

MEDINA COUNTY
COMMON PLEAS COURT
DRUG COURT PROGRAM

JUDGE CHRISTOPHER J. COLLIER
Courtroom #1

Christine Demlow, Drug Court Administrator

302.

That is the number of probation violation hearings in my courtroom in 2004.

That number is remarkable. Think of it this way. There were 323 new criminal cases filed in my courtroom 2004.

I had nearly as many probation violation hearings as there were new cases filed in 2004.

Why?

I insist, and I will continue to insist, that each convicted defendant on probation be tested for illegal drug usage. There is a strong correlation between illegal drug use and crime. More than 70% of the probation violations were for positive drug tests.

Something even more remarkable: each defendant knows that he or she will be tested for controlled substances while on my probation, but this does not seem to make any difference. Despite the fact that I order the arrest and incarceration of every defendant who tests positive for illegal substances, many still use drugs or alcohol while on probation.

I am a tough judge. If a jail or prison sentence is appropriate, then I'll impose it. But it's clear that something is happening here. Drug and alcohol addiction does not seem to respond to incarceration alone.

What is the solution?

No one knows. I don't have the entire answer **but it's time to try something new.**

In January 2005 I authorized the creation of a Drug Court on my criminal docket.

This Drug Court is established to leverage the coercive power of the court to achieve sobriety and abstinence and alter criminal behavior through the combination of judicial supervision, treatment, a 12-step program, drug testing, incentives and sanctions.

My Drug Court is operating without federal or state grants. No additional staff has been added. No new facilities have been created. Using only the resources and staff available, with a very modest compensation for their additional responsibility, this pilot program will use a "grass roots", common sense approach to combat drug and alcohol addiction and the subsequent criminal behavior

What Is Judge Collier's Drug Court?

The mission of Judge Collier's Drug Court is to stop the abuse of alcohol and other drugs related to the criminal activity. The Drug Court offers a compelling choice for drug and alcohol addicted individuals who are defendants in Judge Collier's courtroom.

Here's the choice: **participate in treatment or stand convicted.**

In exchange for successful completion of the one-year treatment program, the court will dismiss the original drug possession charge.

Judge Collier's Drug Court transforms the roles of the court and treatment providers. The judge is the central figure in a team effort that focuses on **sobriety and accountability** as the primary goals.

Because Judge Collier takes on the role of trying to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers keep the court informed of each participant's progress so that rewards and sanctions can be provided.

The Drug Court creates an environment with clear and certain rules.

The rules are definite, easy to understand, and most important, compliance is within the individual's control. The rules are based on the participant's performance and are measurable.

For example, the participant either appears in court or does not, attends treatment sessions or does not; attends AA or NA or does not; the drug tests reveal drug use or abstinence.

The participant's performance is immediately and directly communicated to Judge Collier, who rewards progress or penalizes noncompliance. Judge Collier's Drug Court establishes an environment that the participant can understand--**a system in which clear choices are presented and individuals are encouraged to take control of their own recovery.**

The 10 Key Components of Judge Collier's Drug Court Program.

- 1. Judge Collier's Drug Court integrates alcohol and other drug treatment services with the Defendant's criminal case.**
- 2. Using a cooperative approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**
- 3. Eligible defendants are identified early and promptly placed in the drug court program. Only those charged with F-5 (the lowest felony level) drug possession, not drug trafficking or other violent crimes are eligible as participants.**
- 4. The Drug Court provides access to a combination of alcohol, drug, and other related treatment and rehabilitation services as well as required 12-step program attendance.**
- 5. Abstinence is monitored by frequent alcohol and drug testing.**
- 6. A clear and agreed upon strategy governs Judge Collier's response to the Defendants' compliance.**
- 7. Judge Collier has frequent interaction with each Drug Court participant.**
- 8. Monitoring and evaluation will measure the achievement of Judge Collier's Drug Court goals and gauge effectiveness.**
- 9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.**
- 10. Judge Collier seeks to forge partnerships among public agencies, and community-based organizations to generate local support and enhance the drug court program effectiveness.**

FREQUENTLY ASKED QUESTIONS.

Even after you've read about Judge Collier's Drug Court you still might have some questions.

Do Drug Courts Work?

American University's Drug Court Clearinghouse reports that over 400,000 drug-using offenders have participated in drug court programs since their inception in 1989. In 1997, the Government Accounting Office (GAO) reported that 71% of all offenders entering drug courts since 1989 have either successfully completed their drug court program or are currently actively participating in their program.

In fact, the average recidivism rate for those who complete the drug court program is between four and 29% as compared to 48% for those who do not participate in a drug court program.

This statistic mirrors my courtroom experience over the past six years.

Who is Eligible for Judge Collier's Drug Court?

The Drug Court will accept F-5 level drug possession offenders who acknowledge their drug or alcohol addiction. Other F-5 level crimes will be considered on a case-by-case basis. No drug trafficker or violent offender will be accepted. The portal to Judge Collier's drug court is through the statutory treatment in lieu program.

Does Judge Collier's Drug Court Protect the Public?

To eligible defendants, the Drug Court provides a viable option for addressing the cycle of drug addiction and crime. Both the defendant and the community can benefit from the **enhanced supervision** provided in the drug court system. Public safety is also strengthened through the monitoring and accountability that occurs in drug court. Should the defendant fail, this Court can and will impose criminal sanctions.

Will the Drug Court Provide More Jail Space?

With limited jail space in Medina County, Judge Collier's Drug Court program will free up the Medina County Jail cells for serious criminals.

Does Judge Collier's Drug Court Save Medina County Money?

The Department of Justice estimates that **incarceration of drug users costs between \$20,000 and \$50,000 per person, per year**. The capital costs of building a jail cell can be as much as \$80,000. The National Association of Drug Court Professionals claim that a comprehensive drug court system typically costs between \$2,500 and \$4,000 annually for each offender.

Judge Collier's Drug Court Program will cost far, far less than that. **In fact, by utilizing the resources already available in Courtroom #1 this years program is estimated to cost less than \$350 per offender in 2005.**

Finally, the Drug Court defendants are not referred to the Medina County Adult Probation Department for supervision. Instead, he or she reports directly to the Drug Court Administrator, the Judge's Administrative Assistant. This means **no additional probation department staff are necessary**. In fact, the APD caseload should decrease with every defendant accepted into this program.

It is expected that the Drug Court will be a significant cost savings to the citizens of Medina County.

Is the Drug Court "Soft on Crime"?

This has always been my major concern with "alternative" programs. I have designed this program so that the Court keeps open the ability to incarcerate and imprison the defendant for a failure to complete the program. Initially, the defendant will want to complete the program because of the promise that a successful completion will result in a dismissal of his criminal case. Later, the defendant will understand that living a clean and sober life is the most valuable accomplishment he can achieve. The Drug Court defendants find drug court more challenging than jail or prison.

Judge Collier's Drug Court will control the defendant's drug usage and activity through frequent drug testing, intensive supervision, judicial monitoring and immediate sanctions that include terms of incarceration to respond to program violations.

Defendants who follow the law will be given incentives such as reducing terms of probation, treatment, conditions, and other innovative rewards.

Finally, a year of successful behavior and sobriety will result in the criminal case being dismissed. Threat of incarceration alone has not historically motivated this population.

How Exactly Does Judge Collier's Drug Court Work?

Introduction into Judge Collier's Drug Court begins when an eligible defendant seeks intervention in lieu of conviction.

The defendant must obtain a drug assessment with a licensed treatment professional. That report and recommendation must demonstrate that the defendant is drug dependent or in danger of being drug dependent and that alcohol and/or drug treatment will lessen the chances of further criminal behavior. The treatment provider presents an individual treatment program tailored specifically for that defendant.

The treatment centers' report and recommendation are prepared. The defendant and his attorney appear at a hearing where the court questions the defendant and reviews the report from the treatment professional. The Medina County Prosecutor is consulted regarding his thoughts about acceptance into the Drug Court program.

At this hearing and in open court the defendant admits his drug or alcohol dependence and asks that he be permitted to enroll in the Drug Court. If accepted, he signs the "Terms and Conditions" of the program. This is an agreement between the defendant and the Drug Court and becomes an Order of the Court. The Adult Probation Department does the initial screening and conducts the mandatory drug tests.

Once accepted into the Drug Court, the defendant pleads guilty to the criminal offense for which he is charged. This puts the defendant in a position where his failure to successfully complete the Drug Court program and abide by the "Terms and Conditions" can result in his incarceration and imprisonment. Successful completion results in the criminal case being dismissed against him.

The Judge, along with the Drug Court Administrator, then prepares an individual set of goals for each participant. Completion of the goals and adherence to the "Terms and Conditions" for one year represent successful completion of the Drug Court program.

Successful completion means this:

The defendant does not test positive for any level of illegal drugs or any level of alcohol; and the defendant rigorously follows the treatment program tailored for him; and the defendant attends a 12 step program; and the defendant maintains sobriety for one year; and the defendant attends the court compliance hearings; and the defendant reaches back to help others in the Drug Court Program; and the defendant couples his sobriety with service to the community through a specialized program.

The successful completion of Judge Collier's Drug Court will be an accomplishment that the defendant **and** the citizens of Medina County will be proud of.

The Drug Court has three levels of progress.

Level One.

Sobriety.

During the first four months, the defendant will meet once per week with Judge Collier to assure that the defendant is completing the tasks assigned to him. This is the most challenging time in the program. Sobriety and abstinence are enforced by weekly drug testing. The defendant will establish himself in a 12-step program. Each defendant will be assigned one specific personal goal, such as obtaining a G.E.D.; seeking work; finishing school; beginning to learn to read or write; or establishing a drug free residence. This personal goal will reinforce that living sober and straight will make an immediate, positive impact in the defendant's life.

During the first level, the Judge will emphasize the four relationships that are affected by drug and alcohol abuse:

The defendant's relationship with family.

The defendant's relationship with community.

The defendant's relationship with church or higher power.

The defendant's relationship with work or school.

Alcohol and drug addiction puts each and every one of these relationships at risk.

Recovery puts the defendant in balance with these relationships again.

Family, community leaders, medical professionals and others will occasionally attend the weekly meetings with the Judge to reinforce the message and witness compliance.

These sessions and all Drug Court sessions, are open to the public.

Level Two.

Sobriety and Maintenance.

During the second four months the defendant will meet with the Judge twice per month to assure compliance. He will be drug tested each session. The defendant will practice the skills he is learning in treatment and his 12-step program. He will give a presentation to the court describing the progress and changes he has experienced thus far.

The specific goal established for the defendant in the first level must be completed by the end of level two.

During this second level, the defendant will select a task to perform that will benefit his community and prepare to help others in the Drug Court program.

Level Three.

Sobriety and Service.

During the final four months the defendant discovers the relationship between sobriety and service to others. Living a clean and sober life means more than just not drinking or using illegal drugs. In the final level, the defendant will practice service to others and begin to understand that giving of himself is the key to maintaining the progress already achieved.

By this point in the program the defendant will have completed the personal goal outlined for him in the first level. He will have selected a community task and should be reporting progress in that endeavor. Finally, the defendant will be required to attend two drug court sessions per month and assist the court to reach back and help the new defendants in level one and two.

Drug and alcohol tests will continue and the defendant will report his attendance at 12-step meetings.

Graduation occurs when the defendant completes one year of treatment and sobriety and the charges against him are formally dismissed.

Drug Court Today

Currently, Judge Collier holds treatment in lieu hearings each Monday at 8:30 a.m. The weekly compliance hearings are held each Wednesday at 3:00 p.m. and again at 5:00 p.m. These hearings are open to the public. Anyone with an interest can attend.

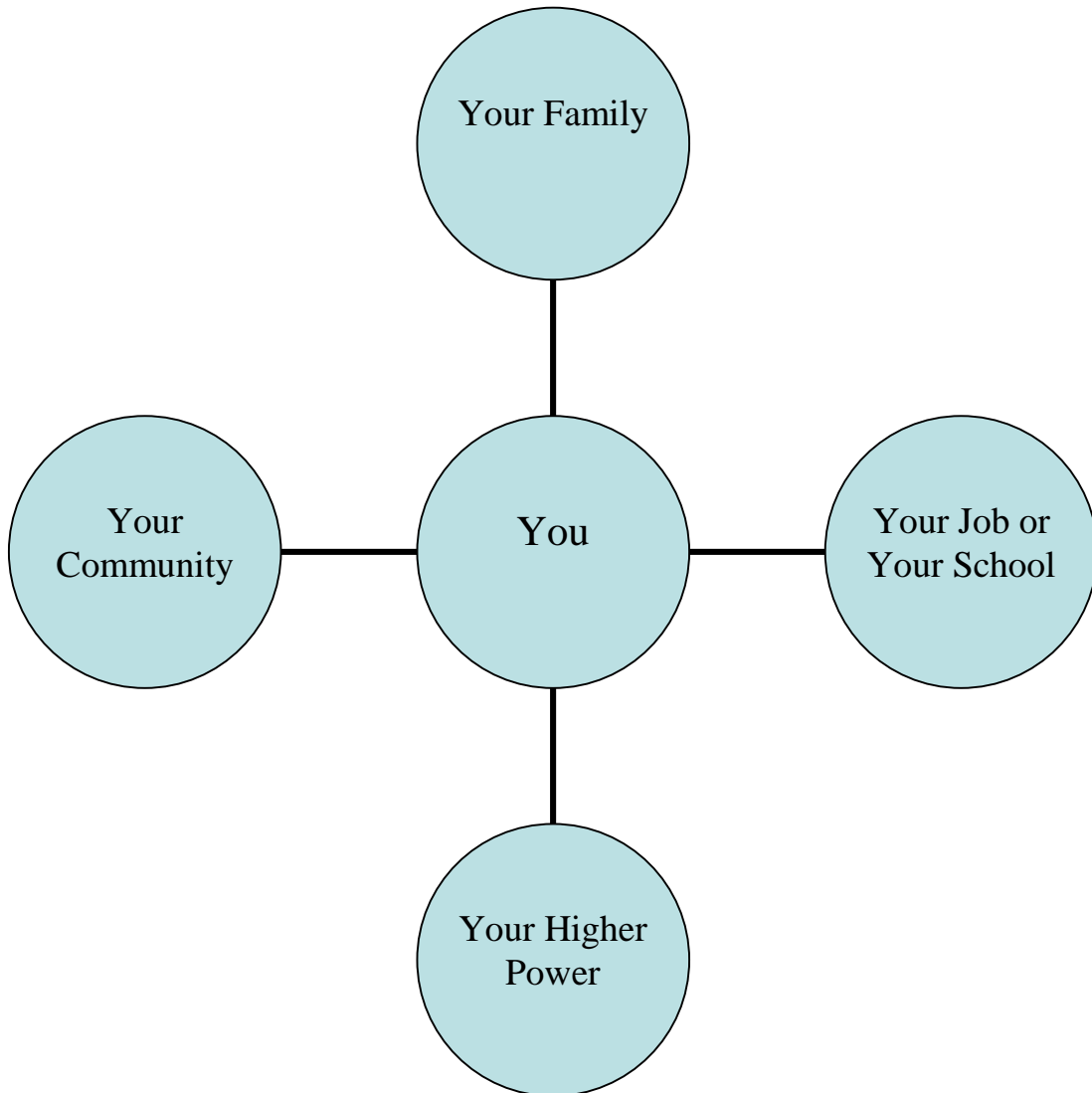
No one has all of the answers. It is expected that this program will change and grow as experience teaches enthusiasm. But even failure will have its rewards. The defendant who is unsuccessful will receive correction and consequences. Failure may lead to severance from the program and incarceration. But even the unsuccessful defendant will have a clear guide for his recovery, when he is ready to accept it. The only shame would be in not trying.

For further information about Judge Collier's Drug Court contact:

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The four relationships impacted by drug and/or alcohol addiction.



Your abuse of drugs or alcohol has disrupted and injured every relationship in your life.

As you achieve sobriety, you will note that these relationships will, slowly, begin to re-establish themselves again. These rebuilt relationships will, in turn, support your continued recovery.