

A PLACE AT THE TABLE

Law enforcement a key stakeholder on drug court teams / **Dale G. Morton**,
Communications Director, Operation UNITE

Arrest them. Put them in jail. Throw away the key.

Law enforcement officers have heard this mantra for decades. Call it a “law and order” mentality perpetuated by a host of popular television dramas.

The problem is that jails are overcrowded and costly. Recidivism among those released – often after completing only a percentage of their sentence – is unacceptably high. Most offenders return to the same environment that contributed to their incarceration.

Today, more and more officers are stepping beyond their traditional roles by participating in drug court – a special court given the responsibility to handle

time in jail, eligible participants complete a substance abuse program supervised by a judge,” according to the Administrative Office of the Courts Web site. “Because of the focus on rehabilitation, drug court graduates are more likely to return to productive lives by staying gainfully employed, paying child support and meeting other obligations.”

Drug court is a multi-phase program during which participants undergo long-term treatment and counseling, sanctions, incentives and frequent court appearances. Successful completion of the treatment program – usually one to two years – results in dismissal of the charges, reduced or set-aside sentences, lesser penalties or a combination of these. Most importantly, graduating participants gain the necessary tools to rebuild their lives.

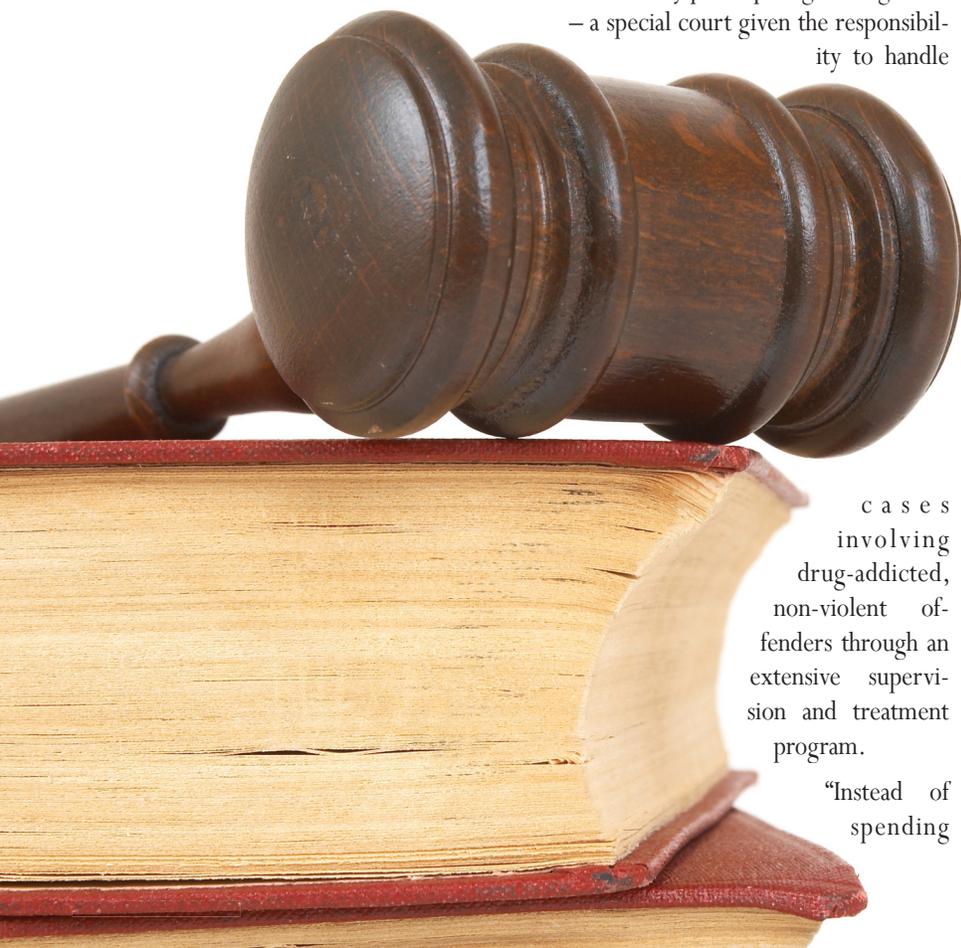
“We’ve tried (incarceration) for so many years but found out that wasn’t the answer to the problem, but a symptom of a bigger problem,” said Paul Hays, deputy law enforcement director for Operation UNITE. “It was a revolving door with people coming in and out of the system. For those of us who have been around awhile and have seen the cycle of addiction, you do feel like you’re spinning your wheels. The only way we can truly make a change is to address the root causes.”

In early 2003, while still commander of Kentucky State Police Post 11 in London, Hays was approached to represent law enforcement on a drug court team. Around the same time, Fifth District Congressman Harold “Hal” Rogers created Operation UNITE in response to the region’s burgeoning problems with prescription narcotics, and Hays quickly joined the effort.

“I thought this (UNITE and drug court) had to be a better approach because it got them treatment and held people more accountable,” said Hays, a member of the drug court team for Clay and Jack-

cases involving drug-addicted, non-violent offenders through an extensive supervision and treatment program.

“Instead of spending



son counties. "Not only are they receiving treatment, but their families are receiving treatment."

"It's the complete picture," agreed Paul Sandlin, a retired KSP sergeant and police chief at Alice Lloyd College now serving as case management supervisor for UNITE. "I spent so many years in law enforcement that you could always see we were arresting people over and over. Drug court stops this revolving door."

"For the true criminals ... it's not going to work," said Sandlin, a member of drug court teams in Perry and Knott counties. "But for the other, non-violent drug offenders, drug court is the way to go. You can work with them, get them an education and the skills they need to be able to work, pay taxes and take care of their family."

Operation UNITE launched its drug court initiative in conjunction with the AOC in February 2004. At that time, there were only five drug court programs in the 29-county Fifth Congressional District, which covers southern and eastern Kentucky. UNITE has provided more than \$4.2 million to fund 30 new drug court programs.

Drug courts first were introduced in the state in 1993, but have been implemented by the Kentucky Court of Justice since 1996. All but five of the commonwealth's 120 counties have a drug court. Statewide, more than 2,600 participants have successfully completed the program and \$2.9 million has been paid in child support, fines, fees and restitution.

Of this amount, UNITE's drug courts have graduated nearly 800 individuals and more than 550 are currently active in the program. Most importantly, there have been 111 drug-free babies born to participants.

According to the AOC, the biggest return on investment in drug court comes from avoided costs to the criminal justice system with \$2.72 in savings for every dollar spent on graduates. Other financial returns for investing include savings associated with increased child support payments, reduced use of mental health services and reduced domestic violence. In addition, a two-year study found drug court graduates had a much lower felony recidivism rate (20.2 percent) compared to probationers with similar offenses (57.3 percent) and the national drug court recidivism rate (27 percent).

"I'm seeing these people that I've arrested getting a second chance to straighten their life up and



become productive citizens," said Neil Adams, a UNITE detective and member of the Magoffin County drug court team. "I know these people I'm arresting are not going to be put away for life. The second best thing is you see them get straightened up instead of being a burden on society. They're being given the opportunity to succeed."

"You can't put everybody in jail," Adams continued. "There are some people who are salvageable and would have fallen through the cracks. Some just fell in with the wrong crowd or were raised up in it, but they're not bad people. That's where you start. You can see [drug court] gives them more self-confidence in themselves."

There is universal agreement that having a diverse composition is important to a drug court's success. While each court is different, the team is generally comprised of prosecutors, defense attorneys, probation and parole, law enforcement, treatment and frequently members of the faith-based and business communities.

"You have to have that diversity. It allows you to see more than your first impressions. It allows you to see their total lifestyle," Sandlin said. "Most (participants) are from the community you are from. You see people who you've known since the day they were born. Someone (on the team) always knows them or their family."

This familiarity helps determine who should >>

▲ Clay Circuit Drug Court Judge Oscar Gayle House speaks with a drug court participant about his progress during a weekly meeting of the program.

>> qualify for the drug court program and in making decisions affecting their treatment plan.

Structured Phases

Drug court programs are structured in three phases, each with specific tasks and goals to be completed before advancing to the next phase.

Phase one is a stabilizing period usually lasting four to six weeks. This is followed by an educational period lasting about eight months. The third phase is a self-motivational period lasting about three months.

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Each of these phases include random urine drug screens, weekly counseling sessions, regular court appearances, contact with drug court staff, maintaining full-time employment or educational training and participation in self-help programs.

Failure to comply with drug court requirements results in sanctions, which include, but are not lim-

ited to, community service, jail and termination from the program.

“Every person has a voice at the table to express their views and opinions on how to proceed with each participant. While there may be differences, ultimately the team arrives at a conclusion as to how to proceed,” Sandlin said. “When you go to court you have a defense attorney advocating for their client. You have a prosecutor representing the people. In this case we’re a team looking for what is in the best interest of the participant and society. The rules are changed in this arena.”

While a drug court team has substantial input, the ultimate decision concerning a defendant rests with the judge.

“It saddens me when anyone messes up and sanctions are imposed because it’s a failure on the part of the participant. But I am encouraged by the successes,” Hays said. “Still, at the worst, the success rate is significantly better than if they were only going to prison then being released back into society.”

“Law enforcement as a whole is just beginning to recognize the value of drug court,” Hays added. “There are all kinds of reasons to believe drug court is a better option.”

For more information about drug court visit <http://courts.ky.gov/stateprograms/drug-court/>, or about Operation UNITE visit www.operationunite.org.

► Circuit Judge Kim Childers reacts to less than favorable news about a drug court participant. Judge Childers oversees programs in Knott and Magoffin counties.

