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to 33 percent of untreated inmates.

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Salient and Consistent Sanctions: Oregon's Key to Reducing Drug Use

—Jeffrey N. Kushner, Director, Oregon Office of Alcohol and Drug Abuse Programs

In Oregon, we are finding that consistent, certain sanctions can drastically reduce drug use by offenders on probation or parole. Longer sentences, well managed probation, and parole revocation proceedings with consistent/salient sanctions do deter drug use and crime. Systematic sanctions, combined with drug treatment, can bring back respect to our criminal justice system and increase the effectiveness of our drug treatment system for offenders.

Oregon's experiment with intermediate sanctions began in late 1987, when I received a call from the Governor's Office requesting that the Office of Alcohol and Drug Abuse Programs (the single State agency for alcohol and drug abuse services) provide help to the community of Coos Bay, Oregon, to reduce their alcohol and other drug abuse problems. The request originated from two brothers who owned a local timber mill in Coos Bay. I began meeting with community representatives on a regular basis to develop a community plan, which the State would help the local task force to implement.

One of the key leaders of this effort was the dedicated local district attorney, who had extensive concerns regarding the negative impact that alcohol and other drugs were having on this community. District Attorney Paul Burgett expressed to me his frustration over the large number of probationers who had positive urine tests, even though they were involved in treatment.

At that time, probationers were sentenced to substantial periods of incarceration only after several positive tests. Defendants would continually see how far they could push the system without receiving

punishment. In Burgett's words, "The law enforcement system lost credibility. Probationers continued in their drug usage and crime. Jail space was wasted on lengthy sentences imposed by frustrated judges. Drug usage had effectively been given over to probationers."

The successful Georgia experiment

Fortunately, I had just read the account of an experimental program for probationers who were using marijuana in Albany, Georgia.¹ What became known as the Albany Pot Program had been initiated in 1981, before we knew what intermediate sanctions were, by the director of Georgia's Advisory Council for Probations, a local district attorney, and a chief judge.

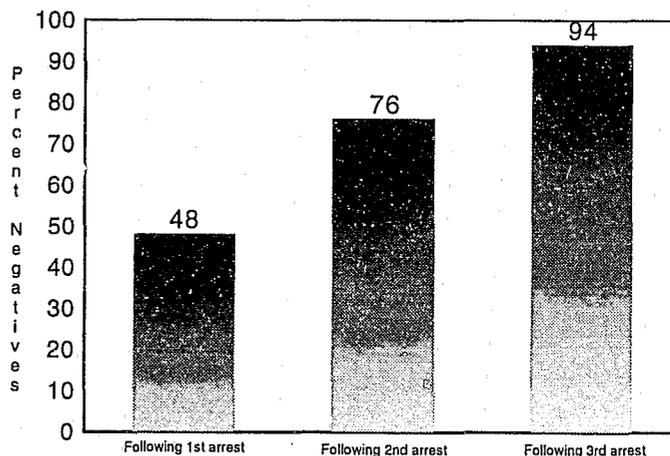
According to author Peggy Mann, "The key to the success of this program was the introduction of a firm probation contract stating that probation could be revoked if evidence of illegal drugs was found in the urine." The first time a urine test showed positive, the probationer was placed in jail for 7 days; if urine tested positive a second time within 60 days, the sentence was 90 days in jail.

After 10 months, results from this experiment showed no "three-time losers." What was more impressive was that the percentage of those who were pot-positive dropped from 62.5 at the start of the program to 17.9. Eight months later, the percentage of pot-positive offenders had dropped to 10.5, where it stabilized. Crime—particularly burglaries—in Albany had also dropped. In effect, prison space was not needed to reduce drug use.

¹Mann, P. *Arrive Alive: How to Keep Drunk and Drugged Drivers Off the Road*. New York: McGraw Hill, 1985.

continued on page 20

Percentage of Offenders with Negative Urine Tests After DROP Arrests



continued from page 19

A consistent, salient intermediate sanction was working.

These results made a significant impression on me, and apparently impressed the Coos County district attorney as well. In September of 1988, the district attorney, with the cooperation of the sheriff, the director of the local State Department of Corrections, and the courts, initiated the Drug Reduction of Probationers (DRO) program based on the Albany model.

DRO's certain response

DRO assures a certain and swift response when urinalysis tests show that a probationer has returned to drug use. With DRO, an individual probationer who uses drugs is immediately arrested and detained in the local county jail. A violation report is immediately delivered to the district attorney, who is ready to proceed. Each violation results in the

recommendation that probation be continued along with:

- 2 days in jail for the first violation
- 10 days in jail for the second violation
- 30 days in jail for the third violation

The amount of jail time is brief and follows the concept that the key variable to deterrence is not the length of incarceration, but the certainty and saliency of the punishment.

Once a person has been arrested on DRO, that individual is tested at least once a month for 6 months. Every client is tested for THC and amphetamines. Additionally, a percentage of clients are tested for other drugs as well. For example, 50 percent of clients may be tested for cocaine in a given month. If a person is arrested twice, testing is increased to twice monthly.

All offenders arrested under the program are automatically referred to the Coos County Correctional Treatment Center for a full assessment (including medical and family history, drug use and treatment history, legal history) to determine level of service needed.

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The treatment center offers a variety of treatment options, including: basic 8-week information group for problem users, a basic therapy group, a failed treatment group, one-to-one counseling, and a females-only group. Additionally, clients needing residential treatment are referred to one of three publicly-supported residential treatment programs outside the county.

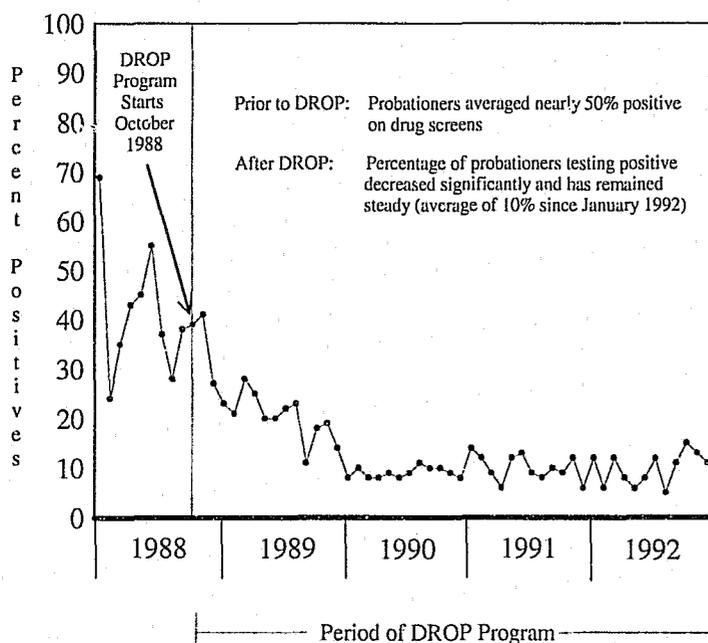
Positive program results

Coos County discovered many positive results from their experiment.

- *Substantial jail days are saved.* If an individual is returned to the court three times (which very few probationers are), the total time served is 42 days compared to the 90 days that, previous to the program, were often recommended and imposed after numerous violations for drug use.
- *Drug use is significantly reduced.* Of the 198 current active cases among Coos County probationers who have been arrested on the program, 48 percent on the second drug

Monthly DRO Statistics

Average Percentage of Probationers Testing Positive on Drug Screens



screen have quit using drugs. After a second arrest, that increases to 76 percent who are clean on subsequent drug testing. After a third arrest on DROP, 94 percent of probationers test negative for drug use. (See the percentage chart on page 19.)

- *Positive drug tests have been reduced for all probationers.* Prior to DROP, an average of 43 percent of all probationers had "dirty" urine drug screens. During 1992, that average was reduced to an amazing 10 percent.
- *DROP works just as well for parolees.* Coos County has expanded the program to parolees and, during 1992, experienced a 12 percent positive rate on urine tests (just 2 percent higher than among probationers).

Drug use by probationers declined precipitously soon after the DROP program began and has remained steady over time (see chart on page 20). DROP is a significant tool in reducing drug use, but it will never eliminate illicit drug involvement among all offenders. However, as resources become more scarce, it is helpful to identify those probationers who are not ready for treatment.

The DROP program has had no negative impact on the courts or district attorney's office. Very few offenders request a formal hearing (just 1.2 percent after a first DROP arrest; 3.1 percent after a third DROP arrest). This high percentage of uncontested hearings saves both time and dollars in court, district attorney, indigent attorney, police officer, and other costs.

Lessons for other jurisdictions

The Coos County district attorney indicates that "the answer to insufficient sanctions does not lie in more and more prosecutions and

convictions. The answer to insufficient sanctions lies in the rational and efficient use of scarce resources. Efficiently utilizing the strongest weapons in our legal arsenal could easily turn the tide in the war on crime."

According to the district attorney, "perhaps our most powerful weapon is the probation and parole revocation proceeding. These proceedings are swift and certain. They are a model of systematic efficiency. The hearings occur very quickly. Counsel is often waived. If appointed, counsel spends very little time on revocations as opposed to new prosecutions. Outright admissions to violations are common. Prosecutors spend very little time generally and achieve excellent results."

As a member of Oregon's Community Corrections Advisory Board, I and other board members continue to encourage other counties to initiate a DROP type program; many counties have done so. Other Oregon counties are looking at alternatives to the 2-10-30 (42 days total) of the DROP program. For example, Jackson County is trying a 5-5-5 (15 days total) model and will

look at whether results are any different from those in Coos County.

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Some criminal justice systems may be quick to indicate that they don't have the time to manage and supervise their "drug violators" or have the jail space to implement the sanctions. To such objections, the only question I have is, "Do you have the time, the jail space, the resources, and your community's tolerance to do otherwise?"

TIPS on Diversion

CSAT is now in the planning stage for two Treatment Improvement Protocols (TIPs) on diversion to treatment. One TIP will address models for diverting adult offenders; the other will focus on juvenile offenders.

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Do you have ideas or requests for future issues...

We welcome your suggestions about topics or issues you would like to have covered in future issues of the *TIE Communiqué*. Please contact the Editor, *TIE Communiqué*, at the Treatment Improvement Exchange.