The Line A Newsletter for and about Arkansas Drug Courts May 2009 Vol. 2, No. 3

3rd Statewide Conference Has Record Attendance

Over 180 drug court professionals gathered at the Little Rock Crowne Plaza on April 16-17, 2009, for the Third Annual Statewide Drug Court Conference. The group has now outgrown that facility. Next year's conference will be at the Little Rock Hilton on April 8-9, 2010.

Det. Sgt. Jason Grellner from Franklin County, Missouri, kicked off the meeting with a presentation on the current state of drug trafficking in our area and the importance of including your narcotics officer on your drug court team. Sgt. Grellner spoke about the importance of the three legged stool in drug cases---(1) prevention; (2) enforcement; and (3) rehabilitation. He provided information about various federal grants available to law enforcement that could be used to support drug court activities.

Next, Dr. Al Bavon, Clinton School of Public Service, provided a tutorial on program evaluation. Dr. Bavon's students are currently working with the 22rd Judicial District Drug Court program to provide a structure for evaluation and performance measures. Dr. Bavon has worked with drug courts in Texas prior to his move to Arkansas. He noted that most research into drug courts has advanced beyond the first generation since researchers are now working to discover why some strategies are more effective than others. An example is Doug Marlowe's recent work that reported that "low risk" participants have the same outcome with or without the intensive court contact. (See article in The Line, Vol. 2 Number 2, March 2009).

Mr. Brad Cazort, Arkansas Crime Information Center, provided detailed information on the nine laws that permit expungement of criminal records in Arkansas. (cont. on page 2)

Arkansas Drug Court Professionals posted their business cards by court teams on the state map during the 3rd Annual Statewide Conference.

New Legislation Enacted for Drug Courts

During the recent legislative session, Arkansas drug court programs were the subject of two pieces of legislation aimed at clarifying fees collected by the courts and to provide a new authority for drug court judges to expunge prior criminal offenses from the records of successful drug court participants.

Act 490 of 2009, amends current law on drug court fees found at A.C.A. 16-98-304, specifying that money due the Department of Community Correction will be paid to that (cont. on page 3)

(Cont. from Page 1)
He pointed out the difference between the definition of expungement in Arkansas law versus federal law. Lastly, he spoke about Act 1491 of 2009, a recent piece of legislation that provides new powers to drug court judges for purposes of expungement. The main take-away message from his talk was the fact that if a participant is placed on probation, the charge will show as the participant being found guilty during the probationary period, prior to the order of expungement being entered. Mr. Cazort said that his office is currently working on a set of uniform petitions that would reference the act under which the proceeding is being brought to assist in clarifying their record keeping.

Ms. Krystal Mann, Staff Attorney, Administrative Office of the Court, and Ms. June Baron, Legislative Audit, provided additional updates from the legislative session that were relevant to drug court programs. Ms. Baron detailed the new drug court fee act, Act 490 of 2009, that provides a local account in the county treasury for drug court program funds.

To open the second day of the conference, Dr. Michael Mancino, UAMS Methadone Clinic, presented on the importance of access to pharmacological treatments for some drug court participants. He stated that the program provides a "last resort" substance abuse treatment program for persons who have failed to be successful in two prior treatment programs. "Tammy," a clinic patient, gave an overview of her life as a former opiate addict that has found "peace" and "normalcy" through the methadone program. She commented that she could tell the minute the drug took affect in her body after her first dose of methadone. She stated that it does not provide the euphoria associated with an opiate, but that it provides a calming sense of normalcy that controls the otherwise uncontrollable craving for the opiate.

Stephen Talpins, CEO, National Partnership on Alcohol Misuse and Crime, reminded conference attendees of the importance of their work in changing people's lives. He commented on the increasing number of persons being incarcerated in America and pointed out the correlation between alcohol use and crime. He stressed the importance of adopting a judicial/medical approach for addressing the increasing crime rates, one that provides sanctions, treatment, and accountability.

The conference showcased the 5th Judicial District Drug Court program this year with a presentation on linkages with the community. Ms. Marti Wilkerson, Arkansas Tech University, provided an overview of the formation of the River Valley Meth Project, a coalition of local leaders who started meeting to develop strategies to address the use, production, and distribution of meth in the area. Using a problem solving model, the coalition has been on a fast track to educate the community on the impact of addiction in their community and the importance of rehabilitation over punishment. Kari Powers, DCC Probation Officer, 5th Judicial District, provided information on the dental program developed for successful participants and Glenda Hubbard, Counselor, provided examples of information on the drug court program made available during community meetings.

After a box lunch, the conference reconvened to discuss with Ann Wilson, Executive Director, Missouri Association of Drug Court Professionals, the importance of growing a professional association for drug court personnel.

Thanks to Washington/Madison County drug court, Pocohontas/Walnut Ridge drug court and 5th Judicial District for sharing their exhibits during in the conference this year. Hopefully, next year there will be more of these to share.

Copies of the handouts that were available have been posted on the drug court page of the Arkansas Judiciary web-site.

(Cont. from Page 1)

entity and authorizing a program user fee to be set by the court (the $20.00 per month cap was removed). The new subsection sets forth the procedure for court costs and program user fees to be paid to the court clerk for remittance to the county treasury. Each county with a drug court is to credit the program user fee to the "Drug Court Program Fund" established in the county treasury for appropriation by the quorum court for the benefit and administration of the drug court program. Each drug court judge should work with the county judge to set an amount annually for appropriation to this fund so the drug court program can draw against this fund for use in the program. Only with an appropriation amount approved by the quorum court can the money in the account be expended by the drug court program. However, for the first time for many courts, donations made to the drug court can be deposited into this account, along with funds received from any awards of grants.

The second act affecting drug court programs is found in Act 1491, which amends A.C.A. 16-98-303 by adding a new subsection (g) that empowers a drug court judge sua sponte or upon request of the offender, to order expungement or dismissal of a case provided four conditions are met: (1) successful completion of a drug court program; (2) receipt of aftercare programming (not defined); (3) with a recommendation from the prosecuting attorney; and (4) the feeling by the court that expungement and dismissal is appropriate. With the written concurrence of the judge in "another Arkansas court," the drug court judge may expunge or dismiss other offenses within a target group (see A.C.A. 16-93-1202(10)(A)(i)), with the exception of these four offenses: (1) residential burglary; (2) commercial burglary; (3) breaking or entering; and (4) fourth and subsequent offense of driving while intoxicated.

Beautiful irises flank the north side of the Supreme Court Building in Little Rock.

During the recent drug court conference, questions were raised as to whether or not a drug court judge could dismiss earlier charges that were in his or her court originally but not the subject of the drug court case. A strict reading of the statute would indicate this is not possible yet such does seem to thwart the intent to provide a means for clearing the record of the participant. This legislation was sponsored by Senator Steve Faris (Malvern). Judge Chris Williams presented the draft to the Drug Court Judges Committee during its meeting on February 13, 2009. It appears the act does authorize the expungement and dismissal of prior DWI charges so long as they are below the felony threshold.

Drug Court Judges Vote to Continue Use of Treatment Funds

During the meeting of the Drug Court Judges Committee of the Arkansas Judicial Council, held on April 17, 2009, the judges voted to begin spending treatment funds again, although such is to be done "conservatively" until the new appropriation is available on July 1 according to the motion made by Judge Jay Finch. Personnel from DCC presented the judges with updated information on treatment dollars usage and indicated that about $266,000 remains with the fund. There were outstanding invoices to be paid against that amount totaling $87,420. The motion included a request that those balances be paid. Although some judges commented that their participants were removed from treatment during the moratorium, most judges indicated that the treatment providers had been willing to continue the treatment programs for their participants and most had not been returned from treatment.

In addition, the judges discussed the need to have more timely accounting of the usage of the treatment dollars. DCC agreed to work with their administrative assistants to provide the court with a tally sheet of those participants ordered to treatment, rather than providing only those that have been billed by the treatment provider.

The drug court judges acknowledged the work required during the legislative session to restore the treatment funding back to the $3 million that had been established during the 2007 legislative session. Although DCC only secured $1.5 in its initial budget, the Governor agreed to a transfer of $1.5 million from the Tobacco Prevention and Cessation funds at ADH to return DCC to the level of original funding.

Senator Bill Pritchard, a long-time champion for Arkansas drug courts, worked closely with the governor's office to secure the additional treatment funding for drug courts during the legislative session.

Judges Yeargan and Story listen and take notes during the recent drug court conference.

Drug Courts Changing Racial Mix in Prisons?

In 1980, there were only 40,000 persons incarcerated in the United States due to drug offenses. The war on drugs began in 1986, following the untimely death of Maryland basketball player Len Bias, when it was mistakenly thought his death was from ingesting crack. (Instead, it was later discovered he overdosed on powder cocaine.) However, reaction to his death led Congress to pass the Anti-Drug Abuse Act, a bill to address violent crime associated with crack cocaine trade. Now, there are nearly a half-million people in state or federal prisons for drug charges. In 2008, approximately 7.2 million people were under some supervision, either as an inmate, a parolee or probationer. This costs about $45 billion per year. (Bureau of Justice Statistics) However, for the first time in over 20 years, the number of African Americans in state prisons for drug offenses has dropped, and the number of white prisoners has increased for drug convictions.

In information provided to The Washington Post on April 15, 2009, by the D.C.-based Sentencing Project, there has been a 22 percent drop from 1999 to 2005 in the number of black inmates in state prisons for drug offenses, from 145,000 to 113,500. During the same period, there has been an increase of 43 percent in white drug offenders (50,000 to 72,000). (Cont. on Page 6)

May is Drug Court Awareness Month!

The month of May has been designated as Drug Court Awareness Month. What plans have you made to celebrate your success in your community?

Fort Smith and Russellville have both scheduled graduations on May 15th, a day when drug court graduations will be held throughout the United States. The ceremony in Fort Smith begins at 9:00 a.m. Contact Shirl Page at spage@county.sebastian.ar.us for further information. The celebration for Pope County will begin at 12:00 p.m. in the Pope County Courthouse.

On Wednesday, May 6, 2009, in the Dirksen Building in Washington, D.C., the National Association of Drug Court Professionals will host a reception celebrating the 20th Anniversary of the first drug court program from Dade County, Florida. Toni Martin, President, Arkansas Drug Court Professionals Association, will attend. Congressman John Boozman and Senator Mark Pryor have indicated that they will be at the reception.

On Saturday, May 23, 2009, the Jefferson County drug court program will host a fishing derby at Martin Luther King Park in Pine Bluff, Arkansas, from 10:00 a.m. until 5:00 p.m. The derby promises prizes for children ages 4-15. Refreshments will be served. In addition, the court will host a drug awareness rally, at the park that day with participation of other agencies and programs in Jefferson County. Good food, health screenings, and a volleyball tournament lie in store for those in attendance.

On Thursday, May 28, 2009, the Jefferson County Drug Court will wrap up its month of activities with a community panel discussion from 6:00 p.m. until 8:00 p.m. in the Donald W. Reynolds Community Service Center at 300 W. Second Ave. Judge Berlin C. Jones and Judge Earnest E. Brown will lead an in depth discussion of how drug courts are changing Jefferson County. For more information on these programs, contact Daryl A. Taylor at 870 541-4614.

If you do not have an event scheduled for May, why not? If you do, let The Line hear about it. Send in a write-up and accompanying photo for the next issue.

Sebastian County Drug Court Coordinator Receives Leadership Award

Shirl Page, Coordinator, Sebastian County Drug Court, was one of seven citizens recently named as recipients of the Leadership Fort Smith Alumni Association's 2009 community leadership award. Ms. Page won as the recipient in the government category. She will receive her award during a commencement banquet on June 4 that recognizes her and her 24 colleagues upon their graduation from the UA Fort Smith Leadership program. In addition to her work with the drug court, Ms. Page has served in the past as a board member of the Heart to Heart Pregnancy Crisis Center, a member of the Lupus Foundation and the River Valley Smoke Free and Drug Free Coalition. She is active in the Young Ladies Social Club and regularly provides monthly meals for the McGill Senior Citizens Center. Congratulations Shirl! Way to go!

"Marked Improvement" is the approriate name of this iris blooming outside the Supreme Court Building.

(Cont. from Page 4)

Latino drug offenders remain steady at 51,000. Interestingly, 2005 was the last year that BJS collected information broken down by race and drug offense.

Black prisoners have dominated the makeup of incarcerated individuals for decades. However, based on these findings, there should be gradual shift from black to white in the racial makeup of American prisons since drug offenders routinely comprise about 25 percent of the prison population.

Authors of the study indicate the cause of the shift may relate to the increased use of alternative sentencing such as drug courts, or it could be the change in enforcement during the past few years to methamphetamines, more widely used and distributed by white Americans. The report did confirm that arrests for crack have declined significantly since the 1990s. Marc Mauer, executive director of the Sentencing Project, noted that most drug courts are in urban areas where more African Americans tend to live. This could be an explanation for a greater impact of drug court programs on the black population. In surveys conducted with state and federal prisoners, twenty percent of white inmates used methamphetamines during the thirty days prior to their arrest, compared to only 1 percent of black inmates. Lastly, Mauer lamented that another reason the number of arrests of blacks has gone down could be because there are already so many incarcerated, there are just fewer on the street to be arrested.

In Arkansas, approximately 1700 potential prison inmates were diverted through Arkansas drug court programs last year. Using the information compiled in the report on drug courts from the Division of Legislative Audit, with the calculation of $54.82 per day as the average daily costs to ADC for incarceration in a correctional facility and $9.96 at the daily costs for a drug court participant, the Arkansas drug court program saved the state of Arkansas approximately $27.8 million dollars last year. This calculation does not include money saved in other areas such as child welfare for children of incarcerated parents or revenue to the state from income taxes paid by the drug court participants or fees and fines paid through the court.

You can access the complete article used as the basis for this story at The Washington Post website, date Wednesday, April 15, 2009, Darryl Fears, Washington Post Staff Writer.

Krystal Mann, AOC Staff Attorney, updates drug court personnel on new drug court laws.

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.state.ar.us/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.roddy@arkansas.gov. Carol L. Roddy, Editor. 501 682-9400