

# SAN FRANCISCO COLLABORATIVE COURTS



# Annual Report 2012

Drug Court

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## 1. Program Description

The San Francisco Drug Court (SFDC) was established in 1995 as an alternative to traditional sentencing options for drug offenders. SFDC is a collaborative effort among the Superior Court, the Office of the District Attorney, the Office of the Public Defender, the Adult Probation Department, the Department of Public Health, the Sheriff's Department, and the Police Department.

SFDC has its own treatment clinic, the Drug Court Treatment Center (DCTC) located one block from the Hall of Justice and is supported by local funding through the Department of Public Health. After enrollment, the defendants' treatment is monitored by the Court. A series of sanctions and incentives are used to encourage compliance with treatment. Those who are non-compliant receive graduated sanctions, such as writing an essay, community service, or jail time, to encourage adherence with treatment. Upon successful program completion, probation is terminated or criminal charges are dismissed.

In addition to the legal benefits, SFDC is designed so that participants can acquire the tools necessary to live a clean and sober lifestyle. Resources are also provided to help further their education and/or obtain vocational training and maintain stable employment allowing them to become contributing members of society.

## 2. Client Volume<sup>1</sup>

### 2a. Unduplicated Clients Served

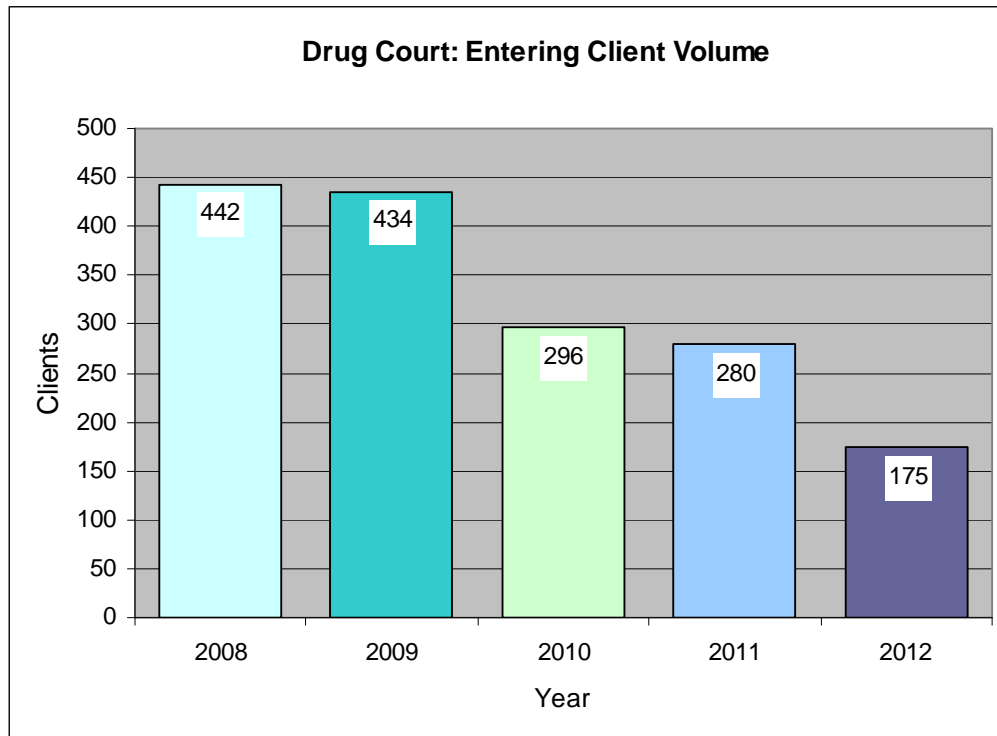
175 unduplicated clients entered SFDC in 2012—38% lower than in 2011 and 60% lower than in 2008 (see Figure 1). To calculate the number of “unduplicated clients” entering SFDC, each participant is only counted once, regardless of how many times they entered SFDC throughout the year (see 2b. Episodes)

As of January 1, 2012, there were 161 active clients in SFDC. Therefore, SFDC served a total of 336 entering and continuing participants in 2012, as compared to 413 in 2011. This represents a 19% decrease in unduplicated clients served, as compared to 2011.

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<sup>1</sup> Unless otherwise specified, data to create this annual report was obtained from the DCTC Database.

Figure 1: Drug Court Entering Client Volume (Unduplicated Clients), 2008-2012.



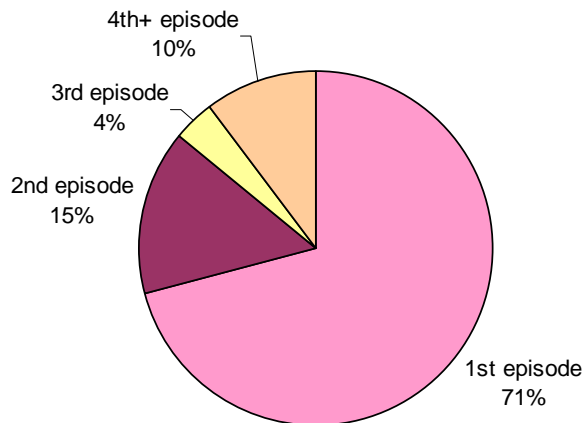
### 2b. Episodes

Each time a participant enters (or re-enters) Drug Court is considered a new "episode." An episode is closed when the participant graduates, self-terminates, or is court-terminated.

Drug Court opened a total of 189 episodes in 2012. Of the 175 entering clients, 29% (51 clients) had previous episodes in Drug Court. Seven percent (13 clients) had two episodes opened in 2012, meaning they unsuccessfully terminated and re-entered in the same year, and 22% (38 clients) had one or more episodes prior to 2012.

For 71% of entering clients (124 clients), the current episode was their first in Drug Court.

### Drug Court: Entering Clients by Episode Count



#### 2c. Graduations and Terminations

Overall, 228 clients exited Drug Court in 2012: 71 graduates (31%), 87 court-terminations (38%), and 70 self-terminations (31%). Reasons for court-termination included expired bench warrants<sup>2</sup> (44%), new felony arrest (18%), and noncompliance (15%).

#### 2d. Declining Volume in Context

Over the past five years, the San Francisco Superior Court has seen a drastic decrease in its felony case volume. In 2008, the monthly average for “active felony cases”<sup>3</sup>, both drug-related and non-drug-related, was 3,253. In 2012, the monthly average fell to 1,832, a 44% decrease.

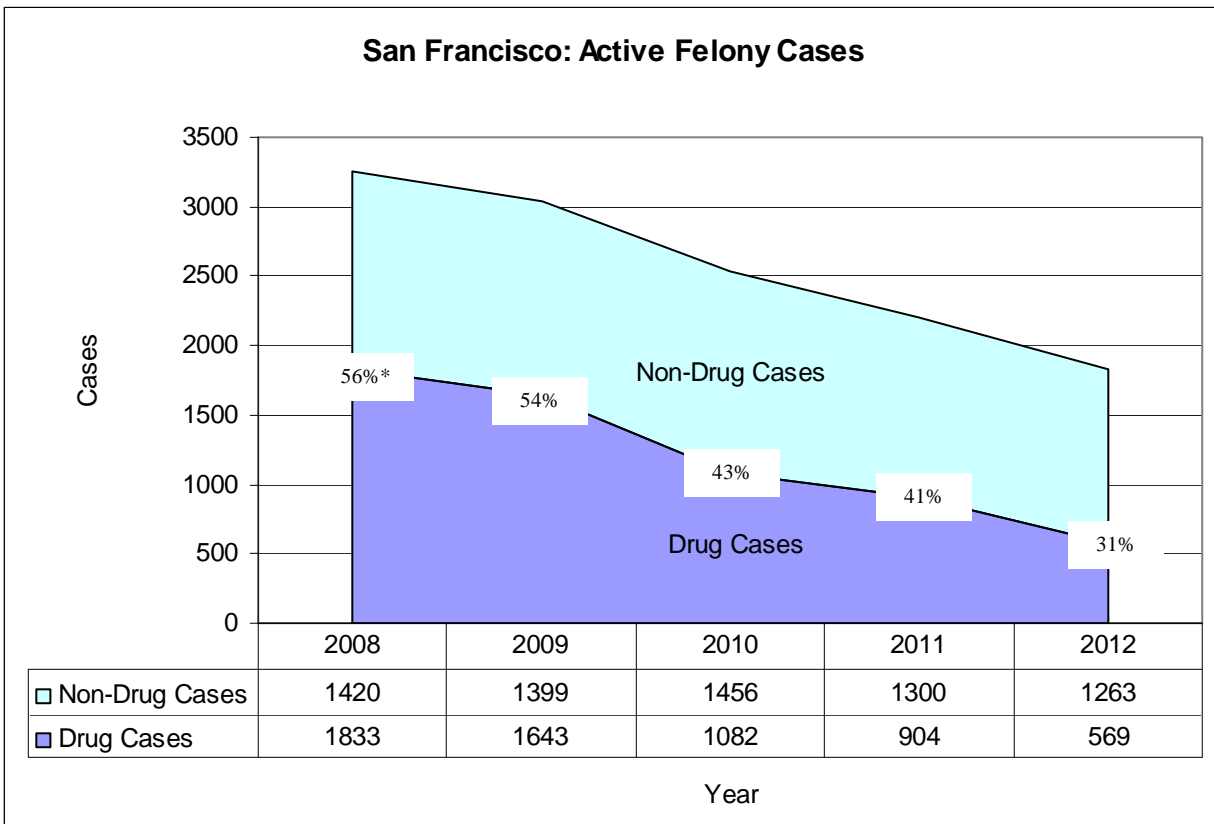
The monthly average for drug-related active felony cases fell by 69% over the same five year period—from 1,833 in 2008 to 569 in 2012.

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<sup>2</sup> The Drug Court Judge issues bench warrants for participants who fail to appear for scheduled court hearings. Participant who do not return to court within 30 days are court-terminated for an “expired bench warrant.” This is an administrative termination since the participant is not present and the criminal case remains in the same department.

<sup>3</sup> The Superior Court’s active felony caseload is calculated using monthly snapshots of the number of future scheduled open felony cases, or felony cases being adjudicated at a designated point in time.

Figure 2: Active Felony Cases,<sup>4</sup> 2008-2012. (Source: MIR 2133)



\*Percentage of future scheduled open felony cases that are drug-related.

Moreover, the number drug-related active felony cases declined at a faster rate than non-drug related cases, further limiting the number of defendants that were eligible for Drug Court.<sup>5</sup> The percentage of all active felony cases that were drug-related fell from 56% in 2008 to only 31% in 2012 (see Figure 2).

The table below compares percentage changes in the Court’s active felony caseload, including: 1) all active felonies, 2) non-drug-related actives felonies, and 3) drug-related active felonies. In 2010, there was a 34% decline in drug-related active felonies, largely attributed to the San Francisco crime lab closure.<sup>6</sup> In 2012, there was another sharp decline due to a policy change that focused police and prosecutorial resources on violent crimes rather than non-violent drug offenses.

<sup>4</sup> Figures 2 and 3 are based on monthly point-in-time data averaged over the course of each year.

<sup>5</sup> MIR 2133 Reports, San Francisco Superior Court, 2008-2012.

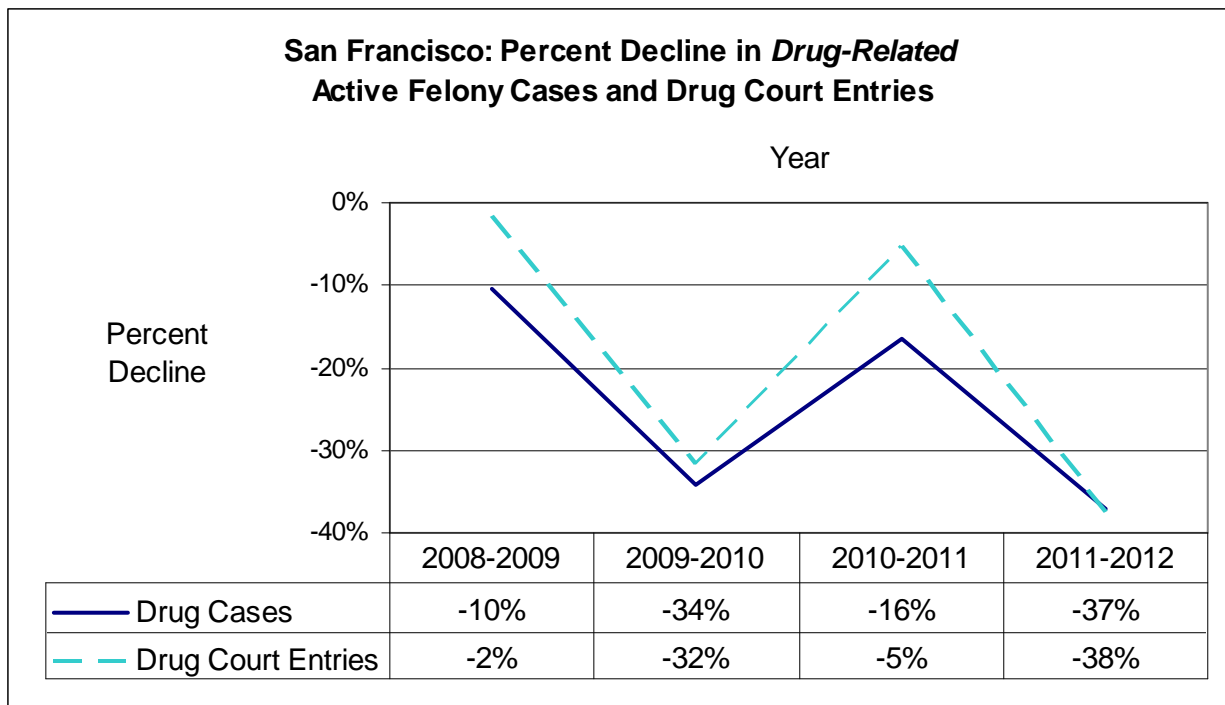
<sup>6</sup> San Francisco’s police crime lab was compromised and subsequently closed on March 9, 2010. This had sever implications for the prosecution of drug-related cases.

**Table 1: Percentage change in average active felony caseload, 2009-2012.** (Source: MIR 2133)

Year	Percentage Change		
	All Active Felony Cases	Non-Drug Felony Cases	Drug Felony Cases
2009	-6.49%	-1.48%	-10.37%
2010	-16.57%	+4.07%	-34.14%
2011	-13.16%	-10.71%	-16.45%
2012	-16.88%	-2.85%	-37.06%

The graph below (Figure 3) shows the percent decline in both drug-related active felonies and Drug Court entries, illustrating that Drug Court volume mirrors broader trends occurring within the criminal justice system.

**Figure 3: Percent Decline in Drug-Related Active Felony Cases and Drug Court Entries, 2008-2012.** (Sources: MIR 2133, DCTC Database)

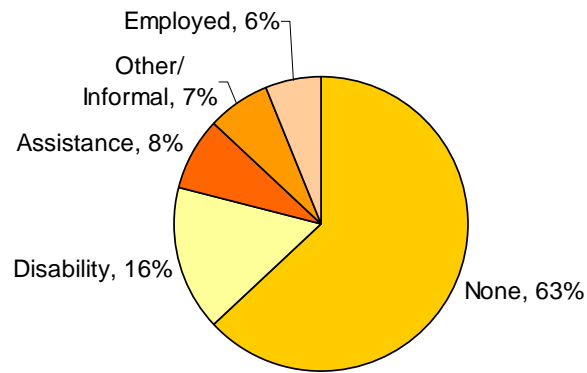


### 3. Client Characteristics

#### 3a. Snapshot

As in previous years, clients entering Drug Court in 2012 were predominantly male (77%) and had no legal source of income (63%). Forty-six percent of clients were African American; 34% were White. The average age at entry was 39; only 13% report being married or having a “significant other.”

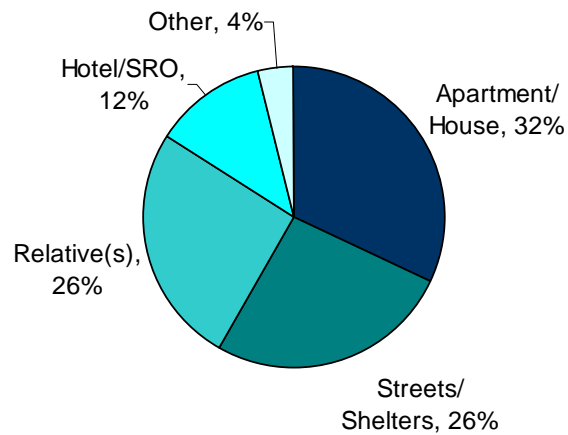
### Drug Court: Income Source at Entry



### 3b. Living Situation

Over a quarter of entering clients reported being homeless (i.e., living on the streets or in shelters). Another 12% resided in residential hotels or single resident occupancy (SRO) units.

### Drug Court: Living Situation at Entry



### 3c. Summary

The following table provides a summary of key characteristics for clients entering in 2011 and 2012.

**Table 2: Characteristics, Clients Entering in 2011 and 2012.**

CLIENT CHARACTERISTICS		2011	2012
Gender	Male	79%	77%
	Female	21%	23%
	Transgender	-	-
Ethnicity	African American	52%	46%
	White	24%	34%
	Latino	12%	8%
	Asian/Pacific Islander	6%	5%
	Other	6%	7%
	Native American	1%	<1%
Age	<i>average</i>	39	38.7
	<i>range</i>	19-66	18-67
Sexual Orientation	Heterosexual	93%	88%
	Lesbian/Gay/Bisexual	7%	11%
	Decline to Answer	-	<1%
Pregnant (at intake)	<i>count</i>	-	1 client
Living Situation	Apartment/House	31%	32%
	Streets/Shelters	22%	26%
	Relative(s)	28%	26%
	Hotel/SRO	19%	12%
	Other	-	4%
Income	None	57%	63%
	Disability	19%	16%
	Assistance	11%	8%
	Other/Informal	6%	7%
	Employed	7%	6%
	Retirement	-	<1%
Education	High School Diploma	27%	29%
	Some High School	28%	23%
	Higher Education	15%	21%
	GED	20%	18%
	Middle School	5%	6%
	Other/Unknown	4%	3%
Married/Significant Other		12%	13%
#Minor Children	<i>average</i>	1	<1
	<i>range</i>	0-6	0-7



## 4. Legal Characteristics

### 4a. Probation and Parole

Thirty-nine clients (21%) entered Drug Court on a motion to revoke (MTR) probation, meaning they entered Drug Court based on a violation of probation requirements. Another 15% of entering clients were on parole.

### 4b. Incarcerated at Program Entry

Seventy-one percent of Drug Court clients were incarcerated at the time of entry into the program.

### 4c. Charges

**Fifty-seven percent of Drug Court clients enter on drug charges. The remaining 43% of clients enter on non-drug charges, including burglary, receiving stolen property, and vehicle theft.<sup>7</sup>**

There was an increase in the percentage of clients charged with burglary (459 PC), from 19% in 2011 to 32% in 2012. Moreover, there was a decrease in the percentage of clients charged with sale of a controlled substance (11352), from 35% in 2011 to 16% in 2012.

### 4d. Summary

The following chart provides a summary of key legal characteristics for clients entering in 2011 and 2012.

Table 3: Legal Characteristics, Clients Entering in 2011 and 2012.

LEGAL CHARACTERISTICS		2011	2012
Probationer (MTR)		22%	21%
Parolee		13%	15%
Incarcerated at Entry		65%	71%
Charges	459 PC – Burglary	19%	32%
	11352 HS – Sale (e.g. cocaine, heroin, benzodiazepine)	35%	16%
	11351 HS – Possession for Sale (e.g. cocaine, heroin, benzodiazepine)	9%	12%
	11350 HS – Possession (e.g. cocaine, heroin, benzodiazepine)	7%	7%
	11379 HS – Sale (e.g. methamphetamine)	NR	6%
	11378 HS – Possession for Sale (e.g. methamphetamine)	6%	6%
	11377 HS – Possession (e.g. methamphetamine)	5%	4%
	11360 HS – Marijuana Sale	NR	4%

<sup>7</sup> Drug courts that accept defendants with non-drug charges are more cost-effective (Marlowe, D., 2011. *Best Practices in Drug Courts* (presentation), <http://ctrecoveryconference.com/wp-content/uploads/2011/09/Retooling.ABBREV.CT-Marlowe.pdf>).

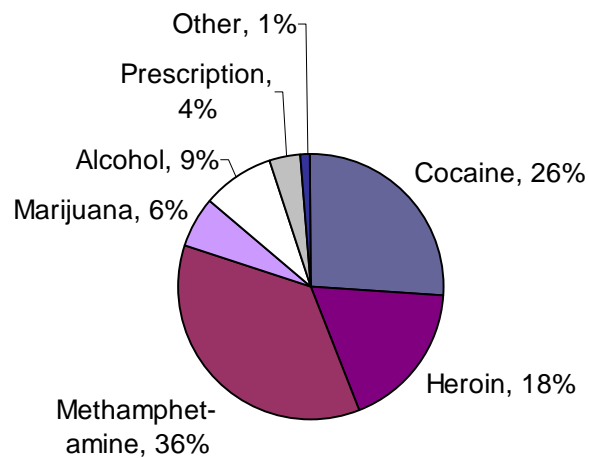
	496 PC – Receiving Stolen Property	4%	4%
	Other Drug	7%	2%
	Other Non-Drug	7%	8%
Entry Status	Pre-plea	31%	36%
	Deferred Entry of Judgment	48%	37%
	Not available	21%	27%

## 5. Substance Use Characteristics

### 5a. Primary Drug of Choice

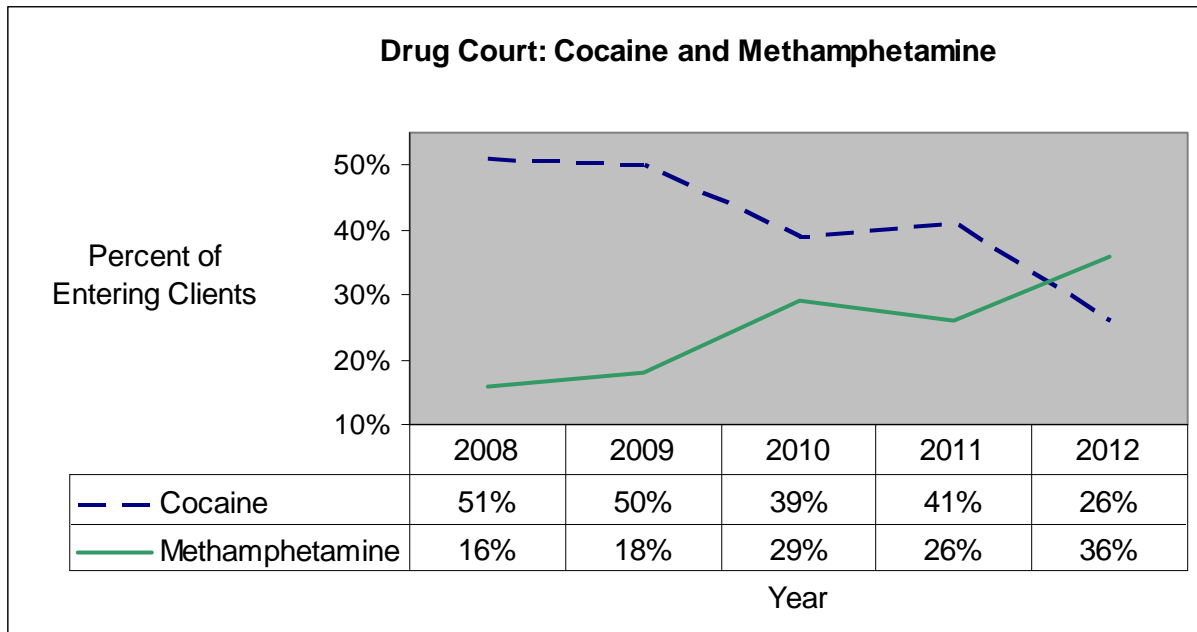
Thirty-six percent of Drug Court clients report methamphetamine as their primary drug of choice, followed by cocaine (26%), and heroin (18%).

**Drug Court: Primary Drug of Choice**



This is the first time Drug Court history that methamphetamine has surpassed cocaine as clients' primary drug of choice (see Figure 4).

Figure 4: Cocaine and Methamphetamine Reported as Primary Drug of Choice, 2008-2012.



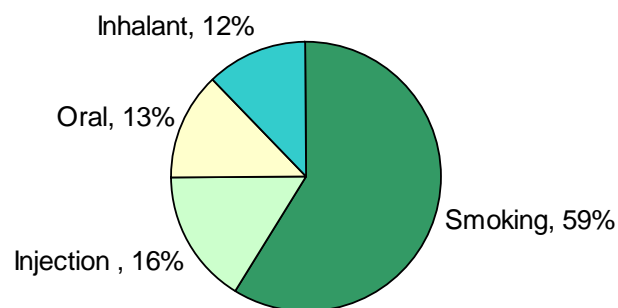
### 5b. Frequency of Drug Use

The majority of clients (59%) reported daily substance use prior to entering Drug Court, including methamphetamine (22%), heroin (13%), and cocaine (11%). Another 20% reported substance use 3-6 times per week.

### 5c. Route of Administration and Age at Onset

The majority of clients (59%) report smoking as their primary method of consuming substances, followed by injection (16%). Forty-six percent of injection drug users report being positive for hepatitis C. The average age at onset for clients' use of their primary drug of choice was 22 years old, which was the same in 2011.

**Drug Court: Primary Route of Administration**



## 5d. Drug Treatment

Sixty-seven percent of entering clients reported having at least one treatment episode prior to entering Drug Court. Drug Court clinicians recommended outpatient treatment for 50% of Drug Court clients and residential treatment for 44% of clients.

## 5e. Summary

The following chart provides a summary of key substance use characteristics for clients entering in 2011 and 2012.

**Table 3: Substance Use Characteristics, Clients Entering in 2011 and 2012.**

SUBSTANCE USE CHARACTERISTICS		2011	2012	
Primary Drug of Choice	Cocaine	41%	26%	
	Heroin	13%	18%	
	Methamphetamine	26%	36%	
	Marijuana/Hashish	5%	6%	
	Alcohol	11%	9%	
	Prescription Drugs	3%	4%	
	Other	2%	1%	
Frequency of Drug Use	Daily	56%	59%	
	3-6 Times Per Week	27%	20%	
	No Past Month Use	8%	13%	
	1-2 times Per Week	5%	6%	
	Monthly	3%	3%	
Route of Administration (Method of Consumption)	Smoking	62%	59%	
	Injection	17%	16%	
	Oral	13%	13%	
	Inhalant	9%	12%	
Age at Onset of Drug Use	<i>average</i>	22	22	
	<i>range</i>	2-53	1-59	
Drug Treatment History	<i>(self-reported)</i>	68%	67%	
ASI Scores				
	Medical	<i>median</i>	1	3
	Employment	<i>median</i>	3	1
	Alcohol	<i>median</i>	1	1
	Drug	<i>median</i>	5	5
	Legal	<i>median</i>	5	5
	Family	<i>median</i>	3	3
Treatment Modality Recommendation	Outpatient	51%	50%	
	Residential	43%	44%	
	Other	6%	6%	

## 6. Mental Health and Medical

### 6a. Co-occurring Mental Health

Thirty-two percent of entering clients report having a co-occurring psychiatric disorder, including bipolar affective (10%), mood (8%), post traumatic stress (5%), and personality (4%) disorders. Specialized treatment for co-occurring substance use and mental health disorders was recommended for 5% of clients.

### 6b. Co-occurring Medical

Fifty-six percent of entering clients report having a co-occurring medical disorder. Twenty-four percent of clients report being positive for HIV, hepatitis C, and/or tuberculosis. Over 6% reported being positive for two or more of these conditions.

### 6c. Summary

The following chart provides a summary of key mental health and medical characteristics for clients entering in 2011 and 2012.

**Table 5: Mental Health and Medical Characteristics, Clients Entering in 2011 and 2012.**

MENTAL HEALTH AND MEDICAL CHARACTERISTICS		2011	2012
Psychiatric Disorder	<i>(self-reported)</i>	32%	32%
Medical Disorder	<i>(self-reported)</i>	56%	56%
HIV Positive	<i>(self-reported)</i>	7%	9%
Hepatitis C	<i>(self-reported)</i>	19%	17%
Tuberculosis	<i>(self-reported)</i>	NR	6%

## 7. Client Characteristics at Graduation

Through their participation in Drug Court, many clients make important improvements in their lives, some of which are reflected in exit data collected on all Drug Court graduates. In 2012, graduates experienced a 100% decrease in the rate of homelessness, and over a fivefold increase in the rate of employment.

Table 6: Client Characteristics Before and After Drug Court Participation (n=71 graduates, exiting in 2012).

DYNAMIC CHARACTERISTICS		Percent at Entry	Percent at Exit
Living Situation	Apartment/House	38%	53%
	Streets/Shelters	17%	-
	Relative(s)	28%	13%
	Hotel/SRO	11%	13%
	Residential Tx	-	9%
	Other	6%	12%
Income	None	46%	-
	Disability	15%	22%
	Employed	10%	57%
	Assistance	15%	13%
	Other	13%	7%
Enrolled in School or Vocational Training at Graduation			37%

## 8. Case Processing Time

The median time between arrest and program entry is 42 days. The median time between program entry and clinical assessment is 8 days, compared to 12 days in 2011.



## 9. Graduation & Retention

### 9a. Graduation

Perhaps the most important performance measure for any Drug Court is its graduation rate. The most recent year for which a Drug Court graduation rate is available is 2010. Among clients who entered in 2010 (n=296), 23% graduated from Drug Court.<sup>8</sup>

### 9b. Retention

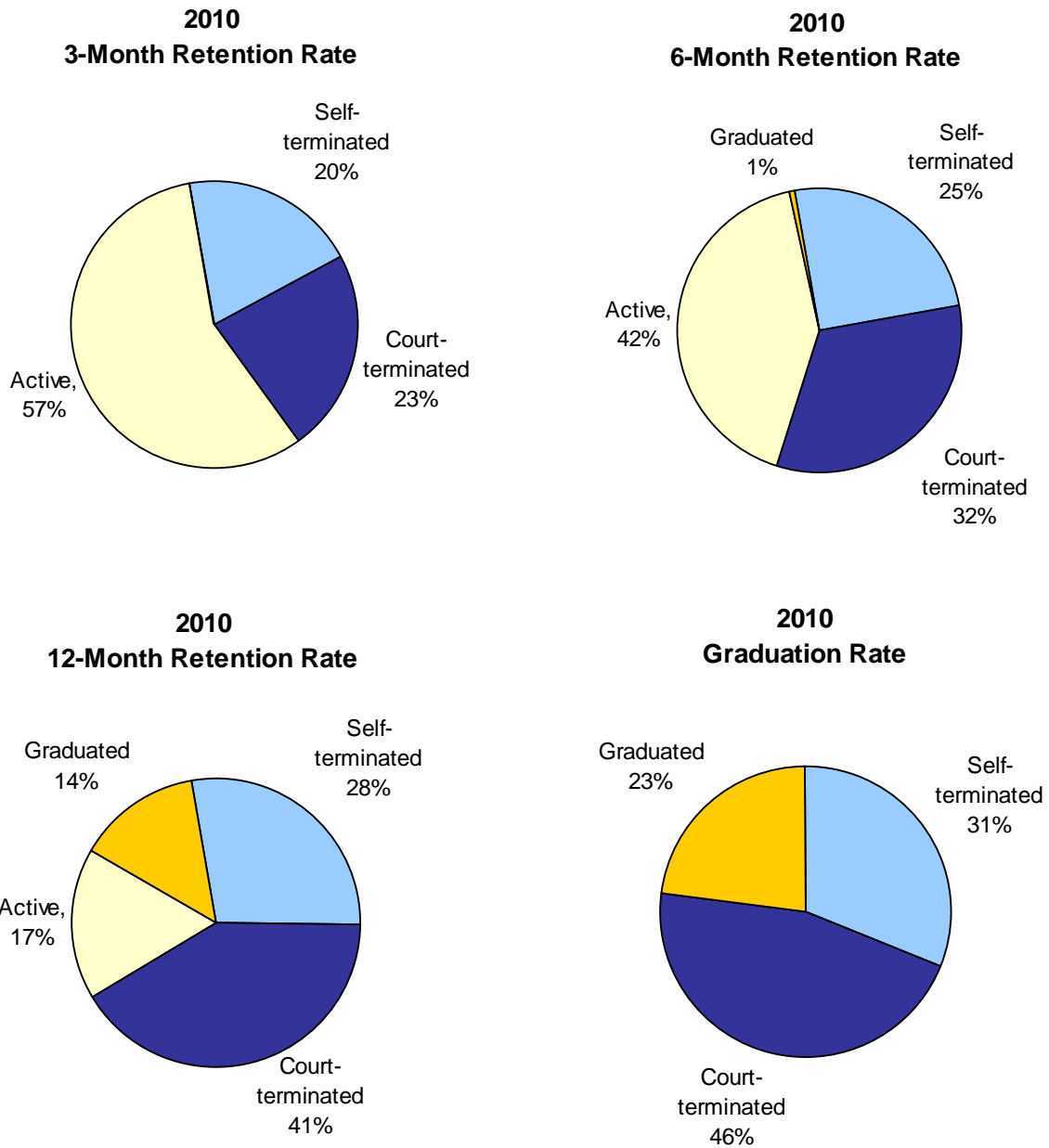
Retention is also an important performance measure. San Francisco's 3-month retention rate (calculated for clients who entered in 2010) was 57%.<sup>9</sup> Forty-three percent of clients had terminated at the 3-month mark.

<sup>8</sup> San Francisco Drug Court graduation rates over time: 2006-24%; 2007-24%; 2008-26%; 2009-22%.

<sup>9</sup> "Retention" is defined as the percentage of clients who graduated or remained active at the given time interval (e.g. 3 month, 6 month).

San Francisco's six month retention rate is 43%; six months after program entry, 57% of clients had terminated. The one year retention rate is 31%; one year after program entry, 69% of clients had terminated.

Figure 5: Retention Rates for clients entering in 2010 (3, 6, and 12 month) and Graduation Rate.



## 10. Time in Program

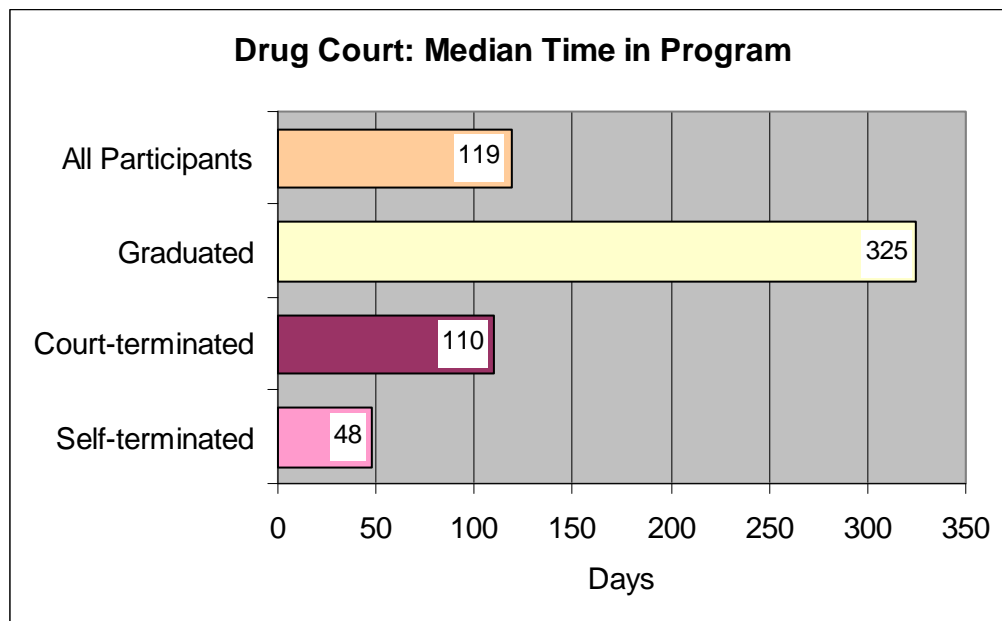
### 10a. All Clients

Among all Drug Court clients who entered in 2010 (n=296), both graduates and non-graduates, the average time in Drug Court ("program time") was 6 months (mean: 180 days, median: 119 days, range: 6-937 days).<sup>10</sup>

Among graduates (n=68), average program time was 11.5 months (mean: 346 days, median: 325 days, range: 173-600 days).

Among non-graduates (n=227), average program time was 4.4 months (mean: 131 days, median: 72 days). There was a substantial difference in program time between clients who self-terminated (mean: 114 days, median: 48 days) and those who were court-terminated (mean: 166 days, median: 110 days).

Figure 6: Median Days in Drug Court, Clients Entering in 2010.



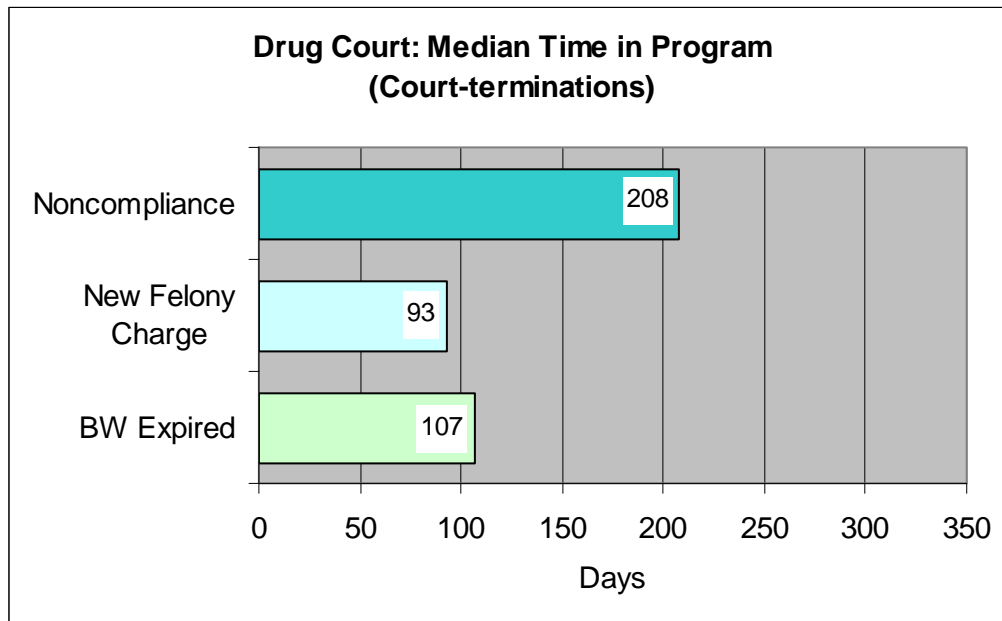
### 9b. Court-terminated Clients

There are several reasons that clients are court-terminated, including Bench Warrant Expired (client has been AWOL for 30 days); New Felony Charge (client has been charged with a new felony); and, Noncompliance (client has been noncompliant with Drug Court requirements). Figure 6 shows the median time in program for clients who were court-terminated for each of these reasons.

<sup>10</sup> One client who entered Drug Court in 2010 was still an active as of January 1, 2012 and, therefore, not counted in this calculation.



Figure 7: Median Days in Drug Court (Court-terminations by Category), Clients Entering in 2010.



## 10. Bench Warrants

Seventy-two non-graduates (32%, n=228) were issued one or more bench warrants during their Drug Court episode and averaged 28 days (median: 18 days, range: 1-140 days) on bench warrant.<sup>11</sup>

Eleven graduates (16%, n=68 graduates) were issued one or more bench warrants during their Drug Court episode and averaged 18 days (median: 8 days, range: 5-61 days) on bench warrant.

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<sup>11</sup> This does not include bench warrants that were issued in clients' previous SFDC episodes. "Expired bench warrants" that resulted in administrative terminations (i.e. active for over 30 days) were also excluded from the calculation.