

CONTINGENCY CONTRACTING IN OAKLAND:

**IMPLEMENTING STRUCTURAL ACCOUNTABILITY
IN A DRUG COURT PROGRAM**

By

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Oakland-Piedmont-Emeryville Municipal Court

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National Training Conference
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THE NEED FOR STRUCTURAL ACCOUNTABILITY IN A DRUG COURT PROGRAM

All government programs require the effective operation of participating agencies. But because the task involved in the rehabilitation of drug-using offenders is an extraordinarily difficult one, a higher degree of competence, coordination, and accountability is required of both program personnel and the structures they create.

Government agencies tend to see their interests narrowly, be distrustful of other agencies, resentful of outside pressures, and jealous of their prerogatives. For a court-ordered drug-rehabilitation program to be effective, participating agencies must be able to look beyond those narrow interests, i.e. distributing information freely, collaborating in decision-making, sharing resources, and coordinating their efforts.

While strong leadership and individual commitment may initially create a climate conducive to coordination, over time programs unravel and agencies tend to revert to accustomed ways (when personnel change or energies flag). It is crucial, therefore, to develop permanent structures that will insure continued program coordination, stability, and effectiveness over time.

Where such structures exist, it can be said that the program is Structurally Accountable; that is, its very structure is accountable for continued program coordination. In a Structurally Accountable System, participating agencies share program responsibilities and are accountable to each other for program effectiveness, with each participant directly linked to, dependent on, and responsible to the other.

While there are other "structurally accountable" Drug Court features (see "Drug Courts: A Judicial Manual, CJER Journal, Summer 1994, pg. 20-23), most Drug Courts rely on some form of contracting to provide structure for their program. As an example, *progressive sanctions and incentives* are implemented through implied or express contract language. Similarly, *phases* used in most Drug Courts are contractual agreements. (i.e., all participants are informed at the start of the program that certain requirements must be fulfilled to graduate to the next level or *phase* of the program.)

Contracts provide important structure for Drug Courts, anchoring programs to rules and regulations rather than the shifting sensibilities and capacities of an ever changing cast of Drug Court officials.

THE IMPORTANCE OF CONTINGENCY CONTRACTING

A contingency contract sets out specific consequences for a range of positive and negative behaviors. It provides a comprehensive framework for gauging the participant's success and/or failure.

A contingency contract is developed cooperatively by the Drug Court Judge, the supervisory and treatment staff, and other participating agencies. It is often the result of serious negotiations by the parties involved. It is revisited at regular intervals (optimally at the beginning of each year) for reevaluation and modification as required.

Advantages of a Contingency Contract

(1) Ground rules for program

The contract reduces confusion and confrontation over program implementation. Everyone, including staff, understands what is expected of them under the contract.

(2) Long-term stability

Even with judicial and other personnel changes, program requirements remain consistent over time. It is the *structural cornerstone* of a Drug Court Program.

(3) Accountability

The contract makes the offender accountable for his or her behavior. Importantly, the court, supervising agency and other participating agencies have also committed themselves to the terms of the contract, making themselves accountable to the offender and each other for the contracts promised consequences.

(4) Empowerment

The contract spells out the consequences of compliance and non-compliance at its inception, motivating offenders to take control of their own rehabilitation; giving the offender the opportunity to become a participant rather than a self-described victim of the program. Program staff are similarly empowered by being given responsibility for the design and implementation of the contract.

(5) A Consistent Sentencing Scheme

The Court's responses to positive and negative behaviors can be anticipated. Public Defenders, District Attorneys and other need not re-negotiate each individual case, wasting valuable time and effort in the process.

(6) A More Realistic/Pragmatic Approach

The court can be more realistic in the demands made on offenders since the contract provides for a continuum of behaviors and resulting consequences.

(7) Partnerships

All participants are responsible for the creation of the contingency contract, and accountable to each other for its effective operation. In designing a contingency contract, participants share the responsibility of establishing treatment and supervision requirements (traditionally the province of supervision and treatment staff). Similarly, by creating a contingency contract that sets out the consequences of the offenders conduct, participants share in the making of sentencing decisions (formally the court's sole responsibility).

Providing Adequate Information at Progress Report Hearings

The Drug Court Judge needs sufficient information on an offender's performance to effectively administer the Drug Court Program. Information on recent drug test results, probation or other supervision contacts, participation in counseling, education classes, and other rehabilitation programs (as well as background information) allows the Drug Court Judge to make rational and informed decisions at progress report hearings. Timely information allows the Judge to hold an intelligent conversation with the offender about his or her progress in rehabilitation (letting the offender know that the judge knows what they are up to). Requiring adequate information at progress reports also provides an important check on the quality, extent, and frequency of supervising personnel's contacts with participating offenders.

In Oakland, such information is presented in a Progress Report Form, that provides detailed information through an easily scanned form. (The clarity and simplicity of progress reports is especially important when dealing with dozens of offenders in a single session.)

It should be noted that a number of jurisdictions (Washington DC, Los Angeles, Miami among others) have developed excellent Management Information Systems that provide immediate and comprehensive offender information at a computer screen on the bench. (See Drug Courts: A Judicial Model, CJER Journal, Summer 1994, pg. 30-31.)

OAKLAND'S CONTINGENCY CONTRACT

In Oakland, the FIRST Diversion program's contingency contract is largely the result of ongoing negotiations between the drug court judge and the County Probation Department. Initially designed by Alameda County Probation Officer Frank Tapia, after consultations with this Drug Court Judge, the contract uses a point system to gauge a participants performance. The number of points achieved under the contract reflect the number of rehabilitative tasks completed. Over the life of the program, that point total translates into rewards (where the term of Diversion may be reduced from 24 months to as little as 6 months and the Diversion fee may be reduced from \$220 to as little as \$20) or sanctions (where the court increases the intensity of supervision, treatment, and/or remands the offender into custody).

Phase II and III progress reports are submitted at an initial ten-week hearing date and a subsequent three-month hearing date respectively. The Phase II and III contingency contracts and progress report exemplars that follow show the continuum of Drug Court responses possible using a contingency contract, ranging from reinstatement of criminal proceeding upon complete program failure to case dismissal upon successful completion of the program.

PHASE II:

**CONTINGENCY CONTRACT
AND
PROGRESS REPORT EXEMPLARS**

ALAMEDA COUNTY PROBATION DEPARTMENT
SPEEDY DRUG DIVERSION
TEN WEEK CONTRACT (PHASE II - ASSESSMENT)

You have been granted Drug Diversion for 24 months and will have a Court appearance scheduled in 10 weeks. The purpose of this Court date is to inform the Judge whether you have successfully completed Phase II of the Drug Diversion Program.

During the next 10 weeks, you are responsible for completing the following:

- 6 See your Probation Officer at least 6 times.
 - 5 Attend 4 Drug Education and 1 AIDS Education class at the Probation Center.
 - 3 Take urine tests. 1 point for each negative test. Maximum of three points.
 - 1 Register with a community counseling agency.
 - 6 Participate in counseling. 1 point for each week of participation (Maximum of 6 points).
 - 1 Make 1 payment toward \$220 fee.
- 22

The above equals 22 different tasks that you will be responsible to complete by your next Court date. You must complete all Drug/AIDS Education classes and attend a specified number of community counseling sessions in order to graduate to Phase III.

THE FOLLOWING POINT TOTALS WILL RESULT IN THESE SPECIFIC
RECOMMENDATIONS:

22 points: Continue on diversion, REDUCE TIME TO 15 MONTHS AND REDUCE FEE TO \$120. (Reduction of 9 months and \$100)

18-21 points: Continue on diversion, REDUCE TIME TO 18 MONTHS AND REDUCE FEE TO \$145. (Reduction of 6 months and \$75)
MUST HAVE 2 NEGATIVE URINE TESTS.

14-17 points: Continue on diversion, REDUCE TIME TO 21 MONTHS AND REDUCE FEE TO \$170. (Reduction of 3 months and \$50)
MUST HAVE 1 NEGATIVE URINE TEST AND MUST BE REGISTERED FOR COMMUNITY COUNSELING.

11-13 points: Continue on diversion. (Must be registered for community counseling.)

10 points or less:

- a) Continue on diversion; time in custody
- b) Termination from diversion; reinstate criminal proceedings

IF YOU FAIL TO APPEAR FOR COURT, THE JUDGE WILL REVOKE YOUR O.R., FORFEIT BAIL AND ISSUE A BENCH WARRANT.

Defendant:
Docket:
Page 2



<u>Number Tasks Possible</u>		<u>Number Satisfactorily Completed</u>
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Comments

6 REPORTING

1

The defendant appeared for orientation on May 12, 1992 at which time an individual appointment was scheduled for May 18. The defendant failed to appear for the individual appointment and a letter was sent to him scheduling another appointment for May 27 (see attached). The defendant called on May 27 and asked that the appointment be rescheduled to June 1st which it was. The defendant failed to appear on June 1st.

5 IDAP

0

7 PROGRAM

0

The defendant has not been available to receive the referral to a community counseling agency.

3 TESTING

0

The defendant has not been available for testing.

1 FEE PAYMENT

0

ORDERED: \$220 AMT. PD: \$ 0

1 TOTAL

TWO MONTH SUMMARY DRUG DIVERSION REPORT

On March 6, 1992, [REDACTED], was referred to the Probation Department for Report and Modification pursuant to a grant of diversion under Section 1000 of the California Penal Code.

____ Conviction record attached X No known prior H&S convictions

PERFORMANCE DURING FIRST TWO MONTHS OF DIVERSION SUPERVISION

<u>Number Tasks Possible</u>		<u>Number Satisfactorily Completed</u>	<u>Comments</u>
<u> 6 </u>	REPORTING	<u> 5 </u>	<u>Defendant has appeared for 6 of 8 scheduled appointments. However, he was late for 1 appointment and was not given credit for that appointment.</u>
<u> 5 </u>	IDAP	<u> 0 </u>	<u>Defendant was initially enrolled in IDAP Section 92-18N beginning 4/22/92 and ending 5/20/92. He did not attend any classes. He was subsequently enrolled in IDAP Section 92-23P beginning 5/11/92 and ending 6/8/92. As of this dictation he has missed the first 3 classes. The last 2 classes have not occurred yet.</u>
<u> 7 </u>	PROGRAM	<u> 1 </u>	<u>Defendant registered with the Cocaine Recovery Center on 5/14/92 but he has not provided any proof of participation in counseling.</u>
<u> 3 </u>	TESTING	<u> 0 </u>	<u>Defendant missed a test scheduled for 4/24/92. He tested positive for cocaine on 5/8/92. The results of a test administered on 5/29/92 have not been received.</u>
<u> 1 </u>	FEE PAYMENT	<u> 0 </u>	
		<u> 6 </u> TOTAL	ORDERED: \$220.00 PAID: <u> -0- </u> BALANCE: \$220.00 PHASE: _____

DEFENDANT'S SELF-REPORTED DRUG HISTORY:

- (a) Drug of Choice: Cocaine.
- (b) Frequency of Use: Every three days.
- (c) Latest Usage: On or about May 8, 1992.

TWO MONTH SUMMARY DRUG DIVERSION REPORT

On April 10, 1992, [REDACTED] was referred to the Probation Department for Report and Modification pursuant to a grant of diversion under Section 1000 of the California Penal Code.

____ Conviction record attached No known prior H&S convictions

PERFORMANCE DURING FIRST TWO MONTHS OF DIVERSION SUPERVISION

<u>Number Tasks Possible</u>		<u>Number Satisfactorily Completed</u>	<u>Comments</u>
<u>6</u>	REPORTING	<u>6</u>	
<u>5</u>	IDAP	<u>5</u>	
<u>7</u>	PROGRAM	<u>3</u>	<u>The defendant registered with the Cocaine Recovery Center on 4/27/92. His participation in the program has been sporadic, and at this dictation he has received credit for two weeks of participation.</u>
<u>3</u>	TESTING	<u>2</u>	<u>The defendant tested negative for cocaine on 5/1 and 5/15/92. The results of a test administered on 5/29/92 have not been received.</u>
<u>1</u>	FEE PAYMENT	<u>0</u>	ORDERED: <u>\$220.00</u> PAID: <u>\$ Zero</u>
		<u>16</u> TOTAL	BALANCE: <u>\$220.00</u>
			PHASE: _____

DEFENDANT'S SELF-REPORTED DRUG HISTORY:

- (a) Drug(s) of Choice: Cocaine.
- (b) Frequency of Use: Once a week.
- (c) Latest Usage: On or about April 22, 1992.

Defendant: [REDACTED]

Docket No. [REDACTED]

Page 2

COMMENTS:

This was the defendant's second opportunity to complete Phase II of the speedy diversion program. He was unable to comply with the program the first time because he was in custody in Santa Clara County. Normally, two failed opportunities to complete Phase II of this program would result in a recommendation of termination of diversion. However, a third opportunity is being recommended because of the defendant's custody status during the initial period. Even though a recommendation to recycle the defendant is being made, the defendant's dismal performance thus far cannot be overlooked. It is suggested that he be remanded into custody for a minimum of one day prior to being re-referred to Probation.

RECOMMENDATION:

It is respectfully recommended that the defendant be continued on diversion under the same terms and conditions and that diversion be modified to include time in custody. It is further recommended that upon the defendant's release from custody he be recycled into Phase II of the diversion program.

Approved by: ABC
Al Chaquette
Unit Supervisor

Report by: Beverly Harris
Beverly Harris
Deputy Probation Officer

I have read and considered the foregoing report:

Dated: _____

JUDGE

Defendant: [REDACTED]
Docket: [REDACTED]
Page 2

COMMENTS:

The defendant reports that he began using illegal drugs in the seventh grade. He started with marijuana. In 1976, he began using heroin. In the early 1980's, he began combining heroin and cocaine and spending anywhere between \$150.00 and \$200.00 per day on the drugs. He stopped using heroin in 1988, but continued using cocaine. Currently, he smokes cocaine once a week and drinks alcohol, usually beer, daily.

The defendant is 42 years old with a cavalier approach to life. He says everyone in his family dies young, in their 50's, and he seems to believe he will suffer the same fate. Initially, he gave the impression that he did not care one way or another what happened with this diversion case and the undersigned was expecting an early termination. In reality, however, this devil may care attitude must be a facade for the defendant has performed well. He has even stopped using cocaine, a clear indication of hope, not hopelessness.

It is anticipated that by the court date the defendant will have attended counseling regularly for three weeks, thus meeting the requirements necessary for placement in Phase III of this program. Such is being recommended with the appropriate reductions.

RECOMMENDATION:

It is respectfully recommended that diversion be continued and that the diversion time be reduced by 3 months to 21 months and the diversion fee reduced by \$50.00 to \$170.00. It is further recommended that the matter be continued three months for progress report.

Approved: Al Chaquette
Al Chaquette
Unit Supervisor

Report by: Beverly Harris
Beverly Harris
Deputy Probation Officer

I have read and considered the foregoing report:

DATED: _____

JUDGE

BH:tlt

TWO MONTH SUMMARY DRUG DIVERSION REPORT

On April 7, 1992, [REDACTED] was referred to the Probation Department for Report and Modification pursuant to a grant of diversion under Section 1000 of the California Penal Code.

____ Conviction record attached X No known prior H&S convictions

PERFORMANCE DURING FIRST TWO MONTHS OF DIVERSION SUPERVISION

<u>Number Tasks Possible</u>		<u>Number Satisfactorily Completed</u>	<u>Comments</u>
<u>6</u>	REPORTING	<u>6</u>	_____

<u>5</u>	IDAP	<u>5</u>	_____

<u>7</u>	PROGRAM	<u>7</u>	<u>The defendant registered with the Narcotics Education League on 4/20/92 and has attended weekly sessions since then.</u>
<u>3</u>	TESTING	<u>3</u>	<u>The defendant tested negative for cocaine on 4/24, 5/8, and 5/22/92.</u>



<u>1</u>	FEE PAYMENT	<u>1</u>	ORDERED: \$220.00 PAID: \$20.00
			BALANCE: \$200.00
		<u>22</u> TOTAL	PHASE: _____

DEFENDANT'S SELF-REPORTED DRUG HISTORY:

- (a) Drug(s) of Choice: Cocaine.

- (b) Frequency of Use: Once or twice a month.

- (c) Latest Usage: On or about April 11, 1992.

Defendant: 
Docket: 
Page 2

COMMENTS:

The defendant reports that he began using cocaine about a year ago. He has never considered himself having a problem with the drug since he can take it or leave it. The March 3, 1992 arrest has helped him decide to "leave it."

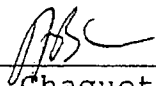
The defendant is a 38-year-old man who was employed by the Fruehauf Corporation for 14 years. He was laid off in January 1992 when the facility closed. Since then, he has been attending Cal State Hayward and plans to receive a degree in finance in June 1992. The defendant is divorced and has two sons. The older boy has lived with the defendant for the past three years. The defendant pays \$200.00 a month in child support. The defendant has all the markings of a stable, responsible individual. He lacks the mannerisms, appearance and jargon typical of persons intrinsically involved in the drug culture.

The defendant's performance during the first ten weeks of diversion has been exemplary. He has earned promotion into Phase III of the program with maximum reductions.

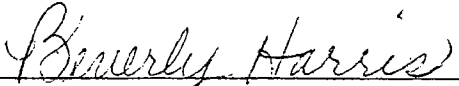
RECOMMENDATION:

It is respectfully recommended that diversion be continued and that the diversion time be reduced by 9 months to 15 months and the diversion fee reduced by \$100.00 to \$120.00. It is further recommended that this matter be continued three months for progress report.

Approved: _____


Al Chaquette
Unit Supervisor

Report by: _____


Beverly Harris
Deputy Probation Officer

I have read and considered the foregoing report:

DATED: _____

JUDGE

BH:tlt

PHASE III:

**CONTINGENCY CONTRACT
AND
PROGRESS REPORT EXEMPLARS**

DRUG DIVERSION CONTRACT
PHASE III

You have been continued on Drug Diversion and have a Court date scheduled to review your progress on _____, and _____ Day
Date Time

Before your next Court date, you are responsible for completing this list of tasks. With each task you earn the following points:

Points:

- 8 See your Probation Officer for eight weekly group meetings.
- 4 Take four urine tests with negative results.
- 2 Make payments toward your fee. If you pay \$25 of the amount ordered, you get 1 point. If you pay \$50, you get 2 points.
- 8 Continue weekly participation with a community counseling/drug treatment program. (If you do not do so, you will have to repeat Phase III and risk reinstatement of criminal charges.)
- 2 Keep 2 individual appointments with your Probation Officer.

24 Total Possible Points

THE FOLLOWING POINT TOTALS WILL RESULT IN THESE SPECIFIC RECOMMENDATIONS:

22-24 points (and all clean tests): Continue on diversion, reduce time by NINE (9) MONTHS, REDUCE FEE BY \$75. No further reporting to Probation Officer, unless you ask for help.

19-21 points (and at least 3 clean tests): Continue on Diversion, reduce time by SIX (6) MONTHS, REDUCE FEE BY \$50.

16-18 points: Continue on Diversion, REDUCE TIME BY THREE MONTHS, REDUCE FEE BY \$25. Attend monthly Probation appointments and tests.

13-15 points: Continue on Diversion, repeat Phase III, 24 point program.

12 points or less: Repeat Phase III, 24 point program, PLUS A MINIMUM OF ONE (1) DAY IN JAIL.

IF YOU DO NOT COME TO COURT on your Court date, the recommendation will be to terminate diversion, reinstate criminal proceedings, and issue a bench warrant for your arrest.

About Urine Testing:

- o A missed test counts as a dirty test.
- o An insufficient sample to test will count as a dirty test.
- o If you have 2 or more dirty tests, your Probation Officer will evaluate (with you) whether you need more help (such as acupuncture to help you with craving, a medical detox, a residential program, or a more intensive counseling program). The Judge may also decide that time in custody is necessary to help you stop using.

[REDACTED]
[REDACTED]
Page 2

PERFORMANCE ON DIVERSION:

The defendant was referred to Phase III, Track II of the speedy diversion program for the third time by the Court on March 18, 1992. On that date, she reported to the probation officer and was scheduled to attend eight diversion group meetings beginning March 24, 1992. As of the date of this writing, she has failed to attend any speedy diversion groups.

THE MUNICIPAL COURT OF THE OAKLAND-PIEDMONT JUDICIAL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

SPEEDY DIVERSION REPORT

PROGRESS REPORT: PHASE: III

DEFENDANT: [REDACTED] Date of Hearing: 7-29-92
Dept. No.: 3
OFFENSE: HS 11350(A) F CEN No.: [REDACTED]
PFN No.: [REDACTED]
Docket No.: [REDACTED]

Diversion Order made in Dept. No. 3 by Judge Tauber on
December 3, 1991. Length of diversion 21 months.

PERFORMANCE ON DIVERSION:

<u>Points Possible</u>		<u>Points Earned</u>	<u>Comments</u>
<u>8</u>	GROUP SESSIONS	<u>4</u>	<u>Missed groups on 4-14-92, 4-21-92, 5-12-92 and 5-26-92.</u>
<u>2</u>	INDIVIDUAL APPTS.	<u>1</u>	<u>Missed 2nd individual appointment 6-18-92 and makeup appointment 7-6-92 also missed.</u>
<u>4</u>	DRUG TESTS	<u>1</u>	<u>Tested positive for cocaine 4-7-92, 4-27-92, and 5-19-92. Tested clean 5-28-92.</u>
<u>8</u>	PROGRAM	<u>2</u>	<u>Attendance at 6 N.A. meetings verified between 4-20-92 and 5-19-92.</u>
<u>2</u>	PAYMENTS	<u>0</u>	<u>BALANCE: \$170.</u>
<u>24</u>	TOTAL	<u>8</u>	

COMPLETED IDAP: X YES NO

415/VOLUNTEER WORK COMPLETED: YES NO X NOT ORDERED

Defendant: [REDACTED]
Docket:
Page 2

COMMENTS: This defendant has performed very poorly during Phase III. It will be recommended that he be allowed to "recycle" after serving time in custody.

RECOMMENDATION: It is respectfully recommended that diversion be continued, that the defendant be ordered to spend 24 hours in custody, that he be "recycled" in Phase III and that a progress report be set in five weeks.

Approved: _____ Report by: _____
Kathleen Callahan Robert Archer
Unit Supervisor Deputy Probation Officer II

6192s/RA:jcy

THE MUNICIPAL COURT OF THE OAKLAND-PIEDMONT JUDICIAL DISTRICT
 COUNTY OF ALAMEDA, STATE OF CALIFORNIA

SPEEDY DIVERSION REPORT

PROGRESS REPORT: PHASE: III, TRACK _____

DEFENDANT: [REDACTED]

Date of Hearing: 07-17-92

Dept. No.: #3

CEN No.: [REDACTED]

OFFENSE: HS 11350(A) F.

PFN No.: [REDACTED]

Docket No.: [REDACTED]

Diversion Order made in Dept. No. #3 by Judge Tauber on
 January 30, 1992. Length of diversion 24 months.

PERFORMANCE ON DIVERSION:

<u>Points Possible</u>		<u>Points Earned</u>	<u>Comments</u>
<u>8</u>	GROUP SESSIONS	<u>5</u>	Def. missed 3 group sessions on 5/7, 5/28, and 6/11/92.
<u>2</u>	INDIVIDUAL APPTS.	<u>1</u>	Def. appeared for his first individual appt, however, he did not respond for a second scheduled appt.
<u>4</u>	DRUG TESTS	<u>0</u>	When tested, def. was positive for cocaine on 6/4, & 6/18/92. He was unavailable for other scheduled tests.
<u>8</u>	PROGRAM	<u>8</u>	Def. provided proof of regular attendance in outpatient counseling.
<u>2</u>	PAYMENTS	<u>0</u>	BALANCE: \$210 - Def. has not made any efforts to pay his diversion fees.
	OTHER		
<u>24</u>	TOTAL	<u>14</u>	

COMPLETED IDAP: YES NO

415/VOLUNTEER WORK COMPLETED: YES NO NOT ORDERED

Defendant: [REDACTED]
Docket: [REDACTED]
Page 2

COMMENTS: The defendant has not earned enough points for any time or fee reductions. He seems to have an ongoing drug abuse problem. On June 4, 1992 and June 18, 1992 he tested positive for cocaine. The defendant was unavailable for two other scheduled tests.

The defendant may need a residential program or possibly acupuncture program, if the Court decides to give the defendant one more chance as a recycle.

SUPERVISION PLAN: To be recycled back into phase III.

RECOMMENDATION: It is respectfully recommended that the defendant be given a second chance to participate in phase III, with an update progress report in five weeks.

Approved: _____
Kathleen Callahan
Unit Supervisor

Report by: _____
John Ramirez
Deputy Probation Officer

6080s/rcr

THE MUNICIPAL COURT OF THE OAKLAND-PIEDMONT JUDICIAL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

SPEEDY DIVERSION REPORT

PROGRESS REPORT: PHASE: III

DEFENDANT: [REDACTED] Date of Hearing: 7-29-92
Dept. No.: 03
OFFENSE: HS 11357(A) F CEN No.: [REDACTED]
PFN No.: [REDACTED]
Docket No.: [REDACTED]

Diversion Order made in Dept. No. 3 by Judge Dombrink on February 20, 1992. Length of diversion 24 months, reduced to 15 months.

PERFORMANCE ON DIVERSION:

<u>Points Possible</u>	<u>Points Earned</u>	<u>Comments</u>
<u>8</u> GROUP SESSIONS	<u>8</u>	
<u>2</u> INDIVIDUAL APPTS.	<u>2</u>	
<u>4</u> DRUG TESTS	<u>4</u>	
<u>8</u> PROGRAM	<u>8</u>	<u>The defendant has shown proof of regular attendance at the Oakland Community Counseling Center. He has attended that program once a week throughout the Phase II and Phase III programs.</u>
<u>2</u> PAYMENTS	<u>2</u>	<u>BALANCE: \$70. The defendant has paid \$50 during Phase III.</u>
<u>24</u> TOTAL	<u>24</u>	

COMPLETED IDAP: YES NO

415/VOLUNTEER WORK COMPLETED: YES NO NOT ORDERED

Defendant: [REDACTED]
Docket: [REDACTED]
Page 2

COMMENTS: The defendant has done an outstanding job during the entire diversion program. He has received the maximum reductions in Phase II and now in Phase III. It does not appear that he is using illegal drugs at this time. He has benefited from the program and he has earned dismissal.

RECOMMENDATION: It is respectfully recommended that the time on diversion be reduced by nine months and the fee reduced by \$70. It is further recommended that diversion be terminated and the charge dismissed.

Approved: _____ Report by: _____
Kathleen Callahan James Avery
Unit Supervisor Deputy Probation Officer III

6350s/JA:jcy