

# Superior Court of California County of Orange

## Collaborative Courts 2009 Annual Report



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## Introduction

Collaborative court programs are specialized court tracks that combine judicial supervision with rigorously monitored rehabilitation services. Their focus is on problem-solving — accomplished by the integration of treatment and social services, a team approach to decision-making, strict oversight and accountability, and a proactive role for the judicial officer that involves frequent, direct interaction with the defendants. Collaborative courts have been shown to increase public safety and to save money by stopping the revolving door of incarceration and re-arrest for many offenders. They also provide profound human and social benefits.

The Orange County Collaborative Courts, which began in 1995 with one Drug Court at the Central Justice Center, have expanded to embrace twenty-three court tracks at five Justice Centers. In the pages that follow, the accomplishments during 2009 of Orange County's nationally recognized Collaborative Courts are recounted. The substantial monetary and social benefits that have resulted from these programs are a tribute to the unwavering support of the Orange County Board of Supervisors, and to the commitment and hard work of the partnering agencies and the individuals that constitute the Collaborative Courts.



## 2009 Highlights

The past year was one of continued growth and success, tempered by a setback that was due to the State budget crisis:

- Orange County's Collaborative Courts continued to be recognized nationwide as leaders in providing proven treatment alternatives to incarceration (pp. 4, 30);
- the programs resulted in millions of dollars in savings, program participants had significantly low rates of recidivism, and substantial healthcare costs were avoided by the birth of drug-free babies to participants (pp. 7, 16, 22, 27, 32, and 40);
- ITT Court was closed as a result of the elimination of all State funding for programs that implement Prop. 36, the Substance Abuse and Crime Prevention Act (p.14);
- DUI Court was expanded to the jurisdiction of the West Justice Center (p.15);
- Drug Courts at the Harbor Justice Center Laguna Niguel and the Harbor Justice Center Newport Beach were merged due to the closing of the Laguna Niguel courthouse (p.5);
- Girls Court, a program to provide supportive services to adolescent girls in the dependency system, was established at the Lamoreaux Justice Center (p.29);
- the Safe Families Program, which had been operating at four justice centers, was consolidated to a single site at the Community Court (p.39); and
- Homeless Outreach Court was expanded to two additional sites: the Community Court in Santa Ana and a community meeting hall in Laguna Beach (p.40).

## **NADCP Annual Conference Features Orange County's Collaborative Courts**

The Collaborative Court programs of Orange County, and the dedicated teams that make them possible, were featured at the annual conference of the National Association of Drug Court Professionals (NADCP), held in Anaheim June 10-13, and attended by more than 2,500 judges, administrators, law enforcement personnel, treatment staff, and others from around the world.

On the day before the conference opened, thirty-three members of the California Judicial Council's Task Force for Criminal Justice Collaboration on Mental Health Issues and the Collaborative Justice Courts Advisory Committee visited the Community Court for a tour and to observe sessions of the Opportunity Court and the WIT "Whatever It Takes" Court.

On the first day of the conference, Hon. Wendy Lindley and a panel that included representatives from Health Care Agency, the Probation Department, the Santa Ana Police Department, and the offices of the District Attorney and the Public Defender, explained the collaborative process and how it can overcome challenges to yield positive results in a variety of treatment court programs – including Drug Court, DUI Court, mental health court, Veterans Court, and Homeless Outreach Court. More than 75 people attending the workshop travelled to the Community Court to observe team meetings and watch sessions of Drug Court and Veterans Court.

A session that chronicled the development and implementation of a DUI Court was presented by a panel of judicial officers including Hon. Carl Biggs, who presides over one of the four programs in the country designated as DUI Academy Courts by the National Drug Court Institute. The nation's first Veterans Courts, which are leading the way for the establishment of similar programs throughout the country, were discussed by a panel that included Hon. Wendy Lindley. The use of funding through the Mental Health Services Act to support treatment court programs for mentally ill offenders was discussed by a panel that included Mark Refowitz, Deputy Director of Health Care Agency's Behavioral Health Services, and several court staff.

The County's groundbreaking Community Court was the subject of a workshop featuring Hon. Wendy Lindley, who explained how offenders who are homeless, addicted, or mentally ill are able to access the facility's onsite supportive services — resources that will help them to overcome the causes of their involvement with the criminal justice system. County agency staff also participated on panels that discussed the science and treatment of co-occurring mental health and addiction disorders, successfully overcoming methamphetamine addiction, and the role of probation services in Drug Court.

On June 11, R. Gil Kerlikowske, the Director of the Office of National Drug Control Policy - the federal "Drug Czar" - gave a keynote address to conference attendees, and then visited the Community Court to observe a session of Veterans Court and a Drug Court graduation. While there, he engaged participants in a dialogue about these therapeutic alternatives to incarceration. "Drug Court embodies the Administration's approach to drug control, effectively combining treatment and sanctions", said Mr. Kerlikowske. "It is a comprehensive tool for reducing the public health and safety threats of drug abuse." The visit was recorded by National Public Radio and included as the centerpiece of a broadcast concerning the shift in the country's drug control policy.

# CHAPTER 1

## Adult Drug Court

Located at four justice centers, the Adult Drug Court program works with seriously addicted offenders to help them achieve sobriety and rebuild their lives. The voluntary program is a collaboration between the Court, the Probation Department, the Health Care Agency, the offices of the Public Defender and the District Attorney, the Sheriff's Department, and other local law enforcement agencies.

Drug Court is a four-phase program which includes intensive probation supervision, individual and group counseling, regular court appearances, frequent and random drug and alcohol testing, and residential treatment or residence in a "sober living" facility as necessary. Participants are assisted with accessing ancillary services such as educational counseling, vocational rehabilitation, employment skills training, job searches, medical and dental treatment, government benefits, housing, and child care.

Defendants admitted into the Drug Court program work with their Treatment Care Coordinator and Probation Officer to develop and follow a life plan, remain clean and sober, and have consistent attendance at all court hearings, probation meetings and counseling appointments. In order to complete the program, they must also obtain suitable housing, complete their education by obtaining a high school diploma or GED, and find stable employment. Team members oversee the progress of the participants and, at the regular team meetings, discuss areas of concern and make recommendations to the judicial officer. During their appearances in court, participants are rewarded with incentives for program compliance or given sanctions for non-compliance. Phase advancements and graduations include written self-evaluations by the participants, which are read aloud in court. At these times, the people in the audience are able to understand clearly the dramatic life changes the participants are undergoing.

Program continuity is ensured by the Drug Court Oversight Committee, which meets regularly to set policy. Operational guidelines are provided by a Memorandum of Understanding that is signed by all participating agencies, as well as a Standards Manual that promotes uniformity among the Drug Court programs at the different sites.

The first Orange County Superior Court Drug Court program began in March 1995 at the Central Justice Center in Santa Ana. Over the next several years, as its social and economic successes became clear, the program expanded to the other justice centers in the County – to the Harbor Justice Center in Laguna Niguel in January 1997, to the North Justice Center in Fullerton in January 1999, to the West Justice Center in Westminster in January 2000, and to the Harbor Justice Center in Newport Beach in July 2000. In 2009, following the closure of the courthouse in Laguna Niguel, the Drug Court program there was merged with the program at the Harbor Justice Center in Newport Beach.

Funding for Drug Court comes from several sources. The Orange County Board of Supervisors approves annual funding for the Probation Department, Health Care Agency, and the offices of the District Attorney and the Public Defender, all of which allocate personnel who are essential to the success of the program. The State of California provides annual funding under the Drug Court Partnership Act of 1998 and the Comprehensive Drug Court Implementation Act of 1999, both of which are offered through a partnership between the Department of Alcohol and Drug Programs and the Judicial Council of California. Additionally, in 2009, the Superior Court was

## Adult Drug Court, continued

awarded a grant from the Bureau of Justice Assistance in the amount of \$200,000 to enhance Drug Court programs that target female abusers of methamphetamine.

These grant funds cover the costs of substance abuse treatment specialists, probation officers, residential treatment, and drug and alcohol testing. Additional funding for residential treatment, drug and alcohol testing, bus passes for participant transportation to appointments and court appearances, participant incentives, and training for Drug Court team members was provided by a grant in the amount of \$41,320 from the California Administrative Office of the Courts.

At the start of 2009, there were 554 participants in the Drug Court program countywide. During the year, 411 defendants were evaluated for admission, 184 of whom were admitted into the program. A total of **139** program participants successfully graduated during the year, and five participants were transferred to another treatment Court program which better suited their needs. A total of 134 participants were terminated from the program, either at their own request or because of program non-compliance. As of December 31, 2009, **460** participants were active in the program.

Since inception, the Orange County Drug Court program has admitted 3,736 participants and, as of December 31, 2009, **1,537** participants had graduated from the program. The recidivism rate for Drug Court graduates, three years after graduation, is **32%** for any crime, compared with a recidivism rate for comparable non-participants of 74% (please see discussion, p.7). **Thirteen** drug-free babies were born to program participants in 2009, bringing the program total to **112** babies born free of addiction.



### Judicial Officers Assigned to Adult Drug Court

#### Central Justice Center

1995 - 1998	Judge David McEachen
1998 - 1999	Judge David Velasquez
2000	Judge Ronald Kreber
2001	Judge David Thompson
2002 - 2009*	Judge Wendy Lindley

#### North Justice Center

1999 - 2001	Commissioner Erick Larsh
2000	Judge Gerald Johnston
2001	Commissioner Allen Stone
2001 - 2009	Commissioner Ronald Klar

#### Harbor Justice Center, Laguna Niguel

1996 - 2001	Judge Wendy Lindley
1998 - 2000	Judge Ronald Kreber
1999 - 2003	Judge Carl Biggs
2000 - 2001	Judge Gail Andler
2001 - 2009**	Judge Matthew Anderson

#### West Justice Center

2000 - 2001	Judge David Thompson
2001	Judge Michael McCartin
2001 - 2002	Judge Mary Fingal Schulte
2002 - 2004	Judge Peter Polos
2004 - 2006	Judge Glenda Sanders
2006 - 2007	Judge Linda Marks
2007 - 2009	Judge Michael Cassidy

#### Harbor Justice Center, Newport Beach

2000 - 2003	Judge Geoffrey Glass
2003 - 2007	Judge Jamoa Moberly
2007 - 2009	Commissioner James Odriozola
2009	Judge Matthew Anderson / Commissioner James Odriozola

\* program held at the Community Court in 2009

\*\* program moved to Harbor Justice Center / Newport Beach in 2009

# Adult Drug Court - Results and Benefits

## Recidivism

An important measure of the success of Drug Court is the reduction in the rate of recidivism, or re-arrest, for graduates of the program. In determining the rate of recidivism, the arrest records of Drug Court graduates are reviewed three years after their graduation, and any arrest during that time is noted. **The recidivism rate for graduates of the Orange County Drug Court program is 32% for any crime.**

In contrast, as part of a 2007 study of the Drug Court program at the West Justice Center\*, the arrest records of a group of 1,685 defendants who were eligible for but did not participate in Drug Court programs in California were reviewed three years after the date of their program eligibility. **This comparison group had a recidivism rate of 74% for any crime.**

Recidivism Data for Drug Court					
	Central Justice Center	Harbor Justice Center	North Justice Center	West Justice Center	total
total number, 3 years post-graduation	454	315	253	126	1,148
number re-arrested – any charge	154	102	81	30	367
number convicted – any charge	144	93	72	34	343
percentage re-arrested – any charge	34%	32%	32%	24%	32%
number re-arrested – substance abuse charge	131	86	61	24	302
percentage re-arrested – substance abuse charge	29%	27%	24%	19%	26%

## Cost Savings

The alternative sentence of Drug Court saves the County of Orange and the State of California the costs of housing the defendants in jail or prison. In order to ensure accuracy, the calculations are made only for program graduates, and any incarceration days that result from in-program sanctions are subtracted from the total number of jail or prison days that were stayed as a result of the alternative sentence. The daily cost of a jail bed day is calculated at \$94.03, which is an average of the 2008 costs at the five Orange County jail facilities. The cost of a prison bed day is calculated at \$97.50, based on an annual per prisoner cost of \$35,587.

In 2009, the Drug Court program saved **25,343 jail bed days**, for a **cost savings of \$2,383,002** and saved **13,966 prison bed days**, for a **cost savings of \$1,361,685**. Since inception, the program has saved approximately **\$16,613,530** in jail bed costs and **\$9,775,370** in prison bed costs.

\* California Drug Courts: Costs and Benefits; Phase II, Piloting the DC-SET, Superior Court of Orange County, West Orange Drug Court Site-Specific Report; Shannon M. Carey, Ph.D., et al., October 2007

# Adult Drug Court - Results and Benefits, continued

## Cost Savings, continued

The Administrative Office of the Courts, in a cost study\* that tracked and valued the time of each person involved with selected Drug Court programs in California, including those at the Central Justice Center in Santa Ana and Harbor Justice Center in Laguna Niguel, found that both programs yielded a net cost savings compared with processing the offenders through “business as usual”, and noted that **every dollar invested in the Drug Court program at the Central Justice Center resulted in a net benefit of \$7.30.**

## Drug-Free Babies

Drug-addicted babies are a healthcare nightmare. The costs of their initial hospitalization and other specialized care can amount to hundreds of thousands of dollars, and there are likely to be significant, ongoing medical and socialization challenges as they grow up. Special perinatal training and program management are offered to Drug Court participants to ensure that pregnant mothers deliver drug-free babies — another important measure of program’s success, both in human and in economic terms.

During 2009, **13** drug-free babies were born to female participants in the Drug Court programs, bringing to **112** the total of drug-free babies born since the inception of the program.

## Other Program Benefits

Community service hours are an essential component of the Drug Court program. Community service is utilized as both a sanction when participants are not in compliance with the program and as a productive use of time for those participants who are not working or going to school. During 2009, program participants performed more than **2,850** hours of community service.

During 2009, **139** Drug Court participants were graduated from the program “clean and sober”, and each was also employed or pursuing educational goals. Changing the lives of drug-addicted criminals who are often jobless and homeless into responsible, tax-paying members of society has obvious social and economic benefits, challenging though these may be to quantify.

Similarly clear but difficult to value with precision are the future costs to crime victims which are avoided, and the enhancements to the quality of life of the community that are gained as a result of transforming the lives of drug-addicted offenders.

Drug Court saves money and it saves lives, and it is also changing the way the community feels about the criminal justice system. The courthouse has become a place where people in need of help can find hope, and a path to a better life.

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\* California Drug Courts: A Methodology for Determining Costs and Benefits; Phase II: Testing the Methodology, Final Report submitted to the Administrative Office of the Courts; Shannon M. Carey, Ph.D., et al., April 2005, at p.31. The full report is available at [www.courtinfo.ca.gov/programs/collab/documents/drug\\_court\\_phase\\_II.pdf](http://www.courtinfo.ca.gov/programs/collab/documents/drug_court_phase_II.pdf).

<b>DRUG COURT</b>					
<b>2009 Program Totals</b>					
Justice Center	Central	Harbor	North	West	total
active as of 12/31/2008	220	139	138	57	554
admitted during 2009	44	64	51	25	184
transferred from another Drug Court program	2	1	1	0	4
terminated -- window period	12	9	11	6	38
terminated -- extenuating circumstances	0	0	6	0	6
terminated -- program non-compliance	37	25	17	11	90
transferred to another Drug Court program	0	3	0	1	4
transferred to an alternative program	3	0	2	0	5
graduated	44	38	37	20	139
active as of 12/31/2009	170	129	117	44	460
drug-free babies born during program	3	3	6	1	13
jail bed days saved	3,835	8,973	8,149	4,386	25,343
prison bed days saved	9,644	1,527	879	1,916	13,966
defendants evaluated for admission into program	77	141	144	49	411



## **Armenian Delegation Visits Drug Court**

Ten officials from the Ministry of Justice of the Republic of Armenia and the Investigation Division of the Armenian Police Department visited the Community Court on September 18 to observe a session of Drug Court. During the visit, the delegation attended the progress review team meeting, the court proceedings, and the graduation ceremony of a successful program participant. Following the Drug Court session, the guests met with Hon. Wendy Lindley to discuss the experience, and to learn about the other programs offered at the Community Court that provide a treatment alternative to incarceration for many offenders who are homeless, addicted, or suffering from mental illness.

This introduction to collaborative justice was part of a week-long study tour that was sponsored by the U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training. Arranged by U.S. District Judge David O. Carter, the tour included visits to state and federal law enforcement, correctional, and court facilities.

## **Treatment Court Training Day Features Best Practices**

On October 19, the 2009 Treatment Court Training Day was held at the Social Services Agency in Santa Ana. The event was attended by more than 85 Collaborative Courts team members — including judicial officers, staff from the partnering agencies, and Superior Court staff. In addition to providing timely and relevant information regarding best practices, the event offered a forum in which the attendees developed team strategies, enhanced their communication skills, and explored new opportunities to refer participants for treatment and services.

Among the wide range of topics covered at the training were the latest trends in street drugs, strategies for team building, the effective use of sanctions and incentives, sexual disorders, available services for military service veterans, and the identification and treatment of Post Traumatic Stress Disorder.



## **Community Partnerships Assist Drug Court Participants**

During 2009, Drug Court participants were assisted in their efforts to get their lives back on track through a number of beneficial arrangements between the Collaborative Court programs and partners in the community.

Educational partnerships are important to the success of Drug Court. Since 2001, the “Positive Life Attitudes” class at Santa Ana Community College has been a graduation requirement of the Central Justice Center Drug Court. This popular eight-week class encourages participants to view their lives in a positive manner and establish attainable goals; and as a result of the class, many participants go on to take further, college-level courses. The Harbor Justice Center Drug Court has maintained partnerships with Orange Coast College and Saddleback College, at which program participants are required to complete course units prior to graduation.

Community partners have also been instrumental in providing ancillary services to participants and encouraging many of them to continue their education. Through a partnership with the Coastal County Regional One Stop Center, participants in the West Justice Center Drug Court are offered direction and resources in preparing for their GED exams, in planning their continuing education and their career development, and in conducting job searches.

The Community Courts Foundation is a non-profit agency that was founded by Kathy Burnham and which continues its vital assistance to Drug Court participants — including help in accessing free restorative dental care — under her inspired and tireless leadership. In September, 2009, following two annual Women Moving Forward events, the Foundation sponsored an event for men who are participating in Drug Court, at which more than 100 attendees were given guidance on how to establish and maintain healthy relationships, were shown the skills and techniques used by others in overcoming significant life challenges, and were provided with information about child support, child custody, and other family law matters.

## DRUG COURT — Demographic Information

### 2009 Admissions

Justice Center		Central	Harbor	North	West	total	percent
admissions		44	64	51	25	184	100%
gender	female	20	21	19	6	66	36%
	male	24	43	32	19	118	64%
age	18 - 21 years	5	16	3	0	24	13%
	22 - 30 years	14	24	26	10	74	40%
	31 - 40 years	11	10	11	6	38	21%
	41 - 50 years	12	11	9	7	39	21%
	51 - 60 years	2	3	2	2	9	5%
	over 60 years	0	0	0	0	0	0%
race	African American	1	1	2	0	4	2%
	Asian	2	0	1	1	4	2%
	Caucasian	28	56	28	21	133	72%
	Hispanic	12	5	17	3	37	20%
	Native American	1	0	2	0	3	2%
	other	0	2	1	0	3	2%
education	needs HS / GED	16	12	14	5	47	26%
	has HS / GED	15	41	28	9	93	51%
	some college	10	19	8	6	43	23%
	college degree	3	2	1	5	11	6%
marital status	single	30	55	34	14	133	72%
	married	6	2	8	6	22	12%
	separated	2	0	1	0	3	2%
	divorced	4	6	7	4	21	11%
	other	2	1	1	1	5	3%
parental status	with children	19	14	38	9	80	43%
employment	employed	14	26	48	12	100	54%
	unemployed	30	34	49	13	126	68%
	no information	0	6	0	0	6	3%
drug of choice	alcohol	1	0	1	0	2	1%
	cocaine	4	7	4	2	17	9%
	heroin	9	21	10	3	43	23%
	marijuana	2	7	4	0	13	7%
	methamphetamine	26	27	31	20	104	57%
	opiates	1	2	0	0	3	2%
	prescription drugs	0	1	1	0	2	1%
	other	1	0	0	0	1	1%

## DRUG COURT — Demographic Information

### 2009 Terminations

Justice Center		Central	Harbor	North	West	total	percent
terminations		49	34	28	17	128	100%
gender	female	17	16	13	3	49	38%
	male	37	18	15	14	84	66%
age	18 - 21 years	5	10	3	2	20	16%
	22 - 30 years	18	12	12	6	48	38%
	31 - 40 years	18	6	7	5	36	28%
	41 - 50 years	7	4	6	3	20	16%
	51 - 60 years	1	2	0	1	4	3%
	over 60 years	0	0	0	0	0	0%
race	African American	2	1	1	1	5	4%
	Asian	3	0	1	0	4	3%
	Caucasian	24	31	16	13	84	66%
	Hispanic	18	1	10	2	31	24%
	Native American	1	0	0	1	2	2%
	Other	1	1	0	0	2	2%
education	needs HS / GED	25	5	11	4	45	35%
	has HS / GED	18	15	15	6	54	42%
	some college	5	11	0	5	21	16%
	college degree	1	0	2	2	5	4%
marital status	single	33	27	14	10	84	66%
	married	5	4	7	3	19	15%
	separated	3	1	2	0	6	5%
	divorced	6	1	4	4	15	12%
	other	2	1	1	0	4	3%
parental status	with children	21	19	9	11	60	47%
employment	employed	22	15	11	11	59	46%
	unemployed	27	19	17	6	69	54%
	no information	0	0	0	0	0	0%
drug of choice	alcohol	0	0	1	1	2	2%
	cocaine	8	3	1	0	12	9%
	heroin	5	11	4	3	23	18%
	marijuana	5	5	2	2	14	11%
	methamphetamine	30	13	20	11	74	58%
	opiates	1	1	0	0	2	2%
	prescription drugs	0	1	0	0	1	1%
	other	0	0	0	0	0	0%

## DRUG COURT — Demographic Information

### 2009 Graduations

Justice Center		Central	Harbor	North	West	total	percent
graduations		44	38	37	20	139	100%
gender:	female	14	15	15	6	50	36%
	male	30	23	22	14	89	64%
age	18 - 21 years	5	4	4	3	16	12%
	22 - 30 years	14	14	14	10	52	37%
	31 - 40 years	13	16	12	5	46	33%
	41 - 50 years	12	4	4	2	22	16%
	51 - 60 years	0	0	2	0	2	1%
	over 60 years	0	0	1	0	1	1%
race	African American	2	1	0	1	4	3%
	Asian	1	3	1	3	8	6%
	Caucasian	20	30	28	12	90	65%
	Hispanic	21	2	8	4	35	25%
	Native American	0	0	0	0	0	0%
	other	0	2	0	0	2	1%
education	needs HS / GED	15	9	6	4	34	24%
	has HS / GED	12	11	19	13	55	40%
	some college	16	13	10	2	41	29%
	college degree	1	5	2	1	9	6%
marital status	single	28	28	29	16	101	73%
	married	5	5	1	1	12	9%
	separated	4	2	3	1	10	7%
	divorced	6	3	3	2	14	10%
	other	1	0	1	0	2	1%
parental status	with children	18	9	9	6	42	30%
employment	employed	26	18	8	7	59	42%
	unemployed	18	20	9	13	60	43%
	no information	0	0	0	0	0	0%
drug of choice	alcohol	1	1	0	0	2	1%
	cocaine	3	4	4	3	14	10%
	heroin	0	7	3	2	12	9%
	marijuana	3	4	4	3	14	10%
	methamphetamine	37	22	25	12	96	69%
	opiates	0	0	0	0	0	0%
	prescription drugs	0	0	1	0	1	1%
	other	0	0	0	0	0	0%

## CHAPTER 2

# ITT (Intensive PC 1210) Court

The ITT (Intensive Twelve-Ten) Court was established as a Drug Court within the legislatively-mandated Prop. 36 (PC 1210) drug diversion program. The goal of the ITT Court was to increase PC 1210 program retention and completion rates by providing selected participants with a higher level of accountability through regular court appearances, intensive oversight by the judicial officer, monitoring by Probation with frequent drug and alcohol testing, and the use of sanctions and incentives.

The program, which was held at the Central Justice Center, was begun by Commissioner Duane Neary in 2007; and it was under the direction of Commissioner Joe Perez when the State implemented drastic budget cuts that eliminated all funding for Prop.36 programs. The cutbacks resulted in the elimination by Health Care Agency of the program treatment staff, making the continuation of the ITT Court unfeasible; and on July 1, 2009, the program was closed.

During the existence of ITT Court 118 participants were admitted to the program, and **57** participants graduated. As of the end of 2009, none had been re-arrested. The brief essay by Commissioner Perez, below, was previously published in the 2008 Annual Report. It puts a human face on the success of the treatment court approach in reducing addiction and re-arrest among people who would otherwise languish as repeat offenders in the criminal justice system.



### **Making the World a Better Place One Case at a Time**

*Commissioner Joe Perez*

"Making the world a better place one case at a time" is the phrase I have used since I first came to the bench; and in no place is it more true than the Intensive Twelve Ten Court.

Defendants who are on the verge of being removed from PC 1210 treatment and sentenced to jail or prison are given an opportunity, through intensive treatment within a rigid structure, to turn their lives around once and for all. It is hard work, but the results have been phenomenal.

I often wish the graduation speeches given by ITT defendants could be recorded and played to everyone who wonders whether these programs work. Families have been saved and strengthened. The making of better parents, better children, and better citizens is a clear product of this magnificent program.

A recent graduate stated that, when he came into the program as an addict, he was sharing needles with his diabetic cat. Upon graduation, he had been drug-free for over a year and had finished his first set of college exams. I remembering saying to him "This court is very proud of you", and I remember thinking to myself " *This* is why I came to the bench, and *this* is why this program is so valuable."

## CHAPTER 3 DUI Court

DUI Court targets second and third-offense drunk drivers and provides them with professional assistance to address their chronic alcohol abuse. In addition to sobriety, the program emphasizes rebuilding family ties, maintaining employment and a stable living environment, and pursuing educational goals. Based on the Drug Court model, DUI Court was designed by a stakeholders committee under the leadership of Hon. Carl Biggs. It was started in October 2004 at the Harbor Justice Center in Newport Beach following the receipt of a two-year grant from the California Office of Traffic Safety.

In 2006, a second two-year grant from the California Office of Traffic Safety was obtained by the Court, which enabled the program to be expanded to the North Justice Center under the guidance of Hon. Douglas Hatchimonji. Thereafter, in January 2008, pursuant to a two-year grant obtained from the Administrative Office of the Courts through an initiative of the California Office of Traffic Safety, a third DUI Court was established at the Central Justice Center, with Hon. Wendy Lindley presiding.

In the fall of 2009, with the Central and North Justice Center DUI Court programs facing closure as a result of County staff cutbacks and the pending expiration of their grant funding, the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, awarded the Court a grant in the amount of \$930,897 to continue the existing DUI Court programs, and to expand DUI Court services to the jurisdiction of the West Justice Center.

Although current judicial staffing and financial constraints temporarily require that their court appearances be made at Harbor Justice Center, participants will receive their treatment and probation services within the geographic jurisdiction of the West Justice Center. The grant will allow DUI Court to continue in operation while modifications are developed and implemented that will enable the entire program to become more self-sustaining.

DUI Court is a partnership that includes the Superior Court, the Probation Department, the Health Care Agency, the offices of the Public Defender and the District Attorney, the Sheriff's Department, Mothers Against Drunk Driving (MADD), and local law enforcement agencies. The program has received nationwide recognition through the selection, by the National Drug Court Institute, of the Harbor Justice Center Newport Beach program as an Academy Court, at which jurists and administrators from around the country can learn best practices and procedures for the creation of their own DUI Court programs.

In 2009, a total of **191** people were admitted to DUI Court, and **171** participants successfully completed the program. Since the inception of the program, **514** participants have graduated.



### Judicial Officers Assigned to DUI Court

<b>Harbor Justice Center /NB</b>	2004 - present	Judge Carl Biggs
<b>North Justice Center</b>	2006 - 2008 2008 - present	Judge Douglas Hatchimonji Judge Donald Gaffney
<b>Central Justice Center</b>	2008 - present	Judge Wendy Lindley
<b>West Justice Center</b>	2009 - present	Judge Carl Biggs

# DUI Court - Results and Benefits

## Recidivism

Of the **514** participants who have graduated from DUI Court, from the inception of the program in 2004 through December 31, 2009, only **19** have been re-arrested for a subsequent DUI offense — a **recidivism rate of 3.7%**. In comparison, according to the 2009 Annual Report of the California Department of Motor Vehicles (at p. 49), **17%** of repeat offense drunk drivers who were arrested in 2000 were re-arrested for DUI within five years of that arrest.

## Cost Savings

A significant benefit of the DUI Court program is the savings to the County of the cost of incarcerating the DUI offenders. The average cost to house an inmate at one of the five county jail facilities is \$94.03 per day. In 2009, the DUI Court program saved **24,796 jail bed days**, resulting in a **cost savings of \$2,330,628**. Since its inception, the DUI Court program has saved **58,335 jail bed days**, for a total savings of **\$5,358,976** in jail bed costs.

DUI COURT					
2009 Program Totals					
	Central Justice Center	Harbor Justice Center	North Justice Center	West Justice Center	countywide total
active as of 12/31/2008	51	120	88	0	259
admitted during 2009	40	88	46	17	191
transferred from another	0	1	0	12	13
terminated --	6	9	6	0	21
terminated --	0	1	1	0	2
terminated --	5	13	4	0	22
transferred to another	2	0	11	0	13
transferred to an	0	0	0	0	0
graduated	32	76	63	0	171
active as of 12/31/2009	46	110	49	29	234
defendants evaluated	91	222	137	32	482

## Other Program Benefits

In addition to its direct financial benefit, DUI Court produces a tremendous savings in human lives by reforming repeat offense drunk drivers, who are likely eventually to cause death or serious injury to themselves or to innocent victims; and, not incidentally, by enabling program participants to give birth to **3 babies** born free of addiction or fetal alcohol syndrome.

## DUI COURT—Demographic Information

### 2009 Admissions

Justice Center		Central	Harbor	North	West	total	percent
admissions		40	88	46	17	191	100%
gender	female	10	21	12	7	50	26%
	male	30	67	34	10	141	74%
age	18 - 21 years	2	3	1	0	6	3%
	22 - 30 years	24	30	20	8	82	44%
	31 - 40 years	8	24	12	3	47	25%
	41 - 50 years	3	21	11	6	41	22%
	51 - 60 years	2	8	2	0	12	6%
	over 60 years	1	2	0	0	3	2%
race	African American	1	1	1	0	3	2%
	Asian	2	3	4	0	9	6%
	Caucasian	21	68	26	11	126	66%
	Hispanic	15	10	14	6	45	24%
	Native American	1	1	0	0	2	1%
	other	0	5	1	0	6	3%
education	needs HS / GED	8	9	2	2	21	12%
	has HS / GED	22	21	24	4	71	38%
	some college	8	35	14	7	64	33%
	college degree	2	23	6	4	35	18%
marital status	single	33	57	31	11	132	69%
	married	6	13	12	3	34	18%
	separated	0	2	1	0	3	2%
	divorced	1	14	2	3	20	10%
	widowed	0	2	0	0	2	1%
parental status	with children	10	20	16	3	49	26%
employment	employed	22	64	33	9	128	67%
	unemployed	14	19	13	7	53	29%
	no information	4	5	0	1	10	5%

## DUI COURT—Demographic Information

### 2009 Terminations

Justice Center		Central	Harbor	North	West	total	percent
terminations		11	23	11	0	45	100%
gender	female	2	5	3	0	10	22%
	male	9	18	8	0	35	78%
age	18 - 21 years	0	3	0	0	3	7%
	22 - 30 years	7	10	5	0	22	49%
	31 - 40 years	1	4	3	0	8	18%
	41 - 50 years	3	3	3	0	9	20%
	51 - 60 years	0	3	0	0	3	7%
	over 60 years	0	0	0	0	0	0%
race	African American	1	0	1	0	2	4%
	Asian	1	0	0	0	1	2%
	Caucasian	5	16	6	0	27	60%
	Hispanic	4	6	4	0	14	31%
	Native American	0	0	0	0	0	0%
	other	0	1	0	0	1	2%
education	needs HS / GED	2	1	0	0	3	7%
	has HS / GED	5	7	7	0	19	42%
	some college	4	10	2	0	16	36%
	college degree	0	2	2	0	4	9%
marital status	single	8	16	8	0	32	71%
	married	2	3	2	0	7	16%
	separated	0	1	0	0	1	2%
	divorced	1	3	1	0	5	11%
parental status	with children	3	8	5	0	16	36%
employment	employed	6	18	8	0	32	71%
	unemployed	4	5	3	0	12	27%
	no information	1	0	0	0	1	2%

DUI COURT—Demographic Information							
2009 Graduations							
Justice Center		Central	Harbor	North	West	total	percent
graduations		32	76	63	0	171	100%
gender	female	10	22	14	0	46	27%
	male	22	54	49	0	125	73%
age	18 - 21 years	2	2	2	0	6	4%
	22 - 30 years	14	24	21	0	59	35%
	31 - 40 years	11	15	19	0	45	26%
	41 - 50 years	2	28	18	0	48	28%
	51 - 60 years	2	6	2	0	10	6%
	over 60 years	1	1	1	0	3	2%
race	African American	0	1	1	0	2	1%
	Asian	0	3	4	0	7	4%
	Caucasian	16	52	31	0	99	58%
	Hispanic	13	17	27	0	57	33%
	Native American	0	0	0	0	0	0%
	other	3	3	0	0	6	4%
education	needs HS / GED	4	4	13	0	21	12%
	has HS / GED	12	26	25	0	63	37%
	some college	12	24	14	0	50	29%
	college degree	4	22	11	0	37	22%
marital status	single	20	42	39	0	101	59%
	married	7	17	13	0	37	22%
	separated	1	3	1	0	5	3%
	divorced	3	14	9	0	26	15%
	widowed	1	0	1	0	2	1%
parental status	with children	14	29	32	0	75	44%
employment	employed	27	68	47	0	142	83%
	unemployed	5	8	15	0	28	16%
	no information	0	0	1	0	1	1%

## **Choices and Consequences**

### **a Real DUI Court In Schools program**

The Choices and Consequences program concluded a successful second season in 2009, reaching more than **5,000** students at ten County high schools. The multi-media educational outreach program on the dangers of drunk and distracted driving was developed by Hon. Kimberly Menninger, and funded again by a grant from the Administrative Office of the Courts through its Real DUI Court in Schools project. The Choices and Consequences program, which is presented to students in a 90-minute campus assembly, includes:

- the live, onsite sentencing of one or more DUI defendants — each preceded by a case overview from the prosecutor, and followed by remarks and a question and answer period with the defendant and defense counsel;
- an interactive presentation by Judge Menninger on the perils of drinking, drinking and driving, and distracted driving;
- a presentation by a former DUI offender who struggled with alcohol addiction during his teenage years, and lost sports scholarships and other educational opportunities as a result of his substance abuse;
- interactive discussions about how to avoid making bad, life-altering decisions, led by two counselors who have worked with teens exposed to trauma; and
- a film presentation on distracted driving, created by the family of a young girl who died on prom night in an accident involving a teen driver who was reaching for a package of gum.



Judge Kimberly Menninger bringing a real DUI sentencing and interactive education to Orange County students

During 2009, the Choices and Consequences program was presented to students at the following Orange County locations: Cornelia Connelly High School in Anaheim, Westminster High School and Bolsa Grande High School in Westminster, Pacifica High School in Garden Grove, Foothill High School in Tustin, Huntington Beach High School in Huntington Beach, Back Bay High School in Costa Mesa, Capistrano Valley High School in Mission Viejo, and Dana Hills High School in Dana Point.

## CHAPTER 5 Juvenile Drug Court

Juvenile Drug Court, which is held at the Lamoreaux Justice Center in Orange, addresses the serious substance abuse issues of minor children. The goal of the program is to support the juvenile offender's commitment to sobriety by providing the treatment and supervision needed to promote abstinence from drug and alcohol abuse and to deter criminal behavior. Minors participating in the program are required to attend frequent progress review hearings with the judicial officer, remain clean and sober, attend weekly self-help groups, participate in group, individual, and family counseling, participate in skills building and other educational activities, and follow the terms and conditions of probation.

The Juvenile Drug Court team includes representatives from the Court, Health Care Agency, the Probation Department, the offices of the District Attorney and the Public Defender, and any retained counsel.

Preparation for the Juvenile Drug Court program began in 1998, pursuant to a planning grant awarded to the Orange County Juvenile Court by the U.S. Department of Justice, Office of Justice Programs, Drug Court Program Office. In 1999, implementation of the program began with funding received from a Juvenile Accountability and Incentive Block Grant award. Although the Juvenile Accountability Block grant has since been discontinued, grant funding has continued through the Juvenile Justice Crime Prevention Act.

In September 1999, Hon. Ronald E. Owen, the Presiding Judge of Juvenile Court, accepted the first participant into the Juvenile Drug Court. He oversaw Juvenile Drug Court until his reassignment in January 2000, at which time Hon. Robert B. Hutson became Presiding Judge of Juvenile Court. The program was led by Judge Hutson for more than eight years until May 2008, when Hon. Carolyn Kirkwood became the Presiding Judge of Juvenile Court and she appointed Referee Maureen Aplin to preside over the Juvenile Drug Court program. In 2009, Judge Donna Crandall was assigned to oversee Juvenile Drug Court and to continue the expansion of the partnerships which provide growth opportunities for program participants.

At the beginning of 2009, Juvenile Drug Court had 45 active participants. During the course of the year, 51 additional participants were admitted into the program, 26 participants were terminated and 25 graduated after spending an average of fifteen months in the program. These participants typically had started using drugs before their 15<sup>th</sup> birthday and nearly all of them were using drugs several times per week at the time of their admission. At the time of their graduation, they had been sober for an average of seven months, some for more than a year. At the end of 2009, the Juvenile Drug Court program had 45 participants.



### Judicial Officers Assigned to Juvenile Drug Court

1999 - 2000	Judge Ronald E. Owen
2000 - 2008	Judge Robert E. Hutson
2008 - 2009	Judge Carolyn Kirkwood / Referee Maureen Aplin
2009 - present	Judge Donna Crandall

## Juvenile Drug Court — Results and Benefits

PROGRAM TOTALS — 2009	
active participants 12/31/2008	45
admissions	51
terminations	26
graduations	25
active participants 12/31/2009	45

PROGRAM TOTALS since inception	
admissions	453
terminations	268
graduations	138
drug-free babies	16

### Custody Days Avoided

Despite having come into the program with an average of two prior arrests, and some with as many as five, none of the minors were arrested on a new law violation while participating in the program. These minors came into the program with an average of 162 days of custody stayed, and upon graduation had their charges dismissed. The 25 graduates in 2009 had **3,055 days of custody stayed, saving the County \$452,751**. Since the inception of the program, 138 program graduates have had 21,987 custody days stayed, for a total savings of more than **\$3,258,473**.

### Recidivism — New Referrals Within One Year of Graduation

For the purposes of this report, recidivism is defined as any new arrest resulting in a referral to the Probation Department, and those arrests that do not result in a referral to Probation are not included in this analysis. While the majority of participants are terminated from probation upon graduation from the program, some remain on administrative probation due to remaining financial obligations. In these cases, violations of probation are included in the recidivism statistics.

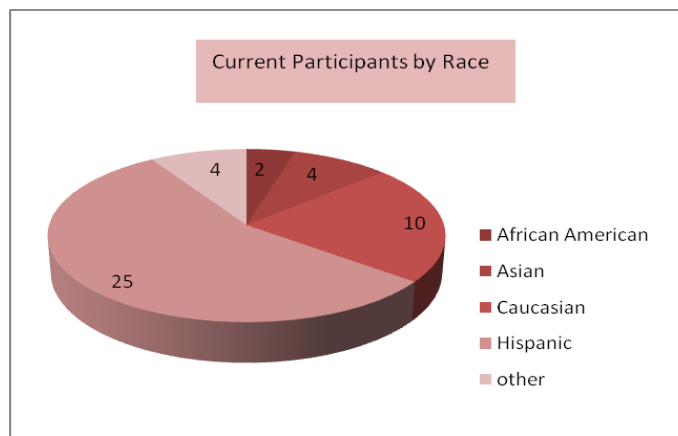
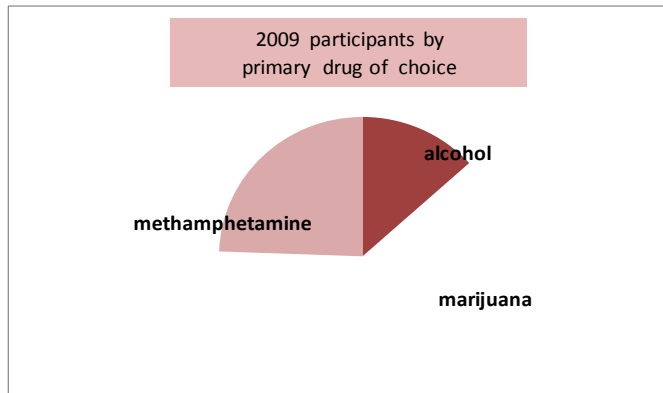
One hundred sixteen graduates have had an entire year of follow-up since graduating from the Juvenile Drug Court program. Of these 116 minors, **only fourteen (12%)** had a new referral within one year of graduation. Six of these had a new drug-related offenses, five had property offenses, two were charged with trespassing, and one had a serious violent offense.

### Recidivism — New Referrals Within Two Years of Graduation

Ninety-four graduates have been out of the program for at least two years. Of these 94 graduates, **only seventeen (18%)** had a new referral within two years of graduation. Ten of these referrals were drug-related, three were for property crimes, three were for non-drug misdemeanors, and one was for a serious violent offense.

<b>JUVENILE DRUG COURT</b>		
<b>2009 Demographic Information</b>		
participants as of 12/31/2009		45
gender	female	12
	male	33
age	13 years	0
	14 years	1
	15 years	10
	16 years	18
	17 years	16
race	African American	2
	Asian	4
	Caucasian	10
	Hispanic	25
	Native American	0
	other	4
education	attending high school	10
	attending alternative school	35
	diploma / GED	0
	some college	0
marital status	single	45
	married	0
employment	employed	22
	unemployed	14
primary drug of choice	alcohol	6
	cocaine	0
	ecstasy	0
	heroin / opiates	0
	marijuana	28
	methamphetamine	11
	prescription medications	0
years of substance abuse	less than 2 years	7
	2 to 5 years	3
	6 to 10 years	5
	11 or more years	0

## Juvenile Drug Court, continued



### Events Help Juvenile Drug Court Participants Prepare for Success

During the year, Juvenile Drug Court participants were afforded guidance in preparing for life as responsible adults through events sponsored by the Community Courts Foundation in partnership with the Orange County Women Lawyers Association.

On March 27, thirty program participants attended a workshop on independent living, presented by representatives from Youth Employment Services, Saddleback College, and Golden West College. The attendees received information on a variety of subjects to assist them in developing the skills they will need to succeed in life — including, among other topics, living on a budget, building healthy relationships, and finding a job.

On November 6, the second annual Teen Career Conference offered Juvenile Drug Court participants an opportunity to hone the skills they will need in order to find and keep gainful employment, and to turn their life experiences into marketable job skills. Attendees were given practical advice with regard to creating a resume, filling out job applications, interviewing with prospective employers, and conducting job searches to find current job opportunities.

## **CHAPTER 6**

### **Truancy Court**

*Part of the Truancy Response Program*

Truancy Court, located at the Lamoreaux Justice Center, is the third and most serious intervention level under the County's Truancy Response Program, which targets chronically truant youth\* and their families. Established by Hon. Robert B. Hutson in 2001, the Truancy Response Program has been supported since its inception through funding received by the County pursuant to the Juvenile Justice Crime Prevention Act.

The goal of the program is to stabilize the school attendance of truant youth, thereby increasing their chances of future academic success and reducing the number that go on to commit a crime resulting in a formal Welfare and Institutions Code Section 602 petition. The program involves strict monitoring and accountability, and brings the youth and their parents into a partnership with the Juvenile Court, the Probation Department, the Department of Education, the District Attorney, the Public Defender, the Social Services Agency, the Health Care Agency, and the community-based Parent Empowerment Program.

Under the Truancy Response Program, when a student has been identified as truant by a participating school district, the student and the parents are given notice to attend a mandatory group meeting with school officials, conducted by a representative from the office of the District Attorney. If the student and the parents do not correct the truancy problem in response to this school-level intervention, the school district forwards a truancy referral to the Probation Department. If the student does not cooperate with the Probation Department in addressing the truancy problem, or if the student is younger than 12 years old, the student and the parents are referred to Truancy Court.

In Truancy Court, the students are supervised by the Court and monitored by the District Attorney, and they are directed to attend school daily and to provide proof of attendance to the Court each week. An attorney from the office of the Public Defender is assigned to assist the youth and the family in accessing community resources and to help the family in complying with the Court's orders. Parents are required to attend the Parent Empowerment Program, and the Court may also refer the student and the parents to counseling services provided by the Orange County Health Care Agency, and to the CalWorks program through the County's Social Services Agency. Unless the family moves out of the County or there is a subsequent criminal charge, Truancy Court participants may remain active until the chronic truancy problem, and such other issues as have contributed to problem, are remedied to the satisfaction of the Court. Thus, participants have been under Court supervision for as short a time as two months, or for as long as twelve months or more.

In 2009, the Truancy Response Program received recognition by the Educational Options Best Practices Demonstration Project — a peer review program led by the California Department of Education. During the 2008-2009 school year, of 836 total Truancy Response Program participants, **509** truants were referred with their parents to Truancy Court; and of these, 344 cases were still active as of June 30, 2009.

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\* As defined by California Education Code section 48260, a student is truant if absent from school without valid excuse for three days in one school year or is tardy or absent for more than any 30-minute period, or any combination thereof.

# Truancy Court — Results and Benefits

## Program Completion

Since its inception in 2001, 78% (1,471) of the total of 1,882 participants have terminated from the Truancy Response Program. Of these 1471 program terminations, 763 have been from Truancy Court. Of the 763 Truancy Court terminations, **63% were successful**, 12.3% were for "no fault" reasons (i.e. moved out of county or transferred to dependency court jurisdiction), and 24.7% terminated unsuccessfully.

Overall, of the 1,471 participants who terminated from the Truancy Response Program, a total of 68% were successful, 9% were terminated for "no fault" reasons (i.e. moved out of county or transferred to dependency court jurisdiction), and 23% terminated unsuccessfully. Of the 334 participants who terminated unsuccessfully, 213 (64%) were removed from the program because of a new law violation.

## Truancy Outcomes

A key measure of program effectiveness is whether the students' school attendance improves, as shown by a reduction in their truancy rate. The truancy rate is calculated, for a specified six month time period, by dividing the number of days with full or partial truan- cies by the number of days the student is enrolled.

For those participants successfully completing the Truancy Response Program, **the average truancy rate fell significantly** in the six months following their program assignment, compared to the rate in the six months prior to their assignment — **from 38% pre-entry to 21% post-entry**.

## Re-Arrests

Of the participants who successfully completed the program, **only 6.5%** had an arrest for a new law violation in the six months following their exit, compared with 22% of the participants who had exited unsuccessfully. This suggests that when the justice system intervenes with chronic truants and the truancy problem is resolved, the likelihood of subsequent criminal behavior is significantly reduced.



### Judicial Officers Who Have Presided Over Truancy Court

2001 - 2008	Judge Robert B. Hutson
2008 - 2009	Judge Carolyn Kirkwood / Referee Maureen Aplin
2009 - present	Judge Donna Crandall

## CHAPTER 6

# Dependency Drug Court

Located at the Lamoreaux Justice Center, and under the supervision of six Juvenile Court judicial officers, Dependency Drug Court is a family reunification program designed to address the issues of parents whose children have been removed from the home by the County because of the parents' abuse of drugs or alcohol. Participants who qualify for acceptance into this program must comply with the specific requirements of each program phase, which include frequent and random drug and alcohol testing, individual and group counseling, regular court appearances, and attendance in perinatal or parenting classes.

The Dependency Drug Court program is a collaborative effort that includes the Social Services Agency, the Health Care Agency, the Orange County Counsel, the office of the Public Defender, the parents' retained legal counsel, and the Law Offices of Harold LaFlamme, which has been retained by the County to provide legal representation for the children. Funding for Dependency Drug Court is provided by the County of Orange through its support of the partnering County agencies. In addition, grant funding for the program is obtained through the Comprehensive Drug Court Implementation Act, applied for and administered by the Orange County Health Care Agency.

Each of the six judicial officers assigned to hear dependency matters also preside over a Dependency Drug Court calendar — providing continuity for the cases moving through the dependency system while the parents are participating in the Dependency Drug Court program. This model also provides greater consistency for the parties, as it results in "one family, one judge". During 2009, the following judicial officers presided over a Dependency Drug Court: Commissioner Gary Bischoff, Judge John Gastelum, Judge Dennis Keough, Judge Caryl Lee, Judge Jim Marion, Judge Salvador Sarmiento, Judge Douglas Hatchimonji, Commissioner Gary Vincent, and Commissioner Jane Shade.

During the year, 94 assessments were conducted, which resulted in **37** new admissions to the program. During the year, **24** parents graduated from the program, **127** children received services, and **63** children were reunified with their parents — now clean, sober, and committed to raising their children in a safe and secure environment.

A study conducted for the Social Services Agency\* found that families in the Dependency Drug Court program reunified an average of 183 days earlier than those who did not enter the program. Early family reunification translates directly into a cost savings to the County because of the avoided costs of out-of-home placement. **The annual savings for 2009 is estimated to amount to nearly \$2,000,000, of which the County's share was more than \$875,000.**

The success of the Dependency Drug Court was brought to the attention of the California Blue Ribbon Commission on Foster Care during public hearings in 2008. Thereafter, in carrying out the recommendations of the Commission, the Administrative Office of the Courts selected the Orange County Dependency Drug Court in 2009 as one of two programs in the State to develop and pilot a standard, state-wide program outcome evaluation system.

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\* Orange County Dependency Drug Court Summary Report; Robin O'Neil, Ph.D., April 2005 – December, 2006; prepared for the Orange County Social Services Agency (at p.17).

**DEPENDENCY DRUG COURT**  
**2009 Demographic Information**

admissions		37
gender	female	32
	male	5
age	18 - 21 years	4
	22 - 30 years	18
	31 - 40 years	13
	41 - 50 years	2
	51 - 60 years	0
	over 60 years	0
race	African American	1
	Asian	0
	Caucasian	18
	Hispanic	15
	Native American	1
	other	2
education	needs HS / GED	11
	has HS / GED	13
	some college	11
	college degree	2
marital status	single	21
	married	6
	separated	8
	divorced	1
	widowed	1
employment	employed	7
	unemployed	30
primary drug of choice	alcohol	14
	cocaine	0
	heroin	3
	marijuana	12
	methamphetamine	31
	prescription drugs	2
years of abuse	less than 2 years	5
	2 to 5 years	7
	6 to 10 years	12
	11 to 15 years	4
	16 to 20	5
	20 years or more	4

## CHAPTER 8

### Girls Court

On October 2, a new Court program was inaugurated to address the critical needs of at-risk girls in the dependency system, from 12 to 17 years old, whose lives are being derailed by mental health issues, substance abuse, or academic failure.

Studies have shown that most of the adolescent girls who are in county dependency systems have suffered trauma or abuse in one form or another during their lives — emotional, physical, or sexual — and that, for many, the deep psychological effects of such trauma can be a major factor in their inability to become secure, responsible adults after they age out of foster care.

Through a partnership that includes Orange County's Social Services Agency, Health Care Agency, Department of Education, and Probation Department, as well as a number of ancillary service providers, the **twenty-six** young participants in Girls Court, many of whom are living in foster care group homes, receive appropriate treatment and counseling, and are helped to gain the skills and resources they need to achieve stable, independent, and productive lives.



Commissioner Jane Shade, helping girls to achieve stable lives free of the justice system

The planning for Girls Court was in process for over a year, led by Hon. Carolyn Kirkwood, the Presiding Judge of Juvenile Court. As noted by Judge Kirkwood, "An investment now to stabilize the lives of these adolescent girls is a small cost compared to the financial burden that will be imposed if they remain in the justice or social welfare system."

Girls Court is convened at the Lamoreaux Justice Center in Orange, under the direction of Commissioner Jane Shade. In preparation for the opening of the program, a training was held at the Orangewood Children's Foundation for program staff and stakeholders regarding the latest research and best practices for providing gender-appropriate responses to the participants' issues of trust and safety, to their challenges in building healthy and appropriate relationships, and to their need to learn the competencies that are necessary for successful, independent living.

## CHAPTER 9 - Mental Health Courts

### Opportunity Court

The Opportunity Court is a collaborative program for non-violent drug offenders who have been sentenced to complete the Prop. 36 (PC 1210) drug diversion program but who, because of chronic and persistent mental illness, are unable to comply with the requirements of that program. The participants are provided with psychiatric services in coordination with drug abuse treatment, and they are also assisted with accessing medical services, employment counseling, job training and placement, government benefits, and housing. At the end of 2009, **43** participants were active in the program.

The program, previously named START Court, was begun by the Hon. Wendy Lindley in October 2002, and she continues to preside over the calendar. Based on the Drug Court model, the program involves regular court appearances, weekly meetings with a Probation Officer and a Health Care Coordinator, frequent and random drug and alcohol testing, coordinated substance abuse and psychiatric treatment, individual and group counseling sessions, residential treatment as necessary, and development of a life plan. The partnering County agencies provide staff and resources for the program. Additional funding for residential treatment is obtained through grant funds allocated by the State to the Orange County Health Care Agency.

In acknowledgement of the success and leadership of Orange County's mental health courts, the National Center for State Courts has chosen the Opportunity Court, WIT Court, and Recovery Court programs to develop and pilot standardized, nationwide outcome measures.

2009—New Admissions by Diagnosis						
		Opportunity Court	WIT Court	Recovery Court	total	percent
total		19	47	24	90	100%
diagnosis	bi-polar disorder	8	23	12	43	48%
	schizophrenia	0	3	5	8	9%
	major depressive disorder	5	4	7	16	18%
	schizoaffective disorder	0	6	0	6	7%
	post-traumatic stress disorder	0	1	0	1	1%
	other mental illness	6	10	0	16	18%
	identified with co-occurring disorders	19	44	22	85	94%

### WIT ("Whatever It Takes") Court

The WIT ("Whatever It Takes") Court is a voluntary program for non-violent offenders who have been diagnosed with chronic and persistent mental illness, and who are homeless or at risk of homelessness. At the end of 2009, **86** participants were active in the program.

Begun in 2006 by Judge Lindley, who continues to preside over the program, WIT Court is funded through the Mental Health Services Act (Proposition 63). The WIT Court program in-

## WIT Court, continued

volves regular court appearances, frequent drug and alcohol testing, meetings with the WIT Court support team, and direct access to specialized services. The team consists of the judicial officer and representatives from the Health Care Agency's Mental Health Services unit, the Probation Department, the offices of the District Attorney and the Public Defender, and the Mental Health Association of Orange County.

The Orange County Health Care Agency has contracted with the Mental Health Association of Orange County to provide a variety of services to clients participating in WIT Court, including mental health and psychiatric services, drug and alcohol abuse counseling, residential treatment, family counseling, and peer mentoring. In addition to these services, program participants are also provided with access to medical services, employment counseling, job training and placement, and assistance with obtaining government benefits and housing.

The success of the innovative WIT Court program was recognized by the Council on Mentally Ill Offenders (COMIO) when it named the program as a recipient of its Promising Projects Award for 2009. The award, was presented to Judge Lindley on March 18 in conjunction with the annual statewide conference of the Forensic Mental Health Association of California.



## Recovery Court

Recovery Court was established with grant funding obtained in 2006 by the Orange County Sheriff's Department through the Mentally Ill Offenders Crime Reduction Act (MIOCR). It is a voluntary program for misdemeanor offenders suffering from chronic and persistent mental illness, including schizophrenia, bi-polar disorder, or major depressive disorder. At the end of 2009, **22** participants were active in the program.

Participants are provided with psychiatric services, which are frequently initiated in the jail setting; and once released from custody, offenders are provided with ongoing psychiatric services and mental health counseling, drug and alcohol abuse counseling, residential treatment, and help with accessing medical services, employment counseling, job training and placement, government benefits, and housing.

The program was started by Judge Wendy Lindley and remains under her direction. In addition to the judicial officer, the Recovery Court team consists of representatives from Health Care Agency, the Probation Department, the Sheriff's Department, and the Offices of the District Attorney and Public Defender. The program involves regular court appearances, random and frequent drug and alcohol testing, meetings with team members for treatment and supervision, and direct access to specialized services.

Although funding for the MIOCR program was been eliminated by the State in response to the current fiscal crisis, the partnering County agencies have continued to allocate staff in order to keep this valuable program going.

# Mental Health Courts — Results and Benefits

## Recidivism

An important measure of the success of the mental health court programs is the reduction in the rate of recidivism, or re-arrest, for graduates of the programs. In determining the rate of recidivism, the arrest records of program graduates are reviewed each year after their graduation, and any arrest since graduation is noted. As shown in the chart below, the average rate of re-arrest for mental health program graduates is **15%**.

Mental Health Courts — Recidivism				
	Opportunity Court	WIT Court	Recovery Court	total
total number of graduates	60	18	14	92
number re-arrested – any charge	18	3	0	21
number convicted – any charge	11	3	0	14
percentage re-arrested – any charge	30%	17%	0%	15%
number re-arrested – substance abuse	8	0	0	8
percentage re-arrested – substance abuse	13%	0%	0%	6%

## Cost Savings

Mental health court programs save the County and the State the costs of housing the defendants in jail or prison. The daily cost of a jail bed day is calculated at \$94.03 — which is an average of the 2008 costs at the five Orange County jail facilities; and the cost of a prison bed day is calculated at \$97.50, based on an annual cost per prisoner of \$35,587. The computation is only made for program graduates, and any incarceration days that result from in-program sanctions are subtracted from the total number of jail or prison days that were stayed as a result of the alternative sentence. In 2009, the three mental health court programs saved **4,663** jail bed days, resulting in a **cost savings of \$438,462**, and they also saved **3,609** prison bed days, resulting in an additional **cost savings of \$351,841**.

## Drug-Free Babies

During 2009, **four** drug-free babies were born to female participants in the mental health court programs — two in the WIT Court, and one each in Opportunity Court and Recovery Court — bringing to **ten** the total number of drug-free babies that have been born since the inception of the programs.

## MENTAL HEALTH COURTS — Demographic Information

### 2009 Admissions

		Opportunity Court	WIT Court	Recovery Court	total	percent
admissions		19	47	24	90	100%
gender	female	12	27	12	51	57
	male	7	20	12	39	43
age	18 - 21 years	4	8	7	19	21
	22 - 30 years	3	14	9	26	29
	31 - 40 years	4	11	3	18	20
	41 - 50 years	6	10	5	21	23
	51 - 60 years	2	4	0	6	7
	over 60 years	0	0	0	0	0
race	African American	1	3	1	5	6
	Asian	1	2	0	3	3
	Caucasian	13	36	18	67	74
	Hispanic	2	5	3	10	11
	Native American	0	0	0	0	0
	other	2	1	2	5	6
education	needs HS / GED	6	14	5	25	28
	has HS / GED	7	14	9	30	33
	some college	3	16	5	24	27
	college degree	3	3	5	11	12
marital status	single	9	31	18	58	64
	married	1	2	1	4	4
	separated	5	9	2	16	18
	divorced	4	3	3	10	11
	widowed	0	2	0	2	2
parental status	with children	3	15	3	21	23
employment	employed	4	0	8	12	13
	unemployed	14	47	16	77	86
primary drug of choice	alcohol	2	3	7	12	13
	cocaine	2	5	1	8	9
	heroin	4	6	4	14	16
	marijuana	0	4	2	6	7
	methamphetamine	9	24	5	38	42
	opiates	1	0	2	3	3
	Rx drugs	1	3	1	5	6
	other / NA	0	2	2	4	4
co-occurring disorders		19	44	22	85	94

## MENTAL HEALTH COURTS — Demographic Information

### 2009 Terminations

		Opportunity Court	WIT Court	Recovery Court	total	percent
terminations		8	28	5	41	100%
gender	female	5	16	3	24	59
	male	3	12	2	17	41
age	18 - 21 years	2	3	0	5	12
	22 - 30 years	0	10	3	13	32
	31 - 40 years	2	8	1	11	27
	41 - 50 years	3	7	1	11	27
	51 - 60 years	1	0	0	1	2
	over 60 years	0	0	0	0	0
race	African American	0	2	1	3	7
	Asian	0	1	0	1	2
	Caucasian	8	19	3	30	73
	Hispanic	0	5	1	6	15
	Native American	0	0	0	0	0
	other	0	1	0	1	2
education	needs HS / GED	4	10	1	15	37
	has HS / GED	1	14	2	17	41
	some college	3	3	1	7	17
	college degree	0	1	1	2	5
marital status	single	5	21	1	27	66
	married	1	0	0	1	2
	separated	0	2	3	5	12
	divorced	2	5	1	8	20
	widowed	0	0	0	0	0
parental status	with children	5	10	2	17	41
employment	employed	0	0	2	2	5
	unemployed	8	28	3	39	95
primary drug of choice:	alcohol	2	3	0	5	12
	cocaine	2	4	0	6	15
	heroin	2	3	1	6	15
	marijuana	0	3	0	3	7
	methamphetamine	2	12	3	17	41
	opiates	0	2	0	2	5
	Rx Drugs	0	1	0	1	2
	other / NA	0	0	0	0	0

## MENTAL HEALTH COURTS — Demographic Information

### 2009 Graduations

		Opportunity Court	WIT Court	Recovery Court	totals	percent
graduations		13	13	14	40	100%
gender	female	8	7	5	20	50%
	male	5	6	9	20	50%
age	18 - 21 years	0	0	1	1	3%
	22 - 30 years	5	2	3	10	25%
	31 - 40 years	5	5	5	15	38%
	41 - 50 years	3	4	3	10	25%
	51 - 60 years	0	2	2	4	10%
	over 60 years	0	0	0	0	0%
race	African American	0	0	0	0	0%
	Asian	0	1	1	2	5%
	Caucasian	10	9	10	29	73%
	Hispanic	3	3	2	8	20%
	Native American	0	0	0	0	0%
	other	0	0	1	1	3%
education	needs HS / GED	2	6	2	10	25%
	has HS / GED	7	5	4	16	40%
	some college	3	2	5	10	25%
	college degree	1	0	3	4	10%
marital status:	single	7	6	9	10	25%
	married	1	0	3	4	10%
	separated	1	2	1	4	10%
	divorced	4	5	1	22	55%
	widowed	0	0	0	0	0%
parental status	with children	9	6	3	18	45%
employment	employed	2	2	3	7	18%
	unemployed	11	11	11	33	83%
primary drug of choice	alcohol	0	1	3	4	10%
	cocaine	1	0	0	1	3%
	heroin	0	1	1	2	5%
	marijuana	2	1	1	4	10%
	methamphetamine	10	8	5	23	58%
	opiates	0	0	0	0	0%
	Rx Drugs	0	1	1	2	5%
	other / NA	0	1	3	4	10%

## **CHAPTER 12**

# **Veterans Court**

Veterans Court was established by Hon. Wendy Lindley in November 2008 to serve combat veterans with mental health issues who have become involved with the criminal justice system. It embodies a new approach, which was encouraged by an amendment to Penal Code section 1170.9 — which now says that if a person convicted of a criminal offense can show that the offense was committed as a result of post-traumatic stress disorder, substance abuse, or psychological problems stemming from military service in a combat theater, the court may order the defendant into a treatment program instead of jail or prison.

The groundbreaking program, which is held at the Community Court, was the second in the country to be created, and it remains the only program that serves only combat veterans. It has attracted national attention as an innovative way to help service personal who have suffered Post-Traumatic Stress Disorder or Traumatic Brain Injury — with the goal of protecting the public, reducing the costs associated with criminal case processing, and involving participants in an ongoing process of recovery designed to help them become stable, employed, and free of addiction, and to keep them out of the criminal justice system.

Veterans Court structures treatment intervention around the authority and personal involvement of the Veterans Court judge in a non-adversarial courtroom atmosphere — where the judge, the court staff, and the treatment team all work together with the participants to break the cycle of substance abuse and criminal behavior, and to address ongoing mental health issues. An environment with clear and certain rules is created, and each participant's compliance is within his or her own control.

A full-time case manager, who is funded by a grant obtained by the VA Healthcare System, and a full-time Deputy Probation Officer, who is funded by the County, guide participants through a phased program that includes self-help meetings, regular court-review hearings, weekly meetings with a care coordinator and a Probation Officer, frequent and random drug and alcohol testing, and the development of a life plan. The VA Healthcare System also provides residential and outpatient treatment for seriously addicted substance abusers, and handles other healthcare issues. New partnerships have been formed with other service providers to offer additional support to veterans in the program. At the end of 2009, 26 participants were active in the Veterans Court program.



<b>VETERANS COURT — Demographic Information</b>			
<b>2009 Admissions</b>			
		<b>total</b>	<b>per- cent:</b>
admissions		27	100%
gender	male	27	100%
	female	0	0%
age	18 - 21 years	0	0%
	22 - 30 years	18	67%
	31 - 40 years	2	7%
	41 - 50 years	1	4%
	51 - 60 years	3	11%
	over 60 years	3	11%
race	African American	2	7%
	Asian	1	4%
	Caucasian	18	67%
	Hispanic	5	19%
	Native American	0	0%
	other	1	4%
education	needs HS / GED	0	0%
	has HS / GED	9	33%
	some college	17	63%
	college degree	0	0%
marital status	single	17	63%
	married	1	4%
	separated	1	4%
	divorced	6	22%
	widowed	0	0%
parental status	with children	3	11%
employment	employed	8	30%
	unemployed	17	63%
identified with co-occurring disorders		8	30%



from **The Promise of Veterans Court**, by Hon. Wendy Lindley

After the war in Vietnam, our combat veterans returned home to an indifferent, if not hostile, reception. During the years which followed, our society as a whole seemed to turn its back on the returning veterans, and to ignore the terrible psychological damage that many had suffered as a result of their combat experience. For the criminal justice system, it remained business as usual: addicted veterans found themselves on the wrong side of the “war against drugs”; mentally ill veterans often found themselves in jail, untreated, and then released to a life on the streets; and homeless veterans found themselves reviled as an unpleasant nuisance. To our shame as a country, we did not acknowledge our moral obligation to those who had sacrificed so much for us.

Now, however, there is a growing recognition that the mental health of combat veterans returning from service overseas is a serious national concern. News media carry stories about the issue, and discuss what can be done in response to it. In the justice system, too, there has been an increasing momentum to do things differently. ... In Veterans Court, the focus is on the offender rather than the crime. The goal is to understand and address the causes of the criminal behavior, and to realize that – for an offender suffering from PTSD – reckless driving, domestic violence, and substance abuse may all be manifestations of an underlying problem that can be successfully treated; but that effective treatment won’t be obtained through traffic school, or through a traditional batterers intervention program, or through prison.

The creation of a Veterans Court is not without its own challenges. Some may object that the program gives unwarranted special treatment to one group of criminal offenders. In reply, it must be noted that Veterans Court is a mental health court; and that mental health issues, if left unaddressed in jail or prison, will continue to be manifested in criminal behavior when the offender is released. Others may object that a Veterans Court costs too much – a charge that previously has been made against drug court; however, studies over the past fifteen years have consistently shown that treatment courts not only enhance public safety, they dramatically reduce recidivism and they actually save money when compared with the usual way of processing offenders. Veterans Courts are too new to have established a record of success to match that of drug courts or other mental health courts; but it is clear to me that this approach is working.

Recently, a Veterans Court participant stood before me for his case review. When he was first accepted into the program, this man was a walking time-bomb. Trained in violence, steeped in post-traumatic stress, he was beset with psychological problems and tormented by issues resulting from his combat experience – and all of it was locked up inside of him. Outwardly, and ominously, he did not connect with others. He made no eye contact; he spoke very little; and when he did speak, his voice was flat and without emotion. Had he been sent to prison, his withdrawal, his repressed anger, and his alienation would surely have gotten worse; and upon his release, our society – having sown the wind – would surely have reaped a devastating whirlwind.

Instead, he has been participating in Veterans Court – receiving counseling, attending group and individual therapy, and accessing a wide range of resources tailored to meet his needs. In the hushed courtroom, this man spoke clearly and from deep within his heart. He recounted his slow but steady progress, he thanked the team that was helping him regain control over his life and his emotions, and then he looked at me and said he had finally come to realize that “it’s all right for a soldier to cry”.

We, as a society, owe it to our veterans to do everything we can to help them overcome the problems that result from their military service. When these men and women become involved in the criminal justice system, we must seize the opportunity to intervene in their lives, and work together to make them whole once again.

## CHAPTER 14

# Domestic Violence Court

### *The Safe Families Program*

Under the Domestic Violence Court system, misdemeanor domestic violence cases had been assigned to a single bench officer at each of four justice centers for all purposes, up to and including pretrial. If and when a case was set for trial, it would be referred to the master calendar for assignment. Within the DV Court system, certain qualifying cases were designated for the Safe Families Program, overseen by the DV Court judge at each justice center.

The goal of the Safe Families Program has been to increase the accountability of restrained parties while providing support to protected parties and children. Defendants are ordered into the program either through a negotiated plea or after a probation violation; and in addition to the batterer's intervention program, they may be ordered into a drug and alcohol abuse program. Victims and children are contacted by representatives from Victim Witness, Health Care Agency, or Social Services Agency and offered shelter services, crisis counseling, mental health counseling, and other assistance as appropriate.

The judicial officers assigned to DV Court in 2009 were Judge Jackie Brown at the Central Justice Center, Judge Joy Markman at the Harbor Justice Center, Commissioner Ed Hall at the North Justice Center, and Commissioner Thomas Rees at the West Justice Center. The Safe Families Program was overseen by Judge Erick Larsh, the Supervising Judge of the West Justice Center.

In October 2009, the responsibility for handling misdemeanor DV cases was re-assigned to the master calendar judge at the four justice centers, while the Safe Families Program was consolidated at the Community Court under the direction of Hon. Wendy Lindley. Judge Lindley then convened a series of meetings with the Probation Department, the Batterers Intervention Program providers, and other stakeholders to develop a pilot Safe Families program for 50 participants that would use a standardized batterers intervention curriculum, incorporating evidence-based best practices. The pilot program is scheduled for implementation in February 2010.

At the start of the year, 87 defendants were active in the Safe families Program; but capacity was reduced as a result of the consolidation, and by the end of the year the program had 28 active participants. During the year, a total of **87** children were referred for services.



## Heroes and Healthy Families

On June 11, the Superior Court joined with MCCS Marine and Family Services and the non-profit Family Violence Project to present the 2009 "Heroes and Healthy Families" leadership awareness conference at Marine Corps Base Camp Pendleton. The all-day event, which engaged **more than 1,000** active duty military service personnel, was designed to increase knowledge and understanding of the risk factors, symptoms, and dynamics of family violence, post-traumatic stress and risk-taking behaviors. Speakers included Hon. Michael Naughton, Hon. James Odriozola, and Hon. Pamela Iles (ret.), and among the special guests were representatives from the office of Congresswoman Loretta Sanchez and from Headquarters Marine Corps in Arlington, VA, Iwakuni and Okinawa, Japan, and Camp LeJeune, North Carolina.

## CHAPTER 13

# Homeless Outreach Court

Homeless Outreach Court was started in 2003 by Hon. Wendy Lindley as a way to address the outstanding infractions and low-level misdemeanors of homeless people while connecting them to a wide range of supportive services. During 2009, this innovative program expanded to Laguna Beach, and is now held at four sites in the County – in Tustin at the Orange County Rescue Mission, in Santa Ana at the Community Court and the at Mental Health Association of Orange County’s homeless shelter, and now at a community meeting hall in Laguna Beach.

The program provides a compassionate response to the fact that the homeless participants, many of whom suffer from chronic mental illness, may receive infractions simply because they are homeless, with the ironic result that such charges may hinder their efforts to obtain the government disability assistance that could aid in their rehabilitation. Instead of the usual court sanctions of fines and custody, program participants receive credit for accessing appropriate physical and mental health care, for attending alcohol or chemical dependency self-help meetings, for engaging in community service activities, for attending in life-skills, computer skills, and literacy classes, and for becoming employed.

The program strengthens and re-enforces the efforts of the participants, and respects the relationship and trust that homeless service agencies share with them. When participants work with agency representatives to identify and overcome the causes of their homelessness, they are in a stronger position to successfully comply with court orders.

Homeless Outreach Court is a partnership of the Court, the Public Defender, the District Attorney, the Orange County Department of Housing and Community Services, Health Care Agency, the Veterans Administration, the Orange County Legal Aid Society, local law enforcement agencies, and a variety of homeless services providers.



Hon. Wendy Lindley, with clerk Stacie Endicott, bringing access to justice to the homeless

In 2009, **298** participants completed the program. During the year, participants completed **1,071** hours of community service. Since the inception of the program, **725** people have been helped to access the tools they need to regain their self-sufficiency. Of those who have been out of the program for at least two years, only **28.5%** have been re-arrested for other than traffic infractions.



Thank you for your support  
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