

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
JUDICIAL BRANCH**



**ADMINISTRATIVE OFFICE OF THE COURTS  
ADULT DRUG TREATMENT COURT**

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**REPORT TO THE JOINT STANDING COMMITTEE ON THE JUDICIARY  
126<sup>TH</sup> LEGISLATURE  
Submitted: January 14, 2013**

**Executive Summary**

Maine's Adult Drug Treatment Courts (ADTC) have operated in five counties across Maine during calendar year 2012 and have provided rigorous accountability for defendants and probationers who have either pled guilty or been found guilty of serious drug and alcohol-related offenses. Drug courts have proven to be an effective state, national, and international response to substance abuse and crime and the profound costs associated with these crimes to individuals, the criminal justice system, and our communities at large.

**Structure**

- Participation in these courts is voluntary and provides defendants and probationers with a demanding community-based alternative to lengthy terms of incarceration. While in drug court, participants are required to meet with the presiding judge weekly or every other week to account for their progress as well as maintain regular contact with their case managers and probation officers, if on probation. They must have paid employment, attend an educational program, or engage in community service, meet all their financial responsibilities, maintain stable and sober housing, frequently undergo testing for drug and alcohol use, and participate satisfactorily in intensive treatment and self-help groups.
- Specialized treatment funded by the Office of Substance Abuse and Mental Health Services (SAMHS) through contracts with local behavioral healthcare agencies is

provided to participants to support recovery from substance abuse, develop more pro-social behaviors, and address mental health and trauma issues.

- Since inception nearly twelve years ago, 1,435 men and women have participated. In calendar year 2012, there were 250 participants throughout the course of the year. Due to graduations and expulsions, as of December 31, 2012, there were 150 active participants statewide.

### Benefits

- In calendar year 2012, there were 250 participants of whom 50 individuals graduated. According to the most recent research, the overall graduation rate since inception has been 51%, which compares favorably with the average national rate of 48%.
- Adult drug courts generate measurable cost avoidance to the criminal justice system through reduced recidivism and incarceration and to the health care system through recovery from addiction. For every \$1.00 spent on the adult drug courts in Maine, \$3.30 in savings to the state's criminal justice system is generated.
- Adult Drug Treatment Courts continue to demonstrate that drug court participants recidivate at significantly lower rates and for less serious offenses than traditionally adjudicated offenders. Maine's rate has historically been 17% one year post-discharge compared to a significantly higher rate for traditionally adjudicated offenders.
- Since 2001, a total of 60 drug free births to mothers in drug court have occurred. National estimates of the cost of care for drug-addicted children approach or exceed \$1,000,000 per child through the age of 18 years old.

### Resources

- Drug courts remain labor and time intensive on the part of judges and other drug court practitioners. Judges, court clerks, judicial marshals, prosecutors, and probation officers continue to devote their time to these dockets without any additional funding from any source.
- Funding for treatment and case management provided to drug court participants has remained flat or been reduced for the past eight years. According to SAMHS, total contract costs for treatment and case management services for SFY2012 were \$1,023,000. Funding is provided to SAMHS from the *Fund for a Healthy Maine* (FHM), MaineCare, the General Fund, and the federal Substance Abuse Treatment and Prevention Block Grant. The Judicial Branch uses General Fund monies generated by staffing vacancies to support a full time statewide coordinator.
- As the recipient of four grant awards from the Bureau of Justice Assistance of the Department of Justice, the Judicial Branch has continued to implement adult drug court enhancements throughout 2012. The goals of these grants have included upgrading the drug court management information system maintained by SAMHS, completing an updated comprehensive process and outcome evaluation of the adult drug courts since their initial implementation, and enhancing treatment and case management services in Cumberland and Washington Counties. All of this funding is devoted to contracted services and not to Judicial Branch infrastructure. Three of the grants will have expired by the end of 2012 with only the Washington County enhancement grant remaining in force until July 1, 2013.

- SAMHS was awarded a three-year grant from the Bureau of Justice Assistance effective October 1, 2011; totaling \$1.5 million to enhance statewide drug court activities through training and technical assistance, evaluation, improved drug testing, and increased assistance in obtaining sober, safe, and affordable housing. Activities funded by the grant have continued during 2012.
- Due to funding constraints and performance issues, the Penobscot County Adult Drug Treatment Court began a gradual process of dissolution in September 2011 leading to its closure in October 2012 following the discharge of all participants. Defendants residing in Penobscot County have the opportunity to join the Hancock County ADTC.
- Emerging trends in designer drugs, such as synthetic cannabinoids like K-2 and synthetic stimulants like bath salts, have continued to challenge the drug courts although the detection of their use through testing, while expensive, has dramatically improved. The abuse of prescription opioids and heroin remains a leading contributor to criminal conduct leading to drug court participation.

### What are Adult Drug Treatment Courts?

Adult Drug Treatment Courts (ADTC) are a type of specialty docket or problem solving court and are defined as follows:

*A specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision and use of appropriate sanctions and other habilitation services.<sup>1</sup>*

ADTCs seek an increase in personal, familial, and societal accountability on the part of participants, the development of prosocial attitudes and behaviors, and the promotion of healthy and safe family relationships. These courts are intended to reduce unnecessary incarceration by promoting more effective collaboration and efficient use of resources among the courts and criminal justice and community agencies.

Maine's initial six Adult Drug Treatment Courts were created by statute in August 2000 and began accepting participants into service in April 2001.<sup>2</sup> These courts were located in Androscoggin, Cumberland, Oxford, Penobscot, Washington, and York Counties. The docket in Oxford County was discontinued due to low census in May 2004. The Penobscot County DTC graduated its final participant this past autumn. Defendants from Penobscot County have been given the opportunity to join the Hancock County Court.<sup>3</sup>

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<sup>1</sup> Bureau of Justice Assistance. *Competitive Grant Announcement: Adult Drug Treatment Court Implementation Grants*. Washington, D.C.: U.S. Department of Justice, 2003.

<sup>2</sup> An additional ADTC in Hancock County joined the state system following the provision of funding by the 123<sup>rd</sup> Legislature on July 1, 2008. This docket had previously been administered as a deferred sentencing project by the county beginning in April 2005.

<sup>3</sup> At present, there are three participants from Penobscot County in this Court.

**Program structure**

The structure of the five active Adult Drug Treatment Courts in 2012 is summarized below:

<b>Site</b>	<b>Presiding justices and judges</b>	<b>Case management services</b>	<b>Treatment provider agencies</b>
Androscoggin County	Hon. MaryGay Kennedy	Maine Pretrial Services	Tri-County Mental Health Services
Cumberland County	Hon. Jeffrey Moskowitz	Maine Pretrial Services	Catholic Charities Maine
Hancock County	Hon. Kevin Cuddy	Maine Pretrial Services	Open Door Recovery Center
Washington County	Hon. John V. Romei	Maine Pretrial Services	Atlantic Mental Health Center
York County	Hon. John O'Neil, Jr.	Maine Pretrial Services	Counseling Services, Inc.

The ADTC dockets have been managed by the Specialty Dockets and Grant Coordinator under the supervision of the Chief of Court Management of the Administrative Office of the Courts. Essential operational support has also been provided by court clerks and the Office of Judicial Marshals. Judges are assigned by the Chief Justice of the Superior Court or Chief Judge of the District Court.

The activities of the ADTCs continue to be overseen by a statewide steering committee consisting of representatives of SAMHS, treatment provider agencies, Maine Pretrial Services, the Co-Occurring Collaborative Serving Maine, the Office of the Attorney General, the Department of Corrections, the criminal defense bar, the Administrative Office of the Courts, a drug court graduate, and a researcher. This committee is chaired by the Hon. Roland Cole, Associate Justice of the Maine Superior Court.

ADTCs are labor and time intensive activities for the Judicial Branch. The dockets in Cumberland, Washington, and York Counties meet every week while those in Androscoggin and Hancock Counties meet every other week. For courts meeting weekly, the time devoted by courthouse personnel averages 4 hours per week or 16 hours per month for the presiding judge, 2 hours per week or 8 hours per month for a court clerk, and 1.5 hours per week or 6 hours per month for a deputy marshal. A courtroom is needed for 1.5 hours per week or 6 hours per month.

Those Courts meeting twice a month devote half this amount of time. As noted elsewhere in this report, no additional funding is provided to the Judicial Branch for drug court

operations. Any expansion of these dockets would divert Judicial Branch resources, including judges, clerks, and deputies from providing services for other types of dockets.

Grant awards enhancing treatment and case management services have been made to the Judicial Branch by the Bureau of Justice Assistance of the Department of Justice for the drug courts in Cumberland and Washington Counties. The former grant totaled \$197,747 for the period October 1, 2009, to September 30, 2011, with an extension to February 1, 2012. The latter grant totaled \$195,360 for the period July 1, 2010, to June 30, 2013. These enhancements are designed to provide mental health and trauma treatment services in addition to interventions for criminal thinking for drug court participants. In Washington County, these goals have been replicated with the addition of pre-employment training and aftercare services.

### **Substance abuse treatment**

SAMHS has continued to contract with licensed behavioral healthcare treatment provider agencies in each county having an ADTC. These agencies are required to provide *Differential Substance Abuse Treatment* (DSAT), a manualized cognitive-behavioral treatment program, to all participants. Clinicians from the treatment provider agencies attend pre-court meetings to discuss participant progress as well as the status hearings.

Most drug court participants participate in other forms of ancillary treatment due to disorders and symptoms beyond substance abuse alone. Research on the drug courts in Maine and elsewhere has indicated that significant numbers of drug court participants have co-occurring mental health disorders and that they typically have poorer outcomes than their peers with only substance abuse disorders. Gender-specific trauma treatment is increasingly offered in recognition of the fact that most women participants and many men are victims of childhood sexual abuse and family violence. Interventions to reduce criminal thinking and risk are also becoming more prevalent throughout the state. Attendance at 12-step recovery and self-help groups is strongly encouraged and has been shown to correlate positively with success after graduation from drug court.

Drug court participants are typically high needs individuals so many require the higher level of care afforded by an inpatient setting in order to be ultimately successful in community-based drug court treatment. However, access to this level of care is difficult to obtain and essentially unavailable in a timely way for individuals without MaineCare coverage.

### **Data and evaluation**

#### **Data collection**

The Adult Drug Treatment Courts have continued to utilize *DTxC*, a web-based data management information system for all of Maine's drug treatment courts implemented six years ago. The Judicial Branch in partnership with SAMHS was awarded a two-year grant from the Bureau of Justice Assistance in August 2010 to upgrade this system to improve its ability to respond to the needs of drug court team members, administrators, and researchers. All funds awarded under this grant have been provided for software development and database

management to Portland Webworks, a Maine company and the developers of the current system. This grant totals \$199,938 for the period July 1, 2010, to December 31, 2012. Software development and testing have been completed and the system went on-line October 1, 2012. A modern data management system is indispensable for the purposes of client record keeping, administrative reports, and quality assurance.

### Data

The majority of drug court participants are men and single. Many participants are on probation but only 38% are employed at admission. Many have children either living with them or with other family members.

In the past year, drug use trends in the State of Maine have reflected the abuse of prescription narcotics and heroin, synthetic cannabinoids, known as *K-2* and *Spice*, and *bath salts*. While synthetic cannabinoids and bath salts are illegal, they continue to be widely used. It is now possible to test for the presence of the metabolites of these substances in urine and the drug courts have been assertively doing so. The testing of samples must take place at a qualified laboratory and is expensive.

The abuse of prescription opioids remains a major concern in our state. In a report published by the Substance Abuse and Mental Health Services Administration in December 2010, during the time period of 1998 to 2008, Maine residents have sought treatment for the abuse of prescription opioids at a rate higher than any other state in the country. All indications are that since 2008 the severity of this issue has only intensified. The drug court population includes a high proportion of individuals dependent on opioids. Numerous efforts are underway throughout the state to address this significant public health and criminal justice problem.

One of the medications used to treat opiate addiction, Suboxone, has been increasingly diverted for illicit use. Although an evidence based treatment, any drug court participant being prescribed this medication must adhere to strict guidelines to prevent diversion and misuse.

Historically, Maine's retention, graduation, and recidivism rates have been quite favorable compared to the national averages for Adult Drug Treatment Courts. 17% of drug court participants were reconvicted during a 12-month post-program follow-up as compared to a significantly higher rate for a comparison group of traditionally adjudicated adult offenders. Adult drug court participants were less likely than the comparison group to be rearrested on felony charges and less likely to commit violent crimes.

Past evaluations in Maine have indicated that cost avoidance has been significant in terms of reduced prison and jail bed days and adjudication costs for new crimes. Rigorous cost/benefit studies elsewhere in the nation have demonstrated cost/benefit ratios as high as \$3.36 for every \$1.00 invested in drug court participants.<sup>4</sup> Maine's outcomes have been at the upper end of this range at \$3.30. It is important to recognize that when offenders with substance abuse disorders relapse, they tend to commit crimes, which translates into profound and difficult to quantify

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<sup>4</sup> The Urban Institute. *To treat or not to treat: evidence on the prospects of expanding treatment for drug-involved offenders*, 2008.

additional costs to victims and their families.

Given the near daily use of substances by participants prior to admission to the drug court, the emphasis on and accountability for abstinence when in drug court has resulted in the birth of at least 60 drug-free babies since the inception of the ADTCs. National estimates have placed the medical and other costs associated with the care of these children to approach or exceed \$1,000,000 per child in the first 18 years of life.<sup>5</sup>

### **Collaboration**

As noted above, the steering committee and the drug treatment court teams working at each site are excellent examples of effective cross-disciplinary and interagency collaboration. Adult Community Corrections of the Department of Corrections is involved to varying degrees in the day-to-day operations of the drug courts: providing referrals, risk assessments; drug testing, and home checks. Other partners are prosecutors from the district attorneys' offices and the Office of the Attorney General, law enforcement agencies, and representatives of the criminal defense bar.

With the closure of the Penobscot County Adult Drug Treatment Court and the graduation of the final participant this past summer, defendants from Penobscot County have been given the opportunity to join the Hancock County Court. This is contingent on approval from the district attorneys in both counties and the ability of the defendant to reliably travel to Ellsworth.

### **Training and education**

Federal grant funds have required the attendance of a small number of drug court practitioners at the annual conference of the National Association of Drug Court Professionals. This past year's conference was held in Nashville, Tennessee. All costs are borne by the grants. However, it is particularly challenging to excuse judges from their responsibilities in managing caseloads and hearing matters to attend training and no judges attended the conference this year. A statewide training is currently being planned for the spring of 2013.

### **Summary**

During their eleventh year of continuous operation, Maine's Adult Drug Treatment Courts have continued to offer a successful evidence-based approach to the challenge of substance abuse and crime in the State of Maine. Through strong interagency collaboration and evaluation, improvements continue to be made in these Courts in order to support recovery from drug and alcohol abuse, reduce criminal conduct, and enhance public safety.

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<sup>5</sup> Huddleston, C.W., Marlowe, D.B., & Casebolt, R. (2008) *Painting the Current Picture: A National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States*. National Drug Court Institute.