



# Alcohol and Other Drug Abuse and Their Impact on North Carolina's Court System

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The background of the slide features a light blue gradient with a faint, semi-transparent image of classical architectural columns on the left side. The columns are white and have detailed capitals. The entire slide is framed by a thin brown border.

## N.C. Criminal Justice System

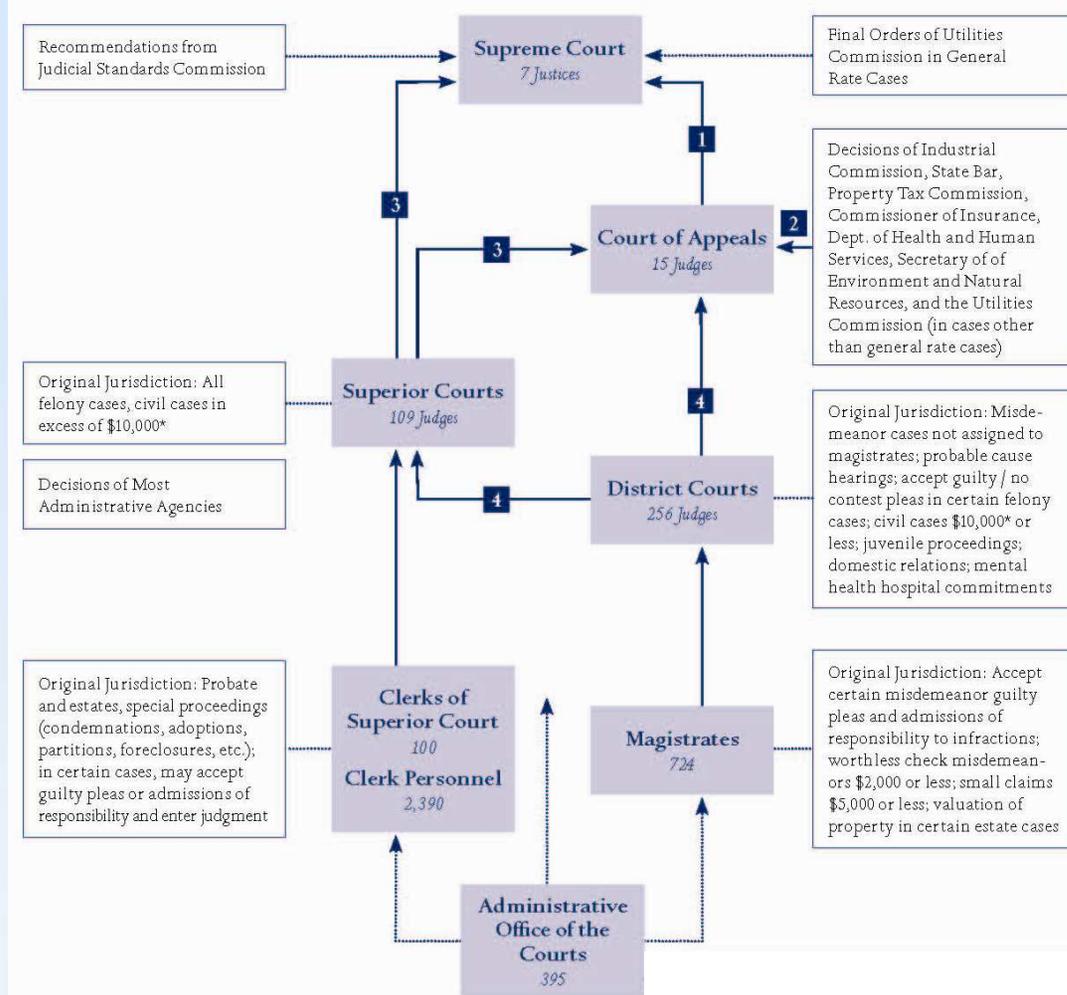
- ▶ Local law enforcement
- ▶ State funded unified court system
- ▶ State funded correction system



# N.C. Judicial Department

- ▶ Third branch of N.C. government
- ▶ Unified court system
- ▶ Elected judges, district attorneys, public defenders and clerks
- ▶ Unique aspects
  - District attorneys and public defenders both in Judicial Department
  - Adult and juvenile probation is not

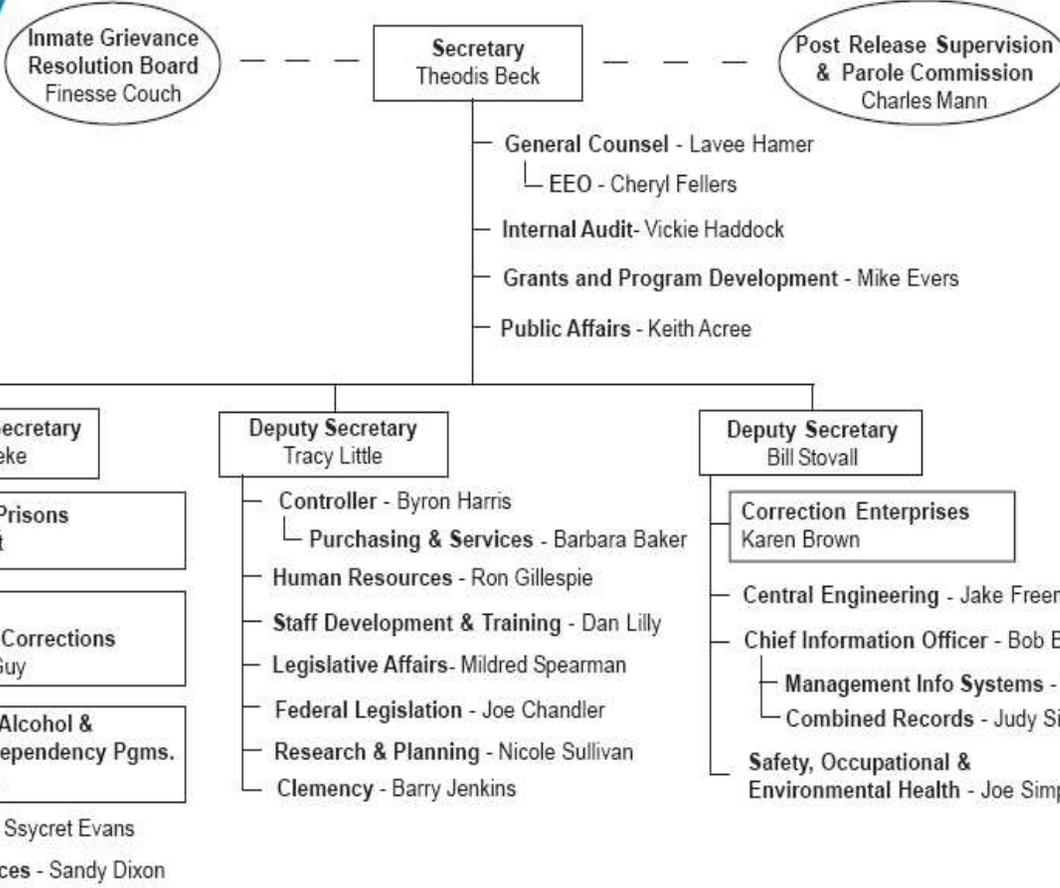
# Judicial Department Organizational Chart





# NORTH CAROLINA DEPARTMENT OF CORRECTION

September 2007



\*\*\*Effective for Offenses Committed on or after 12/1/95\*\*\*

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Death or Life Without Parole						
B1	A	A	A	A	A	A	DISPOSITION
	240-300	288-360	336-420	384-480	Life Without Parole	Life Without Parole	Aggravated Range
	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE RANGE
B2	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated Range
	A	A	A	A	A	A	
	157-196	189-237	220-276	251-313	282-353	313-392	
C	125-157	151-189	176-220	201-251	225-282	251-313	
	94-125	114-151	132-176	151-201	169-225	188-251	
	A	A	A	A	A	A	
D	73-92	100-125	116-145	133-167	151-188	168-210	
	58-73	80-100	93-116	107-133	121-151	135-168	
	44-58	60-80	70-93	80-107	90-121	101-135	
E	64-80	77-95	103-129	117-146	133-167	146-183	
	51-64	61-77	82-103	94-117	107-133	117-146	
	38-51	46-61	61-82	71-94	80-107	88-117	
F	I/A	I/A	A	A	A	A	
	25-31	29-36	34-42	46-58	53-66	59-74	
	20-25	23-29	27-34	37-46	42-53	47-59	
G	15-20	17-23	20-27	28-37	32-42	35-47	
	I/A	I/A	I/A	A	A	A	
	16-20	19-24	21-26	25-31	34-42	39-49	
H	13-16	15-19	17-21	20-25	27-34	31-39	
	10-13	12-15	13-16	16-20	17-21	23-29	
	8-10	9-12	10-13	12-16	13-17	17-23	
I	C/I/A	I/A	I/A	I/A	I/A	A	
	6-8	8-10	10-12	11-14	15-19	20-25	
	5-6	6-8	8-10	9-11	12-15	16-20	
I	4-5	4-6	6-8	7-9	9-12	12-16	
	C	C/I	I	I/A	I/A	I/A	
	6-8	6-8	6-8	8-10	9-11	10-12	
I	4-6	4-6	5-6	6-8	7-9	8-10	
	3-4	3-4	4-5	4-6	5-7	6-8	

OFFENSE CLASS

Note: A - Active Punishment, I - Intermediate Punishment, C - Community Punishment  
 Numbers shown are in months and represent the range of minimum sentences.  
 Revised: 08-04-95

**\*\*\*Effective for Offenses Committed on or after 12/1/95\*\*\***

### MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVEL		
	I No Prior Convictions	II One to Four Prior Convictions	III Five or More Prior Convictions
A1	C/A 1 - 60 days	C/A 1 - 75 days	C/A 1 - 150 days
1	C 1 - 45 days	C/A 1 - 45 days	C/A 1 - 120 days
2	C 1 - 30 days	C/I 1 - 45 days	C/A 1 - 60 days
3	C 1 - 10 days	C/I 1 - 15 days	C/A 1 - 20 days

A – Active Punishment      I – Intermediate Punishment      C – Community Punishment  
Cells with slash allow either disposition at the discretion of the judge



## Impact of alcohol and other drugs (AOD) on criminal justice, *FY 06-07 criminal courts*

- ▶ 160,181 specifically drug-related charges heard
- ▶ 74,016 DWI-related charges heard
- ▶ 44% of all felonies and misdemeanors (non traffic) were directly AOD related

## Prevalence of AOD abuse and crime

Percentage of persons ages 18 or older reporting past year illicit drug use, by whether they were arrested for any Part I Offense in the past year: 2002, 2003 and 2004

<b>Illicit Drug</b>	<b>Arrested for Any Part I Offense (%)</b>	<b>Not Arrested for Any Part I Offense (%)</b>
Marijuana	46.5	10
Cocaine	24.8	2.4
Crack Cocaine	11.8	0.6
Hallucinogens	11.0	1.5
Methamphetamines	6.5	0.5
Heroin	4.3	0.1
Nonmedical Use of Any Prescription-Type Drug	28.8	5.7

**SOURCE ::**

National Survey on Drug Use and Health, December 2005

# Reducing drug-related crime – what works?

## SOURCE ::

Reducing Drug  
Related Crime:  
An Overview of the  
Global Evidence

Alex Stevens, Mike  
Trace and Dave  
Bewley-Taylor

The Beckley  
Foundation Drug  
Policy Programme,  
2005

<b>Summary of available evidence on measures to reduce drug-related crime</b>			
<b>Level of Prevention</b>	<b>Cost-Effective</b>	<b>Promising</b>	<b>Probably Not Cost Effective</b>
<b>Primary</b>	Situational crime prevention	Poverty reduction	Drug law enforcement
<b>Secondary</b>	Support to families and children	Some school-based education initiatives suppression of organized crime	Most drug education programs
<b>Tertiary</b>	Drug treatment	Alternatives to prison	Large-scale imprisonment drug testing



## Other names for drug courts

- ▶ Problem solving courts
- ▶ Therapeutic courts
- ▶ Treatment courts

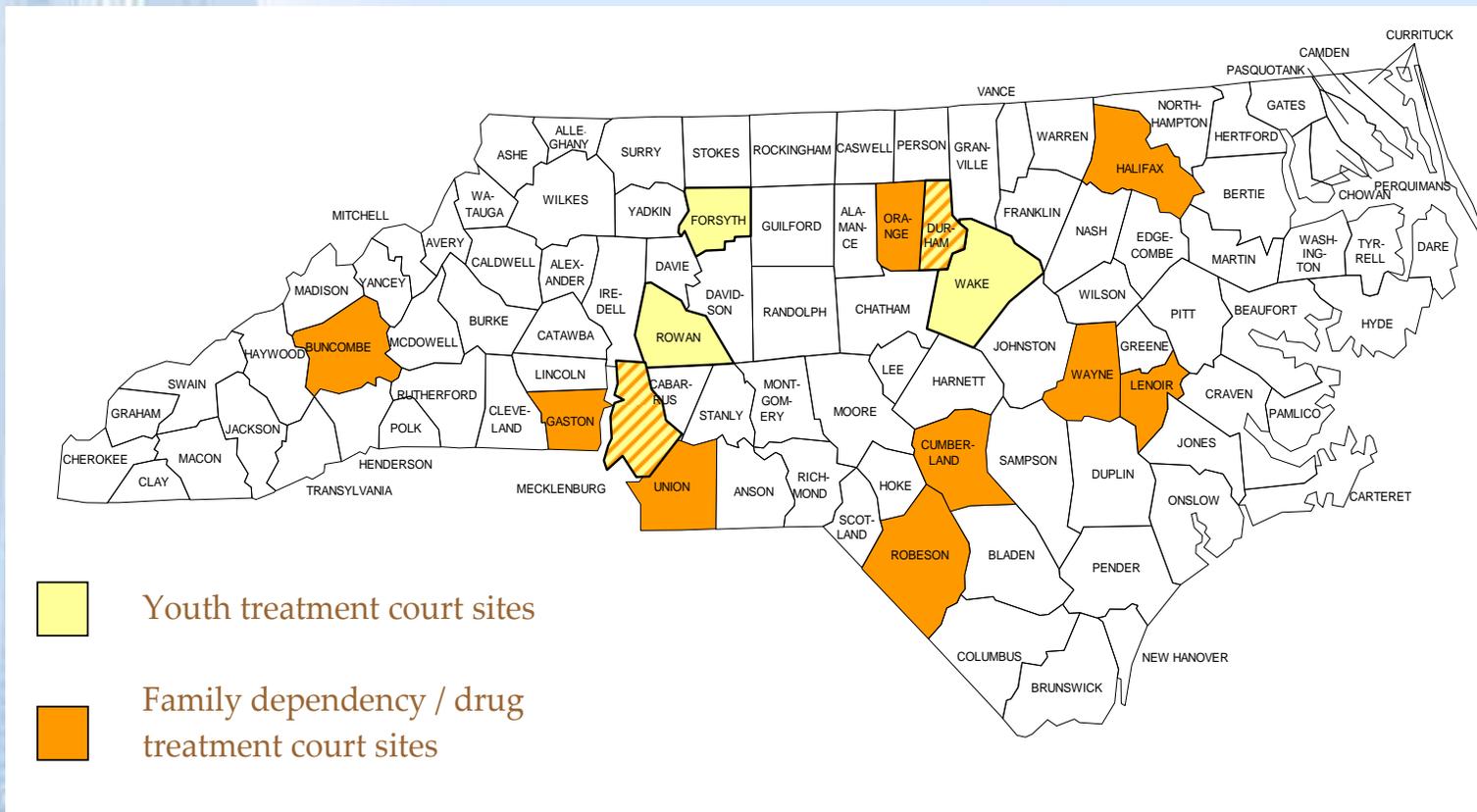


## In North Carolina, these include:

- ▶ Adult drug treatment courts (24)
- ▶ DWI treatment courts (2)
- ▶ Youth treatment courts / juvenile drug treatment courts (5)
- ▶ Family dependency drug treatment courts (11)
- ▶ Mental health courts
- ▶ Domestic violence courts
- ▶ Child support courts

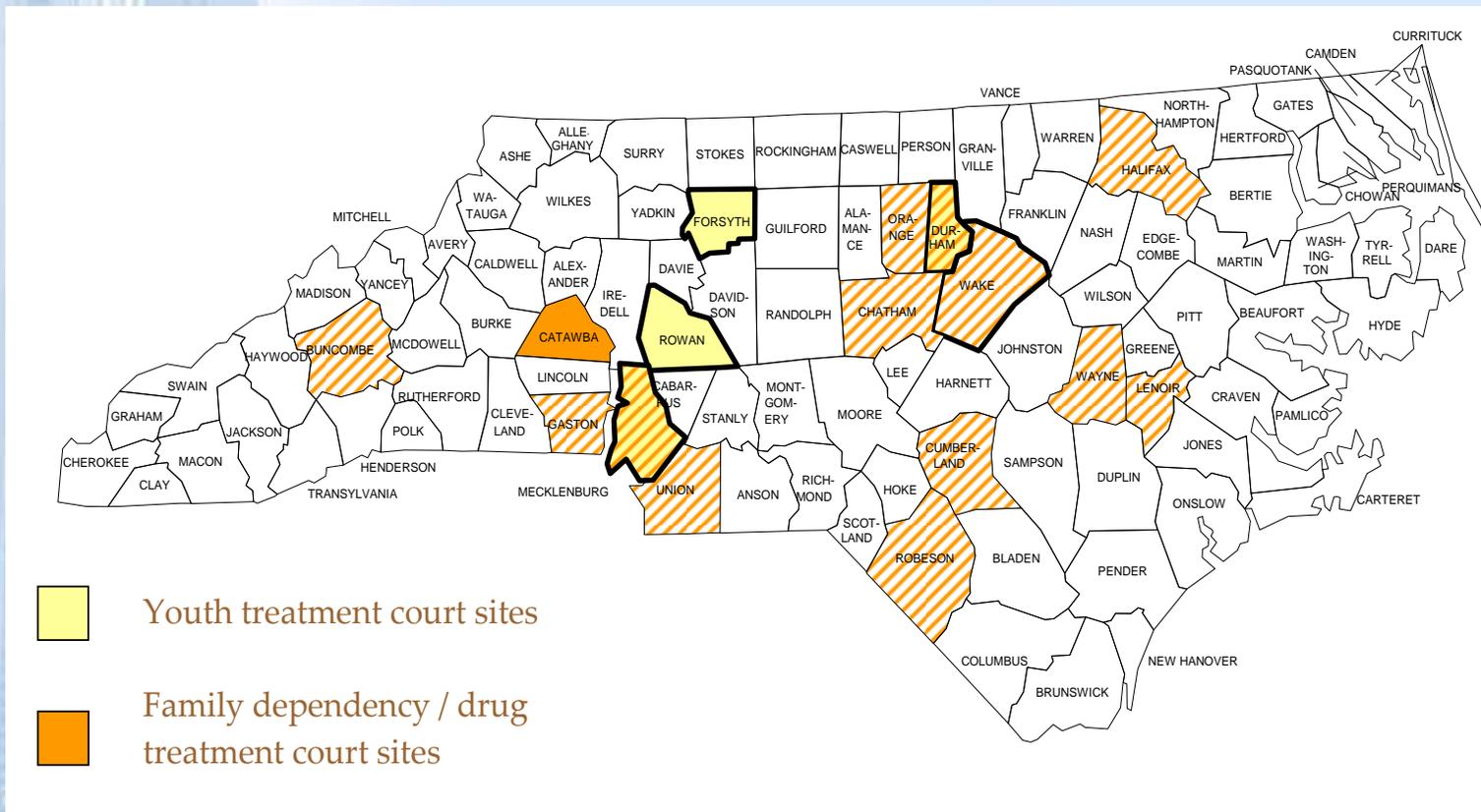
# N.C. Administrative Office of the Courts drug treatment court programs

## Youth and Family Treatment Courts



# N.C. Administrative Office of the Courts drug treatment court programs

## Youth and Family Treatment Courts



## Traditional vs. therapeutic

- ▶ Dispute resolution → Problem-solving
- ▶ Legal outcome → Therapeutic outcome
- ▶ Adversarial → Collaborative
- ▶ Case or claim oriented → People-oriented
- ▶ Rights-based → Interest / needs based
- ▶ Adjudication → Post-adjudication, ADR

**SOURCE** :: Rottman and Casey, *"Therapeutic Jurisprudence and the Emergence of Problem Solving Courts*, NIJ Journal, July 1999

## Sustainable operation of DTCs

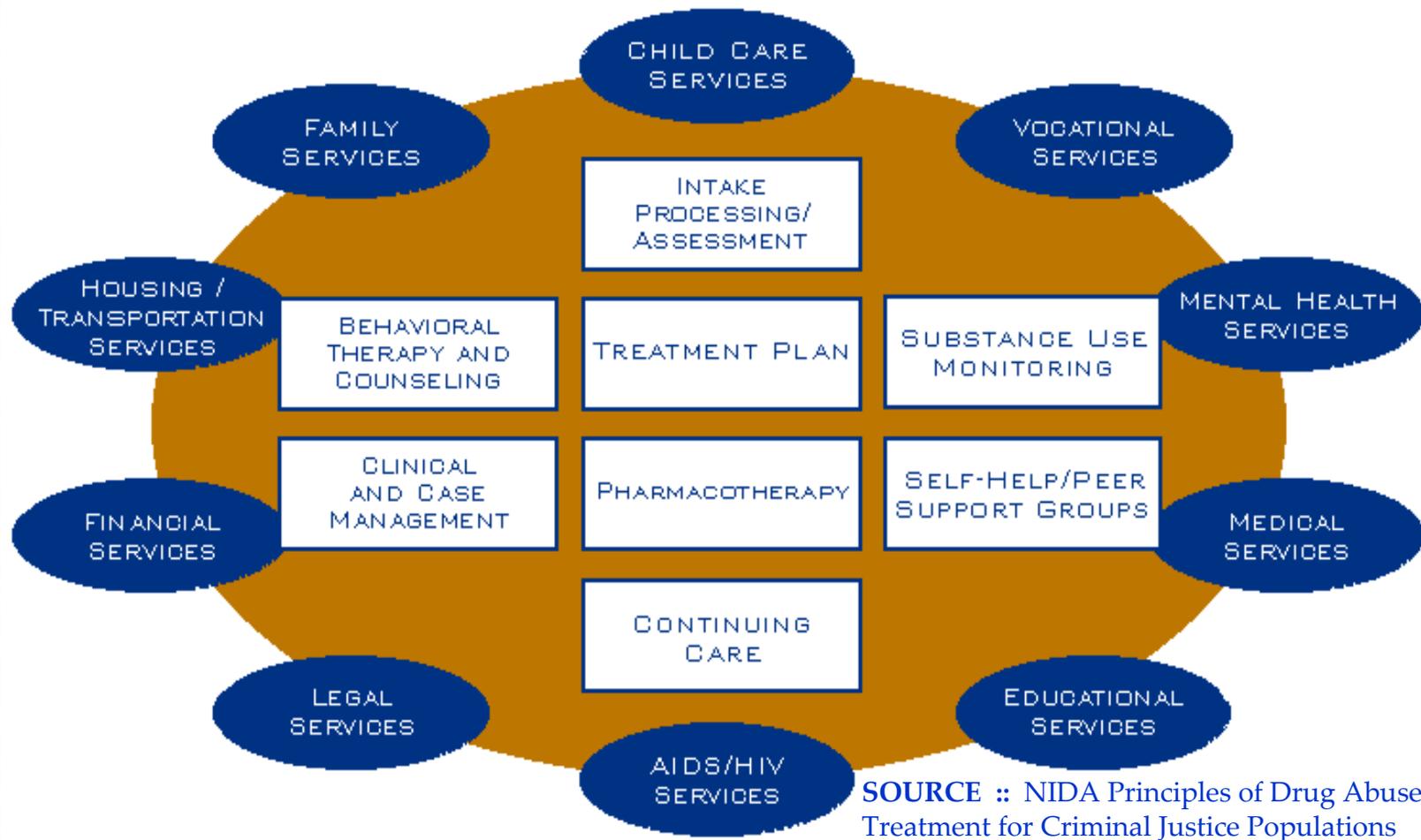
- ▶ N.C. DTCs utilize state and local Memoranda of Understanding (MOUs) to clarify roles and responsibilities as defined by statute, funding streams and local preference
- ▶ N.C. DTCs rely on the full funding and effective operation of partner agencies such as DCC, DMHDDSAS, DJJDP and DSS (and their local entities) to ensure the DTC participant receives all services and supports necessary for success



## Key elements of DTCs

- ▶ Increased case management
- ▶ Specialized cross-system training efforts
- ▶ Immediate access to assessment of the participant's drug / alcohol disorder
- ▶ Increased access to more intensive levels of treatment
- ▶ A team approach to case planning to better inform judicial decision-making
- ▶ More frequent judicial oversight

# Ongoing process of case coordination



# Ongoing process of case coordination

Rewards  
Sanctions

Assessment

Planning

Reporting



Arranging

Monitoring

Assisting

Informing



## Adult drug treatment courts

- ▶ Adult drug treatment courts provide treatment, intensive case management and judicial supervision to drug and / or alcohol addicted, sentenced, intermediate and community (at risk of revocation) punishment offenders
- ▶ Adult DTCs also include DWI levels 1 and 2 offenders



## Family drug treatment courts

- ▶ Family Drug Treatment Courts provide treatment, intensive case management and judicial supervision to drug and / or alcohol addicted parent / guardians in danger of termination of parental rights due to abuse and / or neglect in an attempt to increase the likelihood of reunification with their child(ren)
- ▶ Most parent respondents will have a co-occurring mental health disorder



## Youth drug treatment courts

- ▶ Youth drug treatment courts provide treatment, intensive case management and judicial supervision to adjudicated youth under the active supervision of DJJDP who have a diagnosis of substance abuse / addiction.
- ▶ Most youth will also have a co-occurring mental health disorder.

## High risk, high need (DTC), FY 06-07

- ▶ 68% of adult DTC offenders charged or convicted of a felony offense
- ▶ 93% SASSI result of “high probability of substance-use disorder” an additional 6% screened “other information indicates addiction
- ▶ 71% reported at least one previous treatment episode
- ▶ 30% reported receiving previous mental health treatment

## High risk, high need (FDTC), FY 06-07

- ▶ N.C. DSS estimates that approximately 80% of substantiated neglect cases have substance abuse / addiction as the primary cause of the neglect
- ▶ SASSI screened 74% as having a “high probability of substance-use disorder” and an additional 20% screened as having “other information indicating addiction”
- ▶ 40% reported at least one previous treatment episode
- ▶ 35% reported receiving previous mental health treatment

# Accountability

- ▶ Frequent court appearances
- ▶ Same judge
- ▶ Same trained, core team
- ▶ Frequent, random drug testing
- ▶ Immediate rewards and sanctions
- ▶ Immediate consequences for program failure

## Accountability adult DTC, FY 06-07

502 discharged adult participants

- ▶ Attended court 4,323 times or 92% of the time
- ▶ Attended 29,991 AA / NA meetings times or 82% of the time
- ▶ Met their probation contact requirements (outside of DTC hearings) 71% of the time
- ▶ Were tested for drugs / alcohol 20,823 times. 73% tested positive at least once  
Average clean time was 292 days

## Accountability family DTC, FY 06-07

209 discharged FDTC participants

- ▶ Attended court 701 times or 93% of the time
- ▶ Attended 6,265 AA/NA meetings times or 68% of the time
- ▶ Were tested for drugs/alcohol 3,288 times
- ▶ 74% tested positive at least once  
Average clean time was 251 days

## Accountability youth DTC, FY 06-07

76 discharged juvenile participants:

- ▶ Attended court 595 times or 96% of the time
- ▶ Were tested for drugs / alcohol 953 times
- ▶ 61% tested positive at least once  
Average clean time was 164 days

## Outcome measures

- ▶ Retention in treatment
- ▶ Decrease in positive drug tests
- ▶ Increase in educational level / time in school
- ▶ Increase in the number of hours worked
- ▶ Job retention
- ▶ Decrease in criminal behavior
- ▶ Reunification with family



## Adult DTC outcome measures, FY 06-07

- ▶ 63% of adult DTC participants remained in treatment for six months or more (37% for more than one year)
- ▶ 1,007 adult offenders received 43,434 hours of treatment and attended 85% of all ordered treatment
- ▶ 32% graduation rate in FY 06-07

# Adult DTC outcome measures

## Reconviction rates by type of punishment

Type of Punishment	Number	% Reconviction		
		1-Year Follow-Up	2-Year Follow-Up	3-Year Follow-Up
Community Punishment	28,223	7.4	14.9	20.6
Intermediate Punishment	11,667	10.4	20.4	27.5
Subtotal Probation	39,890	8.3	16.5	22.6
Drug Treatment Court	119	12.6	22.7	29.4
All Prison Releases and Probation Entries	56,983	9.5	19.5	26.4

**SOURCE ::**  
N.C. Sentencing  
and Policy  
Advisory  
Commission, FY  
2003/04  
Correctional  
Program  
Evaluation Data

## Family DTC outcome measures, FY 06-07

- ▶ 60% of family DTC participants remained in treatment for six months or more (17% for more than one year)
- ▶ 412 parent participants received 10,816 hours of treatment and attended 73% of all ordered treatment
- ▶ 83% of successful FDTC “graduates” were reunified with their child(ren)



## Youth DTC outcome measures, FY 06-07

- ▶ 80% of youth DTC participants remained in treatment for six months or more (40% for more than one year)
- ▶ 146 youth participants received 2,726 hours of treatment and or 94% of all ordered treatment
- ▶ At the time of discharge, 52% of youth were engaged in “traditional” school and an additional 15% were actively engaged in obtaining a GED



## For more information

- ▶ DTC Legislation 7A-790
- ▶ DTC Guidelines (Minimum Standards)  
[www.nccourts.org/Citizens/CPrograms/DTC/Documents/dtc\\_guidelines.pdf](http://www.nccourts.org/Citizens/CPrograms/DTC/Documents/dtc_guidelines.pdf)
- ▶ DTC website  
[www.nccourts.org/Citizens/CPrograms/DTC](http://www.nccourts.org/Citizens/CPrograms/DTC)

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