dialogue.

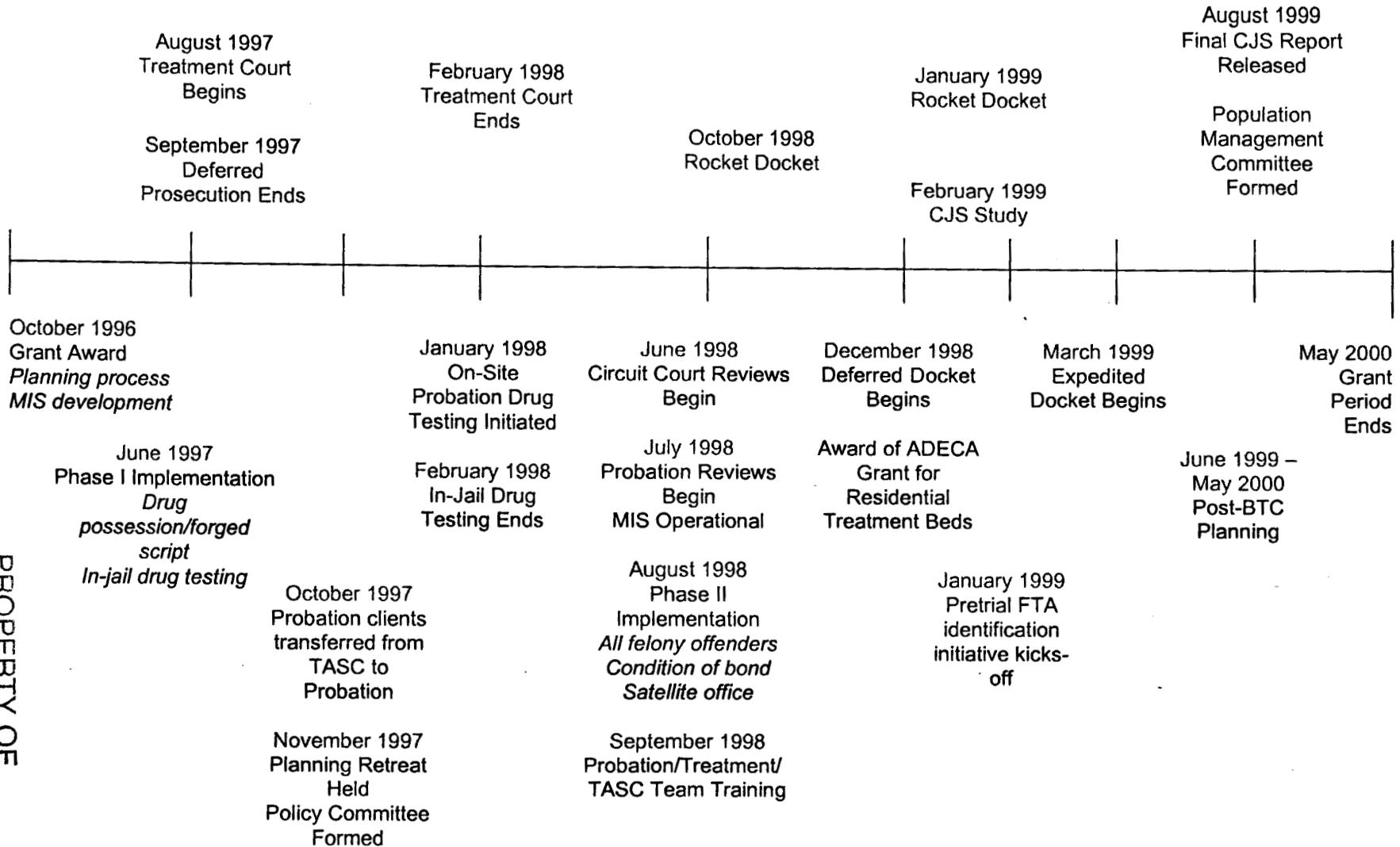
9. Conduct post-BTC planning – Post-BTC planning should be conducted during the final twelve months of the grant period. Planning issues should include potential funding sources, successful components, unsuccessful components and jurisdictional needs.

Attachment

- BTC Timeline

Breaking the Cycle Timeline

Birmingham, Alabama



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