

**THE ADULT PROBATION DEPARTMENT  
OF THE ARIZONA SUPERIOR COURT  
IN PIMA COUNTY**

**DRUG COURT ANNUAL REPORT**  
Calendar Year 2005



*February 6, 2006*

Edward T. Gilligan  
Program Coordinator



**ADULT PROBATION DEPARTMENT OF THE  
SUPERIOR COURT IN PIMA COUNTY**

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February 6, 2006

David F. Sanders  
Chief Probation Officer  
The Adult Probation Department in Pima County  
110 West Congress Street, 8<sup>th</sup> Floor  
Tucson, Arizona 85701

**Re:** 2005 Drug Court Annual Report

Dear Chief Sanders:

On behalf of the Drug Court Team, I am pleased to present the program's 2005 annual report. The year was distinguished by a record number of participants and modifications to intake criteria and program requirements. Each new procedure was developed with consideration of Evidence Based Practices. The entire Drug Court team has embraced these practices and the changes they have influenced.

I deeply appreciate the efforts of the officers on the team as they continually strive to provide the best probation services to participants, the court, and the community. Through their efforts, the Drug Court celebrated a number of achievements in 2005, the details of which are contained herein.

This report also contains the results of a two-year Deferred Judgment outcome study. As you will see, our program is having a significant and lasting positive impact on the lives of our graduates. This is a testament to the hard work and dedication of our treatment providers and every other member of the Drug Court team.

Through the continued implementation of best practices and sustained support from the Bench, the Department, and Court Administrator K. Kent Batty, I am confident our program will improve upon the results of the past and continue to contribute significantly to the health and safety of our community.

Respectfully submitted,

Edward T. Gilligan  
Program Coordinator

*Honorable Barbara Sattler, Presiding Judge*

*Ed Gilligan, Program Coordinator*

*Patricia Abou Srouf, Senior Probation Officer*

*Ramon Garate, Senior Probation Officer*

*Maritza Himelic, Probation Officer*

*Dan Murray, Senior Probation Officer*

*Monica Romero, Probation Officer*

*Carol Burney, Public Defender*

*Carmen Holdridge, Public Defender*

*Marla Rapaport, Public Defender*

*Arlene Moore, Diversion Specialist*

*Baird Greene, County Attorney*

*Kevin Krejci, County Attorney*

*"To the Honorable Judge Sattler,*

*I wish to thank you for helping me to get my life back on the right track, by accepting me in the PCDC and the Cactus Counseling and adequate probation department which has been very instrumental in steering me in the right direction. It has helped me tremendously by going through this program.*

*I have reestablished relationships with family and enhanced my outlook on life as a whole. If given a choice, I could not have found a program that this one has given me in restoring my life back into the mainstream of society.*

*The program has been educational and inspiring to me. It is my endeavor to help others with the tools I have gained with going through this program.*

*I am so grateful and appreciative for all of your help and the help of others involved in my recovery.*

*May God bless and keep you is my prayer."*

PCDC graduate August 2005

*"When I first arrived here I was a mess. If I didn't have coke in my wallet I would do whatever I had to do to get some; I felt naked if I didn't have it 24/7. ... I was using cocaine, alcohol, and opiates on a non-stop basis. I was also taking anti-depressants; I had chronic chest pain, constant heart palpitations, high blood pressure and trouble breathing. My electricity had been turned off in one place and I was kicked out of two others for not paying rent. I was broker than broke, lost four jobs over the course of six months, dropped out of college, lost all trust with friends and family and nearly lost my girlfriend. Although it sounds cliché, getting caught and placed into this program probably saved my life, because if I had not been forced to quit, I doubt that I could have done it on my own.*

*Things are now going one hundred times better than they were a year ago. I have a car, got my driver's license back, have had the same job for a year, and friends and family aren't afraid that I will steal or squander their money on drugs. All the little things that you take for granted that I lost because of drug addiction are slowly coming back to me now. The best part is that in a month my girlfriend and I are moving into our own house on an acre of land, which has always been my dream ever since I can remember. It is kind of all I really ever wanted and I don't think for a second that any of this would be happening if I were still knee deep into drug addiction. I am grateful to this program for not only giving me a second chance and turning my life around but for all the good that a program like this can do for others. There needs to be more programs like this in the legal system and less sending people off to jail because the revolving door and downward spiral caused by incarceration never leads to rehabilitation."*

Deferred Judgment graduate December 2005

The Pima County Drug Court experienced unprecedented growth in 2005, serving a record number of defendants in its Deferred Judgment and Post Conviction programs. In the first quarter of the year, 141 individuals entered the program – more than triple the number recorded in the first quarter of the prior year (Table 1). At mid-year, the Drug Court's total population reached 349, 16% over capacity.

As a result of the tremendous population growth, the programs accepted no new intakes from June through August 2005. Despite this, the number of intakes increased 9% in 2005, as 157 defendants entered PCDC, and 135 entered Deferred Judgment. In 2005, a total of 442 individuals received treatment services through the Pima County Drug Court, and on December 31, 2005, 130 defendants were enrolled.

Consistent with the surge in population, graduation rates increased. In the Deferred Judgment program, 81 defendants graduated, a 25% increase over 2004. At year-end, the overall graduation rate for all deferred program participants increased to 40%.

The Post Conviction program celebrated its first graduation on April 25, 2005. In the months that followed, 49 defendants successfully completed the program. Currently, the program boasts a 22% graduation rate.

The population growth and increased emphasis on the implementation of Evidence Based Practices throughout the Adult Probation Department prompted the Drug Court team to reevaluate intake criteria and program guidelines. The following changes were subsequently implemented in the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2005:

- ⇒ Probation caseloads were blended, enabling officers to retain supervision of defendants who were placed in the Post Conviction program following termination from Deferred Judgment.
- ⇒ The Deferred Judgment program was reduced in length from 12-18 months to 6-12. This took into consideration the program's target population of first-time offenders with low to moderate substance abuse problems.
- ⇒ The Post Conviction program stopped accepting every first- and second- time drug offender and began focusing selection on risk scores and criminal history. Probation officers began pre-screening referrals and accepting cases under the following guidelines:
  - First-time drug offenders with an Offender Screening Tool (OST) score of 20 or more
  - All second-time drug offenders
  - All drug offenders with a prior probation revocation or history of imprisonment
  - Any drug offender pending probation revocation.

In 2006, increased emphasis will be placed on Motivational Interviewing (MI) and individualized treatment planning. The Center for Life Skills Development will join the team as a treatment provider in January 2006. The agency will provide master level therapists and will incorporate a motivational enhancement program with traditional substance abuse treatment methodologies. Every Drug Court participant will be clinically assessed and participants will be placed in a treatment program that best meets their needs. Additionally, all Drug Court team members will be encouraged to attend Motivational Interviewing workshops.

**Quarterly Intakes - 2004-2005**

	1st	2nd	3rd	4th	1st	2nd	3rd	4th
PCDC	0	25	44	66	72	36	16	33
Deferred	32	25	41	30	69	45	3	17
Total	32	50	85	96	141	81	19	50

*Table 1*

**Drug Testing**

Throughout 2005, the Drug Court utilized three different tests to detect illicit drug use by participants. Primary drug testing was conducted at the Testing Assessment Screening Center (TASC). All program participants participated in the agency's random testing program, and submitted to urinalysis testing at an average frequency of once per week. Defendants who tested positive for opiates, amphetamine and cocaine were subjected to testing at a frequency of three times per week until they demonstrated a minimum of two weeks sobriety.

In addition to the testing conducted at TASC, participants were randomly selected for instant read urine tests and oral fluid testing. Instant read tests were utilized in the field and during Review Hearings to determine if individuals should be taken into custody.

In 2005, a total of 11,767 tests were administered to 442 individuals. Of these tests, 1027, 9%, were positive. In the Post Conviction program, 11% of all tests were positive, while only 7% of the Deferred Judgment tests were positive. In both programs, the most frequently detected drug was cocaine, followed by marijuana and methamphetamine. In the Post Conviction program, the number of positive tests for methamphetamine increased 7% during the year.

## **2005 Client Satisfaction Survey**

For the first time since the program's inception in 1998, every participant was surveyed in the fourth quarter of the year. Each person was asked how long they had been in the program, what phase of treatment they were in, if they would choose to quit the program if they could do so without suffering any legal consequence, and what they would like to change about the program.

In Deferred Judgment Drug Court, 62.5% of the participants indicated they would not leave the program if given the opportunity to do so without consequence. Remarkably, 100% of the defendants in Phase 1 of the program indicated they would not quit, while 51.7% of the defendants in Phase 3 stated they would quit. This suggests the population is initially motivated to participate, but the length of the program and intensity of treatment exceeds their needs.

In Post Conviction Drug Court, 66.7% of all participants indicated they would not quit if given the chance. In sharp contrast to the deferred population, however, 37% of defendants in the first two phases indicated they would quit, while 83% of the defendants who reached Phase 3 indicated they would not. This suggests the program length and treatment intensity are appropriate.

Those defendants who were placed in the Post Conviction program after termination from the Deferred Judgment program were much more likely to say they wanted to quit regardless of what phase they were in.

Of the people who indicated they would quit the program, one stated he would not quit participating in treatment; another reported the program was "great" overall, and a third felt the program helped him "see [his] life better."

The majority of all respondents, 73%, indicated they would change "nothing."

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## **Recidivism Rates for Drug Court Graduates**

As a follow-up to the 2003 Pima County Drug Court Outcome Study, a comprehensive two-year Deferred Judgment recidivism study was completed. Consistent with the prior study, recidivism rates were based on any arrest for a criminal offense. The 2005 study includes only graduates and excludes all of the individuals previously researched.

Study results were derived from a review of local and FBI criminal history records. The group's recidivism rates were compared against those measured in the prior Pima County study and a nationwide study of 95 drug courts, including ours, from 1999 – 2000<sup>1</sup>. Additionally, the group's pre- and post- program arrest rates were compared.

In an attempt to measure the early success of the Post Conviction Drug Court program, recidivism rates were compiled for every graduate more than 6 months removed from the program (Table 2). Given the limited number of eligible graduates – 28 – the study’s results are to be interpreted cautiously.

<sup>1</sup>For a complete review of the study, see John Roman, Wendy Townsend, Avinash Singh Bhati, Ph.D., “Recidivism Rates For Drug Courts: Nationally Based Estimates – Final Report,” National Department of Justice, Report Number 201229.

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### Summary of 2003 Outcome Study Results

	<b>Drug Court Graduates</b>	<b>Drug Court Terminations</b>	<b>PROP 200 Defendants on Standard probation</b>
<b>Re-arrests:</b>	23.8%	61.5%	65.7%
<b>No subsequent arrests:</b>	76.2%	38.5%	34.3%

*Table 2*

The study concluded Drug Court graduates had significantly lower rates of recidivism than individuals who failed to successfully complete the program. More importantly, it determined all individuals who participated in Drug Court had fewer incidents of re-arrest than Prop 200 drug offenders placed on standard probation. This finding prompted the expansion of drug court services to include convicted drug offenders.

The study made no comparisons between pre-and post- program arrest rates and failed to differentiate between types of offense. This made it difficult to compare Pima County’s recidivism rates to those reported by other drug courts. For this reason, the 2005 study was expanded to include analysis of these factors. Additionally, the 2005 study includes an analysis of recidivism rates by drug of choice, age and sex.



## 2005 Outcome Study Results

### POST GRADUATION RECIDIVISM RATES

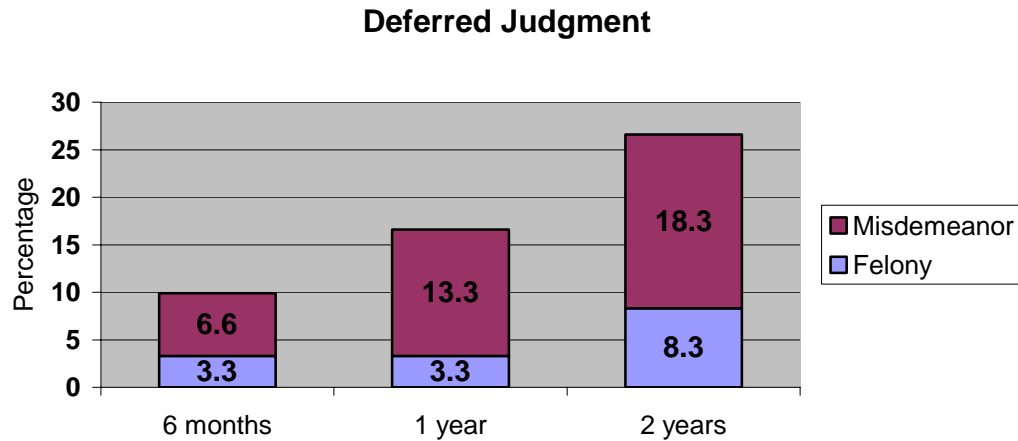


Figure 1

Of 60 graduates studied, 16 (26.6%), re-offended within two years. Only 5 defendants, 8.3%, had committed a new felony offense within two years of graduation from the Drug Court. The 2003 National Institute of Justice study estimated the average rate of felony level recidivism of drug court graduates after two years to be 27.5%. Approximately 38 of 95 drug courts nationwide had one-year felony recidivism rates under 10%. Seven courts had first-year recidivism rates that exceeded 30%.

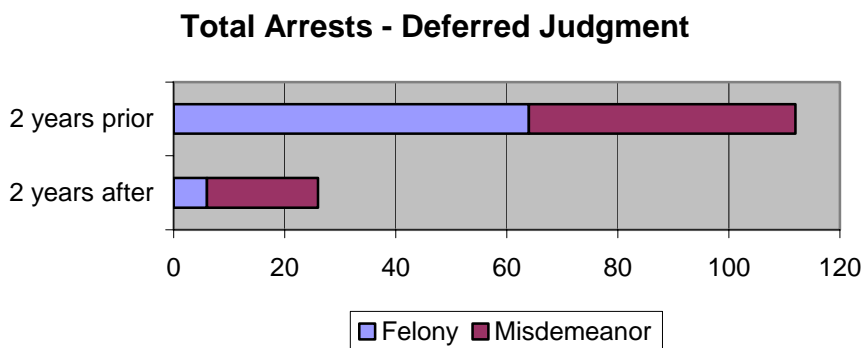


Figure 2

The population accounted for a total of 112 arrests in the two years prior to entering the program, an average of 1.86 arrests per defendant. The graduates accounted for only 26 arrests in the two years after the program, a 77% reduction in offenses.

### Type of Offense

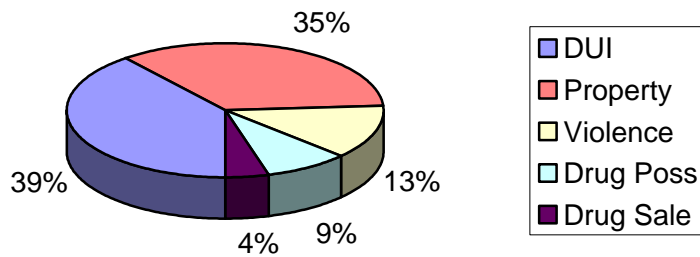


Figure 3

Alcohol use contributed to the majority of all post-graduation arrests. Police reports indicated all of the violent offenses noted above were alcohol related.

### Drug of Choice

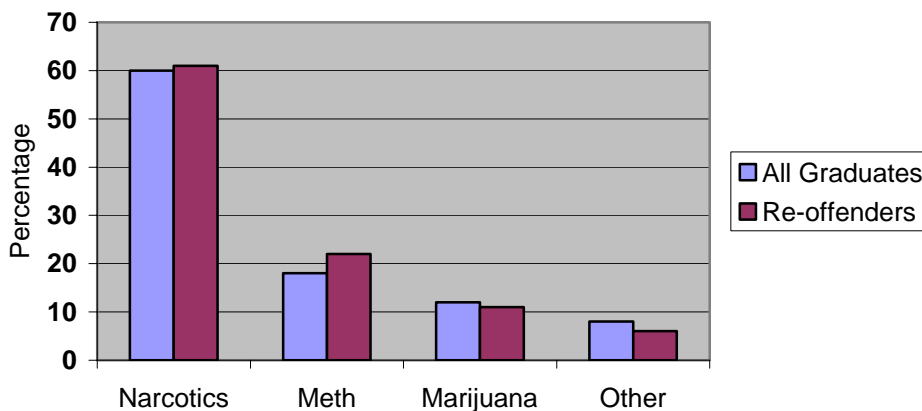


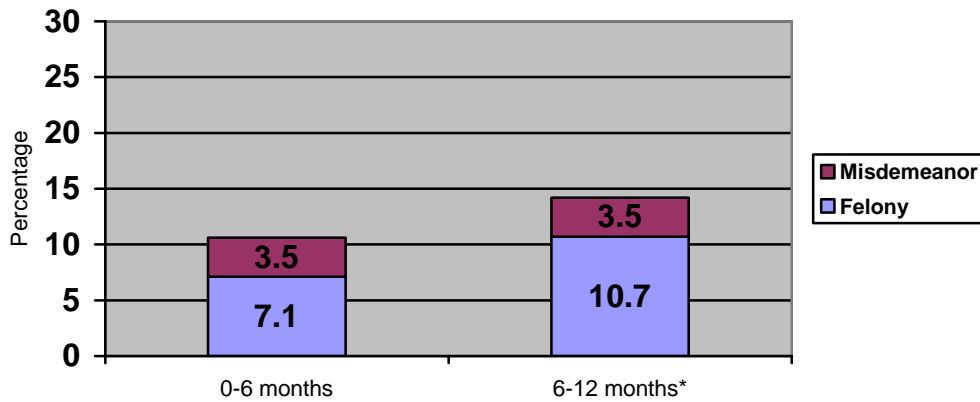
Figure 4

There appeared to be little overall correlation in the Deferred population between drug of choice and recidivism; however, methamphetamine users experienced the greatest increase in percent of population of re-offenders (22%, an increase of 4%).

### Additional Findings:

- Average age of graduates: 35  
Average age of graduates who re-offended: 33
- 73% of the graduates studied were men  
84% of the graduates who re-offended were men
- Re-offenders who committed multiple new offenses: 5  
Maximum number of new offenses by one graduate: 4

### Post Conviction Drug Court Early Recidivism

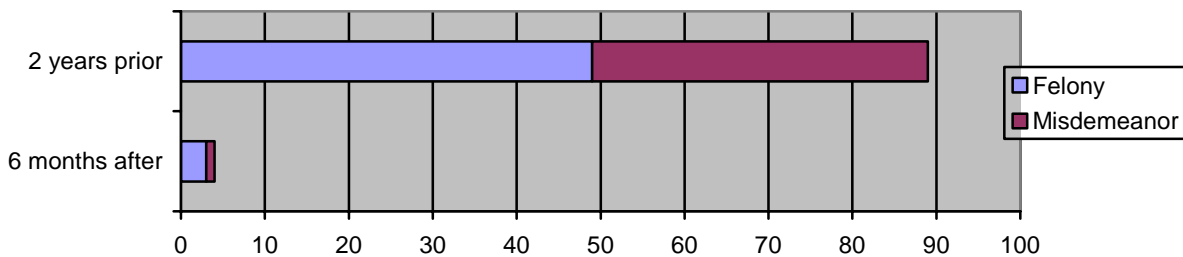


*Figure 5*

\*Data in the 6-12 month range is incomplete as no graduate had been out of the program a full 12 months at the time of the study.

Within 6 months of graduation from the PCDC program, 2 of 28 offenders committed a new felony offense, and 1 committed a misdemeanor offense. Another was arrested for a felony offense within 8 months.

### Total Arrests - Post Conviction



*Figure 6*

The 28 Post Conviction graduates studied were arrested 89 times in the 2 years preceding their placement in the program, an average of 3.2 arrests per defendant. Had their prior rate of offending continued after graduation, the population would have been arrested 22 times in the first six months.

18% of the graduates had previously served time in prison. Two of the graduates served multiple prior prison sentences. To date, only one of these graduates has re-offended. That individual had six prior felony convictions, three probation revocations and three sentences of imprisonment.

Three of the four graduates who re-offended had been placed in the program after violating probation in other programs.

## Drug of Choice

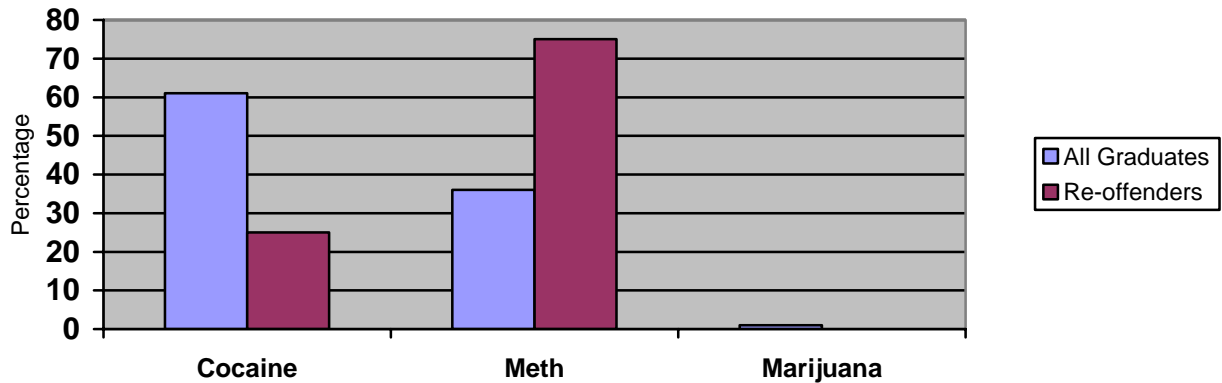


Figure 7

30% of methamphetamine users who graduated from Post Conviction Drug Court have re-offended (3 of 10). The extremely small sample size and the limited time span should be taken into account when interpreting this result.

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## Analysis

Given the relatively high pre-program arrest rates of defendants in the Pima County Drug Court and their predominant use of narcotic and dangerous drugs, their recidivism rates are low. Only 8.3% of the Deferred Judgment graduates were arrested for a felony offense in the two years after graduation, a rate approximately 19% below the estimated national average for Drug Court graduates. The Post Conviction program is also making a positive impact by improving outcomes for extremely high-risk drug offenders, as evidenced by the 6-month recidivism rate of 11%.

While the Post-Conviction sample size was small, the results revealed a possible correlation between drug of choice and recidivism, as methamphetamine users were disproportionately represented in the group who re-offended. In response to this, consideration will be given to increasing program and treatment length for the population. An emphasis will be placed on developing an after care treatment program and ensuring sustained housing and employment stability prior to graduation. Increasing the clean-time requirement for graduation from 90 to 120 days could also improve outcomes.

Going forward, recidivism data will be collected on a monthly basis for all graduates at one and two-year intervals. Through ongoing review of outcomes, the Pima County Drug Court will be able to fully evaluate intake criteria, program guidelines and the effectiveness of our treatment program.