

# Juvenile Drug Treatment Court: A Comparative Look at Marin and Santa Clara County Programs

JENNIFER HUBBS

## EXECUTIVE SUMMARY

Collaborative courts are becoming a more common and effective way of treating the growing issue of substance abuse. While the majority of the focus over the years has been on the adult treatment court model, it is an increasingly important issue to look at with our youth. The program is designed to provide opportunities and resources for youth to become alcohol and drug free while achieving success in school and completing probation. It recognizes that addressing a substance abuse problem is not an easy process for anyone, and that a youth is more likely to be successful with additional support. There are many goals of Juvenile Treatment Courts, including, but

not limited to, establishing treatment and recovery for youth, increasing accountability and self-esteem, improving family and community relationships, connecting youth with positive activities and peer group options, and improving community safety.

The focus on this paper is the Juvenile Drug Treatment Court programs of Marin County and Santa Clara County. These courts specifically deal with youth who are in the Juvenile Justice System due to an underlying substance abuse issue. This paper will compare similarities and the differences between the two county programs and present several recommendations for Santa Clara County.

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## Introduction

According to the *Drug Court Judicial Benchbook* (Marlowe and Meyer, 2011), the criminal justice system was not working for people with substance abuse problems; instead it became more like a revolving door for people with substance abuse related charges. Eventually repeat incarcerations for drug-related charges created a problem that needed a new solution.

Marlowe and Meyer identify the U.S. Supreme Court case of *Robinson v. California*, from 1962, as laying the earliest groundwork for the drug court model. In the case, the Supreme Court found narcotics addiction to be an illness. As a result, attention to treatment rather than punishment became a focus for addressing substance abuse and addiction. Judges in the 1980s started developing new ways to deal with court problems and in 1994 approximately a dozen treatment courts evolved (Marlowe and Meyer, 2011).

Drug treatment courts have evolved tremendously in the last 18 years. According to Santa Clara County Department of Alcohol and Drug Services (DADS), since approximately 1994 there has been a growing recognition of the effectiveness of Drug Treatment Courts. In 2011, there were over 2,300 drug courts nationwide, located in every state in the United States as well as several foreign countries (Marlowe and Meyer, 2011). Drug Treatment Courts can be found in many criminal and dependency systems and aim to provide treatment to individuals whose substance use may contribute to their

involvement with the criminal justice or dependency system (Cooper, 2002). Drug Treatment Courts have been shown to help prevent participants from traveling deeper into the criminal justice system at a greater cost to society and the taxpayer. Juvenile Drug Court Programs are usually an intensive, court-supervised counseling and treatment program for eligible youth who have law violations and substance abuse problems. They are designed to give offenders an opportunity to take responsibility for their actions and change their lives by focusing on what is often the underlying cause of other criminal activity—substance abuse (Cooper, 2002).

Since 1996, there has also been a surge in the number of Juvenile Drug Treatment Courts throughout the country (Santa Clara County DADS website). Juvenile treatment courts have been created to address non-violent teenage drug offenders as an alternative to jail. Youth, usually ages 12 to 18, are often sent to these courts in hopes of treating them before they can become longtime drug users. Treatment courts are also intended to slow the crime recidivism rate and are modeled after adult treatment courts. Juvenile Drug Treatment Court has a specialized docket within the juvenile system to which selected delinquency cases and, in some instances, status offenders, are referred for handling usually by a specific judge. The Juvenile Drug Treatment Court judge maintains close oversight of each case through regular hearings with the parties and their parents/guardians. The courts leads and works as a member of a team comprised of representatives

from treatment, juvenile justice, social and mental health services, school and vocational training programs, law enforcement, probation, the prosecution, and the defense. Over the course of a year or more, the team meets frequently (often weekly), determining how best to address the problems of the youth and his or her family that have brought the youth into contact with the justice system (National Drug Court Institute & National Council of Juvenile and Family Court Judges, 2003). One option after successful completion of drug court is that all charges are dismissed and the youth's file can be sealed.

This case study examines both the Marin County Juvenile Drug Court and the Santa Clara County Juvenile Treatment Court. There is clearly a discrepancy between the sizes of the two counties, which is reflected in the numbers of minors served at any given time by the two treatment teams. For example, Marin County has one dedicated probation officer for all the minors in the program—which averages about nine active minors at this time, but with increasing efforts to raise those numbers. Santa Clara County has three full-time probation officers with a maximum caseload of 33 youth within the drug court program—they are averaging about 20 youth right now. They have a probation supervisor who is responsible for the probation officers within the program as well as a few other specialized programs. However, there are many similarities in the county structure—both counties have reputations for being “flush” with services and money, but both actually have pockets of disparity and lower income. Both counties have rural and urban areas that bring their own unique challenges. Both counties service a wide set of cities that make up the county itself. In addition, like most other areas in the state, they are looking at shrinking judicial and clinical resources as well as changing demographics. These similarities make it worth looking at Marin County for lessons learned that can be applied to Santa Clara County.

## Similarities

Both treatment teams follow the structure described earlier. Both drug court programs require regular meetings with a probation officer, participation in self-help programs, drug treatment, counseling, urine analysis tests, and regular court appearances. The programs strive to use a combination of incentives and sanctions as motivation to be successful with their drug treatment. Incentives may include applause and praise from the team and decreased reporting to probation. Sanctions may include such things as writing essays, community service, and detention at Juvenile Hall. Both programs seek to replace the youth's prior relationships and drug activities with pro-social activities that are structured, supervised activities that are clean and sober—for example, volunteer work in the community. Both programs look at the vocational and educational needs of the youth. Both programs use a three phase system that is clearly defined as part of a graduation process with the movement from one phase to another using specific criteria and adhering to the agreement of the treatment team before moving on.

Both programs are voluntary for youth right now, and have a specified assessment process prior to being accepted. The youth can be referred by any member of the team, but they have to apply and be accepted in the program. The youth must demonstrate a level of motivation; however, often the youth must be convinced that there is a benefit to them. When entering the treatment court program, they waive confidentiality and agree to drug testing and consequences like Juvenile Hall time. The success of both treatment programs rest on the collaborative nature of the treatment team itself—blending relationships between the judicial components and the clinical treatment team. Both programs recognize that relapse is part of recovery and do not automatically terminate a youth for struggling with their addictions. They also encourage participation by the parents or guardians with the youth.

Both have team meetings on Thursday mornings where each case on the docket is reviewed and

the team assesses the issues going on with the youth, their compliance with requirements, and their drug test results. The team also discusses any incentives or sanctions that will be handed out to the youth during the actual court hearing. During this process, the team meets in the courtroom and the bench officer sits at the same level as the rest of the team. After an in-depth discussion, the team makes a final decision that will be presented during the hearing. The teams hold each other accountable and help set clear expectations for the youth and constancy of sanctions. The actual hearing takes place the same afternoon, with the judicial officer leading the hearing from his/her position on the bench; however, all team members do participate in the discussion with the youth during the hearing. Both courts have an oversight team consisting of management level decision-makers who review and contribute to the policies that are utilized within the context of the treatment team.

## Differences

### **BENCH OFFICERS AND THEIR DUTIES**

Santa Clara County's Juvenile Drug Treatment Court (JTC), founded in 1996, was one of the first in the country. The current bench officer is the Honorable Judge Carrie Zepeda. She is part of the team of bench officers whose focus on juvenile delinquency issues. There is another set of three judges who oversee dependency issues.

Marin County's Juvenile Drug Court (JDC) was founded in 1999. Marin County's bench officer is the Honorable Commissioner Harvey Goldfine. He is starting his third year as the Juvenile Court Officer, and he oversees most of the juvenile matters on calendar—Dependency, Delinquency, and Juvenile Drug Court.

### **YOUTH CONTACT WITH EACH OTHER**

Marin County focuses on creating a sense of community for the youth participating in the court program. They accomplish this goal in several ways—all hearings are conducted in a forum where all the drug court youth and their parents/guardians are present during the whole court process. In addition to the

sense of community, it creates a sense of vicarious learning where youth witness each other's failures and successes. It ensures a focus on equity of incentives and sanctions as well. In addition, the team creates special pro-social activities for the youth—there are educational groups and running groups provided especially for the youth in the program. This focus on a sense of community creates an opportunity for youth to replace their previous social and peer groups with ones that understand the Juvenile Court experience and have the same commitment to sobriety.

Santa Clara County youth appear in court in front of the treatment team on an individual basis. The rest of the youth on the calendar that day are waiting in the waiting room outside the courtroom. Santa Clara County has a mentor program that provides pro-social activities for youth, but not all of the youth in the treatment court program have mentors, and not all of the mentees that participate in the mentor program are JTC participants. When youth are first accepted into the court program, the youth must attend a six week orientation group held at Juvenile Probation and conducted by DADS personnel.

### **PHASES**

Marin County youth participate in three phases with clearly defined sobriety points before moving to the next phase. Phase 1 is a minimum of 12 weeks and requires 28 days of sobriety. Phase 2 is a minimum of 12 weeks and requires 42 days of sobriety. Phase 3 is a minimum of 12 weeks and requires 60 days of sobriety before graduation. They have a board that visually marks the transition from one phase to another. When a youth enters the first phase they are given a tag with their name on it and they place it on the hook under the heading of Phase 1. When they move to the next phase, they go to the board and physically move their name tag. As part of the intake and assessment process, Marin County youth have a two week "opt out" period during which they observe court and meet with team members. Either the youth or the team can decide the youth should opt out without any sanctions for being terminated from the program.

Santa Clara County youth phases are also clearly defined. Phase 1 is 6 weeks with a minimum of 15 consecutive days of negative drug tests prior to moving to the next phase. Phase 2 is 8 weeks with 20 consecutive days of negative drug tests prior to moving to the next phase. Phase 3 is 12 weeks with 45 consecutive days of negative drug tests prior to graduation.

#### **FORMALIZED ASSESSMENT OF THE OUTCOMES**

Marin County does a bi-annual report assessing the outcome data due to the nature of the Substance Abuse Mental Health Services Juvenile Drug Court grant they are working under at this time. It analyzes information such as the number of clients served as well as their demographics. In addition, it looks at project successes, challenges, changes to personnel or project, and it specifies the goals and objectives for the next six months.

I was unable to locate a formalized report that assesses the outcome information on either an annually or bi-annual basis for Santa Clara County. It is possible that this report exists, perhaps as individual reports for treatment providers such as Mental Health, but if it does, it is not provided to all team members.

#### **Conclusions and Recommendations**

Nationally it is clear that Collaborative Courts are one way to try to deal with the substance abuse issue facing this country. It is especially important when dealing with youth who are entering the criminal justice arena. Having a formal mechanism that allows for all the people who are important to the success of a recovery program for youth to work together is a great plan. I was fortunate to have access to team meetings and court hearings for both Santa Clara and Marin Counties' Juvenile Drug Treatment Court programs. It is recommended that Santa Clara County Juvenile Drug Treatment Court consider adopting a few ideas from Marin County, such as:

- Use the natural peer support group of the juvenile treatment court community to enhance the

learning and engagement process of youth in the program.

- Provide more structured pro-social events specifically designed for the youth in drug treatment court. For example, host an organized sports activity, an organized class of Independent Living Skills topics, 12-step meetings, etc. Cost: neutral if completed through the education, treatment, mentor, or mental health providers already providing services—just focus on targeting the JTC population for classes.
- Hold court hearings in a more public forum that includes the participation of the other youth in the court program. This would require a move to a larger courtroom as all the youth and parents/guardians on the calendar that day would sit in the galley of the courtroom rather than the waiting area. Cost: neutral if able to utilize an existing courtroom.
- Use a visual mechanism to capture the movement of the youth through the phases of the Juvenile Drug Treatment Court. Cost: This would require a minimal initial investment to create a board with the different phases on it. Once it is created, it would be a minimal investment in supplies to allow for new youth joining the program.
- Provide a written evaluation of the success and challenges of the existing treatment team model, building on more evidenced-based practice, to the entire treatment team so that everyone is on the same page. Cost: neutral if it is just a matter of sharing an existing assessment process to the whole team. If an evaluation process needs to be created, there will be an investment in staff time to conduct the evaluation and prepare the written report.
- Add a brief “opt out” period for either the youth or the team. If modeled after the Marin County program, the youth would be allowed to observe the court process and meet with the team prior



to making a commitment to the treatment process. Cost: neutral.

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