

Drug Court Treatment Money Has Tobacco Cessation Strings Attached

During the 2009 legislative session of the Arkansas General Assembly, drug courts were successful in restoring to full funding the amount of money for distribution for treatment. However, half of those funds, derived from the Tobacco Settlement proceeds, were transferred from the Arkansas Department of Health, Tobacco Prevention and Cessation Program. To use these funds in the drug court program, participants will have to be counseled in tobacco cessation. DCC is currently working with ADH to host two training opportunities for service providers this summer and fall. All listed providers for drug courts will be asked to send two drug abuse counselors for this training. If slots are not used by the contract providers, then DCC treatment counselors will be invited to enroll. The requirements of the training provider prohibit current smokers from being trained in smoking cessation. As anyone who regularly attends Mid-South Summer School knows, smoking is one addiction widely shared in the drug abuse counseling profession.

So, is there a silver lining to this dilemma? Perhaps. Dr. Carolyn Dresler, Tobacco Control Director at ADH, stated at a recent meeting of the Task Force on Substance Abuse Treatment Services that studies have shown that substance abuse treatment programs that are linked to smoking cessation have a higher rate of success (lower rate of recidivism) in substance abuse although the participant may choose to return to smoking. The likelihood that the person will relapse into drug abuse is much smaller. The research



also shows that those who do take up smoking again, smoke less than they did before treatment.

Quapaw House, one of the certified treatment providers in the state that specializes in working with drug court programs, received a \$50,000 grant from the Arkansas Tobacco Settlement Commission this year to study this phenomenon. Early results are already indicating that drug court participants are also achieving success in the area of quitting smoking. Many participants recently commented about the money they are saving from not purchasing tobacco products. The side effects in the improved health of these participants should also be considered part of the success of the program.

Jefferson County Drug Courts Hosts Public Forum

The two Jefferson County Drug Courts (Adult and Juvenile) hosted a public forum on May 28, 2009, at 6:00 p.m. to conclude the month of May's Drug Court celebrations in their jurisdiction. Slated as a Drug Awareness Community Forum, Judge Berlin Jones and Judge Earnest Brown used the opportunity to answer questions from attendees concerning the drug court programs. Members of the drug court teams were also featured during the panel discussion held in the Reynolds Community Center in Pine Bluff. Daryl Taylor, executive director of the Jefferson County Drug Court Outreach Foundation, hosted as the moderator for the evening's proceedings. Participants were given blank index cards to write their questions of the panelists. Each judge opened the discussion with a brief overview of his personal philosophy concerning the drug court program and his rationale for bringing the program into the community.

Judge Jones expressed his intent to expand the program to include veterans from the area who are in dire need of assistance. Already, through outreach programs at the local VFWs and other gatherings of veterans, word is spreading about the availability of assistance for this special group.

Judge Brown spoke of the already growing number of juvenile cases appearing in his court that are eligible for drug abuse treatment services. He noted that for the most part, the parents of these children are very willing to participate in their recovery. He believes that having a juvenile drug court program in Jefferson and Lincoln counties will offer new tools for addressing juvenile delinquency issues.



Daryl Taylor (center) consults with Judge Jones and Probation Officer Angela Jones during recent public forum.

New Code of Judicial Conduct Addresses Staffing for Drug Courts

In the Per Curiam issued April 23, 2009, the Arkansas Supreme Court acknowledged the special role problem solving courts play in the criminal justice system. Found in the comment section under Rule 2.9 concerning Ex Parte Communication, the court states:

[4] A judge may initiate, permit, or consider ex parte communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others.

Some drug court judges have expressed a concern in the past that staffing violated the prohibition on ex parte communications. "Staffing," the name for the time set aside for team meetings prior to the convening of drug court, provides the drug court team with the opportunity to review each participant's progress in the drug court program. Many drug court teams use staffing just prior to entry into the courtroom to discuss details of treatment that are prohibited from being discussed (Cont. on page 3)

(Staffing---cont. from page 2)
 in open court. Staffing is one of the techniques required by the standards adopted by the U.S. Department of Justice, commonly called the "Ten Key Components of Drug Courts." Arkansas law speaks specifically to this requirement in A.C.A.16-98-302 (b)(6) requiring a "coordinated strategy among the judge, prosecution, defense, and treatment providers to govern offender compliance." Team members often offer input concerning sanctions to be imposed for non-compliance with program requirements.

The nature of "staffings" is very collegial, with the ultimate goal to be what is in the best interest of the participant and the drug court program. It also assures some flexibility in incentives and sanctions. For example, in a recent staffing it was determined that a participant had shown up late for a random drug test. However, the information showed that the participant did finally appear and tested clean. The tardiness was the result of having worked a twelve-hour shift the night before and falling asleep before time to call into the program. The judge decided to offer the participant a choice, either 24 hours in jail, or 20 hours of community service within the next two weeks. Harsh, yes, but still not as harsh as an official "strike" for non-compliance. The participant gladly chose the 20 hours of community service. Had the team followed the "letter of the law" as written in the handbook, the participant would have had a positive drug test recorded due to his tardiness.

Staffings with your drug court team offer the opportunity to tailor the treatment program to meet the needs of the participant. The newly issued Code of Judicial Conduct should alleviate former concerns about ex parte communications.

Mark Your Calendars: The 2010 Statewide Drug Court Conference is set for April 7-8, 2010, in Little Rock, Arkansas, at the Hilton on University Ave.



Sebastian County Drug Court Team Members Pose for Photo with GED Graduates: L to R: Officer Christian, Carey Ducote, Robert Diaz, Shirl Page (Drug Court Coordinator), Michael Evans, Jamie Hill, Joey Reeves, Officer McAdams, and Officer Brown.

Graduates from Sebastian County Drug Court Share over 24 Years of Sobriety

The Evangel Temple was the setting for the Sebastian County Drug Court Graduation held Friday, May 15, 2009, in conjunction with drug court graduations throughout the United States in a day of celebration. Nineteen graduates were surrounded by family, friends and other drug court participants as each took the stage to receive their graduation certificate from Judge Tabor and Judge Fitzhugh. The participants progress in the program was outlined in short biographic projected on a screen over their heads. Most indicated that they first started using drugs in their early teen years. One admitted starting at age 8 and selling by age 12. Several had already known the reality of being incarcerated in ADC. But, given a chance to plead into the drug court program, their lives were changed. In total, the graduates had 8956 days of sobriety, over 24 years! (cont. on page 4)

(Sebastian County--cont. from page 3)

During the ceremony, Judge Tabor took a moment to recall with one graduate that he had been the prosecutor on cases against him before the judge took the bench and he "wouldn't have wagered a plug nickel" that this particular participant would have ever completed the drug court program. But, the participant had proven him wrong and he was pleased with how he had obviously turned his life around.

Before the close of the ceremony, Judge Fitzhugh described a recent event at Chunky Cheese's with his grandchildren. He stated that a young lady, also standing in the line, seemed to be staring at him and he could recall her face but could not remember where they had met. She finally came over and asked him if he remembered her. She told the judge that she had been a participant in his drug court five years earlier. Since that time, she had completed her college degree in criminal justice and was now an investigator for a state agency. Judge Fitzhugh noted that all of that would not have been possible had it not been for the second chance she received through drug court.

Recidivism Rate for Drug Courts 5.7 Percent

During a presentation to the Joint Committee on Penal, Charitable and Correctional Institutions on June 30, 2009, DCC Director G. David Guntharp reported that the current recidivism rate taken three years after graduation from the program for Arkansas drug court participant program completers is 5.7%. This compares favorably to rate of 21.7% for persons on probation and 23.7% for parolees. Director Guntharp noted that approximately 35% of persons accepted into a drug court program drop out, are dismissed, or otherwise fail to complete the program. The recidivism rate for general



The Line is a publication by the Drug Court Division of the Arkansas Administrative Office of the Courts. A copy of this issue can be found at <http://courts.arkansas.gov/drugcourt>. Contributions, comments, and inquiries are welcome. Please submit to:
The Line, A.O.C.
Justice Building, 625 Marshall, Suite 1100
Little Rock, AR 72201
or by e-mail to: carol.rodody@arkansas.gov. Carol L. Roddy,
Editor. 501 682-9400

population inmates released from ADC was reported as 41.4% by the ADC statistician during the same meeting.

The Joint Committee will be meeting monthly during the interim to review the increase in the Arkansas prison population and make recommendations to the next session of the legislature concerning strategies to reduce that increase. Senator Bill Pritchard reminded those members in attendance that drug courts have demonstrated their cost effectiveness in helping to solve prison overcrowding and urged members to be supportive during the next budgeting cycle to increase drug court personnel.



Jefferson County Drug Court Participants and families gathered for the fishing derby to celebrate Drug Court Month.