

NATIONAL ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS

+ + + + +

NACDL PROBLEM-SOLVING COURT TASK FORCE

+ + + + +

TASK FORCE MEETING

+ + + + +

DAY 2

+ + + + +

FRIDAY,
JANUARY 23, 2009

+ + + + +

The Task Force convened, at 9:30
a.m., in the offices of the National
Association of Criminal Defense Lawyers, 1660
L Street, N.W., Washington, D.C., Rick Jones,
Co-Chair, presiding.

MEMBERS PRESENT:

RICK JONES, Co-Chair
MARVIN SCHECHTER, Co-Chair
ADELE BERNHARD, Member
JAY CLARK, Member

ELIZABETH KELLY, Member
JOEL SCHUMM, Member
GAIL SHIFMAN, Member
VICKI YOUNG, Member

C-O-N-T-E-N-T-S	
Opening Remarks Co-Chair Rick Jones	4
Tim Murray Pretrial Justice Institute	5
Patrick McGee Director Maryland Division of Parole and Probation	16
Question-and-Answer Period	34
Michael Finigan President and Founder NPC Research	68
Question-and-Answer Period	86
Josh Bowers Professor University of Virginia School of Law	141
Question-and-Answer Period	154
Judge Michael Rankin Associate Judge D.C. Superior Court	199
Judge Craig Iscoe Associate Judge D.C. Superior Court	203
Question-and-Answer Period	209

C-O-N-T-E-N-T-S (CONTINUED)

Drug Court Participant Panel 257

Jeff Jeffrey 258
Criminal Justice Substance
Abuse Counselor
MHS North County Center for Change

Rhonda Reagan 262

Former Drug Court Participant

Candice Singer 270

Policy Analyst

National Council on Alcoholism and
Drug Dependence, New Jersey

Question-and-Answer Period 276

Adjourn

1 P-R-O-C-E-E-D-I-N-G-S

2 9:36 a.m.

3 CO-CHAIR JONES: (presiding) All
4 right, good morning, everyone.

5 I thought we were ready. What did
6 we do with Jay?

7 We are going to start sans one of
8 our members, who is coming in now.

9 This is day two of our hearings,
10 our D.C. hearings. We are pleased this
11 morning to have with us Patrick McGee, who is
12 the Director of the Maryland Division of
13 Parole and Probation, and Tim Murray, who is
14 the Executive Director of the Pretrial Justice
15 Institute. I hope I got both of those right.

16 Welcome, and we are pleased to
17 have you here this morning.

18 The way that we conduct these
19 hearings and these panels is that we like to
20 give you five minutes or so to give us the
21 benefit of knowing a little bit about you and
22 who you are, and also the work that you do and

1 your thoughts about problem-solving courts.

2 Then we have a number of questions
3 that we would like to pose to you and sort of
4 have a general discussion. The way that we
5 handle the questioning is that one of our
6 number normally leads off in asking the
7 questions. For purposes of this panel, that
8 will be Marvin Schechter.

9 So let's get right into it. I
10 will turn the floor over to you. You can
11 decide amongst yourselves who will go first.
12 The floor is yours.

13 MR. MURRAY: Thank you. Thank you
14 for not only having these hearings, but for
15 including me. I am honored to offer my
16 thoughts and my limited experience in this
17 topic. I hope that my conversation with you
18 this morning helps inform your position.

19 It is 20 years ago this year that
20 I started the first drug court in Miami,
21 Florida. It might help to think about the
22 context in which the first of these problem-

1 solving courts actually started.

2 Most people followed the
3 trajectory of the court starting in Miami. I
4 convened the First National Drug Court
5 Conference in Miami before there was funding,
6 before there was federal support.

7 The brother-in-law of our public
8 defender in the project was the Governor of
9 Arkansas at the time, who came and watched,
10 showed him around the program. Two years
11 later, the guy is President and I am
12 testifying before the Senate on including the
13 drug court idea as part of the Crime Act.

14 I served as the first Federal Drug
15 Court Program Office under the Crime Act for
16 the Justice Department and was a founding
17 member of the National Association of Drug
18 Court Professionals.

19 An amazing 20 years, just amazing
20 20 years. Hit very, very few of our
21 objectives.

22 One objective we did not set was,

1 had we any idea of the replication that this
2 idea would trigger, we would have franchised
3 it 20 years ago, and I would be calling you in
4 from my satellite phone in Barbados.

5 But, as it is, I just want to take
6 my five minutes to talk about the context that
7 gave birth to this idea. Miami in the late
8 1980s was under the scourge of probably the
9 worst drug epidemic anywhere in the country at
10 that time. We were a major point of import
11 for cocaine. We were on the heels of Mariel
12 boatlift. The town was a mess.

13 The criminal courts were being
14 crushed with drug-driven offenses, and the
15 possession of any amount of drugs in Florida
16 is a felony. So in the 1980s you get arrested
17 for a felony, drug possession, regardless of
18 the amount. You go to your first appearance.
19 You are probably released pending trial. You
20 come back when the State files formal charges.
21 You get credit for time served, even if the
22 time served was a few hours. In most cases,

1 you accept that plea. Off you go.

2 We all go to the window, wave
3 goodbye, and say, "Come back and see us again
4 soon," and you don't disappoint. You do come
5 back and come back and come back.

6 Treatment was this bizarre notion
7 where government would contract with a
8 provider and renew that contract based on the
9 success that that provider achieved. So it
10 doesn't take much to figure out providers got
11 very good at turning away people who had
12 problems. There isn't an addict out there who
13 isn't fraught with problems.

14 So courts would order some kind of
15 treatment as part of a non-incarcerative
16 sanction. They would throw the offender back
17 to the court for having violated treatment,
18 having been unsuitable for treatment, having
19 been unmotivated for treatment, or, worst of
20 all, for using drugs.

21 Well, that's what they do; they're
22 addicts. They don't do what you ask them to

1 do. They don't behave in responsible,
2 rational ways. They go from one episode of
3 drug-taking to another.

4 Out of desperation, the Chief
5 Judge put together a panel that I headed, and
6 we developed an alternative for Miami, not for
7 the country. The key elements of that program
8 were as follows:

9 You have to have a triable case.
10 That was insured by the State Attorney doing
11 a legitimate and appropriate job as the
12 elected prosecutor. The public defender had
13 to review that case to determine whether or
14 not they had a real case against the guy.

15 Entrance and exit to this program
16 were entirely voluntary. The defendant could
17 go in, stay for a year and a half, and say,
18 "I'm done with it" and leave.

19 We negotiated with all parties
20 concerned that there would be no harm attached
21 for having spent a year and a half in the
22 program. Addicts would not be treated as a

1 class; they would be treated as individuals.

2 There were no canned contracts.

3 Each individual was dealt with depending on
4 the depth of their addiction. That is where
5 the court came in.

6 Because we couldn't get treatment
7 providers to accept people who would probably
8 fail because they were addicts, we started our
9 own treatment. Got a couple of double-wide
10 trailers, hired some clinicians, got a bunch
11 of acupuncturists, got some pee machines, and
12 off we went.

13 The program was open-ended. Pat
14 might go through it very easily in seven-eight
15 months. Tim might take three years. We
16 didn't care.

17 There would be sanctions involved,
18 including a day in jail in the most extreme
19 cases, but we wouldn't throw people out, nor
20 would we hurt them, if they decided they had
21 enough and walked across the hall.

22 Coercion to this deal that we are

1 giving you has to be put in the context of my
2 opening, and that is, the norm for felony drug
3 possession process in south Florida at that
4 time was credit for time served.

5 I found it remarkable that
6 defendant after defendant would stay in a
7 program even when they were told, "We've had
8 enough. Go across the hall, plead out, and go
9 home." Because they are not going to care;
10 they are going to let you go home.

11 I saw a thirst for sobriety, a
12 thirst for help that I had no idea actually
13 existed. We never anticipated a success rate
14 of 30 percent.

15 The elected prosecutor at that
16 time was Janet Reno. I remember having the
17 conversation explaining the program to her and
18 asking her for their office's support, and she
19 said, "Show me that it takes people longer to
20 come back, having gone through this program,
21 and I'll support you."

22 Longer? We're going to save the

1 world. What do you mean "longer"? It turns
2 out that is why she gets to be Attorney
3 General and I don't; she's a smart cookie, and
4 that was actually a very realistic goal.

5 We targeted problematic
6 individuals. We didn't go after success. We
7 went after individuals who had not had a seat
8 at that table of our society in many cases
9 their entire life.

10 Our motivation was very simple:
11 to offer them their seat at that table as
12 productive, sober individuals.

13 Our method for doing so scared a
14 lot of folks. What do you mean we're not
15 going to have an adversarial show in this
16 courtroom? What do you mean the judge is
17 going to be the social worker? What do you
18 mean the prosecutor wasn't elected to give
19 people a break? What do you mean the public
20 defender or the private defense counsel was
21 going to throw his or her client into this
22 morass without any idea of what was going to

1 happen at the other end?

2 It took about a year's worth of
3 negotiations to ensure among all parties
4 concerned that safeguards would remain in
5 place, that jeopardy associated with the
6 existence of the program would not be felt by
7 the client, and that we would go after
8 individuals who had shown that they failed as
9 a result of normal case process and sanction.

10 We based our first drug court on
11 the idea of pretrial diversion. The agreement
12 with the prosecutor was quite simple:
13 successful completion. We laid out what
14 completion meant, and it was a length of
15 sobriety achieved by each individual would
16 result in a dismissal of the charge, and law
17 permitting in Florida -- Florida law does not
18 permit much -- expungement of the arrest,
19 which is kind of a hollow thing, if you know
20 much about fingerprints in the FBI.

21 We didn't throw people out for
22 getting rearrested if they got rearrested for

1 a drug-related offense. We didn't refuse
2 readmission for people that started the
3 program, quit, went home, got high, got
4 arrested again, and came back in.

5 Our goal was singular: after the
6 appropriate safeguards were put in place,
7 after the public defender defended and the
8 prosecutor prosecuted and the court oversaw
9 those processes, we then used the tools
10 normally associated with criminal case process
11 -- a courtroom, a judge, a prosecutor, a
12 defender -- as a setting to try to achieve
13 what many people thought was impossible with
14 cocaine- and crack-associated addicts.

15 The program, on what I describe as
16 the slowest news day in the history of south
17 Florida, was covered by ABC News. The next
18 day I've got people in town wanting to put
19 their family members, their loved ones,
20 themselves into this program. Soon we found
21 ourselves going around the country talking
22 about this idea.

1 This is also during the time where
2 the very notion that treatment was an
3 appropriate tool in a criminal justice context
4 was a hotly-debated issue. I don't know if
5 you remember that, but it was quite a
6 struggle. You were either for interdiction or
7 you were for treatment; you couldn't be for
8 both.

9 The one accomplishment that I
10 think is undeniable that drug courts can take
11 credit is that we have put that debate to bed.
12 The appropriate use of treatment was our
13 primary goal.

14 Candidly, another goal we did not
15 make is we had hoped to go out of business.
16 We thought, if we had done our job right, we
17 should have a shelf life of about three years.
18 At the end of three years, the rest of the
19 Bench would look at us and say, "Gosh, those
20 guys are so smart. We want to be just like
21 them.", and the Bench, as well as the
22 prosecution and the defense bar, would have an

1 enlightened view of what addiction is, how to
2 successfully manage addiction, and we could go
3 out of business.

4 We never dreamed of a national
5 association or the claims of thousands of
6 programs, let alone the spawn of community
7 courts, teen courts, family drug courts, and
8 the like, which are virtually everywhere you
9 go these days.

10 I'll shut up -- I know I've gone
11 way past five minutes -- and turn it over to
12 Pat.

13 CO-CHAIR JONES: Thank you very
14 much.

15 Mr. McGee?

16 MR. MCGEE: Like Tim, I thank you
17 for inviting me here.

18 As you state, I am the Director of
19 the Division of Parole and Probation. I just
20 want to give you a little background.

21 We are an executive branch agency.
22 We manage the offenders coming out of the

1 Division of Corrections and probationers. We
2 have a population, a static population, of
3 about 71,000 people under supervision, 16,000
4 of which for drunk driving, the rest for
5 criminal charges. About 10,000 on any given
6 day are releasees from prison.

7 I have been with this agency for
8 35 years. So my perspective here will be as
9 a parole and probation agent. That is my
10 profession. That is what I do, and that is
11 how I bleed.

12 I wasn't the first. Baltimore's
13 former City Drug Treatment Court was one of
14 the first 100. We put our first offender in
15 the Drug Treatment Court on March the 1st,
16 1994.

17 The Maryland Drug Court was born
18 and nurtured by the Baltimore Bar Association.
19 They funded putting wrong people on a bus or
20 a plane, take them down, I want to say in '90-
21 91, to look at Tim's court. We put prison
22 people on it, our DOC folks, down to court.

1 The whole Division didn't go.

2 But the Bar Association involved
3 the criminal justice system in Baltimore City,
4 which, if you don't know, has a multi-
5 generational serious heroin problem. If we
6 are not leading the country, we are right up
7 there with New York and Philadelphia, and I
8 think we are way ahead of LA.

9 It is cocaine has come in in the
10 nineties. We have had it, but other drugs
11 generally don't crack it. It is a long-term
12 heroin city. It just is. It is multi-
13 generational, sons and daughters and families.
14 That is what happens. It is not too much into
15 D.C., but it is a heroin town.

16 The Bar said -- the courts were
17 clogged with drug crimes, drug charges. It
18 was tough to move cases. Again, I'm not a
19 lawyer. This is how it brought people
20 together.

21 We have two tracks in Baltimore
22 City, a Circuit Court, which is our felony

1 court, and a District Court. Then-Secretary
2 of Public Safety Bishop Robinson, who had been
3 the former Police Commissioner, said, "This
4 looks like a good idea. We'll back it."

5 We pulled BJA money, which was
6 then under a correctional options grant, which
7 was focused at low-risk, drug-involved people
8 exiting the system. We got "burn money",
9 which was we could justify using it for low-
10 risk, drug-involved offenders. Put it
11 together under the executive branch and formed
12 the Baltimore City Drug Treatment Court.

13 So we then, and still now,
14 although we haven't been thoroughly funded
15 since '97, it is all executive funding. My
16 agency grants money to the Office of the
17 Public Defender, the State's Attorney Office,
18 to, as Tim pointed out, bring these folks to
19 court to keep it going on.

20 It is a large, it is probably one
21 of the largest drug courts in the country.
22 The static population on a given day is 700 to

1 800 offenders, most of which are in the
2 Circuit Court on felony drug charges.

3 I can give you information about
4 it. Although I'm more than a couple of steps
5 away from it, I've worked and managed that
6 drug court, the grants, the State money. We
7 initially funded the addiction assessors. We
8 funded treatment; we still do. We funded the
9 court, other than the judiciary, and still do,
10 the Division of Parole and Probation. It is
11 now paid out of our State general funds.

12 I want to again give you a parole
13 and probation community corrections
14 perspective on drug courts. I agree with
15 everything that Tim says. I've been with
16 NADCP, I think since 1995, as an individual
17 and as an organization. I have spoken at some
18 of their conferences and generally have had a
19 good time. I don't go anymore, but I send my
20 employees.

21 My observations of drug courts, as
22 Tim said, it didn't go off. It has grown. In

1 Maryland, we have mental health courts, we
2 have DUI courts. We have a group looking at
3 a prostitution court. There are juvenile and
4 drug courts.

5 There was a Drug Court Commission
6 formed by the judiciary. Now it is a Problem-
7 Solving Court Commission, more generic,
8 subcommittees. I guess we would say it is
9 alive and well in Maryland.

10 My question is -- we have learned
11 a lot of valuable lessons from drug courts.
12 I think maybe my concern is that those lessons
13 have not been applied to the non-drug courts,
14 which has the bulk of the population in
15 Baltimore City.

16 Baltimore, we have 19,000
17 offenders under our supervision, most of which
18 are on probation and most of which are drug-
19 involved. Yet, only 800 in the drug court.

20 We do have funnels into treatment.
21 If you are placed under supervision in
22 Baltimore, not in a drug court, but on

1 probation, if you go to an intake office, you
2 see an addiction counselor and you get an
3 appointment for a drug program in the
4 treatment system in Baltimore City.

5 It is just the lessons learned in
6 drug court have not been applied to the rest.
7 I think that is the next challenge for
8 problem-solving.

9 They are hitting a target
10 population in Baltimore. Public safety -- I'm
11 an agency with the Department of Public Safety
12 and Correctional Services. We are at the
13 table because that court does use, does hit a
14 Circuit Court felony population that probably
15 -- and we have had studies done by the
16 University of Maryland -- would wind up in our
17 prison system if they were not in that drug
18 court being held accountable for their drug
19 use and pushed, constantly kept in that
20 treatment, in that kind of balance between
21 control your use, get treatment, get clean
22 that drug court uses. They use graduated

1 sanctions.

2 Those lessons, I keep saying this,
3 are not being effectively applied to the non-
4 drug core population.

5 The other outcome that I have seen
6 over the years with the judges -- our District
7 Court Judge is married now. It is Ginny
8 Weissman. She was on the first Board of
9 Directors, if I remember right.

10 So we have a group of very
11 activist judges involved in this. There's
12 lessons that they have learned which are vast
13 over the 15 years we have been involved in it;
14 have not really been picked up. So there is
15 still a lot of diagnosing going from the
16 bench, which is a concern for us, is that a
17 judge without training, not in drugs,
18 diagnoses from the bench.

19 The lessons learned around you
20 need a good addiction assessment to see who
21 you have when you sentence and apply the right
22 sentence and conditions, be it incarceration,

1 don't seem to be applied in all the courts in
2 Maryland.

3 Drug court, as I think Tim said
4 rather well, is a work-around around the
5 existing system. So, actually, now I can say
6 we have a whole other layer of courts, and a
7 work-around I think should go away and you
8 should adjust your system to address what you
9 have learned as a result of the work-around.

10 It funnels populations off, and
11 much of it -- and these are not criticisms.
12 Believe me, I have an immense amount of
13 respect for the judiciary. I have worked with
14 them for 35 years. I have a lot of respect,
15 but never want to be a judge. It's a very
16 difficult job.

17 But much of it is still, although
18 there is a lot of evidence on what to do and
19 how to do it, a lot of it is still
20 personality-driven. Again, this is my
21 perspective of it.

22 What we have learned in the field

1 of community corrections is that an addiction
2 assessment is critical, but a risk assessment
3 is just as critical. That is not generally
4 understood in our drug courts. The treatment
5 system does not understand valid risk items
6 that should identify the person who is likely
7 to recidivate and impact your population and
8 your communities, and how do you develop a
9 case plan to manage them?

10 We are very good, and drug courts
11 are good, at assessing the level of addiction,
12 the severity of addiction, here's proper
13 treatment modalities, but the risk items that
14 are identified -- everybody in community
15 corrections around the country uses risk
16 assessments. They are valid tools. They are
17 state-of-the-art. It is constantly moving.
18 They generally are not used.

19 In Baltimore we use the
20 psychopathy. We had a PhD looking at the
21 psychopathy of an offender. This court system
22 had two hired in psychopathy. They were not

1 placed in that. We have kind of drifted away
2 from that.

3 Because there is ownership to the
4 drug court, we've got to keep the drug court
5 in, so we've got to get a population in.

6 My issue with drug courts and non-
7 drug courts is we need to have, when you
8 sentence someone, a good idea of their risk to
9 recidivate. It is not hard to do.

10 They generally look at the current
11 offense, and they look at the criminal
12 history. The other significant risk factors
13 in a person that can be identified should be
14 applied to tell them whether they are going to
15 be successful in the community or commit
16 another crime. They're not absolute, but
17 there are actuarial risk assessments that can
18 be used. I think that is something that needs
19 to be some next steps.

20 The Drug Court Institute supports
21 the use of evidence-based practices. I think
22 that is something that needs to be emphasized

1 in drug courts. I know I am giving you a
2 little bit of a speech, but I think this is a
3 message I want to do.

4 How to effectively manage somebody
5 in the community? You can get someone --
6 well, this sounds trite, but if you can get an
7 addicted criminal clean, you still have a
8 criminal. You need to be able to manage that
9 person. So you need to have a balanced
10 approach. You need to have an effective case
11 plan to do that.

12 That's not necessarily everybody
13 go to treatment, everybody give urine, and on.
14 It should not be just one issue in management
15 of the offender population.

16 Again, from my perspective and the
17 perspective of community corrections, the
18 whole issue is population, population,
19 population. Who are you going to put into a
20 drug court? What's the goal of the drug
21 court? What are you trying to do?

22 The Baltimore Drug Court was to

1 divert the non-violent, chronically substance-
2 involved offender out of prison, out of jail.
3 Get them in treatment. Get them served. Get
4 them into a pro-social lifestyle. I think it
5 has been very effective doing that.

6 I am not here to knock it. I have
7 a lot of ownership with that.

8 Our struggle, as it has rolled out
9 from Baltimore City and other courts have
10 looked at it in our District Courts and
11 Circuit Courts, it is not so much of, are we
12 diverting? What have we identified? There
13 has been a net-widening effect and there's
14 been a net-fixing effect.

15 I appreciate the judiciary's
16 perspective on this when they say -- and our
17 issues are a little bit different than in
18 Florida, but many of the judiciary say the
19 current process just doesn't work. It takes
20 too long to get them in treatment. These guys
21 keep failing.

22 Well, if I had a drug court, which

1 costs much more money, is much more labor-
2 intensive, and now they use grant money to
3 fund state attorneys and public defenders, and
4 the judiciary to some extent, to bring retired
5 judges back, to fix the net, bring this
6 population in, close the gaps in doing it,
7 which is effective for a very small
8 population, but there is not a good enough
9 system. Some of that population might have
10 done well without that drug court.

11 We tend to avoid that kind of
12 analysis because ownership occurs pretty
13 quickly. These are natural tendencies. I am
14 not really saying them as criticism.

15 Data collection and management --
16 again, this is just mine; I keep owning this
17 -- is not a strong suit for the judiciary. So
18 an analysis of populations, trends, an
19 evaluation, ongoing fixing processes and
20 assessments -- maybe other states and
21 jurisdictions have that perspective, but it is
22 just not what the judiciary tends to do. They

1 are not structured that way. They generally
2 don't think that way.

3 I don't mean this as a criticism,
4 but they are generally good lawyers and they
5 know the law. Great. But how to manage a
6 population, how to come back and hold a mirror
7 up to itself and review its performance
8 measures and outcomes/outputs is not generally
9 what the judiciary works.

10 They deal in episodes. I
11 understand that. They sentence people. In
12 probation they only see historically if they
13 fail. In a drug court they develop
14 relationships, which, in my opinion, there is
15 no change without a relationship.

16 So I see that as another challenge
17 for drug courts or certainly a challenge for
18 the whole criminal justice system.

19 What we are seeing now -- and
20 Maryland is certainly not dissimilar from the
21 rest of the country -- when budgets get tight,
22 and this is the second time, and this is

1 severe. They can go, but there is a fierce
2 turf. We own, judges own this drug court;
3 you've got to save it.

4 When my budget is threatened,
5 which seems to be every day, I triage based on
6 risk. I don't triage based on drug court.
7 Mine is on the worst offenders, the people who
8 are picking up guns and shooting people; that
9 is who I am after. The next ones are those
10 people who, based on a risk assessment, are
11 more likely.

12 So there is this struggle, and it
13 is a good struggle. It is an American
14 struggle between the judiciary and executive
15 branches that, "Hey, but I've got a drug court
16 here. You need to put dedicated agents over
17 here." So there is always a mission.

18 I don't want to keep going on. I
19 am an advocate of drug courts, but I am also
20 am an advocate of let's not sit back. We need
21 to be a dynamic. We need to look at, really
22 apply our lessons learned.

1 We have done some of that, you
2 know, closing gaps between treatment. The
3 ability or the inability -- and other
4 jurisdictions can do this, my colleagues
5 around the country, depending on how their
6 systems are set up.

7 We are not law enforcement in
8 Maryland. I have 700 probation agents. Only
9 40 are armed and have the ability to serve
10 warrants, and they are only parole warrants.
11 So the other 600-and-some-odd do not have
12 arrest authority, don't carry weapons. I
13 think it is a very good thing. They wear
14 ballistic vests.

15 But my point is that, how do we
16 take next steps? How do we manage better?
17 How do we manage that population so that
18 multiple goals -- and I think that's what drug
19 courts are, and what attracted Janet Reno and
20 attracted certainly in Maryland, too; it was
21 everybody was winning in this.

22 Our population was being diverted

1 from prison. In those days, Maryland had
2 26,000 inmates when we started drug courts.
3 It is 21,000 now, but you always have a
4 overpopulation problem in prisons.

5 Baltimore was, still is, has a
6 significant -- all, quote/unquote, "our gang
7 problems" are related to heroin distribution.
8 Nobody will come and argue with that.

9 Our violence rate, although we
10 have some impact in the last year, is all
11 drug-driven. It is that and there is a
12 culture of "I solve all of my disputes by
13 guns", but some of that is very tied to drug
14 use and drug involvement.

15 So I am going to end my speech
16 there. I am very interested in any questions
17 that you have.

18 CO-CHAIR JONES: Yes, sir. Thank
19 you.

20 Before Marvin begins his
21 questioning, I just want to recognize that we
22 are joined this morning by John Wesley Hall,

1 who is sitting in the back back there. He is
2 the current President of the National
3 Association of Criminal Defense Lawyers, and
4 we are certainly happy to have him here this
5 morning.

6 Marvin?

7 CO-CHAIR SCHECHTER: Mr. McGee,
8 good morning. Let me start with you.

9 MR. MCGEE: Sure.

10 CO-CHAIR SCHECHTER: If tomorrow
11 morning we did away with the drug court in
12 Baltimore and Maryland, just destroyed it,
13 ended it, could your agency take over and do
14 what they do?

15 MR. MCGEE: Everyone in the
16 Baltimore City Drug Court is under our
17 supervision in what we would call reduced
18 caseload. So those agents have 50 apiece.

19 Other than provide the sanctions
20 that the court can do, shock incarceration,
21 pull out, give someone two weeks in jail, give
22 them -- the Baltimore City Detention Center

1 has an acupuncture program, do that, and we
2 don't have that authority. We could pick up
3 those other pieces because we provide the
4 other pieces.

5 CO-CHAIR SCHECHTER: You could
6 supervise the way the drug court supervises?

7 MR. MCGEE: Correct.

8 CO-CHAIR SCHECHTER: Let me ask
9 you this: would it require you to retrain any
10 of your population, your agents, or they could
11 do what the drug counselors and the staff
12 people are doing at the drug court?

13 MR. MCGEE: Well, yes, but I think
14 I need to be clear. In the Baltimore City
15 Drug Court, if you are adjudicated and you
16 plead into it, you come to us; you see our
17 addiction folks. The addiction counselors
18 that are on our staff, the Division of Parole
19 and Probation, have already done an
20 assessment, and you are placed in a treatment
21 that we fund.

22 So, in your scenario, if the

1 judiciary was pulled out of it, those funnels
2 would still be there. That funding is still
3 there.

4 Am I answering your question?

5 CO-CHAIR SCHECHTER: No. What I
6 am really after is the actual operation. See,
7 here's what we are trying to get at:

8 We have read literature that says
9 to us there are two structures now handling
10 this population. There's the probation
11 structure, which has always been in existence
12 as long as there's been the law, and then
13 along came the drug courts. We will get to
14 context in a minute because I think that is
15 really important.

16 The issue is, in an era of
17 dwindling resources, which seems to be
18 infinite and always, even in good times, why
19 should drug courts continue to exist? Why
20 can't you do this in the Department of
21 Probation?

22 In other words, just have a

1 staffing meeting at 10:00 a.m. in the morning.
2 The judge will be there. The prosecutor will
3 be there. The defense attorney will be there.
4 Probation we will be there. And we do away
5 with the whole drug court structure. Why
6 can't we do that in your State? Or can we?

7 MR. MCGEE: You could do that,
8 other than, again, we don't have -- well, in
9 Baltimore the drama, the authority of the
10 court is the authority of the court. That is
11 what the court adds.

12 CO-CHAIR SCHECHTER: Right.

13 MR. MCGEE: You know, the repeated
14 document from the court explaining behavior,
15 the positive or negative feedback, for lack of
16 a better term, is what that court provides.
17 All the rest is funneled by the executive
18 branch, be it Baltimore City, and there's
19 municipal or State funding carved out.

20 I have tried to make that point,
21 that the Department of Public Safety funds all
22 the other pieces of it.

1 CO-CHAIR SCHECHTER: Let me just
2 go back to a piece of language you used about
3 risk assessment.

4 MR. McGEE: Uh-hum.

5 CO-CHAIR SCHECHTER: You say the
6 drug courts are good at the addiction
7 assessment, but not great at risk assessment.
8 When you use the term "risk assessment", what
9 exactly do you mean? Risk or repeat violence?

10 MR. McGEE: Risk for recidivism.

11 CO-CHAIR SCHECHTER: And
12 committing crimes?

13 MR. McGEE: Correct.

14 CO-CHAIR SCHECHTER: And you don't
15 think the drug courts do that at all?

16 MR. McGEE: No.

17 CO-CHAIR SCHECHTER: Or it's not
18 their chief concern?

19 MR. McGEE: It's not their chief
20 concern, I don't think. It is something that
21 the whole system -- you said there were two
22 structures or three.

1 CO-CHAIR SCHECHTER: Right.

2 MR. MCGEE: My editorial is a lot
3 of folks are placed on probation that don't
4 need to be on probation because they are low-
5 risk offenders and they should be diverted out
6 into other things.

7 If you are going to give someone
8 supervision, then they should need it in order
9 to have a goal, and that goal should be to
10 reduce recidivism. You are assigned to us.
11 We will do a risk assessment, and we will, as
12 we look for funding, do the stated risk
13 assessments and see, how do we mitigate the
14 criminogenic risk factors of that individual
15 so they will not recidivate and be better
16 integrated into the community?

17 That piece -- there is a lot of
18 literature; there is a lot of -- that is a
19 science out there. It is not as strongly done
20 in drug courts. It is not as strongly done
21 everywhere, but I think that is something that
22 could enhance drug courts. It could enhance

1 the whole criminal justice system, to have
2 that done in a pretrial status. That is what
3 I would advocate.

4 CO-CHAIR SCHECHTER: One last
5 area --

6 MR. McGEE: Yes, sir.

7 CO-CHAIR SCHECHTER: -- that you
8 raised: when somebody graduates from drug
9 court successfully, their conviction is either
10 set aside or they get probation instead of the
11 incarceration sentence that hung over their
12 head, and then they are off, right?

13 MR. McGEE: That's correct.

14 CO-CHAIR SCHECHTER: Your
15 criticism, constructive as it is, is that
16 there ought to be a component such as you have
17 in probation that manages that individual on
18 their re-entry into the community? I think,
19 if I heard you right, you said that person is
20 still a criminal.

21 MR. McGEE: Well, I said that you
22 need to understand the criminogenic risk

1 factors of every individual that is assigned
2 to you.

3 CO-CHAIR SCHECHTER: Right.

4 MR. MCGEE: In Baltimore, again,
5 our biggest effort and our oldest effort is
6 they are placed on probation. When they have
7 completed the drug court, the court and the
8 State's Attorney say, "This person is done."
9 Eighteen months, two years later, they are
10 then taken off the supervision.

11 Hopefully, his sobriety or her
12 sobriety and the abstinence has mitigated the
13 criminogenic factors. Hopefully, the large
14 one -- and substance abuse is a huge
15 criminogenic factor -- has been addressed and
16 they won't go out.

17 I don't know how well we are in
18 following those people over time, but I would
19 feel more comfortable saying that if we knew
20 everybody's criminogenic factors, because a
21 lot of them are relationships; they are
22 families. If you don't address those, the

1 likelihood of relapse and new crime is very
2 high. Their associates, their family, their
3 relationships, et cetera, if you don't to
4 address those, we have learned the probability
5 of recidivism is significant.

6 I will say, also, the opposite is
7 true. If you overtreat and overmanage a low-
8 risk offender who is on for marijuana, and
9 they are not in a high level of addiction, no
10 criminality, you have a statistically-
11 significant risk of creating recidivism.

12 CO-CHAIR SCHECHTER: All right.
13 Got you.

14 MR. MURRAY: I want his questions.
15 (Laughter.)

16 CO-CHAIR SCHECHTER: Well,
17 actually, I'm going to ask you similar
18 questions.

19 MR. MURRAY: Okay.

20 CO-CHAIR SCHECHTER: I see you're
21 over there ready to go.

22 Just by way of disclosing, Mr.

1 Murray, you should know that this panel began
2 its hearings two years ago --

3 MR. MURRAY: I understand.

4 CO-CHAIR SCHECHTER: -- by
5 starting in Miami.

6 MR. MURRAY: Yes.

7 CO-CHAIR SCHECHTER: And we spent
8 quite a bit of time there in those courts.

9 MR. MURRAY: For the record, Mr.
10 Schechter, I should have prefaced my remarks
11 with I am in no way associated any longer with
12 the National Association of Drug Court
13 Professionals nor in a position to talk for
14 anybody other than myself.

15 CO-CHAIR SCHECHTER: Okay.

16 My first question is what you
17 addressed, which was context. When you began
18 the drug court idea 20 years ago, why didn't
19 you go to Probation in Florida and say, "Look,
20 we have this great idea. Why don't you guys
21 do this, and we'll show you how to do it?"

22 MR. MURRAY: For the reasons of

1 unpredictability. What kind of stands Miami
2 apart from some maybe several hundred drug
3 courts that I have seen around the country is
4 we saw the dysfunction, the systemic
5 dysfunction, associated with human
6 dysfunction.

7 So I say to Pat, "Pat, I'm
8 sentencing Marvin to probation with
9 treatment," and when Pat gets you, he has you
10 sign a contract that says, "Listen, you pee
11 dirty once, I'm going to slap you on the hand.
12 Pee dirty twice, I'm going to take you back to
13 the judge."

14 The judge doesn't want to see you
15 again. When they drag you back to the judge,
16 he goes, "How dare you? I gave you treatment,
17 and you didn't appreciate that. So now I'm
18 going to punish you for being addicted." And
19 that is the status quo.

20 So to try to deviate -- not try to
21 deviate -- to try to achieve some levels of
22 success, we thought using the art of authority

1 that is associated with the bench would get
2 the system, more than get the defendant, get
3 the system to behave properly.

4 Because the system consists of
5 these component parts that operate very
6 rigidly, or it doesn't, other than issues of
7 law and the strictures that any member of the
8 bench, of course, honors and respects, but the
9 court in the eighties in Miami was the last
10 vestige of authority in the community. People
11 still respected the bench.

12 We said, "Geez, if we get the
13 judge to kind of throw some of these around,"
14 people being on probation and treatment and
15 these other things, "maybe we could get them
16 to wake up and understand that the marijuana
17 smoker who gets arrested on a Friday night
18 maybe could be managed quite successfully by
19 saying, 'Pee dirty once and I'll be angry.
20 Pee dirty twice and I'll lock you up.'"

21 It is quite a different story when
22 I am dealing with a 30-year heroin addict. My

1 expectations have to be adjusted.

2 So there was a safe harbor for
3 resting those expectations with a judicial
4 officer rather than with the system.

5 As I traveled around the country
6 the first few years of this stuff, yes, I
7 remember getting into this horrendous public
8 debate with Harry Connick, Sr., who at the
9 time was the prosecutor in New Orleans Parish.
10 And he said what you just said. He said, "Oh,
11 you're talking about taking individuals,
12 assessing their drug involvement, prescribing
13 a treatment regimen, and then supervising
14 them. Mr. Murray, we have that. We call it
15 probation."

16 So I'm sorry, my response is the
17 same today as it was then: how's that working
18 out for you?

19 They are violation notes. There
20 are mindless, routinized violation notes. So
21 to step back and say, "Who needs this level of
22 supervision? Not very many of you. Let's

1 push you guys to the side. Pick up trash.
2 Paint a homeless shelter. We have stuff for
3 you."

4 The people we're after are the
5 encouragers. That was the population we
6 targeted. Not to speak for Pat, but one of
7 the lessons we learned, and something that he
8 mentioned, is a crack-addicted car thief
9 sometimes becomes a sober car thief. We
10 understood that. That was the reality of the
11 undertaking.

12 We knew some people would continue
13 to commit crime, clean or not, and that was a
14 risk we were willing to take because we had a
15 belief that, based on the measured rate of
16 recidivism in south Florida at that time, that
17 we couldn't make it any worse.

18 So we had a goal of trying to
19 reduce drug-related crime by focusing on the
20 addiction once all matters related to the case
21 had been resolved to everyone's satisfaction.

22 CO-CHAIR SCHECHTER: Given the

1 success of the drug courts --

2 MR. MURRAY: Well --

3 CO-CHAIR SCHECHTER: -- some

4 success, right?

5 MR. MURRAY: Well, correct.

6 CO-CHAIR SCHECHTER: Giving the

7 broadest --

8 MR. MURRAY: Yes, I don't know I'd

9 call it success. I think we become what we
10 seek to reform in that.

11 CO-CHAIR SCHECHTER: Given what it
12 has done, have you changed your opinion about
13 probation as a department or an agency in
14 different states, that having seen what you
15 have done, that it can now absorb the drug
16 court function and do what the drug courts do?

17 MR. MURRAY: They had that
18 function. It is not a new function. So when
19 I was at the Justice Department, everybody
20 would come up and say, "We want a drug court.
21 So we need money for a prosecutor and a
22 defender and a judge."

1 What are you doing with these
2 cases now? You've already got a prosecutor
3 and a defender and a judge.

4 The federal government should be
5 able to assist you with providing treatment
6 and services and things you don't have.
7 Because when we go away, you all will process
8 these hordes of humanity, just fine with us,
9 and achieve some very predictable outcomes.

10 To actually respond to your
11 question, I don't think there is such a thing
12 as a universal model of drug court nor a
13 universal model of probation. Both groups
14 aspire to similar principles. Both groups use
15 mechanics from a relatively short list of
16 tools to achieve those goals, but the
17 probation department in Michigan is quite a
18 bit different than the probation department in
19 Maryland.

20 So I can't answer the question in
21 this country of ours: can probation absorb
22 this work? I think that this work was being

1 done by folks prior to the implementation of
2 drug courts. The drug court didn't create a
3 new class of criminal cases. It just is a
4 different way of dealing with that.

5 MEMBER KELLY: This is a question
6 first directed at Mr. Murray, and, Mr. McGee,
7 I would like to hear from you as well.

8 During your remarks, you said that
9 20 years ago, when you were formulating your
10 drug court, you initially had a difficult time
11 of getting judges and prosecutors and defense
12 attorneys to abandon their traditional roles,
13 but eventually they came onboard.

14 Are you then saying that, other
15 than having the presence of a judge serving as
16 an authority figure, drug courts bear no
17 resemblance to the traditional adversary
18 system?

19 MR. MURRAY: I think of drug
20 courts as something that happens after you all
21 do your business, not in lieu of the business
22 that you do.

1 MEMBER KELLY: Meaning after an
2 entry of a guilty plea or?

3 MR. MURRAY: Well, in Miami we
4 didn't get guilty pleas. It was a pre-plea --

5 MEMBER KELLY: Okay.

6 MR. MURRAY: We didn't have
7 defendants stipulate to the facts. We didn't
8 do any of this hocus-pocus that various
9 jurisdictions have to hammer out in order to
10 get consensus at the table.

11 You know, we were in sad shape in
12 Miami. Maybe they still are; I don't know.
13 But, I mean, it was really a hurt. That is a
14 community that lives and dies on terrorism,
15 and it was getting very, very scary.

16 So, out of desperation, we got
17 folks to agree to stuff that I understand not
18 many other communities would agree to. So you
19 have now a whole lot of drug courts that are
20 post-plea courts. You have most drug courts
21 that exclude people who probably are in most
22 in need of these services.

1 To go to my point to Mr.
2 Schechter, you become what you seek to reform.
3 If what we sought to reform was this
4 ridiculous system where the drug treatment
5 industry only accepted individuals who had a
6 high probability of success, I worry about
7 that drug courts had become just that.

8 And I bear some responsibility for
9 that because I gave away the first couple of
10 years of federal money, and Congress said not
11 for violent offenders. I said, "Well, aren't
12 those the guys that scare you the most?
13 Aren't those the guys we want sober?" They
14 said not for violent offenders; this is soft
15 kiss-hug kind of stuff.

16 So then we went to Congress,
17 idiots, and said, "Well, what's a violent
18 offense?" And then the Draconian definition
19 that was attached to those federal dollars,
20 unfortunately, has become embedded in all of
21 the programming that is now in place.

22 So I worry about a couple of

1 things. One is you take the softball cases,
2 and when you take softball cases, you've got
3 to deal with issues of race, flat out, folks.
4 I've been to drug courts where I have seen not
5 one client of color.

6 I remember saying to the court
7 administrator, "Congratulations. You've
8 completely eradicated substance abuse in your
9 communities of color. That's cool. How did
10 you do that?"

11 (Laughter.)

12 He goes, "Aw, Tim, you've got to
13 understand, the people who come here -- people
14 of color don't qualify because they had
15 trouble when they were two. So by the time
16 they hit 18, they were in an adult drug
17 court."

18 But the same is true for a
19 juvenile drug court. They don't talk. So
20 what scares me is then you get populations in
21 drug courts that look an awful lot like me,
22 and that's scary. This stuff has become

1 institutionalized.

2 You get the oversupervision of
3 people who should be simply slapped on the
4 hand, told to restore the harm they have done
5 somehow, someway, and you're sucking up all
6 the resources that the community has to deal
7 with this very thorny issue of addiction, and
8 you're using it on cream puffs. So you can
9 have this artificially-inflated success rates.

10 The other thing I see in drug
11 court after drug court after drug court, that
12 when you ask them, "What was going on before
13 you guys started," they say, "Aw, it was
14 terrible." I say, "So you quantified it,
15 right?" How do you know if you're causing
16 harm or implementing repair unless you have
17 some kind of solid, dispassionate measure of
18 how you were doing in the traditional case
19 process?

20 Unfortunately, one of the aspects
21 of drug court, undeniably, is the element of
22 theater. It's a big part. We didn't realize

1 it when we started, but the drug courts are
2 great theater. I'm sure you have seen it.
3 I'm sure you have wept at graduations. I have
4 wept at graduations.

5 At one time, I attended every drug
6 court graduation in this country, and I cried
7 at every single one of them. There's a lot of
8 drama. There's a lot of human experience
9 right laid bare in front of all of us. When
10 you see someone who looks and sounds better
11 than when they started, that's profound stuff.
12 I'm not going to apologize for that. That's
13 really profound stuff.

14 Now I look at drug courts and I
15 see, to go to your line of questions, Mr.
16 Schechter, I see drug courts where you get a
17 contract, regardless of who you are. The
18 contract says, "I, Tim, vow" -- this is what
19 you do, and if you don't do it, this is your
20 punishment.

21 Then I go to your question, what
22 do I need a judge for? It's got to be boring

1 her to death to sit there and look at case
2 after case and say, "John, contract? No?
3 Okay, well, the sanction is in the contract."
4 So the sanction is applied. They invoke no
5 judicial discretion.

6 Without the power of judicial
7 discretion, then I say you don't need the drug
8 court. You don't have a drug court.

9 MEMBER KELLY: So I take it that
10 the answer to my question would be that drug
11 court is, in effect, a misnomer; that the work
12 of a drug court begins after the traditional
13 adversarial process, and once the drug court
14 begins, there is no place for the adversary
15 system?

16 MR. MURRAY: There is no place for
17 the adversarial system unless and until the
18 program operates inappropriately. I still
19 carry my constitutional rights with me when I
20 go through the drug court door, but I am no
21 longer in the wrestling match associated with
22 the merits of the case that brought me there.

1 I am afforded some protections
2 because these courts have sanctions that they
3 mete out. So somebody has got to be there to
4 say, "You've got a sanction here." Someone
5 has got to be there to demand a sanction is,
6 in fact, imposed, and somebody's got to be
7 there to guard the guards, right, and to
8 monitor and police the integrity and the
9 accurate, honest implementation of what the
10 defendant agreed to go into, if, in fact, it
11 was a voluntary program.

12 MEMBER KELLY: And the defense
13 attorney can swear his or her traditional role
14 without being a team player?

15 MR. MURRAY: Yes.

16 MEMBER KELLY: Can you give an
17 example of how?

18 MR. MURRAY: Sure. I mean you
19 never want to ask me, because I have thousands
20 of --

21 MEMBER KELLY: Just one.

22 MR. MURRAY: No, no, I can't do

1 that.

2 (Laughter.)

3 MEMBER KELLY: Your favorite one.

4 MR. MURRAY: You entered into the
5 program, and I miss a treatment, and you're
6 representing me. Pat reports I missed a
7 treatment appointment, and the judge sits up
8 there and says, "Hey, the contract says, if
9 you miss treatment, you get a week in jail,"
10 whatever the ridiculous sentence is they put
11 in place for missing a day of treatment.

12 You're there to say, "Judge, the
13 guy was at the hospital. His wife was having
14 a baby. I verify. I think he has fully
15 complied to the best of his ability, and as a
16 result, should be immune from having the
17 contract-stipulated sanction imposed."

18 I get arrested again, and they
19 say, "Throw him out of the program." You're
20 there to make the case not on the merits of
21 the instant offense or of the subsequent
22 offense, but you are there to advocate for my

1 best interest in remaining in the program. It
2 is not case-related.

3 So I am in full agreement that the
4 case process has, in fact, done its work
5 before I go through the door of drug courts in
6 most of the drug courts I have seen.

7 MEMBER KELLY: Do you have any
8 response to my initial question?

9 MR. MCGEE: No, I wish I could
10 speak as well as Tim.

11 MEMBER BERNHARD: So do we all.

12 (Laughter.)

13 MR. MCGEE: I agree with most of
14 his points. I think your original question
15 is, what's different with the drug court? I
16 think what I learned, and I hope we have
17 learned in all of our experiences, they have
18 put in place -- the same events occur. They
19 are in a different sequence and they are more
20 powerful.

21 So to get into Baltimore City Drug
22 Court, you have to have an assessment before

1 you plea. You plead in. So it is all post-
2 adjudication. They are all on probation.

3 So, wow, would I like every judge
4 to have a good addiction assessment before
5 they sentence anyone that they believe or
6 perceive to have a drug problem? Absolutely.
7 That is a challenge for the whole system.

8 What did we learn from that? I
9 was on the first team, have good relationships
10 with all the people that started the Baltimore
11 Drug Court and sat at tables, and like any
12 community corrections professional, would
13 often verbalize my disdain for lawyers, too.
14 It was a lot of fun.

15 (Laughter.)

16 But they were good people, and
17 they are still friends of mine.

18 But to see their value in a drug
19 court, where it is often very personality-
20 driven, to see them say -- you know, we would
21 joke and say, "Now the Constitution keeps
22 getting in the way." We needed the lawyers

1 there to say, "Whoa," just incident after
2 incident, "You can't do that."

3 We tried, when we first started,
4 we tried to divert people from trial and tried
5 to use stats. It became problematic. Rights
6 were getting stepped on.

7 I think that is valuable for a
8 drug court, is to try something, see it's not
9 working, start other ways, go on another path.
10 How can we, still keeping your eye on the
11 prize, get the right population in?

12 I am concerned that some of the
13 older drug courts kind of don't change, and
14 maybe to use Tim's, they become what he tried
15 to reform. There needs to be, if we are going
16 to use them as places where we learn, which I
17 think we should, to some extent, the pot needs
18 to be stirred regularly.

19 Again, my biggest concern is I
20 have been on a lot of initiatives. I just
21 want to touch base on the violent offender
22 issue. That is not different than anything

1 that a system tries to start with. You don't
2 put violent, you don't put sex offenders in
3 it, although they are the people who wreak
4 havoc in it. If you do, that baby might not
5 get born. All it takes is one bad media, one
6 violent offense, that can kill a very
7 scientific, effective program because the
8 public won't tolerate.

9 You know, when home detention
10 started, similar, the electronic monitoring
11 programs are generally, certainly in Maryland,
12 some statutes say, "You will not put these
13 people in," although now we are coming around
14 and saying, "Boy, you want sex offenders on
15 our home detention." It is still in the
16 statute; sex offenders don't go in it. Well,
17 that's counterintuitive.

18 Violent offenders can't go into
19 home detection. Well, why? We know where
20 they are. It's fear. We call it jumping off
21 the cliff.

22 The drug court, when we started

1 the drug court, everybody had to hold hands
2 and jump off the cliff together because it was
3 a political risk. That was good for the
4 court. It was good for the process.

5 Some of your question, and I'm
6 just going to end with this, is around the
7 judiciary. The present judiciaries can make
8 decisions. In probation systems around the
9 country -- and that's why I made the point
10 that we are not law enforcement. Many
11 probation officers are law enforcement. Some
12 probationers, not many, but certainly parolees
13 are in custody. In Maryland they are not in
14 custody. So liberty rights come into play.

15 So when you are in Maryland and
16 you are released from parole, you are at
17 liberty in the community. That means you have
18 a whole lot of due process issues, you know,
19 probable cause for warrants. We can't search
20 you. We can't go in your home without it.
21 It's different.

22 That is a significant issue when

1 you want to manage -- if you were saying,
2 well, do away with drug court, folks who are
3 in custody now -- if you go up to
4 Pennsylvania, if you are on parole in
5 Pennsylvania, you're in custody. That means
6 -- I've toyed with them -- if you want to do
7 a supervised reprimand, you put somebody in
8 cuffs and legs and you've got their attention.
9 There is significant drama, which we kind of
10 touched on. Not that we should put everybody
11 in handcuffs, but there is a difference
12 around, okay, I can apply the sanction now.
13 That is what the judge can do.

14 I can reward you now and I can
15 provide the sanction now. In traditional
16 community corrections, with people not in
17 custody, you can't do it.

18 All of the science says, and your
19 parenting experience says, you have a behavior
20 that is non-compliant; you need to sanction it
21 right away. You can't get a probable cause
22 hearing, set it up in a docket a month later,

1 bring the person in and see him. He peed
2 dirty 60 days. This one is gone.

3 There is resentment. The person
4 doesn't understand. It just doesn't work that
5 way. It is not as effective.

6 I'm not here to advocate for
7 custody. I am just saying there's difference
8 and that needs to be considered.

9 We have tried models of it. This
10 is, again, from a parole and probation
11 perspective. Decisionmakers, be they parole
12 commissioners or judiciaries, don't like to
13 give up that authority. I respect that, but
14 they just don't. They make the decisions on
15 it, and anything that is perceived about
16 delegating sanctioning, even at low levels,
17 that affects liberty, they don't give that up.
18 They don't delegate.

19 CO-CHAIR JONES: We are out of
20 time.

21 MR. MCGEE: Oh, I'm sorry.

22 CO-CHAIR JONES: That's okay.

1 MR. MURRAY: I have more to say.

2 (Laughter.)

3 CO-CHAIR JONES: Thank you both
4 for a very useful discussion. It is much
5 appreciated.

6 MR. MURRAY: And I'm not kidding;
7 I had more to say. Can I have one second?

8 CO-CHAIR JONES: Take it.

9 (Laughter.)

10 MR. MURRAY: One second.

11 I know you all will conjure up
12 some position or recommendations. Norman and
13 I both sit as advisors to the ABA Task Force
14 on Problem-Solving Courts. I applaud, again,
15 your efforts to help with that very, very
16 difficult process.

17 I would offer two or three ideas
18 for you to chew on, as possible ways to
19 improve the current state of play.

20 One is communities have to know
21 the results of traditional case process in
22 order to know whether or not drug courts are

1 making it better or worse.

2 Success has to be an improvement
3 over status quo. Success is not 90 percent.
4 A program that has 90 percent success is going
5 after soft cases and it is wasting a lot of
6 money and supervising a lot of people. If
7 traditional case process has a success rate of
8 30 percent, if I come in with 37, all hail.

9 The other is you can't let
10 communities invest all of their addiction
11 resources into one program. You can't ignore
12 the people who don't get into drug court who
13 are drug- and alcohol-involved. They have the
14 same needs, the same rights, impose the same
15 dangers as everyone else.

16 And that's it. Thank you.

17 CO-CHAIR JONES: Great. Thank you
18 so much, very much.

19 I believe our next speaker is
20 here. Is that right? Great.

21 DR. FINIGAN: Good morning.

22 CO-CHAIR JONES: Good morning.

1 Let me just say, for the record
2 and the audience, that our next speaker is
3 Michael Finigan, who is the President and
4 Founder of NPC Research.

5 We are pleased and honored to have
6 you here this morning. If you don't know,
7 I'll tell you: the way that we operate these
8 panels, and you are clearly a panel of one --
9 (laughter) -- is to give you an opportunity,
10 five or ten minutes, to give us the benefit of
11 your thoughts on the topic, tell us a little
12 bit about yourself, if you would like.

13 Then we have a bunch of questions
14 that we have for you. We would like to engage
15 you in a conversation. Those discussions are
16 generally led by one of our number. In this
17 case, this discussion will be led by Vicki
18 Young.

19 So I have said enough. The floor
20 is yours. Welcome.

21 DR. FINIGAN: And that is exactly
22 what I'm prepared to do. I brought material

1 that I am going to talk just for a few minutes
2 about who we are and what we have done, and
3 why we might be relevant to you, I guess.
4 Then I will suggest some topic areas that I
5 might have some data on, but, also, just then
6 let it be open to you.

7 I am Mike Finigan. About, gosh,
8 it is almost 20 years ago, I founded NPC
9 Research. I taught at the university level
10 for many years, and then I did public policy
11 research on the side, and then finally decided
12 to found my company.

13 We have 31 employees now. We are
14 actually a national firm. We do contracts all
15 over the country, which I will talk about in
16 a second. I have seven PhDs on my staff. So
17 it worked out. It is one of these things that
18 started in my home.

19 But, anyway, why might we be
20 relevant to you? I did among the earliest
21 studies of drug court research. I am one of
22 the early researchers in the area. Not

1 surprisingly, since I come from Portland,
2 Oregon, that we did the Portland, Oregon, Drug
3 Court, which was one of the very earliest in
4 the western courts.

5 By the way, one study we just
6 recently submitted to NIJ -- it was NIJ funded
7 -- was we looked at the Portland court again
8 over 14 years of operation. No one had ever
9 looked at a single drug court over that long
10 a time. We took the whole population who
11 would have been eligible for drug court, not
12 just those that were selected. So that was a
13 very interesting look, and I bring that data
14 to bear, too.

15 We have either completed or are in
16 the middle of completing evaluations that now
17 exceed 100 drug courts. Over those -- well,
18 it wasn't totally 20 years, but let's say 10
19 years -- eight to 10 years on drug court work
20 that we have done, we have done I think more
21 drug court research in terms of individual
22 local courts than maybe anybody else, which

1 might be why I was asked to come here.

2 The reason why there is so many is
3 because we have primarily been funded by
4 national funders, NIJ, in particular,
5 National Institute of Justice, the Bureau of
6 Justice Assistance, OJP, OJJDP, SAMHSA. I
7 guess, our primary federal funders have been
8 either in Justice or in Substance Abuse.

9 Then we have also done a lot of
10 contracts -- that's where the numbers get up
11 -- with the states. We have been hired by
12 state offices to do evaluations of a number of
13 drug courts within each state. We have
14 completed, or are in the middle of completing,
15 contracts with the State of Maryland,
16 Missouri, Michigan. For a long time, it just
17 seemed like they were all "M" states. Oregon,
18 California, Indiana, New York, Nevada, Oregon
19 of course, and Guam. So that's how you get up
20 to 100, you know, is you do all that.

21 We adopted, a while ago, I would
22 say about six years ago, we adopted a

1 methodology to approach drug court evaluation
2 that emphasized not only the process, which we
3 really feel is critical -- you know, I never
4 understand research that just has an outcome
5 research and doesn't have a process part of
6 it. Because how do you know what any of that
7 data means unless you understand how that drug
8 court operates?

9 So we start with a very strong
10 process, a component that understands how that
11 court is operating, its specific procedures
12 and processes. We then also follow it through
13 outcome research, particularly recidivism
14 issues.

15 Then what we are most known for is
16 we add to that a cost component. All of that
17 is integrated together. So we are dealing
18 with our question of cost when we go in and do
19 a process piece. We are trying to understand
20 what components to look for where you've got
21 price.

22 What it comes up with in the end

1 is not only a process and outcome study, but
2 a cost analysis from the point of view of the
3 taxpayer. We have taken that point of view.

4 In other words, we don't try to
5 look at cost from a broader societal cost
6 point of view. You sometimes get, you know,
7 overall lifespan, that kind of stuff. So that
8 is how you get up to those big numbers, you
9 know, is because you do that.

10 But what we decided is that nobody
11 was believing those big numbers anyway. So
12 what we tried to do, and we try to do, is
13 ground it in the local jurisdiction. So the
14 costs we come up with are costs for that court
15 in that setting. That is, again, why the
16 process piece, but also pricing, you see.

17 So it is very relevant to county
18 commissioners, state legislators, because what
19 we are saying is that this is the cost of the
20 court and the savings of the court, if there
21 are such savings, priced really for the
22 taxpayer, not in any other way, just money the

1 taxpayer would have spent, and for that
2 particular community.

3 So that is, I think, one of the
4 reasons we have gotten a lot of work,
5 particularly with the state and also with the
6 feds, is because they like that approach.
7 That seems more policy-relevant to them.

8 The other advantage of our having
9 adopted a kind of methodology in terms of
10 evaluation is that now, up to these 100
11 evaluations that we have done, we have
12 actually done them with a consistent
13 methodology. If you know research, you do
14 meta-analyses of various prior research, they
15 are often apples and oranges. You know, you
16 are comparing -- there are six studies, but,
17 actually, their methodologies were all
18 different. You know, their comparison groups
19 were different. So you are kind of blending
20 something that in itself may not be blended
21 very well.

22 But if you do something with the

1 same methodology, we would find it to some
2 extent as time went by, but if you do
3 something with the same methodology on 50-60
4 courts, let's say, you have a critical mass to
5 begin to say something about the
6 effectiveness, or lack of effectiveness, of
7 the court, and also what works within the
8 court. Again, that is the advantage of that
9 process piece, is that you now know this court
10 does these things, and are they associated
11 with more successful courts than these things?

12 So we are starting, also, to have
13 the advantage of looking inside the so-called
14 black box of the drug court and saying, under
15 what conditions do drug courts work?

16 Then also start by, you know,
17 everybody talks about, do drug courts work or
18 do not work? My take on it is different than
19 perhaps other people.

20 My take, given all the research we
21 have done in these reports, is, under some
22 conditions, they work very well; under other

1 conditions, they don't work as well, and on
2 some conditions, they don't work at all.

3 And wouldn't you expect that out
4 of up to 100 evaluations now? One thing I
5 think you have already learned is that drug
6 courts are not the same animal from court to
7 court to court. In fact, that is one of the
8 issues that I think they have to deal with, is
9 that it just grew and grew without much
10 standardization, without much development of
11 professional standards, which I think the
12 professional organizations are trying, NADCP
13 is trying to address right now. That is my
14 understanding.

15 But I can testify, having done all
16 these, or my staff having done all these
17 different courts, that we used to say no two
18 drug courts are alike. That was our
19 experience. Now you need to take that with a
20 grain of salt because I am about to give you
21 some data that doesn't entirely say that.

22 But what we really meant by that

1 is that you couldn't assume a standard model
2 was being implemented; that local judges --
3 and these are judges -- they want to do things
4 their way, and they have often very -- you
5 know, I don't mean to diminish them. They are
6 very hard-working and often very dedicated
7 people, but they have their ideas about what
8 works. They don't often talk to us
9 researchers about that. They don't need to.
10 They know what works. You know what I mean?

11 Well, the problem is then you
12 don't have any standards and you don't have
13 any standards based on research.

14 I also have to mention, too, that
15 I am not in any way -- well, I shouldn't say
16 that. I obviously talk to people at NADCP and
17 I know Doug Marlowe very well, and all that
18 kind of stuff.

19 There was a faculty group of
20 researchers that got together from NADCP and
21 NDCI that I was part of. Almost every drug
22 court researcher that was out there became

1 part of that group.

2 So I guess the more important
3 point to you is that I don't get money from
4 NADCP. In fact, in thinking about that, I
5 realize they haven't paid me a penny. They
6 have paid for my hotel room a couple of times
7 at a conference, and that's about it. All
8 that I've spoken to them, you would think they
9 would have paid something.

10 (Laughter.)

11 Anyway, all of our funding comes
12 from state contracts, federal contracts, some
13 foundation. RWJ has funded us. So, anyway,
14 I just wanted there to be a disclosure that I
15 don't have a vested interest in the drug court
16 profession, but I do in drug court research.
17 Okay?

18 Well, I did want to say that one
19 of the things that we have done -- let me just
20 outline some of the research you might want to
21 ask questions about. Okay?

22 We were approached by the National

1 Institute of Justice two years ago, or two and
2 a half years ago, something like that. They
3 were interested in funding us to give them all
4 the studies that we had done up to that point,
5 to look at all of that together and try to
6 understand two main things.

7 One is, are drug courts
8 standardized in any way? Are they following
9 the 10 key components that they are supposed
10 to be following or not?

11 Then, secondly, because we were
12 going to do outcome and cost research, what
13 aspects of a drug court seem to be more
14 associated with effectiveness and what don't?
15 You see why they might be interested in that
16 question.

17 Now, at the time we were funded
18 for that -- we have completed and returned
19 that report in. I would be happy to send that
20 to anyone or make it available to you.

21 But we had only 18 courts that we
22 had done the whole thing up through the cost

1 on at that time. Obviously, we have done a
2 lot more now. In fact, we really want to go
3 back -- we probably have 40 to 50 courts now
4 -- and have NIJ fund those, too. But you know
5 how these things go.

6 So we have that look though. It
7 is only 18 courts, and that was at that time
8 all we could do. So it was limited by number.
9 But, nonetheless, it was an interesting look
10 at standardization at that time and at the
11 question of, are there parts of the drug court
12 -- or are drug courts that do certain things
13 more associated with positive outcomes than
14 drug courts who do these other things?

15 There's a lot of different results
16 on that. I will just try to do a quick one
17 because I know I really should respond to your
18 questions.

19 But one of the things that that
20 study seemed to show is that -- we, first, by
21 the way, had to operationalize the 10 key
22 components. Nobody had done that really. I

1 mean you can't just say them. They have to be
2 operationalized. We did.

3 But we found, surprisingly, a
4 large number of components and elements of
5 components that were common. Our criteria was
6 75 percent or higher. That was just an
7 arbitrary criteria that made intuitive sense,
8 anyway. So 75 percent of the courts or better
9 did that common component of one of the key 10
10 components. So there was, surprisingly, more
11 uniformity than our kind of anecdotal
12 experience had been.

13 On the other hand, there were a
14 large number of courts, fortunately for our
15 study, where there was variation, where they
16 just did not do -- you know, they would do one
17 thing or they would do another. They were
18 around issues like single-treatment provider
19 or multiple-treatment provider. They were
20 around issues of how often drug testing would
21 occur, how frequent is the drug testing.

22 They were around issues about how

1 involved and relevant to you folks is, say,
2 the public defender's office in the court,
3 variation there. How often do various team
4 members, both attorneys and, of course,
5 treatment and probation, attend the meetings?
6 There is considerable variation on that.
7 There is variation on how often jail is used
8 in sentencing, a number of things. Okay?

9 So I don't want you think that we
10 invalidated the notion there were differences
11 among drug courts, but we were for ourselves
12 a little surprised. You know, the 10 key
13 components were starting to resonate at least
14 at the drug court level.

15 So I would have those results to
16 talk about, I brought some of my stuff with
17 me. I maybe shouldn't talk too long because
18 I think your questions are more important to
19 hear.

20 But another study, looking at a
21 single court over a 14-year period in
22 Portland, that is interesting maybe to you

1 because, for one thing, it is the whole
2 population of people; it wasn't a sample.
3 Also, it kind of shows, it demonstrates things
4 like how important is the judge and how
5 important is the judge's experience, and how
6 important is it to have a single judge for a
7 long period of time and not roll over.

8 We could look at that because we
9 were looking over time, you see. There were
10 changes in the judges over time that we could
11 look at. That was also an issue in the 18,
12 the role of a judge, was an issue in the 18-
13 court analysis.

14 Of course, we have the results of
15 many of the individual studies. They are all
16 on our website. So I will give you all of
17 that information, so you can look at it in
18 more detail if you want.

19 We just did a look at what is
20 called Proposition 36. It is the California
21 law which mandated treatment. That is
22 probably not as relevant, but it may be of

1 interest to you.

2 Relative to drug courts, well, we
3 have a number. We did the cross-site family
4 drug court study for SAMHSA looking at family
5 drug courts. There hasn't been much
6 literature on family drug courts.

7 We have done a number of juvenile
8 drug courts, but that is a little more of a
9 mixed picture, to be honest with you.

10 So, anyway, these are specialty
11 courts.

12 I guess before I turn it over to
13 your questions, I guess going back to the
14 bottom-line question, the drug courts effect,
15 as I said, when we look across all the studies
16 that we have done, what we find is that under
17 certain conditions, which I think the 18-court
18 analysis identified some of those conditions,
19 drug courts can work marvelously well. They
20 can be cost-effective. They can produce very
21 effective results.

22 Yet, there is a subset, of course,

1 that we have analyzed that failed miserably.
2 I mean there was one -- I can say who it is
3 because they allowed me to say it -- in
4 Monterey, California, where our cost analysis
5 basically said the taxpayer would be better
6 served if you closed drug court.

7 Yet, having said that there are
8 those, and there are others, too, in our data,
9 you could look at those, look at Monterey, and
10 you see how they were operationalizing drug
11 court and it sort of dawns on you why this
12 bombed so badly.

13 They were rotating judges every
14 six months through the drug court system. You
15 know, the drug court usually takes more like
16 12 to 18 months for an average graduate. That
17 would mean they would have two or three judges
18 in the time period.

19 So you begin to see some of the
20 problems, that they had not really thought
21 through what they were doing. But let's be
22 honest. With any model that you will adopt,

1 or that anyone would adopt, any program, how
2 you implement it is critical. I mean fidelity
3 to the model is an important issue in any
4 research.

5 So to say, you know, well, some
6 drug courts work, some of them don't, so I
7 don't know what to make of that, we perfectly
8 know what to make of it. If it is true, as we
9 think, that drug courts well-implemented work
10 and drug courts badly-implemented don't work,
11 which I think is true, then it behooves the
12 profession, or whoever, to try to work on
13 research-based ways to look at the drug court.
14 That is certainly at the bottom of it.

15 I'll shut up.

16 CO-CHAIR JONES: Thank you. Thank
17 you.

18 Vicki?

19 MEMBER YOUNG: One thing that
20 caught my eye in looking over the website --

21 DR. FINIGAN: Yes.

22 MEMBER YOUNG: -- is that it

1 speaks or the website states that you have
2 done many hundreds -- I am not sure what the
3 number is -- of focus groups analyzing
4 different issues.

5 DR. FINIGAN: Right. Yes.

6 MEMBER YOUNG: As you heard or can
7 tell, we have gotten input from a lot of the
8 stakeholders involved in drug courts, but,
9 actually, other than anecdotally one drug
10 court participant, let's say --

11 DR. FINIGAN: Yes.

12 MEMBER YOUNG: -- in Tucson and
13 somewhere else, we don't have as much input
14 from the actual clients in drug court.

15 I was wondering if you could,
16 first, give us an idea how you do the focus
17 groups, and is there anywhere that input
18 appears? Is it just a single part of one
19 report or have you done a separate report that
20 talks about, let's say, drug court
21 participants' views of what works or doesn't
22 work?

1 DR. FINIGAN: Yes. Well, I will
2 answer the last one first, which is no one --
3 to be honest with you, we have to go with who
4 funds us. I mean this is the way life is.
5 But no one has asked us to do that, to take
6 and pull it together.

7 Now you had clued me into this
8 question, so I came prepared to talk about
9 that. I looked through our reports. I have
10 some information for you. But we haven't
11 systematically done that in a report, which I
12 think would be good to do.

13 Let me go back to the first part,
14 which is how to do it. Part of this technique
15 that we use is, as I said, it is a full
16 process analysis. We send usually a couple of
17 people to the local drug court sites. They
18 gather other data than focus groups, of
19 course, with interviews, and they look at
20 records and they look at different manuals,
21 and look at all that good stuff.

22 But part of it, and a substantial

1 part of it, is a series of focus groups that
2 we conduct with staff, with clients, and with
3 juvenile courts, with the parents as well.
4 What is important with the staff is pretty
5 obvious. We try to have as much staff input
6 as we possibly can.

7 With the clients, which I guess
8 you are more interested in, one of the things
9 that we try to do as hard as we can possibly
10 do is not simply talk to graduates. In fact,
11 most of the people we talk to are neither
12 graduates or terminated. They are sort of in
13 the middle of things, and that is the vast
14 bulk of people that are in these focus groups.

15 We shy away from graduates. Well,
16 we have some that have had graduates, but I
17 mean graduates are the best premium. I mean
18 you are getting the people that were
19 successful in drug courts. So you are not
20 getting a very good picture with that.

21 The terminated folks are very
22 interesting, and we do get some of those folks

1 where we track them down. They have been
2 terminated from drug court, and we try to find
3 them and put them in. They are hard to
4 manage, you might imagine. Especially if they
5 have left the drug court six months ago, it is
6 hard to find them. They are probably not even
7 in that location anymore. We are not so
8 committed that we are going to wander around
9 a state looking for them. But we do have some
10 that have been.

11 But most of the people in these
12 focus groups are sort of in the middle. They
13 are in drug court. They may graduate; they
14 may terminate.

15 I think the reason for doing that
16 is so you don't just get, "Oh, drug courts are
17 so wonderful," and everything is great.
18 Because that is what we are interested in,
19 too. I mean we are not negative on drug
20 courts. Don't get me wrong at all. It is
21 just that, how are you going to understand how
22 to improve a court unless you begin to ask

1 what's going on?

2 So we ask not only what has been
3 good about it, but what has not been very
4 helpful, and "How did you get in the drug
5 court, and did people inform you of what you
6 were getting into?" I think that is important
7 to you folks. One of the questions is, "What
8 could they have told you before joining drug
9 court that would have helped you make a better
10 informed decision?"

11 So, anyway, we are doing it. It's
12 a fairly lengthy focus group process. One
13 thing about focus groups, of course, they are
14 back and forth and in and out, and so we've
15 got some good people that are really pretty
16 well-trained to do focus groups and not try to
17 lead. That is one of the dangers of focus
18 groups; you can get them off. Either you lead
19 them in a certain way or they go off and take
20 it on their own somewhere. But my focus
21 groups are good.

22 Let me quickly, I can read some,

1 if you wanted to, but I just want to
2 particularly summarize some of the things that
3 might be the most interesting to you.

4 In terms of things that have been
5 helpful to clients, and these, again, are not
6 necessarily clients that are always positive,
7 but things they say are helpful. What is most
8 interesting and a very common theme is that
9 they find the structure is useful. When it
10 has been useful, it is the structure. They
11 would often say, "I came in and, boy, I did
12 not like this. I did not like having to show
13 up and do these tests," and do all of this
14 kind of stuff.

15 There were several comments that
16 the probation officer wasn't anywhere near as
17 watchful, I guess is the word, as the drug
18 court was. And, you know, they did resist it,
19 but a number of them also said that this was
20 also what made it useful, on the one hand;
21 that structure in their life turned out to be
22 something that was a positive thing.

1 Now that doesn't mean -- they
2 could still say in there, you know, "I screwed
3 up here." or "I didn't get to this
4 appointment." And they'll complain, you know,
5 about, "I was supposed to make this
6 appointment, but (a) I had this other thing
7 that I had to have done or had to go and the
8 judge wasn't lenient." But they're going to
9 say that and they do complain sometimes that
10 the judge needs to be more sympathetic to
11 them.

12 But they are, by and large, in
13 terms of helpfulness, they think that
14 structure is a very important part of why they
15 do that. Of course, it is somewhat biased by
16 the fact that not all the terminators are in
17 here, and that probably the majority of these
18 are far enough along in the system, in the
19 drug court, so that they have had months and
20 months and months, so they have kind of gotten
21 through that early phase where they don't
22 really come onto it.

1 In terms of things that aren't
2 helpful, they talk about lack of
3 transportation. Maybe you are not as
4 interested in those sorts of things. But they
5 say, "I'm supposed to go to this appointment"
6 or "I'm supposed to go to AA"; "I'm supposed
7 to go to the treatment provider"; "I'm
8 supposed to go to a job interview, and I don't
9 have a car."

10 Again, from the point of view of
11 the drug court, I know that is probably not
12 what you are interested in right now, but it
13 is saying put some money into transportation
14 issues. That is going to help, and that is
15 part of what we are doing, is trying to
16 identify for courts specific things that they
17 could do.

18 They do talk about in terms of
19 when they entered the drug court and when they
20 made the decision, the decision to stay. They
21 do talk about talking to their often public
22 defender, but their defense attorney about

1 these issues. So you guys are mentioned
2 there --

3 MEMBER BERNHARD: Peripherally.

4 (Laughter.)

5 DR. FINIGAN: But, you know, that
6 is just the way they said it, but they didn't
7 mention you constantly through the focus
8 groups, and we weren't specifically projecting
9 questions about the public defender's office
10 and the defense attorney issue. We are not
11 attorneys. We are researchers. So we are not
12 doing that.

13 Mostly, they said they were given
14 adequate information to make the decision.
15 That is probably the most relevant thing for
16 you.

17 There are a handful of people that
18 said sort of the same thing. "You didn't tell
19 me it was going to be so hard." That is
20 probably the most common thing.

21 MEMBER SHIFMAN: That the lawyer
22 didn't tell them or?

1 DR. FINIGAN: Yes. Well, it is
2 hard to tell who they are talking about here
3 at this point. It is either the -- well, it
4 is probably, though, it has to be, to some
5 extent, their defense attorney because there
6 are these conversations about should you go to
7 drug court or you not go to drug court.
8 Often, that is who makes the decision.

9 By the way, peripherally, but
10 sometimes we have used that as a means of
11 developing a comparison group. Because there
12 are some attorneys, defense attorneys, that
13 don't like drug court at all and won't send
14 anybody to drug court, and others that will
15 send a lot.

16 So, in lieu of random assignment,
17 we are looking for a comparison group. The
18 notion that an attorney might never send their
19 clients to drug court, it may not be that
20 biased. Do you see what I mean? It is not
21 random certainly, but it is the attorney's
22 bias toward a drug court, but it doesn't have

1 to do so much with a client's motivation.

2 But that discussion, I think, is
3 particularly relevant at the beginning:
4 should you go to drug court or should you not
5 go to drug court?

6 Oddly enough, in some ways it
7 makes me want to rethink about answering some
8 more questions here, but, oddly enough, as the
9 drug court proceeds, they are talking with
10 their defense attorney, their public
11 defenders; it doesn't come up as much. These,
12 of course, are voluntary. Focus groups, you
13 know, they come up with what they want to say.
14 We ask questions.

15 Now in talking about that, it
16 also, however, connects to something in the
17 18-site study that we found. One of the
18 variations is whether usually the public
19 defender's office is represented on the drug
20 court team. So you have some courts where
21 that happens. You know, it is just kind of a
22 requirement that everybody -- this is a team

1 effort. The district attorney is there, and
2 so forth, or not the district attorney, but
3 some representative of their office is. But
4 some don't.

5 Well, from a research point of
6 view, that is a good variation for us to be
7 able to say, well, is one associated with more
8 outcome success than another? These are right
9 now, of course, this is not -- you would have
10 to do a random assignment to really firmly
11 decide this correlation or anything else.

12 We do note that when the public
13 defender, when the defense attorney, is
14 present at the drug court team meetings, it is
15 vastly more associated with positive results.
16 Again, I don't mean to say it is just them,
17 but really what that is probably an indicator
18 of is a team effort, that the team is well-
19 represented, that the client is represented,
20 and that those are more associated -- I think
21 it is something like eight times more likely,
22 given the small number we had with the current

1 result, to be a successful outcome. So it is
2 not a small thing.

3 Again, I don't mean to point just
4 to the defense attorney. It really is all
5 correlated, and it really is probably an
6 indicator that the team is working together
7 and the team is well-represented in the drug
8 court. Where that is true, the drug court
9 works well. Where that isn't true, the drug
10 court doesn't work the same.

11 MEMBER YOUNG: Is there discussion
12 of -- certainly, there is a decision to go
13 into drug court that they talk about.

14 DR. FINIGAN: Yes.

15 MEMBER YOUNG: And is there any
16 indication it is because "That is the only way
17 I could avoid jail"; "I really need
18 treatment"? Which are the more important
19 considerations? "My lawyer said it was a good
20 idea", "Didn't say it was a good idea"?
21 What --

22 DR. FINIGAN: Yes. I mean the

1 attorney saying it is a good idea or not is a
2 critical thing. But, I mean, to be honest
3 with you, the vast, overwhelming response to
4 that is "or go to jail".

5 Particularly the initial reason to
6 go in is that "I did not want to go to jail."
7 So this was a choice. It was a no-brainer.
8 That's all I'm going to say because they
9 didn't want to go to jail.

10 Now there are a number of people,
11 in retrospect, who say, "Given the use in
12 court, particularly the court jail sanction,
13 that I may have spent more time in jail than
14 I would have if I had not." That is an issue.
15 Not all judges use jail as a sanction.
16 Usually, they use it for one or two days, that
17 sort of thing.

18 But, over time, one or two
19 days -- you know, it is sort of a relative
20 thing. If you had a court system where jail
21 is not too likely an outcome for -- or maybe
22 I should say another thing: a short jail

1 session is the most likely outcome for the
2 offense they have committed, and then you team
3 it with a judge that loves to use jail as a
4 sanction, you can have situations -- and we
5 have seen them -- where, in fact, we can
6 record those people actually served more time
7 in jail than -- well, you know, one caveat is
8 we don't know exactly how they would have been
9 sentenced. Do you understand? But our
10 estimation is that they may have served more
11 time in jail by the drug court.

12 See, but those are more anomalies.
13 I wouldn't say that is the rule across drug
14 courts.

15 One of the things that has
16 monkeyed with the whole question of comparison
17 for drug courts is that a lot of jurisdictions
18 have gone to, particularly for drug crimes,
19 relatively little or no jail time. So that is
20 an issue in terms of what's the drug court
21 alternative. But a lot of people said, "Avoid
22 jail."

1 MEMBER YOUNG: You said you also
2 do focus groups with a team.

3 DR. FINIGAN: Yes.

4 MEMBER YOUNG: But you are saying
5 that's a focus group as a team? You don't
6 have separate focus groups of only public
7 defenders or --

8 DR. FINIGAN: That would be more
9 than we could probably use.

10 MEMBER YOUNG: So you haven't had
11 that?

12 DR. FINIGAN: No. I mean, well,
13 we do interviews with individuals. So there's
14 individual interviews.

15 The focus groups, the staff focus
16 groups, are not always everybody on the team.
17 There's a whole bunch of complicated things
18 that go on in terms of just the balance we do,
19 and for practical purposes, we can only send
20 our people to the site usually just one time
21 for a week maybe. We are there a long time,
22 but we have to sort of take what we can get

1 sometimes in terms of staff participation.

2 But, usually, we will have had a
3 -- well, almost always we have had a personal
4 interview kind of thing. We've talked to them
5 individually as a person, either by phone or
6 in person. Well, not necessarily.

7 The staff focus groups are
8 interesting, but it is the client ones that we
9 are most interested in because that is a part
10 of it that we wouldn't get any other way.

11 MEMBER YOUNG: What do you think
12 you have learned the most from the client
13 focus groups in terms of directing what can be
14 improved about the drug court process?

15 DR. FINIGAN: Well, as I
16 mentioned, the issue of transportation does
17 come up over and over again. Essentially, the
18 court is mandating these people to go to
19 certain not only treatment, but all sorts of
20 NA, AA, employment, and the question comes up,
21 how are they going to get there?

22 Now there's public transportation

1 sometimes, and some courts will have bus
2 passes. They are not saying the drug courts
3 are totally oblivious to this.

4 And you have to take it with a
5 grain of salt, too. These are client focus
6 group interviews, and they are essentially
7 saying, "Well, I couldn't get to that
8 interview because I didn't have
9 transportation." That may well be true. You
10 don't know. You have to take everything with
11 a little bit of a grain of salt here, but I
12 think transportation is a significant problem.
13 I take that seriously. I think it comes up
14 too often.

15 In terms of processes, I think
16 there was some feeling that things are not
17 always clear in court, of what the
18 expectations are. Now that varies. Some
19 people, some courts said, "Oh, they're very
20 clear," and all this kind of stuff.

21 You know, there were other courts
22 where the client said, "I didn't quite

1 understand that I was supposed to come this
2 often" or that kind of stuff. There's like a
3 lot of complaining going on about how often
4 they have to appear before the judge, and how
5 closely they're being monitored, and all that
6 sort of stuff, which I suppose is to be
7 expected.

8 There was something I was going to
9 mention about that. I'll keep trying to
10 think.

11 MEMBER YOUNG: Well, one thing is
12 you're saying they're complaining about how
13 often they have to do it, and this, that, and
14 the other, but then I also thought I heard you
15 say that they thought what helped them the
16 most was the structure. So they're both
17 saying -- is that right?

18 DR. FINIGAN: Uh-hum.

19 MEMBER YOUNG: It is sort of both
20 good and bad?

21 DR. FINIGAN: Yes. I mean these
22 could be different people, too.

1 MEMBER YOUNG: Right, right, but
2 I'm just saying --

3 DR. FINIGAN: I don't have
4 individual names here.

5 MEMBER YOUNG: -- as themes,
6 you've got one --

7 DR. FINIGAN: Yes. Yes, I think
8 that is fair to say, that either there are two
9 separate people or they could be the same
10 person saying, "I really chafed at this."

11 But, on the other hand, "When I
12 think back on what we are doing, I think that
13 structure is helping me."

14 So, again, you have to sort of
15 take everything a little bit with a grain of
16 salt. But, yes, I mean I don't think that is
17 necessarily inconsistent because what clearly
18 comes through is a sense that, "Boy, this is
19 a lot of structure. This is more than I" --
20 they've said a lot of times, "This is more
21 than I bargained for here. I mean probation,
22 you know, I hardly see" --

1 MEMBER YOUNG: "I know how to game
2 that one."?

3 DR. FINIGAN: Yes, yes. Right.
4 That is exactly right. "I know how to game
5 that one, and this one was a new -- something
6 I had to really think."

7 Now they also say sometimes that
8 they learned how to game it, too. That does
9 come across, but these are smart people.

10 MEMBER YOUNG: What have you
11 learned from whatever number that you have
12 been able to find, the people that were
13 terminated --

14 DR. FINIGAN: Yes.

15 MEMBER YOUNG: -- that didn't make
16 it? Is there any theme from that population?

17 DR. FINIGAN: Well, also, they
18 chafed at all they were required to do. They
19 had all sorts of reasons for why they were --
20 I mean they were often terminated because they
21 were either missing appointments all over the
22 place, they weren't going to any treatment, or

1 mostly they had UA results.

2 By the way, yes, it did say that
3 the courts varied dramatically over where they
4 draw the line on the UA results. Some are
5 kind of, no, zero tolerance sort of thing and
6 others are, you know, they will do better next
7 time. So you do get variation on that.

8 But they didn't like having to do
9 that. They didn't like the fact that it was
10 harder and harder to game that part of it, I
11 mean the UAs.

12 So a lot of it was a complaining
13 about there was too much direction, sort of
14 the reverse of the whole structure thing. It
15 was too much direction, "too much that I had
16 to do. They were asking too much of me,"
17 "always kind of chaotic," and "I can't do
18 those sorts of things." That may be just the
19 true nature of their lives at that time. They
20 just couldn't do it.

21 MEMBER SHIFMAN: Let me ask you a
22 followup.

1 DR. FINIGAN: Sure. Sure.

2 MEMBER SHIFMAN: It is slightly
3 different than the focus group sort of
4 situation.

5 Has your outfit, your
6 organization, been able to sort of research
7 and provide any data about just what you
8 described, which is in this sort of
9 therapeutic model where they are required to
10 have an overwhelming schedule of meetings,
11 appointments, probation officers, court
12 visits, et cetera, and maintain their lives --

13 DR. FINIGAN: Right.

14 MEMBER SHIFMAN: -- versus the
15 kind of structure that is provided on a normal
16 probation that they might successfully be able
17 to get through?

18 DR. FINIGAN: I have to say it
19 this way: we have never been funded to do a
20 comparison of probation and drug court, but
21 that would certainly be a very -- I mean,
22 well, in a sense, we have. Because oftentimes

1 our comparison was people on probation, but we
2 haven't often looked at those issues, you
3 know, the degree to which the probation
4 requires you to do something versus the degree
5 to which the drug court requires you to do
6 something.

7 Part of it, in all honesty -- and,
8 again, with probation, you have to also
9 realize, and the same with the drug court,
10 that it varied from --

11 MEMBER SHIFMAN: Right.

12 DR. FINIGAN: -- from location to
13 location. There's certain standards that have
14 to be done, but caseload is a big issue here.

15 My guess would be that probation,
16 overwhelmed by large populations under their
17 supervision, it's harder and harder for them
18 to maintain that kind of --

19 MEMBER SHIFMAN: Structure?

20 DR. FINIGAN: -- structure, yes.

21 The thing about drug courts that
22 people have said I guess is sort of unfair is

1 that drug court, by its very nature, is a very
2 controlled environment. You start off weekly
3 having hearings. So you are there before your
4 judge -- the judge, you know; it is not a PO;
5 it is a judge. That is more structure. There
6 is more that can happen in that context.

7 So I mean I think probation you'll
8 find a little unfair. Do you see what I'm
9 saying? They don't have the resources that
10 are often put into drug court. They have
11 often said, well, if we had the resources, we
12 could do the same thing. Whether it is true
13 or not, I don't have research on.

14 MEMBER SHIFMAN: Do you have more?

15 MEMBER YOUNG: Oh, no. Go ahead.

16 MEMBER SHIFMAN: So you talked
17 earlier about you found in your studies of the
18 40 to 50 drug courts --

19 DR. FINIGAN: But we only did one
20 comparison of 18, and then I'm talking more
21 generally, looking at our individual ones. We
22 did a systematic study of the first 18 that we

1 had all this data completed on.

2 MEMBER SHIFMAN: Okay.

3 DR. FINIGAN: Then I am just
4 talking about some of the others that we have
5 done individual --

6 MEMBER SHIFMAN: All right. And
7 you came up with a series of decisions that
8 some courts, drug courts, were successful and
9 had common elements that made them a success.
10 Can you tell us, from your research, what
11 those common elements were?

12 DR. FINIGAN: Okay.

13 MEMBER SHIFMAN: And is this from
14 18 drug courts or from --

15 DR. FINIGAN: Well, it is from
16 both. I mean the 18 drug courts is most
17 systematic, where we really said, what's the
18 relationship between having a particular
19 process or a programmatic element, or
20 whatever, and the outcomes? So we were able
21 to relate all those together. Sometimes the
22 analysis was down to 10. So, you know, that's

1 just how these go.

2 MEMBER SHIFMAN: Okay.

3 DR. FINIGAN: But then I am also
4 adding to that our knowledge. For instance,
5 we looked at nine of the California sites in
6 fair detail. In fact, over a broad number of
7 sites now, maybe 40 or 50 might be more
8 relevant to the cost of analysis that we would
9 do.

10 MEMBER SHIFMAN: And the
11 California sites are the Prop. 36 courts?

12 DR. FINIGAN: No, they were
13 actually before Prop. 36.

14 MEMBER SHIFMAN: Okay.

15 DR. FINIGAN: They were drug
16 courts and one of the first ones where we did
17 this methodology. What we would come up with,
18 as we would come up with a bottom line, you
19 know, cost-benefit estimate, and then it
20 suddenly struck us that there were some that
21 were doing very, very well and some that were
22 -- and Monterey was the first of the ones that

1 just totally bombed, you know.

2 MEMBER SHIFMAN: It's a nice place
3 to visit, though.

4 DR. FINIGAN: Yes, a nice place to
5 visit. You know, my staff that went there
6 enjoyed that part of it.

7 MEMBER SHIFMAN: Yes.

8 DR. FINIGAN: But then what we
9 were doing, almost retrospectively, is saying,
10 well, what do we know from the process piece
11 in Monterey that might have accounted for
12 their really abysmal lack of success?

13 MEMBER BERNHARD: Why do you say
14 that it is "abysmal"?

15 DR. FINIGAN: Well, I'm sorry.
16 I'm being too --

17 MEMBER BERNHARD: Well, that's
18 okay. No, I don't mean -- I'm not using the
19 word one way or the other, but what
20 information led you to the conclusion that
21 this was a failure? I'm just now trying to
22 want to know, well, if something is good, what

1 is it that makes it good, and when you say it
2 failed, what is it that makes this fail?

3 DR. FINIGAN: Well, let me go back
4 to what I was saying before. I mean we do
5 this integrated approach, this technique where
6 we do the process, this very in-depth process:
7 what are they doing, and our focus groups, all
8 that kind of stuff.

9 MEMBER BERNHARD: Right, right,
10 right.

11 DR. FINIGAN: Then we look at
12 outcome data, often recidivism, rearrest,
13 reconviction, jail, prison.

14 Then we do a cost -- we price all
15 this stuff. So we do a cost analysis. Here's
16 what it cost to put on the drug court. Here's
17 what it cost for the comparison group; that
18 was often standard probation.

19 So that is an interesting thing in
20 itself --

21 MEMBER BERNHARD: Yes.

22 DR. FINIGAN: -- comparing those

1 two things.

2 Then, what are the outcome costs?

3 I mean, you know, the recidivism down the road
4 as compared to, say, standard supervision,
5 which is often the comparison group, or
6 whatever the comparison group is.

7 So you come up with what is
8 essentially a cost-benefit ratio, if you want
9 to say it like that.

10 MEMBER BERNHARD: Okay.

11 DR. FINIGAN: Economics. So that
12 is kind of your -- that and recidivism is kind
13 of your outcome measures.

14 So now you are going back and
15 saying, well, what characteristics of a court
16 are associated with very good cost-benefit
17 outcomes and good recidivism outcomes, and
18 what are associated with abysmal ones? Or I'm
19 sorry I'm using the word "abysmal".

20 Usually, you can make the
21 statement that the cost of the court compared
22 with its benefits is on the positive side. Do

1 you know what I mean? Sometimes that just
2 means a small amount, you know.

3 But we did have some that it is
4 the other way around, which is why I said it
5 was essentially saying, from the taxpayer
6 point of view, it was more costly to have a
7 person tracked to drug court than it was for
8 standard probation or the other route. So
9 that is what I mean by that.

10 MEMBER BERNHARD: But does that
11 mean that maybe, you know, the rent or
12 something was too high in Monterey, and if you
13 did it in Baltimore, where it doesn't cost you
14 anything because the buildings are all empty,
15 that it might be more successful because it
16 costs us less?

17 DR. FINIGAN: Well, I mean the
18 thing is, I mean, that accounts for the
19 differences in numbers you get in terms of
20 dollar amounts.

21 MEMBER BERNHARD: Right.

22 DR. FINIGAN: The environments are

1 locally different. But, remember, that we are
2 pricing both the comparison group and the drug
3 court group in that same cost environment. We
4 are pricing the investment and the outcome
5 costs in the same cost environment.

6 So it is relatively speaking
7 that --

8 MEMBER BERNHARD: Okay.

9 DR. FINIGAN: Really, again, the
10 method, too, what we like about our
11 methodology to a policymaker, we are saying to
12 the policymaker, "Do you want to have a drug
13 court or not?" I mean that is a policy
14 question. And we are saying, "Well, you put
15 them this way, it will cost you this, and if
16 you put them this way, it will cost you this."
17 So that is kind of what we are coming down to.

18 MEMBER BERNHARD: Okay. So what
19 went wrong in Monterey?

20 DR. FINIGAN: Well, as I was
21 saying, the judges were rotating. It was the
22 standard. Everybody had that calendar. They

1 had to put that on there. So it wasn't
2 voluntarily judges. Every judge had to serve
3 six months, something, as a drug court judge,
4 which was probably bad for the clients because
5 they didn't get consistency, and it probably
6 wasn't exciting for the judge. I mean they
7 were doing something that they weren't -- many
8 of them liked it -- good at, or weren't
9 interested in.

10 There were a few other things,
11 too, where the court was disorganized. They
12 didn't have a very good structure for
13 themselves.

14 One of the things our study found
15 was, you know, there's all these issues about
16 is all the team involved, or do you have
17 regular and routine drug testing, or do you
18 require specific numbers of attendance at
19 treatment sessions, you know, those kinds of
20 things.

21 There are positive relationships
22 there, but what they all point to is actually,

1 sometimes this is true, is that if a court is
2 well-organized, if they've got their act
3 together, if they've got some structure to
4 themselves that is consistent, they do better.
5 That is really probably a reflection of the
6 organization level of that court. The
7 Monterey court was not, and probably that was
8 because they rotated judges so much, that the
9 judges really didn't have a chance to organize
10 it very well.

11 By the way, another rather quick
12 thing that we found on the longer study on the
13 county, one of the things that was a
14 serendipitous finding, but it was that judges
15 in their first year never did very well at the
16 court. In other words, it took them at least
17 a year to kind of get -- and there's one judge
18 in this sample in Portland that is one of the
19 premiere drug court judges, well-known, but he
20 in his first year didn't do that well really.
21 But you learn as you go.

22 A judge, the role of the drug

1 court judge is different than a role of
2 another judge, their calendar. So you have to
3 learn how to do that, and some judges do that
4 more effectively than others.

5 We had judges in the Portland
6 study that came back. They served an early
7 term, and they came back later and served
8 another term. When they came back, they
9 almost universally did much better.

10 MEMBER KELLY: What do you mean by
11 "did well" and "did much better"?

12 DR. FINIGAN: Well, again, I am
13 going back to -- again, this is a consistent
14 analysis, where we are always having these,
15 quote, "recidivism" data and cost data. So do
16 well in these. The drug court people had
17 lower rearrest/reconviction, and therefore,
18 the cost factor to the taxpayer, what drives
19 the cost-benefit to the taxpayer, was better.

20 MEMBER SHIFMAN: I just want to
21 get back to the question that I asked.

22 DR. FINIGAN: Sure.

1 MEMBER SHIFMAN: You have sort of
2 hinted at it. So I am going to try to --

3 DR. FINIGAN: Sure.

4 MEMBER SHIFMAN: -- direct you to
5 it. What you are telling us is that the
6 research indicated that sort of a personality-
7 driven judge who wants to be in that court,
8 and stays for a long time, is effective? You
9 found that across the --

10 DR. FINIGAN: Well, in
11 particularly the one study where we looked at
12 the whole 14 years of judges and they rotated
13 through there, the ones that were the most
14 effective by the way I defined it --

15 MEMBER SHIFMAN: Right.

16 DR. FINIGAN: -- were the ones
17 that loved it, learned how to do it well. It
18 took them a while sometimes.

19 There was a period of time where
20 they had a lot of fill-ins, people who were
21 just filling in because they didn't have a --
22 and they just didn't do well, and it just may

1 be a learning curve issue, too.

2 But I wouldn't want to conclude
3 from that that only judges that loved drug
4 court can do well. Certainly, over all the
5 studies we have done, we have had judges that
6 have love for drug court, and some of them
7 seem to do fine.

8 I think it is a learning curve
9 issue. That is what we are saying. It is not
10 something you walk into and the first day you
11 know exactly how to do it. It is a different
12 environment.

13 To be honest with you, the judge
14 often finds in a traditional court their
15 interactions are with the attorneys and not as
16 much with the client. In a drug court the
17 interactions are with the client, as you all
18 know, much more. That is a different sort of
19 dynamic, and it takes a person willing to do
20 that.

21 But I'm not sure that everybody is
22 cut out to be a drug court judge. I would say

1 that's probably true.

2 MEMBER SHIFMAN: And the other
3 factors that you found common to a successful
4 drug court as you have defined it are what?

5 DR. FINIGAN: Well, again, the
6 organizational structure I think was
7 overarching. You kind of get a sense that the
8 court has got its act together. They have
9 defined how many drug tests they want. They
10 have defined the number of sessions you have
11 to go to. They have defined their phases
12 clearly. The judge is a very active judge.
13 I mean there's all these sorts of things.

14 MEMBER CLARK: In other words,
15 standards?

16 DR. FINIGAN: In other words,
17 standards. Really, what I'm, to be honest
18 with you, arguing here, and I think the data
19 does argue, is that we need to have more
20 standardization.

21 I mean you want to have some
22 variety. There is no doubt about that. You

1 want to be able to be innovative with any
2 program. For the program to be effective, it
3 needs to be --

4 MEMBER CLARK: So the way you are
5 defining a successful program is with the
6 cost-benefit?

7 DR. FINIGAN: Yes.

8 MEMBER CLARK: And the ones that
9 are the most successful under your definition
10 were the ones that had the most standards in
11 place?

12 DR. FINIGAN: That is fairly true.
13 I think there's some specific things I want to
14 get to, too, but, yes. I mean I am just
15 saying, when you put all the specific things
16 together, they tend to point to a drug court
17 that's got its act together.

18 MEMBER CLARK: All right. So what
19 are the specifics that Gail was asking you
20 about?

21 DR. FINIGAN: Yes, sure.
22 Specifically, there are things like how often

1 you do -- I'm going to have to get the
2 national data to talk about what the frequency
3 is, but doing drug testing in a very
4 standardized way fairly often is connected
5 with that.

6 Somewhat surprisingly, we found
7 that single-treatment providers versus
8 multiple, that was one of the variations;
9 that, with some exceptions, single-treatment
10 providers were more associated with positive
11 results.

12 I think the caveat I would have to
13 that is I think the single providers were
14 often ones that were providing, that were
15 large enough to provide multiplicity of
16 potential services. Do you see what I mean?
17 Because they were just a single provider, that
18 with some -- you know, that wasn't what was
19 happening. What was happening is that the
20 court had a local provider that really could
21 do all these things. They found working with
22 that local provider, because the provider, in

1 order to keep the contract, would be coming to
2 the sessions and doing all this kind of close
3 work with the court, that that was associated
4 with better outcomes.

5 I mean there were multiple
6 providers. I don't want to suggest that
7 multiple providers never is any good, but
8 there were a number of instances where the
9 drug court, by necessity, was just out with
10 contracts to all these places. It is a little
11 bit hard to manage them. It was hard to get
12 input from them.

13 MEMBER CLARK: Can you have
14 standards and have 10 providers and your
15 standards are in place --

16 DR. FINIGAN: Sure.

17 MEMBER CLARK: -- that you had a
18 liaison, so to speak?

19 DR. FINIGAN: Sure.

20 MEMBER CLARK: "This is what you
21 are required as provider for our drug court.
22 If you don't meet these standards, you're not

1 a provider anymore.?

2 DR. FINIGAN: That's right.

3 That's certainly workable, and I would be very
4 supportive of that.

5 In a situation, say in an urban
6 situation where there are multiple providers
7 that are competing for drug court resources,
8 but you also have to realize that many drug
9 courts are out in the rural areas. There are
10 limited -- they have to take every resource
11 available to them in order to do it.

12 So it works in some contexts, and
13 it sounds great on paper, I think, but, in
14 reality, in the rural courts it may be
15 difficult.

16 The issue about training, we found
17 that people who had gone through standardized
18 training on how to do their role in drug court
19 did better than those who did not receive
20 standardized training. That's kind of a no-
21 brainer.

22 MEMBER CLARK: I am going to ask

1 you about the roles in drug court --

2 DR. FINIGAN: Sure.

3 MEMBER CLARK: -- because I am
4 looking at the report that you all did for the
5 Baltimore City Drug Court.

6 DR. FINIGAN: Okay.

7 MEMBER CLARK: In it, you've got
8 the role of the Assistant Public Defender.
9 Apparently, there's two. It says, "The role
10 of the Assistant Public Defender is to try to
11 maintain a voice with regard to decisions."
12 Okay? But there is nowhere in the report that
13 talks about (a) the role for the private bar
14 or (b) the role for a defense attorney who is
15 not on the team, who wants to be an advocate
16 because that's what his client wants him to
17 do.

18 How does that fit into the success
19 of these programs?

20 DR. FINIGAN: Yes. Well, largely,
21 when we talk about the defense attorney role,
22 it is usually in most cases the public

1 defender's office, and they have someone whose
2 job it is to work with the drug court to do
3 that. Okay?

4 More private defense attorneys
5 here and there show up in the system, and you
6 do have some, and it really varies by court,
7 obviously, but you do have some that are more
8 active with their client and that aren't.

9 I don't know of very many
10 situations where a private defense attorney
11 has been attending the team meetings. But the
12 notion of attending the team meetings is
13 really -- I mean one of the interesting things
14 about drug courts is that it is this
15 combination of all these diverse groups trying
16 to work together.

17 So the public defender's office
18 has to commit somebody to going, often weekly,
19 to this meeting, these sets of meetings. That
20 is a burden. We cost that, by the way. It is
21 a burden on the public defender's office, and
22 that is in our cost literature. We can

1 actually break down how much it costs the
2 public defender locally to put this drug court
3 on.

4 MEMBER CLARK: How do you factor
5 the burden put on the defendant who wants to
6 hire an attorney and doesn't want a public
7 defender or doesn't qualify for public
8 defender representation, to have a public
9 defender, in effect, forced on them to
10 represent them as a team player, not as an
11 advocate?

12 DR. FINIGAN: We have not done
13 that. I mean part of the reason for the cost
14 way is that we have only focused, as I said
15 before, on the cost to the taxpayer. Those
16 are the limits of the costs we do. We don't
17 look at the cost to the client, and it is not
18 that it is an irrelevancy to what you are
19 doing. It is just a way of managing our cost
20 analysis so it is clear and not so open-ended.

21 MEMBER CLARK: Based on the
22 research that you have, for the courts that

1 don't have standards, should they be
2 abolished?

3 DR. FINIGAN: Well, I think that
4 is a loaded question. I would say it a
5 different way. I would say that courts where
6 we had demonstrated that they are not
7 effective, either they're ineffective or go
8 negatively, or they are positive results that
9 we've got -- there is always a certain random
10 chance to some of this stuff. These are so
11 small, the effect sizes are so small, that
12 even if you could come up with some dollar
13 figures, it is kind of meaningless. Do you
14 know what I'm saying?

15 I guess I would say it more this
16 way: those are either candidates for renewal
17 -- that is, that they need to develop
18 standards; they need to use good research-
19 based practices, that sort of thing, or they
20 should disappear.

21 In Maryland, we were hired by the
22 State of Maryland to do -- that is one of the

1 earliest things that we ever did in Maryland.
2 But we are, currently, continuing to do some
3 analysis for the State of Maryland.

4 We were a year into it, I think,
5 at that point in time for that, and we already
6 came to the office and said, "You are asking
7 us to evaluate this court. This court is a
8 joke." We didn't probably use that language.
9 There would be no sense to use that language.

10 This court is not being
11 implemented in a very effective way that we
12 could see. We'll go ahead and do an outcome
13 study and all. Pay us; we'll do it, I guess,
14 but we are just warning you, you might be
15 wasting your money here because this court
16 really, we just don't think this court is
17 going to get off the ground unless you go
18 ahead and change it.

19 So the court, what they acceded is
20 that they went in and really started to spend
21 resources trying to work with that drug court.
22 We haven't gone back to that court yet. We

1 are scheduled to do that. So we don't know if
2 those changes made any difference.

3 But you can abolish them, but I
4 think there are ways -- what we are hoping to
5 do in our research is identify for everybody,
6 I guess, those things that work well and those
7 processes that work well, that have the
8 research behind them, and try to get people to
9 implement them that way, to try to have some
10 standardization.

11 I mean professions do. They do
12 have standardization. I think that would be,
13 I am just suggesting that would be very
14 useful.

15 CO-CHAIR JONES: Adele?

16 MEMBER CLARK: I have another
17 question. I don't know if I missed this, and
18 if I did, I apologize.

19 With all the research you have
20 done, have you done any research that compares
21 basically a control group from the same
22 geographic location, city, county, state,

1 whatever, that goes to drug court and goes
2 through traditional probation and the results
3 that they get in terms of the cost-benefit of
4 somebody on probation who stays clean and
5 doesn't go out and recidivate, or somebody who
6 is in drug court?

7 DR. FINIGAN: If I am
8 misunderstanding your question, correct me
9 here. But in a certain sense, all of them are
10 that way. I mean what we do is we go into the
11 local -- even if we are hired by the state,
12 most of the time, not all the time, most of
13 the time what we do is we will go in and
14 identify a local comparison group, that is,
15 people who would have been eligible usually
16 for drug court but, for a variety of reasons,
17 and we have to look at those reasons, are not
18 going. But it is local. It is locally-based.

19 Often, it is they got standard
20 probation or they chose standard probation, or
21 whatever. So they are offered that.

22 Now there have been times where it

1 would have been impossible to have done that.
2 In other words, what I am saying is that
3 sometimes in some courts there's just nobody
4 available, you know, and so we have to go some
5 other way.

6 CO-CHAIR JONES: Last question.

7 MEMBER BERNHARD: So when you are
8 doing those comparison groups --

9 DR. FINIGAN: Yes.

10 MEMBER BERNHARD: -- we have heard
11 from other people that sometimes there's a
12 racial impact of this.

13 DR. FINIGAN: Uh-hum.

14 MEMBER BERNHARD: Have you seen
15 that, so that the people who are in the drug
16 court, for one reason or another, are a
17 different category or a different background
18 or a different race than the comparison group
19 who isn't getting into the drug court? Are
20 you seeing that?

21 DR. FINIGAN: No. I mean we are
22 not seeing that methodologically because we

1 match the comparison group. What we try to do
2 is we identify a pool --

3 MEMBER BERNHARD: So you screen
4 out for that?

5 DR. FINIGAN: We are matching to
6 the treatment group. So that would be
7 screened out because we are trying to have
8 something as close of a match to the treatment
9 group as possible. That would be a
10 methodological issue if we weren't doing that.

11 MEMBER BERNHARD: Yes. But in the
12 large groups from which you are screening out
13 the people, from which you are drawing the
14 people in order to make the comparisons, are
15 you seeing differences in the pools?

16 DR. FINIGAN: Well, let me address
17 that, I think, in a more general way, which is
18 to say that we have certainly seen courts
19 where there is a mixed, a racially-mixed
20 population. For instance, in California they
21 are often Hispanic, but also African-American,
22 too --

1 MEMBER BERNHARD: Uh-hum.

2 DR. FINIGAN: -- and other
3 communities, where the court is just not
4 serving that population.

5 I mean, in other words, what is
6 really happening is the eligible population of
7 that racial or ethnic background isn't really
8 being served by drug court. Drug courts are
9 just taking those people, for a variety of
10 reasons.

11 But we also have courts where that
12 isn't true. Well, they have courts where the
13 African-American population of the drug court
14 is 90 percent because it is 90 percent of the
15 general population.

16 MEMBER BERNHARD: Of the
17 population?

18 DR. FINIGAN: Population, right.
19 So it is representative.

20 We have courts that are very well-
21 represented in California of Hispanics.

22 So it is a little of a mix, but,

1 if you say, "Have you seen courts where there
2 is that?", yes, we have. I think there's a
3 need in the research literature to address why
4 that is true.

5 MEMBER BERNHARD: Okay. Thank
6 you.

7 CO-CHAIR JONES: To the extent,
8 Dr. Finigan, that we don't have some of your
9 studies --

10 DR. FINIGAN: Sure.

11 CO-CHAIR JONES: -- can we reach
12 out to you, and you'll make those available to
13 us?

14 DR. FINIGAN: Absolutely, you can
15 do one of two things. One is you can, if I
16 could have your email addresses, or whatever,
17 I could send you things, given the
18 conversations we had, that might be relevant
19 to you.

20 MEMBER BERNHARD: Uh-hum, that
21 would be great.

22 DR. FINIGAN: Then the other thing

1 is that our website, which some of you have
2 looked at, npresearch.com, has listed a lot
3 of the studies. I don't think everything is
4 on there yet because some stuff is still being
5 reviewed and all of that kind of stuff.

6 So if you want me, my email
7 address is my last name, Finigan,
8 F-I-N-I-G-A-N, @npresearch.com. So if you
9 have specific questions of me --

10 CO-CHAIR JONES: Great.

11 DR. FINIGAN: -- or things you
12 want me to send you, I will be glad to. If
13 the group as a whole wants me to send them
14 some things, I would be glad to do that, too.

15 CO-CHAIR JONES: Great. Great.
16 Thank you so much for your time --

17 DR. FINIGAN: Thank you very much.

18 CO-CHAIR JONES: -- and the
19 conversation. We'll be in touch.

20 We are going to take a short
21 break, so that I can blow my nose.

22 (Laughter.)

1 Then we will resume at noon.

2 (Whereupon, the foregoing matter
3 went off the record at 11:49 a.m. and went
4 back on the record at 12:04 p.m.)

5 CO-CHAIR JONES: All right, let's
6 begin. Let's start.

7 Professor Bowers? How are you?

8 MR. BOWERS: Very well.

9 CO-CHAIR JONES: Good. Good.
10 Listen, welcome. We are excited to have you.

11 MR. BOWERS: Thank you.

12 CO-CHAIR JONES: Excited to engage
13 in this discussion.

14 We have looked at a lot of the
15 literature that you have helped to produce.

16 So the way that we operate is to
17 give you an opportunity to give us the benefit
18 of your thoughts, to take five or 10 minutes
19 or so to do that.

20 Then we have a number of questions
21 that we would like to pose to you and just
22 sort of engage in a general conversation.

1 The questioning for you, and the
2 way that we run all of our panels, is to have
3 one of our number lead in the questioning.
4 For this panel, and in questioning and
5 conversation we are going to have with you,
6 Gail Shifman is going to lead in that
7 discussion.

8 So the floor is yours. Like I
9 said, we are happy to have you.

10 MR. BOWERS: Well, thank you. I
11 am really happy to be here. Thanks for having
12 me.

13 Let me just open with a couple of
14 caveats, and they are that my piece
15 "Contraindicated Drug Courts," which appeared
16 in UCLA Law Review last year, has been
17 circulated around. Some of you guys may have
18 read it. It's somewhat critical of drug
19 courts.

20 But caveat No. 1 is that I'm not
21 against drug courts because I do very much
22 believe that the mantra is true, that what we

1 were doing before wasn't working, and that we
2 needed to do something different.

3 To the extent the drug courts are
4 at least somewhat different, I think that is
5 a move in the right direction. But I don't
6 want to enter into our analysis of drug courts
7 with blinders on, as it were.

8 I think that there is a penchant
9 for people, because drug courts are the
10 products of grand political compromise, we had
11 a status quo that was, to some degree,
12 unsustainable. Even hard-core drug warriors,
13 they may have wanted from a normative
14 standpoint to keep doing what we were doing,
15 but they felt that, for efficiency sake, it
16 simply wasn't feasible.

17 Then there's people on the other
18 side of the coin, from the therapeutic
19 community, who definitely felt like we needed
20 to do something to interrupt the cycle of
21 addiction and incarceration.

22 We've got all these different

1 factions coming together and seeing something
2 in drug courts that they like. I think there
3 is a penchant, when that is the case, to turn
4 a blind eye to the potential drawbacks or
5 tradeoffs. That is really what I try to
6 highlight in my piece.

7 I was thinking about it this
8 morning. the way in which drug courts are all
9 things to all people. You know, I am as happy
10 as the next person about the recent
11 inauguration of Obama, but I heard someone use
12 the same language to describe his
13 inauguration. He is something of a vessel
14 through which we see our hopes and dreams,
15 even if those hopes and dreams may be
16 different for different people. I think drug
17 courts, there is something of a parallel
18 there.

19 The second caveat is that my
20 experience with drug courts directly is only
21 in New York, specifically Bronx Treatment
22 Court.

1 That said, I tried to use my
2 experience from Bronx Treatment Court as a
3 lens in my piece to examine what I thought
4 were potential paths to avoid. These paths
5 may not be generalizable across the board.

6 Now I am going to talk really
7 briefly about the potential problems that I
8 see with drug courts. The problem that I
9 principally focus on in my piece is what I
10 call a contraindication problem, whereby drug
11 courts may serve worse the very people that
12 they are intended most to help.

13 So the most likely drug court
14 graduate is the unaddicted or only
15 lightly-addicted drug user or drug seller who
16 may strategically game their time in drug
17 court in order to get a -- it is not so much
18 that they need or want treatment; it is that
19 they are trying to avoid the alternative,
20 which is conventional punishment.

21 I actually sympathize with that
22 quite a bit because, as I indicated, the

1 conventional status quo is not something that
2 I think is wise either from an efficiency
3 standpoint or from a justice standpoint.

4 But if we are going to provide
5 opportunities, alternatives to incarceration
6 for, say, first-time, unaddicted individuals
7 who are charged with drug crimes, let's do
8 that directly; let's not use the second-order
9 mechanisms that are drug courts. Let's
10 actually have legislative restructuring of our
11 mandatory minimum legislative laws rather than
12 trying to end-run it on the back-end.

13 Okay, so that's the most likely
14 drug court graduate. The most likely drug
15 court failure is the acute addict, the more
16 compulsive individual, and also members of
17 historically-disadvantaged groups, the very
18 people that drug courts were intended most to
19 help, the very people who face the high stakes
20 of incarceration and the longest sentences
21 under the conventional war on drugs.

22 We said, okay, drug courts are an

1 alternative to that one-dimensional focus on
2 incarceration, but when these people or these
3 groups have the highest rates of failure and
4 when they fail, in certain courts, and Bronx
5 Treatment Court was one of them, they end up
6 receiving alternative termination sentences
7 that often swamp, outstrip by two-, three-,
8 even fourfold, conventional plea prices.

9 Now the reason that second caveat,
10 that where I practiced was the Bronx and where
11 my direct observations were was the Bronx, is
12 because, if a court can avoid that pitfall of
13 punishing people for failure out of drug
14 treatment court by providing them with an
15 exponentially higher alternative for many of
16 these sentences, I think that we cure a lot of
17 the worst problems that I see.

18 I am currently in Charlottesville.

19 I recently spoke to someone who practices in
20 the drug court down there, and she swore to me
21 up and down that, if someone fails out of drug
22 treatment court in Charlottesville, they end

1 up with no worse than if they had never
2 entered drug court in the first place. They
3 just end up with the conventional sentence.
4 So that's good.

5 I have two fears. Fear No. 1 is
6 (a) that's maybe not true empirically. She
7 may believe it is true, but if we actually did
8 an empirical study of it, I'm not sure it
9 would be true.

10 No. 2, I'm afraid that in a system
11 like that, what you are really ending up with
12 are only -- first, you are going to see a lot
13 more front-end screening of who gets in, and
14 the people that they are going to elect to put
15 in the drug treatment court are going to be
16 the people who all the indicators indicate are
17 not addicted, the people who are arrested for
18 the first time.

19 They have strong social ties.
20 They have a job. They have sympathetic
21 factors that argue in their favor as to why
22 they should receive drug court when it is

1 purely diversionary, such that if they fail
2 out, they are going to end up just back at
3 square one.

4 Okay. So the problems I foresee,
5 as I indicated briefly there, one is the
6 contraindication problem. Another, which I
7 have also hinted at briefly, is that I think
8 drug courts may function as a distraction for
9 more proactive change that is necessary.

10 As I indicated, the status quo is
11 unsustainable. So the question is, where do
12 we go from that one-dimensional war on drugs,
13 incarceration-focused war on drugs that we
14 had? You could imagine that we could go in a
15 radically different direction toward a harm
16 reduction, toward a regulatory as opposed to
17 a crime control framework.

18 I am afraid that drug courts,
19 which always operate within the prevailing
20 legislative statutory framework, the same drug
21 laws apply, the Rockefeller drug laws are
22 still looming in the background, should

1 someone fail out of drug court in New York.

2 They may serve to prop up the prevailing
3 legislative framework.

4 It reminds me, to some degree, of
5 the DNA innocence movement, the exoneration
6 movement. I'm all for innocence, but I am a
7 little worried that we may focus so much on
8 innocence that we fail to also focus on
9 problems that face probably guilty defendants
10 in our criminal justice system, the absence of
11 due process, the absence of any sort of
12 adjudication of guilt -- or innocence in 95-
13 plus percent of the cases.

14 You know, most every case that is
15 being adjudicated is a conviction by plea
16 bargain. Some amount, a small proportion are
17 ending up with dismissals, and the rest are
18 going to trial. But the ones that are going
19 to trial, you know, we are talking 1, 2, 3, 4,
20 5 percent.

21 So a third problem that I
22 potentially have is that I would like to see

1 us providing social services in a way that is
2 unlinked, uncoupled from conventional criminal
3 justice.

4 I think there is something
5 problematic with the fact that in the
6 innercity for many their lever for being able
7 to get some sort of therapeutic intervention
8 for a genuine addiction or some other social
9 services that they may need comes from having
10 a criminal court case.

11 It reminds me of a lot of the
12 things that Jonathan Simon talks about in his
13 wonderful book, "Governing Through Crime,"
14 that we use the criminal justice system as a
15 lever to get at all the problems that ail us,
16 rather than directly addressing the problems
17 that ail us.

18 The last problem that I foresee is
19 probably something that I know Meg Wynne has
20 spoken to you guys, probably something that
21 she spoke about quite a bit, which is the
22 transformation of the role of conventional

1 adversaries and the judge in drug courts. We
2 see traditional adversaries come together as
3 a treatment team, and to tell you the truth,
4 I don't so much see that in and of itself as
5 a problem. People working together, it may
6 make their roles more complicated, but they
7 may be able to achieve quite a lot in a
8 positive direction.

9 My problems are more what team
10 playing in a therapeutic setting does to a
11 defense attorney's effectiveness. A defense
12 attorney is asked to do radically different
13 things as this team player in the therapeutic
14 drug court setting. They are asked, at the
15 front end when they are advising their client,
16 to be a diagnostician, not of trial court
17 success, not of the likelihood of success at
18 trial or at hearings, or what have you. They
19 are asked to make a diagnosis as to whether
20 someone is going to succeed in treatment, and
21 it is simply not something that a defense
22 attorney is trained to do.

1 Even if by experience they get
2 some sense of whether or not a given person
3 will or won't succeed, it is usually a
4 counterintuitive sense, in that we should want
5 these drug courts to treat people who have
6 genuine addictions and who are caught in the
7 cycle of incarceration, addiction and
8 incarceration.

9 Yet, I would look at my clients
10 and say, gee, I hope this guy doesn't have
11 much of a serious problem at all because, if
12 he doesn't have a problem, I feel a lot better
13 with him going to drug court. I feel less
14 like I'm setting him up for a fall.

15 Compounding that is the fact that
16 a defense attorney simply doesn't know what is
17 in his client's own mind, what his client's
18 willpower and ability to exercise willpower
19 and ability to exercise reason in the face of
20 temptation is.

21 Anyway, I think I have more than
22 taken up my five or 10 minutes. So I will

1 turn it over to your questions at this point.

2 CO-CHAIR JONES: Thank you.

3 Gail?

4 MEMBER SHIFMAN: So let me start
5 with what you haven't mentioned, which is your
6 proposal sort of for a better universe of --
7 how to provide treatment services without
8 using the direct drug court model.

9 MR. BOWERS: Okay.

10 MEMBER SHIFMAN: Which is what you
11 call sort of an "opt-in". Explain what that
12 is because it wasn't clear to me in reading
13 your article what you mean.

14 At what point does somebody opt-
15 in? When would it be available? What does it
16 look like?

17 MR. BOWERS: Sure. I became
18 focused on two things. First, I wanted to try
19 to figure out a way to, as I mentioned before,
20 uncouple drug courts from conventional
21 justice, because I just don't feel all that
22 comfortable when drug courts are using

1 conventional justice as a backstop.

2 As Judge Hoffman put it, you know,
3 drug court judges may say wonderful things and
4 they interact directly with clients. They
5 talk about accomplishments and setbacks and
6 relationship forms. It is almost a parental
7 role.

8 But at the end of the day, it is
9 an all-or-nothing proposition. There is some
10 tolerance for relapse, but, at the end of the
11 day, it is either termination or graduation.
12 If it is termination, then, all of a sudden,
13 the judge takes off the therapeutic hat, puts
14 on the judge hat, and issues a court order
15 that this person is going to be sentenced.

16 I am assuming we are talking about
17 a drug court here where someone has pled
18 guilty as the ticket of admission to get into
19 the drug court in the first place. So there
20 is no substantive adjudication at this point.
21 It is just we are sentencing you to an
22 alternative termination sentence, and a bad

1 one at that.

2 So I'm distrustful of this
3 conventional justice backdrop. That was No.
4 1.

5 I was trying to figure out how to
6 uncouple the two. I came across a rich
7 literature on this phenomenon called maturing
8 out, which says that, as -- not universally
9 because nothing when it comes to addiction is
10 universal.

11 MEMBER SHIFMAN: Or life.

12 MR. BOWERS: Or life.

13 That is one of the problems with
14 drug courts, is it applies a one-size, two-
15 size, three-size-fits-all approach with the
16 threat of, if this isn't quite right, we're
17 going to hit you with a termination sentence
18 on the back-end.

19 It applies these set approaches to
20 a problem that is ultimately much more nuanced
21 and individualistic, but there is a phenomenon
22 whereby many people, as they enter their early

1 thirties, begin to grow tired of their
2 addicted life and begin to grow tired of their
3 habit, and become internally motivated. So it
4 is not the fact that there's a potential
5 sentence hanging over their head; it is an
6 internal willingness to get and keep clean.

7 But it doesn't mean that they can
8 do it on their own. Treatment is quite
9 efficacious at that time.

10 My conception was this: if we
11 have someone who has racked up a substantial
12 criminal record and, hence, is in danger of,
13 even if they can get and keep clean, not
14 having the opportunities to re-enter law-
15 abiding society in a productive way, how can
16 we provide them (a) with the ability to get
17 and keep clean and (b) with the tools to re-
18 enter law-abiding society?

19 What I envisioned was a drug court
20 that was open to them, to essentially petition
21 into. They opt into that drug court. They
22 are placed in an outpatient treatment program

1 for the standard drug court length, 12 to 18
2 months, what have you.

3 Upon successful completion, the
4 judge would issue an order expunging their
5 record of prior drug convictions, and perhaps
6 -- I'm open to the idea -- that if they can
7 demonstrate that other convictions that they
8 may have had were the product of their
9 addiction, expunging their record of those
10 convictions as well.

11 So there has been a strong
12 empirical link demonstrated between property
13 crimes and drugs, not so much with crimes of
14 violence, crimes of passion and drugs. But
15 these property crimes may also be the product
16 of addiction.

17 So then the person is able to get
18 the social services that the drug court has to
19 offer, get the therapeutic intervention the
20 drug court has to offer, get a somewhat
21 scrubbed-clean criminal record, and be able to
22 then reintegrate themselves into productive,

1 law-abiding society.

2 MEMBER SHIFMAN: But is this
3 happening when this person, they opt-in, and
4 they're on probation or parole? I mean,
5 what's the link to the courtroom?

6 MR. BOWERS: Well, the link to the
7 courtroom is -- I don't see why they would
8 have to be on probation or parole. In fact,
9 I wouldn't close the door on people who are on
10 probation or parole. But my fear is that we
11 end up with -- what I see is something that is
12 wholly maybe, talking to the National
13 Association of Criminal Defense Lawyers, is to
14 some degree the wrong place for this proposal
15 because it is not a criminal court proposal.
16 It is a service that would be -- actually, I
17 would be open to its being open to anyone.

18 MEMBER SHIFMAN: So sort of like a
19 division of the Superior or county courthouse,
20 a community court, where you file a petition
21 just like you do for a name change, saying, "I
22 would like to enter into this court and take

1 avail of this service."?

2 MR. BOWERS: Yes.

3 MEMBER SHIFMAN: And at the end,
4 the court will grant expungement of "X" or
5 "Y"?

6 MR. BOWERS: And the nice thing
7 about it is it is a wonderful screening
8 mechanism to make sure that the people that
9 you are expending resources on, in fact, have
10 a genuine addiction, as opposed to this
11 phenomenon at the other end of the spectrum
12 called "chippers", people who use drugs but
13 have no real compulsion.

14 Because if someone enters this
15 court and places themselves under the burdens
16 of both the program and court compliance
17 dates, you can be sure that the signal here is
18 that this is someone who actually has a
19 problem that they want to tackle, as opposed
20 to they are just running away from a criminal
21 court case that they didn't like.

22 Now I understand there's a side

1 complaint, which is, in what way does this
2 function as an alternative to incarceration?
3 And my response to that would be an indirect
4 one, in that people who are addicted to drugs
5 or alcohol who commit crimes because of that
6 addiction, if they get clean, that lowers
7 their rate of recidivism going forward.

8 No. 2, or rather what I would say
9 is, to the extent that that is only a limited
10 alternative to incarceration and we want
11 something more involved, that is where I would
12 say let's do something more direct, as opposed
13 to these second-order mechanisms.

14 Let's try to exact positive
15 legislative change. We saw the Rockefeller
16 drug laws modified a bit, but not nearly
17 enough, as far as I am concerned.

18 MEMBER SHIFMAN: I don't think
19 there is anybody up here who will disagree
20 about modifying drug laws on state and federal
21 levels. But this idea of sort of a
22 therapeutic division of the Superior Court,

1 how does that work for indigent people? How
2 does that work?

3 How do they get representation in
4 filing these petitions? Who pays for the cost
5 of that program? What does that do for the
6 addicted defendant, whether a chipper, mildly
7 addicted, all the way up to a severe addict?
8 I mean, what does it do to achieve their
9 immediate needs, given the current status of
10 the drugs in America?

11 MR. BOWERS: Okay. So that is a
12 multi-faceted question. What I would say on
13 one end is, I want to make clear that, if
14 someone fails out of these opt-in drug courts,
15 they don't face an alternative termination
16 sentence. The punishment for being out is
17 being out and possibly for resource reasons we
18 wouldn't let them back in. There's no second
19 petition. Maybe it is a one-time go-round.

20 Right now we have, as I was
21 mentioning, and as I am sure you guys are all
22 well aware, we have a drug court system in

1 many jurisdictions where the defense attorney
2 is marginalized already. So if the person
3 didn't have counsel, in my version, yes, it
4 might be better if they did, but because
5 there's no back-end conventional punishment,
6 I am not all that troubled with this sort of
7 court being a direct relationship between the
8 petitioner, the person who is seeking
9 treatment, and the drug court judge.

10 Where would we get the resources
11 from? Well, it is just a matter of reshifting
12 priorities. I agree, you would have to invest
13 a lot of resources into a proposal like this.
14 Well, I would probably shift resources away
15 from the prison beds that we are presently
16 putting so much money behind.

17 But it is clear that Obama -- the
18 White House website, just the other day, came
19 out strongly in favor of drug courts and
20 strongly in favor of other innovative stuff,
21 steps in criminal justice.

22 I think it is a question of

1 political economy. It is not that the
2 resources don't exist. It is a matter of
3 convincing parties that this is how the
4 resources should be allocated.

5 MEMBER SHIFMAN: So let's shift a
6 little bit to sort of the current political
7 climate, or at least what we hope is the
8 current political climate, and the notion that
9 there may be open minds to alternate criminal
10 justice visions, including greater use of drug
11 courts and less use of mandatory minimum
12 incarcerations.

13 So let's go to what might be an
14 ideal drug court, if you could have one.
15 Under sort of the conventional model, you get
16 arrested. You're charged with a drug offense,
17 whether it is a possession or not a major drug
18 trafficker, but some sort of trafficking, but
19 not major, or some sort of property crime
20 where being addicted was sort of the
21 motivating factor.

22 Now you might be facing a prison

1 sentence or you might be facing the
2 opportunity to get treatment. Can you
3 envision a drug court, under that scenario,
4 that might work well?

5 MR. BOWERS: Sure.

6 MEMBER SHIFMAN: And if so, what
7 does that look like?

8 MR. BOWERS: It looks like this:
9 more effective front-end screening in the form
10 of getting therapeutic actors involved in the
11 decision as to who gets what and where they
12 go. Right now, it is the prosecutor making an
13 assessment based on paper eligibility. The
14 prosecutor looks at the complaint. They look
15 at the criminal record. They look at the
16 social ties. They say yea or nay to an offer
17 of drug court.

18 Oftentimes, their decision isn't
19 just not informed by addiction, it actually
20 cuts against addiction because they are
21 looking at things that -- people with acute
22 addiction, acute drug problems, cleaner

1 records, probably don't have social ties,
2 probably don't have or are less likely to
3 have.

4 So a better drug court would have
5 better front-end screening. It would not
6 punish people who failed out.

7 In one sense, we have a better
8 model already. The pre-plea model, the
9 diversion model is, in my mind, a nice,
10 seemingly non-pernicious model because we give
11 someone the chance at treatment. If they fail
12 out, they start again at square one and they
13 still have their full panoply of due process
14 rights that they can exercise. The charge is
15 simply reinstated.

16 The reason I said, "seemingly non-
17 pernicious" is the danger there -- this is,
18 again, if it's coupled with conventional
19 justice, is this net-widening or popcorn
20 effect. If we are giving people free shots,
21 the people that prosecutors are going to end
22 up giving free shots to are people who

1 probably wouldn't have ended up incarcerated
2 in the first.

3 So what it may be is that I'm
4 giving you an opportunity at drug court
5 diversion instead of what would have otherwise
6 happened in the absence of drug courts, an
7 adjournment and contemplating of dismissal, an
8 outright dismissal, a plea of time served, a
9 probationary sentence.

10 Now we can argue over whether a
11 drug court or probationary sentence is better
12 or worse, and it really depends on whether it
13 works out and what the potential punishment is
14 at the back-end. Certainly, drug court is
15 better if you have a genuine addiction and
16 you're able to access a cure through the drug
17 court and end up with a dismissal at the back-
18 end.

19 But, in any event, I worry that
20 we're not actually functioning as an
21 alternative to incarceration when we make it
22 purely a free shot. Again, this is the grand

1 compromise of drug courts. We had to get
2 prosecutors onboard, and I'm not sure -- and
3 other drug people who would come closer to the
4 drug warrior end of the spectrum. I'm not
5 sure that we could get that perfect drug court
6 without having it end up being available only
7 to the people who would have otherwise done
8 okay under conventional justice.

9 MEMBER SHIFMAN: But let's pretend
10 we're on drugs and pretend we could fashion a
11 perfect drug court. I mean, given the climate
12 and given the fact that we are going to be
13 making recommendations about drug courts and
14 the roles of defense lawyers, and maybe the
15 roles of judges and therapeutic providers, and
16 everything else, what would that, if we could
17 just design it from scratch --

18 MR. BOWERS: Yes.

19 MEMBER SHIFMAN: I mean, do you
20 have any thoughts about what it would look
21 like without right now worrying about the
22 potential slipping back into where drug courts

1 are today?

2 MR. BOWERS: So lots of
3 therapeutic options I think are necessary.
4 Drug courts necessarily have relationships
5 with certain providers, and oftentimes
6 decisions are made on the basis of available
7 beds.

8 But, again, this is where getting
9 therapeutic actors involved early on can
10 really help. So we are not just sending -- I
11 mean, if we are talking about an ideal world,
12 we are not just sending someone to provider X
13 because they have a bed, if it is an inpatient
14 program, or a seat, if it is an outpatient
15 program. We are sending them there because we
16 have done a rigorous clinical assessment, and
17 we have determined, based on this rigorous
18 clinical assessment, that this person has this
19 type of addiction and it has been shown to be
20 responsive to that type of treatment.

21 That is not an easy determination.
22 Really, the nuances of that, what is best for

1 someone with this type of addiction at this
2 point of their life, spot in their life, it is
3 something of, I would say, a round peg in a
4 square hole. But it is almost like a multi-
5 shaped, amorphous-looking peg in a round hole.

6 Anyway, I flubbed the analogy, but
7 the point is taken that this is a very
8 individualistic assessment. Ideally, we would
9 be able to engage in that fine-grained,
10 individualized assessment.

11 Clearly, I would want no
12 alternative termination sentence that
13 outstripped the conventional plea price. What
14 this might demand is an empirical study of the
15 given jurisdiction to determine (a) what is
16 the going plea rate in this jurisdiction, (b)
17 what is the going typical post-trial sentence.

18 Then we can make a decision at the
19 outset about how to calibrate the alternative
20 termination sentence so that the person wasn't
21 getting punished for failing to get with
22 treatment. They were getting punished only

1 for their underlying crime.

2 Because, you know, right now,
3 there's this incoherence that we say, well,
4 the person who is more compulsive, from a
5 retributive justice standpoint, we feel for
6 them. They had less voluntary control over
7 their conduct when they committed their crime.
8 Hence, they are more deserving of therapeutic
9 intervention and less deserving of
10 conventional punishment or prison.

11 Yet, when they enter treatment, a
12 switch is thrown, and all of a sudden, we say
13 that this is a rational actor who should be
14 responsive to carrots and sticks. When they
15 don't get with the program, then we slam them.

16 So I think it could be feasible,
17 although, like I said, we would have to pay
18 very close attention to make sure that we
19 weren't punishing people at the back-end, to
20 make sure that their sentences were
21 calibrated.

22 I do know that in the Bronx we did

1 anything but. In the Bronx the conventional
2 alternative termination sentence was two to
3 six years, which at the time, under the
4 Rockefeller drug laws, as they then stood, for
5 a first-time B felony offender, was the
6 highest sentence on the highest drug court-
7 eligible charge.

8 So these people, after failing out
9 of drug treatment court, were literally doing
10 the worst they could have done. Even if they
11 had lost a trial, they might have potentially
12 done better.

13 MEMBER SHIFMAN: So pre-plea,
14 therapeutic assessment, either from the
15 county, whether it is the sheriff's department
16 employee, a prosecution office employee,
17 therapeutic provider --

18 MR. BOWERS: Therapeutic provider,
19 not just a paper-eligible plea.

20 MEMBER SHIFMAN: Right.

21 MR. BOWERS: A paper-eligibility
22 plea.

1 And, you know, I would want to be
2 careful that the therapeutic assessment was a
3 good one. I think that there is a tendency
4 with drug courts right now, because they are
5 funding-dependent, to fill up slots and to
6 show success. So that may lead them to taking
7 on a lot of people who the resources don't
8 need to be devoted to them; they need to be
9 devoted to people who have genuine addictions.

10 MEMBER SHIFMAN: Right. Let's
11 assume in the perfect system, if we could,
12 again imperfect because there are these heavy
13 sentencings awaiting them just based on what
14 the legislation is, but let's assume it is
15 pre-plea and they have been carefully screened
16 therapeutically. They now go to the drug
17 court. Is the judge still having direct
18 contact and communication with the defendant?

19 MR. BOWERS: Yes, but I would want
20 to make sure that the ultimate -- if there
21 were a failure, if it is pre-plea, the
22 ultimate judge that would hear the case,

1 whether it goes to trial or it ultimately ends
2 up pleading out, or there's substantive
3 hearings and then it pleads out, that's a
4 different judge.

5 It can't be the same judge because
6 the drug court judge has now built up a
7 relationship with this person such that they
8 simply can't be partial (sic). I would be
9 most concerned about -- or impartial.

10 There is no way that person is
11 going to get a fair shake in front of that
12 judge, or it would be difficult for that
13 person to get a fair shake in front of that
14 judge after failing out.

15 MEMBER SHIFMAN: Okay.

16 MR. BOWERS: But I do think that
17 there is a therapeutic value to what goes on
18 between the judge and the defendant in drug
19 courts when we are in the midst of the
20 therapeutic phase, but then what I worry about
21 is when things suddenly switch back to the
22 penal phase.

1 MEMBER SHIFMAN: Okay. So let me
2 ask you a question with regard to that. Two
3 things:

4 One, the statements that the
5 defendant makes to the judge in that
6 therapeutic phase, what do we do with them, if
7 anything?

8 Two, what does a defense lawyer do
9 in the therapeutic phase, if anything?

10 MR. BOWERS: If this were truly a
11 pre-plea diversionary model, and as I think it
12 should be, any statements made to the judge in
13 open court could not be used against the
14 defendant later, even for impeachment
15 purposes, although I think that I would
16 probably lose out there, if I tried to make
17 that proposal. I think they would eventually
18 say that they could come in for impeachment
19 purposes. I would feel more comfortable with
20 a defense attorney taking a back seat in that
21 circumstance.

22 I do think that there is something

1 to be said for the judge and the defendant
2 interacting directly, or the judge and the
3 patient, because that's what it really is at
4 that phase, interacting directly

5 The separate question is whether
6 the judge has the capacity beyond experience
7 to advise this person in a therapeutic
8 fashion. What we might say is what we want is
9 a judge -- you could almost imagine a system
10 in which you had a legal judge and a lay
11 therapeutically-trained individual, be it a
12 psychologist or a counselor, almost a two-
13 judge system, because you do want monitor
14 compliance, which is something of a legal
15 assessment. Did the person come to court?
16 Have they kept out of trouble? But you also
17 want to monitor programmatic compliance.

18 Right now, you've got a judge
19 reading a report, and I don't know; I think
20 that there's some -- if we are talking about
21 the ideal, then we are really talking about
22 something that doesn't currently exist. I can

1 imagine something, though, radically different
2 like that.

3 MEMBER SHIFMAN: Okay. I have one
4 other question. Then I will pass it off to
5 others.

6 In this ideal court, what do you
7 do with the notion under therapeutic justice
8 that this carrot/stick approach seems to be
9 very effective, according to some researchers,
10 in producing positive therapeutic results?

11 MR. BOWERS: I just don't know if
12 I trust those studies for this reason: if I'm
13 right that there is a certain percentage of
14 people who do not have addictions or, at best,
15 have incipient or very --

16 MEMBER SHIFMAN: Recreational.

17 MR. BOWERS: -- light addictions
18 who game their way into coerced treatment,
19 game their way into drug treatment courts to
20 get away from conventional justice, those
21 people are skewing the stats up.

22 You don't have that in voluntary

1 treatment regimen. In voluntary treatment
2 regiment, who enters? People who want
3 treatment. Maybe there is someone who doesn't
4 have a serious addiction, but their mother
5 thinks they do, who is put in one of these
6 programs, and they are able to get through
7 relatively without much in the way of trouble.

8 But I have seen some of those
9 studies, too, and they always open with a
10 statement of: this is surprising because the
11 conventional therapeutic wisdom is that
12 internal motivation works better than external
13 motivation. Internal motivation works better
14 than carrots and sticks.

15 But, lo and behold, we find that
16 the drug treatment court is producing better
17 results than voluntary treatment programs.
18 The grain of salt is that the drug treatment
19 court has a certain percentage -- I don't know
20 how big it is -- of people who are not
21 addicted and, hence, they are skewing rates
22 up.

1 I mention in my article it would
2 be like having someone -- if you have a
3 genuine addiction, and you're trying to figure
4 out whether you are going to succeed in drug
5 court, it would be like being a smoker and
6 looking at citywide cancer rates to determine
7 whether you are going to get cancer. Because
8 the data is muddled by both smokers and non-
9 smokers, you can't really tell what your
10 chances of getting cancer are based on being
11 a smoker.

12 Likewise, the data here is muddled
13 by people with genuine addictions and in
14 recreational use, and so we can't really tell
15 whether we are getting the empirics right.

16 This seems to make sense if you
17 think about it. An addict is someone who has
18 been -- they have used drugs notwithstanding
19 the fact that there are external sticks, that
20 there are external costs to their use: health
21 cost, monetary cost in the form of lost
22 employment and having to pay for their drugs,

1 legal costs in the form of getting in trouble
2 with the law. Yet, they continue to use.

3 So someone with a genuine
4 addiction, it seems to me logically, is not
5 going to be terribly responsive to carrots and
6 sticks. So I really question the studies that
7 say, well, in fact, they are more responsive
8 to carrots and sticks than they are to
9 internal motivation.

10 CO-CHAIR JONES: Marvin?

11 CO-CHAIR SCHECHTER: Professor,
12 you wrote in your article about race.

13 MR. BOWERS: Uh-hum.

14 CO-CHAIR SCHECHTER: I want to ask
15 you a couple of questions about that.

16 Your conclusions, after checking
17 the literature, were with respect to drug
18 courts, that race qua race is ambiguous, that
19 race is not a significant barrier both by
20 controlling for economic, social, and
21 demographic variables, and that skin color by
22 itself may be insignificant and is a

1 distinction without a difference when it comes
2 to the de facto shortcomings of drug courts.

3 So my only question is, do you
4 still hold to that view? This article was
5 written in April of 2008.

6 Two, if you do hold to that view,
7 would you support or do you think we even need
8 to have further studies of racial impact in
9 the drug courts?

10 MR. BOWERS: Okay. Well, I will
11 take the second question first. Yes, I think
12 most definitely we -- I mean, what I am trying
13 to say in my paper more than anything else is
14 that we need to parse finely, and that one of
15 the biggest problems with our studies of drug
16 courts to date is that we have engaged in only
17 global appraisals, global appraisals of, hey,
18 the retention rates are higher here in drug
19 courts than they are in conventional treatment
20 programs; hey, the costs are lower with drug
21 courts than they are with conventional
22 justice; hey, the recidivism rate is lower

1 with drug courts than they are with
2 conventional justice, without looking at how
3 it affects individuals. And what my article
4 is looking at is individual failures or
5 discreet groups.

6 So whether it be minority groups,
7 other historically-disadvantaged groups, the
8 unemployed, the socially-fragmented, what have
9 you, no, I think we should keep looking finely
10 at questions like, how do the poor do in drug
11 court as opposed to the more affluent; how do
12 certain minorities do as opposed to either
13 other minorities or the population as a whole?

14 Let me also say I didn't engage in
15 any of my own original research here. I
16 merely, as you said, surveyed existing data.
17 Because I was doing that, I simply couldn't
18 say that race by itself had a definitive
19 impact on a drug treatment court's success
20 because, based on the studies I was looking
21 at, that didn't seem to be the case.

22 Some said yes; some said no. What

1 I thought was notable, and this is the point
2 I tried to make, is that those who said no
3 only got to the answer no by saying, well, we
4 controlled for variables of employment,
5 education, family ties, all these
6 socioeconomic variables.

7 To me, it struck me that, well,
8 that's not -- that's what I meant by a
9 distinction without a difference. If certain
10 minority groups have historically suffered
11 under greater rates of poverty, of lack of
12 education, social fragmentation, we can't say,
13 hey, they're no worse affected by drug courts
14 when we take all those things out.

15 We have to analyze the fact that,
16 yes, the color of their skin may not be
17 driving their success or failure, and that
18 actually says something very nice, if that's
19 right, about drug court judges, saying that
20 drug court judges are not motivated by any
21 sort of racial animus.

22 But we can't ignore the fact that

1 certain communities are hurt much worse by
2 these alternative termination sentences. Lo
3 and behold, they happen to be the very same
4 communities that are hurt much worse by
5 conventional criminal justice.

6 We simply can't uncouple drug
7 courts from conventional justice, nor can we
8 uncouple drug courts from traditional societal
9 and institutional pressure points.

10 So a point I make in my paper is,
11 what's one of the biggest indicators of drug
12 court failure or one of the biggest triggers
13 for drug court failure? One of the biggest
14 triggers for drug court failure is rearrest.
15 Well, who gets rearrested? Not all drug users
16 or even drug sellers. People in certain
17 communities get arrested more because the
18 police are more of a presence in their
19 communities, and because in poorer communities
20 life is lived more out of doors.

21 So police, not even from a racist
22 or a classist perspective -- and this is a lot

1 of the really interesting stuff that Bill
2 Stuntz at Harvard has written about. Police
3 will focus on certain communities because it
4 is simply easier and cheaper to make arrests
5 and find crime in those communities.

6 So an African-American in a poor
7 urban community may be doing no worse than
8 their white drug court counterpart, but
9 because the police are right in their back
10 yard, they are more likely to get arrested.
11 When they get arrested, they are more likely
12 to fail out of drug treatment court.

13 So this is a long way of saying I
14 don't know what effect race qua race has. It
15 didn't seem like the studies were consistent.
16 But I do know this: if you don't control for
17 these other variables, what you see is that
18 certain communities are affected to a much
19 greater degree by drug court failure.

20 CO-CHAIR SCHECHTER: Let me ask
21 you this also: in a practical world where
22 prosecutors have so much to say about the

1 entire process, how practical is it to suggest
2 that we remove the carrot-and-stick approach?

3 What prosecutor -- and if you have
4 worked in the Bronx, and Robert Johnson
5 probably is the most progressive district
6 attorney since prehistoric times.

7 (Laughter.)

8 Even Rob Johnson, on a bad day, or
9 on his best day, would be asked to agree to a
10 drug court that had no carrot-and-stick
11 approach. Would you think that's possible?

12 MR. BOWERS: Well, I didn't. I
13 didn't. In fact, that is why I wanted to
14 divorce -- because I think even if you have
15 rhetoric in that direction, the realities
16 would be different, which is why I wanted to
17 divorce drug courts from conventional justice
18 altogether and why I came up with this sort of
19 rough-and-ready ex post opt-in drug court
20 model.

21 Because that would be removed from
22 criminal justice altogether. Yes, you have to

1 reallocate resources. So you're right, there
2 you do have to get other political factions to
3 come to the table.

4 But that is why I was so shocked.
5 In fact, I wanted to get over there yesterday
6 to actually watch it firsthand -- when this
7 person, this public defender in
8 Charlottesville told me last week, "No, in our
9 drug court you fail out, you end up" -- it's
10 a post -- it's not a pre-plea diversion
11 program. It's a post-plea program where she
12 said, if you end up getting sentenced, your
13 sentence is exactly the same as if you had
14 never entered the drug court in the first
15 instance. I had a hard time believing that
16 was true.

17 Yes, if you keep it linked to
18 criminal justice and it is a post-plea
19 program, you are always going to at least be
20 able to tell the prosecutor they are getting
21 something. They are getting what they would
22 have gotten if the drug court hadn't existed

1 in the first place. It is not like they are
2 failing out and we are still dismissing the
3 case.

4 But I share your skepticism that
5 getting simply back to a sentence of, you
6 know, the conventional sentence max, it is
7 going to be hard to get people onboard. Even
8 if they say they are going to, I just don't
9 think that's going to happen.

10 CO-CHAIR SCHECHTER: Okay. Thank
11 you.

12 MEMBER BERNHARD: I have two
13 things.

14 One is on your alternative, your
15 opt-in later to get rid of your record
16 approach, I like that as an idea. I actually
17 think it should be available, I mean if you
18 take this any further, so that anybody who is
19 in their thirties and has decided that they no
20 longer are happy living the life that they
21 lived in their twenties -- I mean why make
22 something like that only available to people

1 who were drug addicts?

2 I mean, if your life has changed
3 because you are now a grownup, shouldn't
4 people have an option of proving that to the
5 world and getting rid of their record? That
6 is just as an aside. You don't really have to
7 answer that.

8 I am just sort of putting that out
9 there, that why should we just limit that to
10 this one group of people? I mean everybody
11 grows up at some point. You know, people get
12 released from jail in their forties, and they
13 are not going to go commit armed robberies,
14 but they will never get a job either because
15 of their record. So that is a whole sort of
16 other kind of thing.

17 This report that we are going to
18 put out is going to be directed sort of toward
19 defense attorneys, private defense attorneys,
20 public defenders. What do we want to really
21 be saying about all of this stuff to
22 defenders?

1 If the initial decision about who
2 to put into drug court is going to be made,
3 ideally, by more a therapeutic group of
4 screeners and, therefore, we are comfortable
5 letting the defense attorneys take more of a
6 backseat role during the therapeutic part of
7 the court, if that ever sort of comes to be,
8 then what do we want the defenders to be
9 doing? The person who is representing who has
10 been arrested, what is the job? Is the job to
11 be kind of as a monitor?

12 I mean that is sort of the way you
13 saw your job. You think, oh, gosh, I have
14 been practicing here. Here are some of the
15 things I have seen. I don't like what's going
16 on, and I am going to write about it and let
17 everybody know about that. That is one role.
18 You know, you are still doing a role as a
19 defense attorney, but not everybody is going
20 to have time or opportunity or ability to do
21 something like that.

22 Do we see ourselves as sort of

1 reporting back to the DA or having input? Are
2 we affecting and impacting on our macro- or
3 micro-scale? What is our involvement with all
4 of that stuff?

5 MR. BOWERS: Okay, so it is two
6 very different questions. The first question,
7 I just want to say I agree wholeheartedly. I
8 put in a quote by Rodney Brooks, who does all
9 the work on artificial intelligence, of all
10 things, but he talks about, famously, instead
11 of dumping multimillions of dollars into, or
12 billions of dollars, into one Mars probe, we
13 should -- he entitles the article, "Fast,
14 Cheap, and Out of Control". We should sort of
15 organically experiment with really small,
16 quick, cheap, different types, when we take
17 sort of a biological approach to building
18 robots, and see what works.

19 I kind of feel the same way about
20 drug courts. If we are not worried about the
21 carceral state kicking in when our
22 experiments fail, I am all for experimentation.

1 So I would be willing to extend
2 that experimentation beyond a re-entry program
3 for drug offenders. I think we need lots of
4 re-entry programs. If what is standing in the
5 way of people's re-entry into law-abiding
6 society is both the corollary consequences of
7 their criminal record and the fact that they
8 need some social services other than drugs --
9 you know, they need job training, they need
10 education of some other kind, they need
11 housing -- yes, I would love to open by ex
12 post court widely, open it widely on one side
13 to people who don't have criminal records but
14 do have drug problems, who otherwise can't get
15 into voluntary treatment because they don't
16 have the means to get into voluntary
17 treatment, use this as a mechanism, or someone
18 who needs social services but not drug
19 treatment, or it would be open to a radically
20 different proposal from what I am talking
21 about, maybe an ex/ante kind of involvement
22 when someone, before they get involved in the

1 criminal justice defense at all, but they have
2 got an incipient drug problem.

3 I mean the young tend to be less
4 responsive to intervention. But all that
5 aside, yes, I am all for experimentation.

6 In terms of what a defense
7 attorney does in this perfect drug court where
8 I am not worried, I can be convinced that
9 these bad tradeoffs, these bad side effects,
10 these contraindicated side effects, are not
11 going to come to pass.

12 Yes, the more addicted person or
13 the person from the historically-disadvantaged
14 group may be more likely to fail out, but when
15 they fail out, they are no worse. So it is
16 all upside, as far as the defense bar is
17 concerned and as far as I am personally
18 concerned.

19 I don't mean to minimize the role
20 of the defense bar, but, unfortunately, this
21 is the sort of brave new world that is not a
22 clean fit for lawyers.

1 MEMBER BERNHARD: Right.

2 MR. BOWERS: As we said, it is
3 procedurally stripped down. You know, it has
4 none of the procedural formalism that is our
5 sort of stock-in-trade.

6 As I mentioned before, you are
7 asked to make a diagnosis, not a tactic or not
8 a trial success, but on whether or not someone
9 is going to respond to treatment. Quite
10 frankly, what are you supposed to say if you
11 are going to be responsive to treatment?

12 I found it hardest to talk to
13 clients who were offered drug court who I did
14 think were going to do well in drug court and
15 try to express to them that they should not
16 take it, because in most cases the ones who I
17 really thought were going to have a problem
18 had a prior criminal record and, hence, were
19 being held in on bail. If they were being
20 held in on bail, this was their short rap to
21 freedom.

22 I almost found, when it came to

1 the decision whether to take drug court or
2 not, that was my experience as a defense
3 attorney where I felt most like I was talking
4 to deaf ears. It really became hard both to
5 be an effective advocate and to be an
6 effective advocate who was listened to.

7 So what I would say is the role of
8 the defense attorney should -- I would say to
9 be almost a counselor, not in the legal sense
10 of the word, or much more of an advisor to the
11 client, a liaison between the client and the
12 court, an advocate not in the legal sense of
13 the word, but in the sense that if the person
14 had a certain message they wanted to convey to
15 the judge about things that were going on and
16 reasons why treatment wasn't going well, the
17 lawyer, as a wordsmith, could do that better
18 than the client.

19 But, ultimately, these aren't
20 legal arguments.

21 MEMBER BERNHARD: Right.

22 MR. BOWERS: That is problematic.

1 So do I see a role for the defense attorney?
2 Yes. Do I see his front-end role in advising
3 the client whether or not to take this to be
4 complicated? Extremely. But I am more
5 comfortable with it if they are not punished
6 at the back-end.

7 Do I see a role for them going
8 forward? Yes, but it's not a legal role. It
9 is more as someone who can express what they
10 want to say more clearly than they can express
11 it themselves.

12 CO-CHAIR JONES: Thank you for
13 spending this time with us. We appreciate it.

14 MR. BOWERS: Sure thing. Thank
15 you for having me.

16 CO-CHAIR JONES: It's lunchtime.
17 I am hoping the lunch is out in the hall. You
18 all are invited, and we will resume at two
19 o'clock.

20 (Whereupon, the foregoing matter
21 went off the record for lunch at 1:05 p.m. and
22 went back on the record at 2:01 p.m.)

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 2:01 p.m.

3 CO-CHAIR JONES: All right, we are
4 going to begin. If everybody would take their
5 places, I'd appreciate it.

6 All right, we are going to start
7 off the afternoon session with Judge Michael
8 Rankin, who is an Associate Judge from the
9 D.C. Superior Court, and Judge Craig Iscoe,
10 who is also an Associate Judge from the D.C.
11 Superior Court.

12 Welcome. We are happy to have you
13 both and look forward to an enlightening
14 discussion about the workings of problem-
15 solving courts in the District.

16 The way that we operate is that we
17 would like to give both of you about five
18 minutes or so to give us the benefit of your
19 thoughts about problem-solving courts and the
20 work that you do.

21 Then we have a number of questions
22 that we have and would like to just engage you

1 in a general sort of discussion.

2 The way that we operate is to have
3 one of our number lead in that questioning,
4 and --

5 JUDGE RANKIN: Can we plead the
6 Fifth?

7 (Laughter.)

8 CO-CHAIR JONES: Yes, absolutely,
9 and we will not draw any adverse inferences
10 from that.

11 (Laughter.)

12 MEMBER SHIFMAN: The thing is
13 there are some defense lawyers here.

14 (Laughter.)

15 CO-CHAIR JONES: You will be well-
16 represented.

17 (Laughter.)

18 For purposes of this discussion,
19 Jay Clark from Ohio is going to lead the
20 discussion.

21 So I will be quiet, turn the floor
22 over to you. You can decide amongst

1 yourselves who will go first. And the floor
2 is yours, Judge.

3 JUDGE RANKIN: Well, good
4 afternoon.

5 I am grateful, I am honored and
6 grateful to have been asked to be here, to be
7 with you, and to talk about my experience a
8 bit in the drug court we have in the Superior
9 Court of the District of Columbia.

10 I noticed that you had Terrence
11 Walton, I think, here on yesterday.

12 CO-CHAIR JONES: That's right.

13 JUDGE RANKIN: I don't want to
14 waste my time repeating things that he may
15 have talked about, albeit from perhaps a
16 different perspective.

17 But it is, I think, worth saying
18 that our drug court, which is called the
19 Superior Court Drug Intervention Program -- we
20 call it SCDIP because it is necessary to
21 shorten that -- is in some respects, well, it
22 is not unique, maybe not typical of other drug

1 courts around the country.

2 Our drug court, as you undoubtedly
3 learned from Terrence, is really administered
4 by the District of Columbia Pretrial Services
5 Agency. I think that that alone probably puts
6 it in unique status.

7 It certainly means that our drug
8 court doesn't have to do the things to raise
9 the funding that typical drug courts around
10 the country do have to do, because Pretrial
11 Services is an agency, federal agency, created
12 by the Congress, and they go up and testify
13 for their budget.

14 They generally get enough funding
15 to not only run the outpatient treatment
16 program, which is the Superior Court Drug
17 Intervention Program, but also to pay for
18 inpatient treatment on demand when, in the
19 judgment of the drug court judge and the
20 treatment/case manager, that is what is needed
21 in a case.

22 They will pay. Right away they

1 will pay for 30 days, 60 days, 90 days anytime
2 the judge and the case manager decide that it
3 is needed.

4 That could lead me into a
5 discussion of courage treatment, but I think
6 I will wait on questions to get to that, in
7 case you don't want to talk about it, which is
8 okay with me.

9 But I spent three years as the
10 presiding judge in drug court, which is one
11 year longer than any of my predecessors, and
12 only two of my predecessors ever stayed two
13 years. So that, again, probably distinguishes
14 the D.C. drug court from a lot of the models
15 around the country.

16 I recall from reading literature
17 by the National Association of Drug Court
18 Professionals that the preference is for, if
19 not a permanent judge, at least a judge who is
20 going to be there more permanently than a
21 year, which is the typical assignment in our
22 court.

1 The reason that I stayed is
2 personal. The reason that I stayed for three
3 years is because I believe that the
4 assignment, to do it right, it is sort of like
5 the three-year commitment that I made to the
6 public defender service when I became a staff
7 lawyer there, lo those many years ago.

8 The first year you're just
9 learning, and the second year, well, you're
10 doing whatever you're doing the second year.
11 But the third year you probably know enough to
12 do something right sometimes.

13 (Laughter.)

14 So when I left the assignment, I
15 had reached a place where I thought that I was
16 doing the job the way it was supposed to be
17 done. I left of my own volition. I was not
18 forced out of the job.

19 But our culture in the Superior
20 Court of the District of Columbia is to rotate
21 assignments. There's a tradition that we do
22 that, and there's a belief that we've, at

1 least those who have been in the court as long
2 as I have been, my 23rd year, that that is the
3 best way to not become stale in an assignment
4 and develop bad practices.

5 So even though I really felt that
6 I had learned enough about how to preside in
7 a drug court, that I was, I think, doing a
8 very good job, I did feel that it was
9 important for me to leave after three years.

10 Is that five minutes?

11 CO-CHAIR JONES: Yes. Good. It
12 is if you have said everything you want us to
13 know.

14 JUDGE RANKIN: I can talk forever.

15 (Laughter.)

16 JUDGE ISCOE: Tell you what; let
17 me give you five minutes, and then you can ask
18 us questions.

19 CO-CHAIR JONES: Thank you. Thank
20 you for that, for those comments, Judge.

21 JUDGE ISCOE: Judge Rankin, of
22 course, presides over the drug court. I

1 preside over the East of the River Community
2 Court, which is another different kind of
3 treatment therapeutic court.

4 We focus, as the name suggests, on
5 areas east of the Anacostia River. Every
6 misdemeanor offense charge east of the
7 Anacostia River, with the exception of
8 domestic violence offenses, comes before this
9 court.

10 We have a number of options for
11 the defendants who appear in front of the
12 court. The court is focused on the diversion
13 programs. Our diversion programs -- this is
14 a simplification for the purpose of time --
15 work essentially this way:

16 Before there is any plea, the
17 defendant agrees that, if they do certain
18 things, the case will be dismissed. Their
19 eligibility for diversion is determined by the
20 results of drug tests. Somebody that tests
21 negative three consecutive times, if they
22 don't have a certain number of offenses, and

1 it varies, that bar them from entry, prior
2 convictions that bar them from entry into the
3 diversion program, go into the program if they
4 wish.

5 The program basically requires
6 that they do a certain amount of community
7 service, usually 16 hours of community service
8 east of the Anacostia River, in the same area
9 in which the offense occurred; that they
10 continue testing negative for drugs for a
11 period of time, and that they seek and
12 maintain full-time employment or provide proof
13 of full-time schooling. There are other
14 conditions on occasion, but that is the basic
15 way that they work.

16 There is a deferred prosecution
17 agreement, generally four months, for people
18 who do that. At the end of the four-month
19 period, the case is dismissed.

20 There's a deferred sentencing
21 agreement for those that have more
22 convictions, and if they do everything they

1 are supposed to, at the end of the period the
2 case is dismissed. If the agreement is
3 revoked because of violations, then they
4 immediately go to sentencing because they have
5 already pleaded guilty.

6 As the name suggests, it is an
7 agreement for deferred prosecution. It is an
8 agreement between the prosecutor and the
9 defense. The court isn't involved except it
10 is in front of me every time. If the
11 government arbitrarily and capriciously tries
12 to revoke the agreement, I'll intervene.
13 Otherwise, basically, it is a monitoring
14 function.

15 If they test positive for drugs,
16 and they meet other eligibility requirements,
17 they are eligible for drug court. I used to
18 last year tell them to go before Judge Rankin;
19 "Don't think the drug court is an easy way out
20 of this because Judge Rankin will be tough
21 with you, but it is a good program. If you
22 complete it, you also get your case

1 dismissed."

2 Sometimes Judge Rankin would send
3 the cases back to me because somebody would
4 decide drug court was too onerous or sometimes
5 they didn't meet the eligibility requirements
6 because of something we determined later.

7 We also have other programs. We
8 have a lot of prostitution cases. We have a
9 prostitution rehabilitation program that
10 includes a major drug treatment component. As
11 you would imagine, there is a high percentage,
12 generally 90 to 95 percent, it appears, of the
13 people arrested for prostitution cases east of
14 the Anacostia River have serious drug
15 problems.

16 A former prostitute runs our
17 prostitution treatment program, and she has a
18 program for direct transfer to 30 days of
19 inpatient drug treatment for those who need
20 it. If they get out, they complete the
21 program, the case will be dismissed.

22 There are numerous other diversion

1 programs. There's one for the johns. There
2 are lots of other things. But that is a basic
3 overview of how we work.

4 I was reading your mission
5 statement. Generally, when I am actively
6 monitoring cases, it is not because somebody
7 has already pleaded guilty, but because there
8 is some sort of resolution prior to the entry
9 of the guilty plea that, from the defendant's
10 point of view, they hope it never gets to a
11 guilty plea, or it is a deferred sentencing
12 agreement where they pleaded guilty. Those
13 are less common, but they also happen.

14 Of course, everybody is free to go
15 to trial as well. We have a group of defense
16 attorneys who are trained to practice in the
17 East of the River Community Court, who
18 regularly appear in that court, and therefore,
19 know all the programs we offer.

20 Finally, we have an advisory
21 committee of citizens east of the River who I
22 meet with regularly to talk about their view

1 of the court, balancing the various needs and
2 interests. From the community perspective, we
3 get questions in the opposite direction: you
4 know, why are people back out on the street?
5 Why is this going on? How come you're not
6 doing anything?

7 We try to explain, well, we are
8 trying to do something. We hope we are
9 greatly reducing the recidivism rate.

10 In response to community needs, we
11 will sometimes have stay-away orders and other
12 things for particular areas.

13 Okay, that's probably close to
14 five minutes.

15 CO-CHAIR JONES: Great. Great.
16 Thank you both.

17 Jay?

18 MEMBER CLARK: I want to start and
19 kind of go through a couple of things with
20 each of you.

21 Judge Rankin, my question is this:
22 if I come in front of you in your court, if I

1 understand this, and I have got the lowest-
2 level possession offense of crack cocaine --
3 I am assuming it is a felony court?

4 JUDGE RANKIN: No.

5 MEMBER CLARK: Misdemeanors also?

6 JUDGE RANKIN: Yes, we have, yes,
7 misdemeanors and felonies, and by far more
8 misdemeanors than felonies.

9 MEMBER CLARK: Okay. If I have
10 whatever the lowest-level possession of crack
11 is, I come to your court, what's the typical
12 sanction I would get if I don't go to drug
13 court? Would I normally get probation? What?

14 JUDGE RANKIN: If you do not go to
15 drug court?

16 MEMBER CLARK: If I don't go to
17 drug court.

18 JUDGE ISCOE: And you're found
19 guilty?

20 MEMBER CLARK: And I'm convicted.

21 JUDGE RANKIN: Probation,
22 depending on the judge.

1 MEMBER CLARK: Okay.

2 JUDGE RANKIN: I mean probation,
3 but depending on the judge, it could be 30
4 days or a year or maybe 18 months, and there's
5 an asterisk for that.

6 MEMBER CLARK: Okay. So if I'm
7 east of the Anacostia River and I have the
8 same possessionary offense, do I end up in
9 your court?

10 JUDGE ISCOE: Right.

11 MEMBER CLARK: And then if I test
12 positive, you refer me over to the drug court?

13 JUDGE ISCOE: Well, it's a little
14 more nuanced than that. If you test positive
15 initially, and somebody says, "My client can
16 get negative" not in a year, but, you know --

17 MEMBER CLARK: Right.

18 JUDGE ISCOE: -- in a reasonable
19 amount of time, okay, I will give you three or
20 four weeks and let's see what happens.

21 Three or four more weeks, all
22 positive.

1 We've also got very sophisticated
2 drug testing because we don't just get
3 positive or negative. We get levels.

4 MEMBER CLARK: Levels?

5 JUDGE ISCOE: So I could say,
6 going up, going down, staying the same. If it
7 is going up, staying the same, it is a
8 different situation.

9 MEMBER CLARK: Okay.

10 JUDGE ISCOE: But if I see it
11 going down, then we can give more time because
12 we see progress, particularly with drugs that
13 stay in the system like marijuana and PCP.
14 Yes, we'll see that.

15 MEMBER CLARK: Okay.

16 JUDGE ISCOE: But the maximum for
17 possession offenses, and it is the same for
18 attempted possession, is 180 days.

19 MEMBER CLARK: Okay.

20 JUDGE ISCOE: So that is the most
21 anybody could get. I think it would be, as
22 Judge Rankin said, it is unusual, but it could

1 vary, but somebody could get 180 days for a
2 first offense, but it is not very --

3 MEMBER CLARK: Okay.

4 JUDGE RANKIN: Perhaps I
5 misunderstood you.

6 MEMBER CLARK: Yes. I'm trying to
7 get a feel for where we are without drug
8 court. Then I want to go to -- I come to you
9 and I go through your program. My case gets
10 dismissed if I'm successful, correct?

11 JUDGE RANKIN: Yes. But just to
12 be clear, the statutory penalty is 180 days
13 and/or a \$1,000 fine for possession of a
14 controlled substance.

15 I interpreted your question to
16 mean, what would you most likely get on a
17 conviction for first possession?

18 MEMBER CLARK: And that's
19 reasonable, too, because we are talking what
20 most of these people would get.

21 JUDGE ISCOE: We should also point
22 out there is not a complete overlap. Drug

1 court is open to anybody within the city, not
2 just east of the River.

3 JUDGE RANKIN: Drug court is for
4 anybody who is charged with a nonviolent
5 crime.

6 MEMBER CLARK: So I could be east
7 of the River and go directly to your court?

8 JUDGE RANKIN: You bet.

9 MEMBER CLARK: Or I could --

10 JUDGE ISCOE: Not directly to your
11 court. They would have to come --

12 MEMBER CLARK: I would have to go
13 through --

14 JUDGE RANKIN: I didn't know they
15 made people come to you.

16 JUDGE ISCOE: Yes, they have --

17 MEMBER CLARK: And the reason
18 working through that --

19 JUDGE ISCOE: Well, they would be
20 arraigned. We do a lot of citation
21 arraignments which come directly to me. But
22 the initial appearance will be in my court.

1 I guess in a rare instance somebody on
2 arraignment could say, "My client wants drug
3 court." Then they need the addictions
4 severity index test to determine eligibility
5 for drug court.

6 MEMBER CLARK: Okay.

7 JUDGE ISCOE: But I almost never
8 see that happen.

9 MEMBER CLARK: So then you can
10 refer a client or a defendant over to Judge
11 Rankin or drug court. If they don't want to
12 stay there or they don't complete the program,
13 it comes back to you then?

14 JUDGE ISCOE: Right.

15 MEMBER CLARK: In terms of the
16 sanction they get when they come back to you,
17 are you the judge that imposes whatever
18 sanction they get when you refer them back?

19 JUDGE ISCOE: Well, I'll let Judge
20 Rankin answer that. Most of the sanctions --
21 and he has much more sanctioning. That's why
22 I think a minute ago, when you were using the

1 term "sanction", there's sentences, but
2 there's also sanctions for drug court that are
3 very formalized, and I'll let you tell of
4 that.

5 JUDGE RANKIN: I guess I was
6 trying to keep the answers on the surface.
7 But if you get below the surface, if a guy
8 goes back, if he flunks out of drug court or
9 he gets to drug court and he says, "Uh-uh,
10 don't want this," after we explain what drug
11 court is, then it will go back to Community
12 Court. If he wants to go to trial, he is
13 going to get sent out of Community Court
14 because they don't do trials in Community
15 Court. Now if he wants to go back to drop a
16 plea, I think you do pleas.

17 JUDGE ISCOE: Right. Sometimes
18 somebody has been in drug court for two months
19 and then they are removed for appearance
20 reasons.

21 JUDGE RANKIN: Oh, sometimes I
22 keep them in there for 12 months and --

1 JUDGE ISCOE: And then they come
2 back.

3 In terms of a sanction, I wouldn't
4 say, "You failed drug court. You're doing 20
5 days and then we'll talk." I don't have any
6 authority to do that. Judge Rankin might have
7 sanctioned the person repeatedly.

8 I would just say, "Okay, you're
9 back in front of me."

10 And if they say, "Well, I really
11 want drug treatment," I'll say, "Well, you
12 haven't shown any indication of that, or we've
13 tried you on treatment." We would probably
14 explore different options, but I wouldn't
15 impose any sanctions.

16 MEMBER CLARK: What I am getting
17 at, and I guess I've been told I am not asking
18 this clearly, one of the issues that we have
19 is somebody who goes to drug court and they
20 say, "No, I don't want this" or they're not
21 successful.

22 Ultimately, when their case is

1 resolved with a punishment, a sentence, are
2 those sentences stronger, harsher, more severe
3 than somebody would normally get who didn't
4 unsuccessfully attempt drug court?

5 JUDGE RANKIN: The only honest
6 answer I can give you is that that's not
7 likely to happen. The reason that I have to
8 answer it that way is that -- and we are
9 talking about that category of cases that are
10 misdemeanors.

11 MEMBER CLARK: Okay.

12 JUDGE RANKIN: Those people, when
13 they flunk out of drug court, they are simply
14 going to go back to the trial calendar or the
15 Community Court calendar, if that is where
16 they came from.

17 The Community Court calendar is
18 fed by this system that the police have set up
19 called PSAs, something Service Area, Police
20 Service Areas. So that east of the River
21 falls into PSA whatever it is, 156. So they
22 earmark those cases to send them to Community

1 Court.

2 Now Community Court, a lot of
3 those people are dealing with drug issues. So
4 a Community Court will send them to the drug
5 court unless they are charged with a crime of
6 violence, and they probably wouldn't have even
7 gone through -- so we get a lot of that.

8 But then people come down to drug
9 court and they have a choice. "I want drug
10 court." "I don't want drug court." A person
11 is not going to be penalized for saying, "I
12 don't want drug court."

13 JUDGE ISCOE: Let me answer from
14 my perspective.

15 MEMBER CLARK: Okay.

16 JUDGE ISCOE: Strangely, perhaps
17 because the law has been changed to allow a
18 charge of misdemeanor assault on a police
19 officer, I get a lot of those cases and simple
20 assaults. It used to be only a felony case.
21 A lot of misdemeanor APOs that ordinarily
22 would have been the ones that you wonder why

1 they are going to trial as felonies, but
2 somebody did do something. He elbowed the cop
3 while being handcuffed, but it is not the kind
4 of thing that --

5 MEMBER BERNHARD: So that was a
6 felony, but now that is a misdemeanor?

7 JUDGE ISCOE: Well, it can be
8 charged either way, depending on --

9 MEMBER BERNHARD: Okay.

10 JUDGE ISCOE: Again, it is more
11 nuanced, but, basically, there is a
12 misdemeanor option.

13 So I get some of those, but they
14 may not go to drug court initially because of
15 the violence of priors, or whatever.

16 If somebody flunks out of drug
17 court at any point, it doesn't affect how I
18 sentence them except in this respect: So I
19 say, "Give my client probation. They really,
20 really want drug treatment."

21 Then you have to look at their
22 performance in drug court and say what

1 happened in drug court. Well, every time they
2 were supposed to go to a program, they didn't
3 go. They didn't show up for testing. They
4 kept getting sanctioned, and, ultimately,
5 Judge Rankin kicked them out.

6 It makes it less likely, I think,
7 to me -- and I will articulate this at
8 sentencing -- to give a probation sentence
9 based purely on a desire for drug treatment,
10 if drug treatment has been tried before and
11 hasn't been successful.

12 I tell the lawyers it makes it
13 harder for you to argue on behalf of your
14 client. Only to that; it is not going to
15 punish them: "You tried drug treatment and
16 you failed; therefore, you get a tougher
17 sentence."

18 MEMBER CLARK: Judge Rankin, Judge
19 Iscoe said that there's a group of attorneys
20 who are trained to practice in Community
21 Court. What about the training the defense
22 attorneys get who practice in front of you in

1 drug court?

2 JUDGE RANKIN: Close to zero.

3 They have to take some initiative. The
4 Superior Court Trial Lawyers Association is an
5 association that is comprised of the Criminal
6 Justice Act Bar. These are the lawyers who
7 supplement the public defender service. So
8 the public defender service takes 25 percent
9 of indigent defendant cases, the CJA Bar; the
10 Superior Court Trial Lawyers Association takes
11 75 percent.

12 So those lawyers, I guess two,
13 three, maybe four years ago, instituted
14 training for the first time. Their training
15 will typically include a one-hour block of
16 instruction on drug court.

17 MEMBER CLARK: Okay.

18 JUDGE RANKIN: The public defender
19 service, as far as I know, has zip, zero
20 training into our court, which is sort of an
21 issue because they sit on the Drug Court
22 Committee.

1 MEMBER CLARK: You say that is an
2 issue, and one of the things that you have
3 mentioned, and we have had testimony not just
4 here, but in other cities, is that you stayed
5 on a court for three years because you think
6 it took you that long to be good at it.

7 JUDGE RANKIN: You bet.

8 MEMBER CLARK: Do you see
9 attorneys who are practicing, defense
10 attorneys who practice in drug court who are
11 there longer do a better job in effectively
12 representing their clients?

13 JUDGE RANKIN: I have to give you
14 sort of an oblique answer. The defense
15 lawyers who in my view do the best job in drug
16 court are those lawyers who take an interest
17 in treatment court models and an interest in
18 the personal lives of their clients.

19 MEMBER CLARK: What do you mean
20 "take interest in the drug court model"? I'll
21 use a word that I may not be accurate with it.
22 More or less abandon the role as an advocate

1 and become a team member? Or when you say,
2 "take an interest and adopt that model", how
3 do you mean that?

4 JUDGE RANKIN: No, I don't mean a
5 total abandonment, but I do mean recognizing
6 a different way of practicing criminal defense
7 law. So we have the traditional model, which
8 is what the public defender lawyers are
9 trained to do, and they are like fish out of
10 water when they come into a treatment court
11 where the judge is required to have a one-on-
12 one dialog with the defendant.

13 MEMBER CLARK: Okay.

14 JUDGE RANKIN: In the drug
15 treatment court, many times the defendant is
16 present without counsel.

17 MEMBER CLARK: Is the defendant
18 present without counsel if they are there --
19 and I don't know what the phrase you all use,
20 but like on a probation violation? When they
21 are there in front of you for a potential
22 sanction, do they have counsel with them then?

1 JUDGE RANKIN: They don't have
2 their appointed counsel. There's a stand-in
3 counsel. This is a part of the PDS role
4 because the public defender, as a part of
5 their buy into the drug court program,
6 furnishes stand-in counsel for sanction
7 hearings. Those are scheduled in the
8 afternoons or afternoon session of court. I
9 used to start afternoon session around 2:15.

10 So they are there to represent
11 people who they are often seeing for the first
12 time.

13 MEMBER CLARK: So that goes to the
14 second point you made about the most effective
15 defense counsel being ones who take an active
16 role in learning about their client as a
17 person and the problems that drove --

18 JUDGE RANKIN: Yes.

19 MEMBER CLARK: -- their crime?

20 JUDGE RANKIN: Because those
21 lawyers tend to be in court with their
22 clients.

1 MEMBER CLARK: Okay.

2 JUDGE RANKIN: There's one model
3 of practicing defense lawyer representing
4 defendants in the treatment court, and that
5 model says you get them in, you get them
6 enrolled, and unless you hear something from
7 the judge, you don't go back again until you
8 learn that they either have finished the
9 program or they have been kicked out.

10 The other model says, "I know that
11 my client has to appear before this judge
12 routinely, and I am going to find out what the
13 dates are because I can go in there anytime
14 and find when my client is supposed to be
15 there, and I'm going to be there."

16 MEMBER CLARK: Okay.

17 JUDGE RANKIN: "And I'm going to
18 call him from time to time, or her, to see how
19 she's doing in the court, and anything else
20 that I can do to encourage compliance with the
21 treatment program."

22 MEMBER CLARK: Do you ever have

1 members of the private bar who appear in your
2 court representing the folks that are assigned
3 to your docket?

4 JUDGE RANKIN: When you say, "the
5 private bar," are you talking about retained
6 attorneys?

7 MEMBER CLARK: Retained attorneys.
8 I'm sorry.

9 JUDGE RANKIN: Occasionally.

10 MEMBER CLARK: Do you have a
11 problem with them, for example, when you are
12 trying to talk to the client, telling the
13 client, "Don't talk to the judge," basically
14 being the advocate, being the buffer between
15 you and the defendant?

16 JUDGE RANKIN: My experience, and
17 it is limited, my experience there is that the
18 lawyer knows about drug court, knows the drug
19 court judge, and is encouraging the client to
20 get in there and to stay in there.

21 MEMBER CLARK: Okay.

22 JUDGE ISCOE: Let me just shift to

1 retained clients. Okay?

2 MEMBER CLARK: Sure.

3 JUDGE ISCOE: I get those
4 occasionally in my court. It is not an
5 uncommon experience. What is more common,
6 though, is that they know nothing about the
7 diversion program.

8 So they say, "Well, we want a
9 trial date."

10 I'll say, "Fine, but, Counsel,
11 please approach. Are you aware of the
12 diversion programs, the options that are
13 available to your client?"

14 Sometimes they go, "Oh, I didn't
15 know."

16 "So talk to the prosecutor; see
17 what you can do."

18 Then 30 minutes later they come
19 back and enter a diversion agreement because
20 it is ironic that somebody is paying money to
21 get somebody who is not familiar with the
22 system and who is, therefore, taking a

1 position that could lead to the client being
2 convicted, when if they complete the
3 diversion, there's no possibility of
4 conviction.

5 Just I should say that in my court
6 it is much more the traditional adversarial
7 model. I never talk to a defendant without
8 their lawyer being present. Occasionally,
9 there will be a stand-in for a matter that is
10 not factual, where it is not necessary to have
11 a factual background, but to advise on certain
12 things.

13 MEMBER CLARK: Okay.

14 JUDGE ISCOE: But some of the
15 concerns I see in your mission statement
16 probably don't occur in my court because it is
17 not like the --

18 MEMBER CLARK: Let me ask both of
19 you, and it is probably not too difficult.
20 Did any of the defendants who you have had in
21 your courts ever don't qualify or don't want,
22 turn down a public defender and want to retain

1 private counsel?

2 JUDGE RANKIN: Yes. As of the 2nd
3 of January, I'm doing murders and rapes, and
4 a lot of those.

5 But going back to my years in the
6 drug court, particularly if the person was in
7 there on a DWI, what we call a U.S. charge.

8 MEMBER CLARK: What do you mean
9 "U.S."?

10 JUDGE RANKIN: Well, the District
11 of Columbia, the United States prosecutes most
12 all misdemeanors and felonies, and the
13 District of Columbia prosecutes traffic
14 offenses.

15 MEMBER CLARK: Okay.
16 Vicki, did you --

17 MEMBER YOUNG: Well, as I
18 understand what you said, there are some
19 attorneys who find out when the clients are
20 coming in and would be there and keep some
21 contact. Based on your comments as well as
22 the comments from some of the PDS we heard

1 yesterday, those are going to be the CJA
2 attorneys that had the case before. Correct?
3 If I understand what you are saying?

4 JUDGE RANKIN: Yes.

5 MEMBER YOUNG: And assuming it was
6 the CJA attorney, do you know whether they are
7 paid for attending those court appearances?

8 JUDGE RANKIN: Oh, yes. Oh, yes.

9 MEMBER YOUNG: Okay. So they can
10 go; it is just some people just say, "My job
11 is to get you in the door" --

12 JUDGE RANKIN: That's right.

13 MEMBER YOUNG: -- and then "Call
14 me if there's a problem."? But they would be
15 paid if they did go?

16 JUDGE RANKIN: That's right.
17 Absolutely. In fact, representing a person in
18 the drug court is the same in terms of payment
19 from the Criminal Justice Act funds. It is
20 the same as any representations.

21 I should say this: I don't know
22 who was here for PDS yesterday, but every now

1 and again a PDS staff lawyer will put a client
2 in drug court. It's practically rare, but a
3 couple of people who buy into the model will,
4 and by "people", I mean lawyers.

5 MEMBER CLARK: In both your
6 courts, if people don't have addiction
7 problems, they still get convicted of a crime,
8 there's a probation department that you both
9 have access to, right?

10 JUDGE RANKIN: Yes. It is called
11 the Court Services and Offender Supervision
12 Agency, a federal agency created in 1997, when
13 the White House and the Congress decided that
14 the courts should run adult probation.

15 MEMBER CLARK: Okay. Can the
16 services that are available through your
17 probation that you have access to, are they
18 comparable to the treatment and services
19 available to somebody who can get into the
20 court --

21 JUDGE RANKIN: Can I give you a
22 big (indicating)?

1 (Laughter.)

2 MEMBER CLARK: You have to answer
3 outloud because the court reporter can't hear
4 your hand.

5 (Laughter.)

6 JUDGE RANKIN: I may be --

7 MEMBER CLARK: How are they
8 different?

9 JUDGE RANKIN: CSOSA, Court
10 Services and Offender Supervision, CSOSA has
11 a public safety mission. CSOSA has taken the
12 place of adult probation that used to be a
13 part of the court, the D.C. Parole Board,
14 which is abolished, and they provide
15 supervised release under the federalized
16 system of parole.

17 MEMBER CLARK: Okay.

18 JUDGE RANKIN: So they have
19 thousands of people who are given probation by
20 the Superior Court and who are coming from
21 prisons around the country.

22 We don't have a prison in the

1 District of Columbia. So, by law, 50 percent
2 of our prisoners are in federal prisons around
3 the country, and 50 percent are in state
4 prisons that have contracted to the federal
5 government for our prisoners.

6 MEMBER CLARK: Okay.

7 JUDGE RANKIN: So all these people
8 are coming home by the dozens every month and
9 CSOSA has to supervise them, and a lot of them
10 have drug treatment issues. The pie is like
11 (indicating), and so for CSOSA the big piece
12 of the drug treatment pie should go to their
13 most violent offenders and people who --

14 MEMBER CLARK: Need it the most?

15 JUDGE RANKIN: Well, the way they
16 see it.

17 MEMBER CLARK: Okay.

18 JUDGE RANKIN: The drug court, we
19 sort of take a front-end approach, and we try
20 to work with the people to keep them --

21 MEMBER CLARK: Going in the first
22 place?

1 JUDGE RANKIN: Get them in that
2 place.

3 MEMBER CLARK: Okay.

4 JUDGE RANKIN: And the drug court
5 provides treatment on demand, where CSOSA has
6 an approach that says, "You've got to get
7 really deep into that hole before we're going
8 to start providing you with treatment."

9 JUDGE ISCOE: It is a question of
10 resources, and their determination is
11 generally, if we have scarce resources, we
12 allocate them to those convicted of the most
13 serious crimes or those who appear to be in
14 the most serious need, which means that, as
15 Judge Rankin said, until your need becomes
16 really, really substantial --

17 JUDGE RANKIN: Until it is time
18 for the judge to revoke your probation and
19 send you to jail, you know --

20 MEMBER CLARK: You don't need it
21 enough?

22 JUDGE RANKIN: Right.

1 JUDGE ISCOE: Yes.

2 MEMBER CLARK: Okay.

3 JUDGE ISCOE: We are fortunate to
4 have right now -- and who knows, with the
5 economy, how they will continue -- Pretrial
6 Services has a number of excellent drug
7 programs, including some they call New
8 Directions. It is not part of the drug court,
9 but they do a lot of it in my court. It's a
10 great program, and it provides a lot of drug
11 treatment.

12 And you work with that as well.

13 JUDGE RANKIN: I don't like it. I
14 don't like it.

15 (Laughter.)

16 MEMBER CLARK: One judge likes it,
17 one who doesn't, Judge Rankin.

18 JUDGE ISCOE: I see it lots of
19 times, so I like it, and I preside over the
20 New Directions graduation, and he presides
21 over the drug court graduations.

22 JUDGE RANKIN: But that's not the

1 reason. It's a very different model.

2 Our drug court is modeled on the
3 key components of drug courts. Maybe the
4 biggest key is the interaction between the
5 judge and the program participants.

6 New Directions doesn't include the
7 judge in the treatment.

8 MEMBER CLARK: Okay.

9 JUDGE RANKIN: So what New
10 Directions does is take, you could call it the
11 "overflow," but it is not really an overflow.
12 Pretrial Services gets a lot of money from the
13 Congress to provide drug treatment. If they
14 only provided treatment in drug court, they
15 would miss a huge population that needs drug
16 treatment because of our criteria. We don't
17 take people in who are charged with violent
18 crimes. We don't take people in who have been
19 convicted of violent crimes.

20 So I like to sort of tease our
21 participants and say, "We know you guys are
22 all good. We wouldn't take you into the

1 program if you weren't good people." You
2 know, "You are people with drug problems, and
3 that's what we're going to work on here."

4 Now in New Directions, generally,
5 they have some serious criminal histories.
6 The New Directions Program is a good program,
7 but in terms of people lifting themselves up
8 out of the criminal justice system, it is not
9 clear to me that that happens.

10 I think that what I have seen is
11 that our program, largely because of the
12 population we are dealing with, is much more
13 likely to have graduates who aren't going to
14 return to the system than the people in the
15 New Directions Program.

16 My primary reason for not liking
17 it is that they don't have that judicial
18 component.

19 CO-CHAIR JONES: Marvin and then
20 Joel.

21 CO-CHAIR SCHECHTER: I have just
22 three specific questions in three different

1 areas, some addressed to both of you, some
2 not.

3 With respect to both of you, would
4 you have benefitted from specialized training
5 before you did this?

6 JUDGE RANKIN: Yes.

7 CO-CHAIR SCHECHTER: Is that true
8 for you as well?

9 JUDGE ISCOE: I guess I got some
10 specialized training from the judge who
11 preceded me.

12 CO-CHAIR SCHECHTER: But no
13 courses? You didn't go to some course
14 somewhere and --

15 JUDGE ISCOE: No, and what I have
16 done is visit some community courts. I have
17 found that I have learned a lot from that, and
18 I do do that because I throw back ideas.
19 Sometimes I think, wow, we're doing this a lot
20 better; other times I think, well, that's a
21 great idea; we could improve our courts by
22 doing this.

1 I think that a judicial court
2 conference -- and we have had a lot of judges
3 who believe it would be useful. I'm on that
4 internet website where the Center, the Council
5 for Court Innovation I guess it's called. I
6 get a lot of information there. Judges trade
7 ideas there.

8 So I probably would have
9 benefitted, but I'm not sure that there would
10 be specific enough training or that I would
11 have recognized the significance prior to
12 taking the job. A lot of things, once you
13 have been in a position for a while, then you
14 realize you have some questions you wouldn't
15 have had early on.

16 CO-CHAIR SCHECHTER: Judge Rankin,
17 take the situation where you have somebody who
18 is appearing before you in drug court for
19 about a year. During the course of that year,
20 in open court you have direct conversations
21 with that individual, and their attorney is
22 present or their attorney is not present.

1 First, do you ever ask anything
2 about the substantive aspects of the person's
3 case in open court?

4 JUDGE RANKIN: Do you mean what
5 the charge was?

6 CO-CHAIR SCHECHTER: Right.

7 JUDGE RANKIN: We never talk about
8 that.

9 CO-CHAIR SCHECHTER: There, right?

10 JUDGE RANKIN: Never.

11 CO-CHAIR SCHECHTER: No. 2, in
12 open court when you're talking with the
13 individual, let's assume they do make an
14 admission, such as you say, "I see you have a
15 dirty urine here," and spontaneously the
16 defendant says, "Judge, I've got to tell you,
17 I've been using cocaine for the last three
18 days."

19 Now at the end of a year, the
20 person drops out of drug court and they decide
21 to go to trial. Have you heard of any
22 instance where the prosecutor orders the

1 minutes of your proceedings and uses that
2 statement or statements made by the defendant
3 in open court with you against the defendant
4 at a trial?

5 JUDGE RANKIN: It is a part of the
6 contract that will not happen.

7 CO-CHAIR SCHECHTER: That can't
8 happen, right? Is that part of your contract?

9 And my last question, not to you,
10 Judge Iscoe, because you have retained
11 attorneys, because for an assault, a low-level
12 assault on a police officer, people will hire
13 an attorney.

14 JUDGE ISCOE: They either have an
15 attorney or they have an appointed Criminal
16 Justice Act --

17 CO-CHAIR SCHECHTER: Right. But,
18 in your court, Judge Rankin, if somebody says,
19 "I want to retain an attorney," they're
20 allowed to retain an attorney?

21 JUDGE RANKIN: Absolutely.

22 CO-CHAIR SCHECHTER: They now

1 retain the attorney, and the attorney appears
2 in front of you.

3 First, with respect to retained
4 counsel, do they follow up and make all the
5 appearances?

6 JUDGE RANKIN: I have to say that
7 -- and I'm trying to recall. I think I have
8 had three sets of experiences in three years.
9 With the retained counsel, I believe each time
10 they -- the requirement for drug court is a
11 status hearing once every 30 days to see the
12 person's progress and treatment, progress or
13 lack of progress and treatment.

14 The attorneys that I am thinking
15 about were present for each of those
16 occasions. I believe they were present for
17 sanctions and challenge hearings as well.

18 CO-CHAIR SCHECHTER: Excellent.

19 Could you discern any difference
20 between the retained attorneys in terms of
21 their representation, their knowledge of drug
22 court, and those from, say, the public

1 defender's office who do it every day?

2 JUDGE RANKIN: The difference came
3 at the challenge hearing where the retained
4 lawyer wanted to bring in a drug test from --
5 I don't know -- the job or another lab. I
6 don't know that I ever got that from any of
7 the stand-in counsel.

8 CO-CHAIR SCHECHTER: Thank you.

9 CO-CHAIR JONES: Joel and then
10 Gail.

11 MEMBER SCHUMM: Judge Rankin, you
12 mentioned status hearings every 30 days.
13 Before the hearing in court, is there some
14 kind of staffing meeting --

15 JUDGE RANKIN: Yes.

16 MEMBER SCHUMM: -- with the team?
17 Who is there from the defense?

18 JUDGE RANKIN: First of all, I'm
19 not in the staffing. The staffing occurs, the
20 treatment, the outpatient treatment occurs a
21 block down from the courthouse at the offices
22 of the Pretrial Services Agency, which is the

1 same boat with CSOSA. There's a ninth floor
2 and a tenth floor where they have classrooms,
3 where they have groups, and treatment
4 programs.

5 The staffing that occurs occurs
6 between the program participant and the case
7 manager and, if necessary, the treatment
8 branch manager, like Mr. Walton. That occurs
9 directly under Walton, who is really
10 monitoring this treatment and determining what
11 the needs are in this particular case.

12 What I get, and what goes on in
13 court, is a written report summing up the
14 review period and whatever else needs to be
15 said in the report.

16 MEMBER SCHUMM: So there has been
17 no discussion before you appear in court about
18 what's likely to happen?

19 JUDGE RANKIN: That's right.
20 However, we have those reports, and we make
21 them available for counsel to come in and get
22 a copy of the report before court starts. I

1 seldom start that court before 10:15, 10:30 in
2 the morning, to give counsel an adequate
3 chance to come in and get the report, sit down
4 with his attorney, sit down with the Pretrial
5 Services case managers because they are there,
6 and go over any discrepancies.

7 For example, a person believes
8 that he should be in phase II but we still
9 have him in phase I. They can talk about what
10 the discrepancy is. Usually, they haven't
11 been attending groups or whatever.

12 MEMBER SCHUMM: And you mentioned
13 that the lawyers that do the best job in your
14 court are involved and are aware of the
15 personal lives of their clients?

16 JUDGE RANKIN: Take an interest
17 in.

18 MEMBER SCHUMM: They take an
19 interest in. How does that then translate
20 into them being an effective advocate in drug
21 court? How do you see that play out?

22 JUDGE RANKIN: The biggest way I

1 see it play out is, if the person appears to
2 be in denial, if they are ready to quit, if
3 they feel like they are being treated
4 unfairly, the lawyer typically will say, "Your
5 Honor, can we come back tomorrow?" or "Can we
6 just pass this, so my client and I can talk?",
7 or whatever.

8 Then, typically, they will come
9 back in the next day or later that day, or
10 whatever, and say, "My client wants to stay in
11 the program." Or sometimes they come back and
12 say, "This isn't working for my client. He's
13 ready to get out."

14 CO-CHAIR JONES: Gail?

15 MEMBER SHIFMAN: I wanted to
16 follow up with something that you had said,
17 Judge Rankin. When you indicated that some of
18 your objection to the program that you use --

19 JUDGE ISCOE: New Directions.

20 MEMBER SHIFMAN: New Directions.

21 Thank you.

22 If the idea is lift people out of

1 the criminal justice system to the extent that
2 we are able to do that, is there anything that
3 statutorily prohibits the drug court from
4 taking people with a longer criminal history?

5 JUDGE RANKIN: One of the things
6 that I was able to accomplish before I left
7 that assignment was to get an agreement from
8 the United States Attorney's Office and the
9 Pretrial Services Agency to revise our
10 admission standards so that we were no longer
11 excluding that category of people charged with
12 domestic violence crimes, for example, because
13 much of that is fueled by alcohol and drugs.

14 We also agreed that we should take
15 a case-evaluation-by-case approach rather than
16 just a blanket, "No, we won't take this person
17 in because he was charged with assault 10
18 years ago."

19 So, no, there is nothing in the
20 law. It is all part of an agreement. But our
21 drug court actually got liftoff back in 1994.
22 We have been around much longer than our more

1 recent treatment courts.

2 We have had monthly steering
3 committee meetings all these years to try to
4 -- for reasons, nobody had ever considered
5 changing what had sort of been written in
6 stone, that nobody charged with violence would
7 be coming into the drug court.

8 MEMBER SHIFMAN: So it sounds like
9 the gatekeeping function is sort of being
10 handled by the prosecution to a great extent?

11 JUDGE RANKIN: In terms of
12 diversion. We haven't really talked about the
13 felony charges that are in drug court. They
14 make up maybe 20 percent of the drug court
15 population. Those cases, if the person is
16 charged with a drug offense, a felony drug
17 offense, then they are welcome to come in drug
18 court. If they are charged with a crime of
19 violence, they are not welcome in drug court.

20 But let's say that this person
21 comes into the drug court with a felony case.
22 They can do the program and go to trial at the

1 end of the program. The problem is that we
2 also, as a Superior Court, are conscious of
3 the world we live in today where performance
4 measures and standards determine court funding
5 for us just like in the states.

6 So when we go to testify on the
7 Hill for our budget, they want to know, well,
8 you've got "X" number of cases and you're not
9 processing those cases.

10 So if you come into drug court,
11 you are charged with a misdemeanor, and at the
12 end of the rainbow is a pot of gold, nobody
13 cares how long the case is going to stay in
14 there.

15 But if you come in there with a
16 felony case and you're trying to go to trial,
17 you're not answering a guilty plea; that's
18 fine, but the government has witnesses who are
19 waiting, you know, duh-duh, duh-duh, duh. So
20 it is sort of a different perspective.

21 JUDGE ISCOE: Let me just mention
22 one thing about the New Directions Program

1 because I like the program, but I agree
2 completely with Judge Rankin that if a judge
3 is involved and also the possibilities of
4 sanctions, smaller sanctions for smaller
5 violations, I think you are more likely to get
6 compliance than if you have a program, you're
7 in it and then suddenly you're kicked out of
8 it.

9 So I don't have any control over
10 New Directions, except when I get people back
11 before me and they're not in compliance, I can
12 remove them from the program.

13 But smaller sanctions, you have a
14 whole step of sanctions --

15 JUDGE RANKIN: The range of
16 sanctions, and the last thing I want to do is
17 remove somebody from the drug court. I want
18 to get their attention and get them back in
19 there.

20 New Directions is good because
21 Pretrial Services -- I mean I guess I didn't
22 finish the thought I started 30 minutes ago.

1 The point is that Pretrial has this money.

2 They need to use it because, Lord knows,
3 there's a need for treatment out here in the
4 population.

5 So if 75 percent of the people who
6 need treatment can't get in SCDIP, then there
7 should be something else for them, and that's
8 what it is. New Directions is there for that
9 group.

10 Now, in my humble view, they are
11 not getting what a person ought to get in drug
12 court because the program is set up like that.
13 That case is not going to get slowed down
14 because they are in treatment, and they are
15 either going to make it or they're not going
16 to make it.

17 Most people who go in New
18 Directions are going to get sent to a
19 residential treatment facility for 60 days or
20 90 days, and they are going to come out and
21 they are in the system. They are going to
22 plead or they are going to go to trial, but

1 the system is not going to slow down for them
2 to go through drug treatment.

3 Drug treatment, for people who
4 need it, is not matter of that (indicating).
5 I mean, you know, it's a whole lot of falling
6 down and getting up. That's what drug court
7 is.

8 CO-CHAIR JONES: We are over on
9 time. We are going to have one last question
10 from Elizabeth.

11 MEMBER KELLY: A very short
12 question.

13 Yesterday we heard video testimony
14 from Judge John Bozza of Erie County,
15 Pennsylvania. As you may know, he is an
16 ardent opponent of drug courts, and he had a
17 lot to say about the role of the judge. But
18 one of his points was that it is a thoroughly
19 inappropriate blurring of the role of a judge
20 as jurist versus a judge as social worker.

21 JUDGE RANKIN: If you talk to him
22 again, refer him to me.

1 (Laughter.)

2 MEMBER KELLY: Okay. But what's
3 your response? Do you have a response, Judge?

4 CO-CHAIR JONES: Well, what he
5 said -- let me just say, yes, for the record,
6 the article I believe Judge Rankin is passing
7 around is from Georgia Law Review, is the same
8 as Terrence Walton provided us with yesterday.

9 Go ahead, Judge.

10 JUDGE RANKIN: I stay in touch
11 with the National Association of Drug Court
12 Professionals. One day perhaps, when I become
13 a senior judge, I think they'll be pretty
14 acceptable.

15 CO-CHAIR JONES: Great.

16 JUDGE ISCOE: I'll let the
17 response in Georgia Law Review stand, except
18 let me just say this, as a defense attorney
19 pointed out to me once when this was raised:

20 He said, "Well, that's, of course,
21 true in one sense, but every time somebody is
22 found guilty of a crime, the first thing that

1 most defense attorneys ask the judge to do in
2 sentencing is to consider social factors,
3 upbringing, other reasons, and to say, `Well,
4 he really doesn't -- what he really needs is
5 drug treatment or psychological treatment or
6 rehabilitation, all kinds of things. Don't
7 put him in jail. Give them this kind of
8 treatment.'"

9 I think that is an entirely
10 appropriate request. I am not saying I would
11 agree with it in every case. I am saying it
12 is entirely appropriate to bring those matters
13 to a judge's attention.

14 For many of the same reasons, I
15 think it is appropriate for judges to consider
16 those matters pretrial, that we do more than
17 simply adjudicate cases and impose punishment
18 if there is a conviction. I think that is the
19 fundamental premise of all of the therapeutic
20 courts, is the courts play a role in society.

21 But to say that it is an entirely
22 inappropriate role is to ignore what happens

1 every day at sentences in cases, and also in
2 earlier parts of a case, on release. All
3 those same factors are brought to judges'
4 attention regularly, always have been.

5 CO-CHAIR JONES: Great. Thank you
6 both for engaging with us this afternoon. We
7 appreciate it.

8 JUDGE ISCOE: Thank you for your
9 inquiry. Let me just ask, is there going to
10 be a published report?

11 CO-CHAIR JONES: Yes, there will
12 be sometime toward the middle to the end of
13 this year, we hope.

14 JUDGE ISCOE: Great.

15 CO-CHAIR JONES: Our next panel is
16 here. If we could just have them come up to
17 the front, we'll begin.

18 All right, welcome. We are quite
19 pleased to have you.

20 Let me just do my best to
21 introduce you.

22 To my left, we've got Candice

1 Singer. Candice Singer is the Policy Analyst
2 for the National Council on Alcoholism and
3 Drug Dependence of New Jersey. That is NCADD
4 of NJ.

5 In the middle is Rhonda Reagan,
6 who is a former Drug Corps participant.

7 And to my right is Jeff Jeffery,
8 who is a Criminal Justice Substance Abuse
9 Counselor at MHS North County Center for
10 Change.

11 Welcome. We are pleased to have
12 all three of you.

13 I think you have all been here for
14 some part of the afternoon. So you know how
15 we operate. I won't belabor it. I'll be
16 quiet.

17 The questioning is going to be led
18 for this session by Adele.

19 And I turn the floor over to you.
20 Each of you has about five minutes. Just give
21 us some sense of who you are and the benefit
22 of your thoughts about these topics.

1 MR. JEFFERY: Well, thank you for
2 having us.

3 It is an honor and a privilege to
4 be able to come here and share from possibly
5 the other side of the spectrum.

6 I am a substance abuse counselor
7 in a drug court, and ironically, I was denied
8 access to the same program that I am now
9 working on. The nature of my crimes kept me
10 out. They weren't violent, but they did keep
11 me out. It was a sales charge, just so we're
12 okay and we understand where that is, so we
13 don't get going with the idea that it was
14 something else.

15 (Laughter.)

16 I think I would rather plead to
17 that first.

18 (Laughter.)

19 CO-CHAIR JONES: Could you just
20 tell us what part of the country, what
21 jurisdiction that was?

22 MR. JEFFERY: Actually, don't let

1 the accent fool you. I am from California.
2 I work in San Diego in one of their Centers
3 for Change. We have four drug courts there.

4 Most of my 27 years as an addict
5 were in California until I took that on a road
6 trip because of legal reasons.

7 (Laughter.)

8 I had transferable skills that
9 worked nationwide.

10 (Laughter.)

11 I was an iron worker for 20 years,
12 and it allowed me to travel. As the
13 consequences caught up to me of my addiction,
14 I was able to move on to the next location,
15 which was a really downfall for somebody.

16 Anytime you hear the word
17 "functioning addict," that's not a good thing.
18 That is very bad.

19 I also heard in a couple of the
20 other testimonies some of the things, that
21 they were the "drug warriors". Well, I'm one
22 of the warriors. I have a 27-year addiction,

1 and I was lucky enough to survive.

2 Let me move on a little bit just
3 real briefly, because I know we are kind of
4 short on time, to what I have done since.

5 I am a graduate student in a
6 marriage and family therapist program. I'm
7 leading in my class. I have graduated three
8 college degrees in three and a half years, and
9 my undergrad is in human services with a
10 concentration in youth development. Two of my
11 minors are administration of justice, law
12 enforcement, and the other one is alcohol and
13 drug studies.

14 So I came through a very
15 dysfunctional system. Throughout my adult
16 life, I have numerous incarcerations, numerous
17 problems. I could go on. I had no driver's
18 license for 25 years. I have had almost
19 nearing double digits on DUIs. I have
20 wreckage that is just so far deep and
21 disruptive it's not even funny.

22 And the miracle of the thing -- I

1 heard somebody earlier mention Prop. 36, and
2 everybody is aware of what Prop. 36 is? Okay.

3 I am a failed treatment out of
4 Prop. 36. By the grace of God, there was a
5 judge in place who did not give up on me,
6 despite the system that was designed to give
7 up on me. I should have went and served a
8 six-year prison term. Instead, she hung onto
9 me in her court, kept me in her jurisdiction.
10 We like to nickname this "independent drug
11 court" -- is when there is actually a skilled
12 judge at the helm that understands addiction
13 inside and out and its treatment. And I was
14 lucky enough to come across one of those.

15 She was removed from that
16 -- actually, not removed. She was transferred
17 out of that position, I imagine against her
18 will. The rotations I think you're aware of.

19 But it was a downfall for many of
20 us who were able to get the treatment that was
21 necessary.

22 I will let you ask some of your

1 questions because I will talk forever and
2 ever. So I will let the ladies speak on their
3 behalf.

4 CO-CHAIR JONES: Great. Thank you
5 very much.

6 MS. REAGAN: Hi, everyone. Thanks
7 for having me here. Like I really feel
8 privileged, and I had no idea what I was
9 walking into.

10 I'm quite shocked that I'm not as
11 intimidated as I would have been, you know.
12 I'm actually quite comfortable.

13 A little bit about my background:
14 I have been involved in the system since an
15 adolescent. I am 35 years old, and in 2004 I
16 completed parole.

17 The reason I feel I'm here is to
18 let you know a little bit about my drug court
19 experience. I was on probation, you know, I
20 would say probably a three-time conviction for
21 possession. I was offered 180 days in jail
22 and three years of probation. So I did the

1 180 days. I had gotten out. It didn't change
2 a thing.

3 I went back to using drugs. I had
4 a couple of chances with Superior Court judges
5 and was kind of court-ordered to rehabs and
6 stuff, and I ran.

7 I was on the run for three years.
8 Due to some incidences with child support and
9 whatnot, I had gotten arrested. Knowing that
10 I was facing this -- because I believe in the
11 State of New Jersey, like a probation
12 violation is a four-year sentence -- I was
13 very sick and suffering at the time. I had
14 been using drugs and I had gotten arrested.

15 With that, you know, somebody like
16 me, when I get arrested, I don't have a bail.
17 Like I just go right to jail.

18 I was on like alternative
19 treatment programs and whatnot, and I was
20 very, very heavily addicted. My first
21 instinct was an easy way out. Like I was very
22 sick. I was very suffering. I promised my

1 mom, "Will you please bail me out? And I will
2 continue to do like what I had been doing."

3 So, with that, she bailed me out,
4 and I had gotten a private attorney. Well,
5 no -- yes, a private attorney. She was a
6 public defender, and she had started
7 practicing privately, and she had presented me
8 with this drug court thing.

9 And I was so sick and suffering
10 that I really didn't read into it. I didn't
11 look to see if there was any consequences.
12 Quite frankly, I wasn't ready.

13 You know, I sat back there
14 listening like I am one of these drug poor
15 addicts. I was pleased to say that I am doing
16 well now.

17 I continued -- so what had
18 happened was I had gotten presented with the
19 drug court, and I kind of took it from being
20 on the outside. I wasn't in jail at the time.
21 So I took it from the outside, and I didn't
22 really realize and they had said to me,

1 "Okay." I guess they did that -- you know,
2 looking into my case and figuring out like I
3 had been on drugs for 20 years, and 14 of it
4 I was addicted to heroin.

5 So with that, they decided -- and
6 all my life, because I have been in and out of
7 a lot of rehabs and it's kind of shameful.
8 Drug counselors had told me, like you need a
9 long-term program, and I would never believe
10 it. I was always in denial, like nothing's
11 going to happen to me and all this.

12 So they presented me with a six-
13 month rehab. I believe that, because I was so
14 used to living my life with like no rules and,
15 you know, I was just a wild, crazy girl, to
16 put me into a therapeutic community and now
17 there's rules and there's fraternization and
18 like all this kind of stuff. I wasn't abiding
19 by the rules.

20 Nowadays, I know that in my heart
21 I wasn't ready. I took this because I thought
22 it was an easy out; I can get over on the

1 system, and that's it.

2 I had gotten sanctioned once for
3 behavior, and I was on my way to getting
4 sanctioned again. And I thought to myself,
5 because, again, I was a very sick girl, and I
6 thought, you know what, I was on the run all
7 that time; I'm leaving this rehab, and I
8 escaped.

9 With that, visiting was the next
10 day, and I called my parents and said, "Well,
11 don't bother to come visit me because I'm
12 off."

13 And my mother says, "Rhonda, you
14 stayed clean four and a half months. Do you
15 realize what's going to happen?"

16 So, with that, I promised my dad
17 that I would turn myself in the next day. So
18 the very next day I went to the judge's
19 chambers. He had no understanding of this,
20 and I turned myself in.

21 At that point in time, I don't
22 quite know if he was going to give me a

1 chance. Like I'm not quite sure. I do know
2 that with the sanction I was transferred back
3 and forth from the jail to the court for every
4 weekday that they had drug court, and I was
5 almost used as an example.

6 I sat over in the box with my
7 uniform and I watched the judge give a lot of
8 people chances. You know what I mean? And
9 maybe he just wasn't playing with me.

10 So I decided that I guess the best
11 thing for me would be prison, and I went and
12 I went to prison. And I came out and I did
13 the right thing for nine months and went right
14 back to people, places, and things.

15 With that, I had a parole officer
16 who really believed in me and family members
17 who believed in me. She gave me a chance.

18 Instead of going to a prison
19 halfway house where I was supposed to go after
20 the 28-day program that I went to, she gave me
21 a shot at a life skills program for women, and
22 women only.

1 The greatest thing is that I've
2 experienced, because I have a network, a very
3 large network of women who completed drug
4 court, and I have seen the success. That just
5 wasn't my story.

6 And the actual place that I had
7 went for the six months is a place that works
8 with the drug court in New Jersey. So I have
9 seen women, like, you know, as I'm residing
10 with them, I see the girls that go there after
11 me, you know, and that's where the miracles
12 would happen.

13 I mean at the place I surrendered.
14 I can't tell you exactly when that happened.
15 I just know that it was getting old and I was
16 dying, you know.

17 I reflect back and I just simply
18 wasn't ready.

19 I just made a lot of changes.
20 Like I came out. I did my thing and went
21 back. I successfully completed the law. I am
22 no longer under any kind of supervision, and

1 I don't have to report to anybody, and I still
2 do the right thing.

3 You know, I have had the same job
4 for three years. I have contact with my son,
5 because naturally I gave him up. You know,
6 DYFS didn't come to me and say, "Hey, we're
7 taking your child," or anything like that. I
8 willingly gave him up because he was getting
9 in the way of my drug using. I have a
10 relationship with my son.

11 I hadn't had a valid driver's
12 license in 11 years. I got my license back.
13 You know, so like things are happening.

14 I believe, like for me, it's about
15 what I do. You know, it's about the people in
16 my life now. I know I'm not here to talk
17 about any 12-step programs or anything, but I
18 believe in what I believe in, and that's why
19 I attend. I just do things different.

20 Thank you.

21 CO-CHAIR JONES: Super. Thank
22 you.

1 MS. SINGER: Hi. I'm Candice
2 Singer. I'm currently the Policy Analyst at
3 the National Council for Alcoholism and Drug
4 Dependence, New Jersey.

5 I was a juvenile defense attorney
6 for 17 years. The first time I got clean I
7 was 20 and stayed clean for like 20 years with
8 one relapse, and during that time I went to
9 law school, became an attorney. I was a very
10 active defense attorney with my clients,
11 probably too active. Didn't have much sense
12 of boundaries.

13 In my late thirties, I picked up
14 methamphetamine, and within months I closed my
15 practice. I lost my house. I lost
16 everything. I was living on the streets, and
17 I couldn't stop using.

18 With methamphetamine, you have to
19 tweak, something you have to do over and over
20 and over and over and over again, and mine was
21 burglary.

22 So by the time I got arrested, I

1 was charged with 24 burglaries and also I had
2 come back east to help care for my mother. I
3 couldn't find the drug here, so I began
4 manufacturing it. So I was charged with 24
5 burglaries and a first degree manufacturing
6 charge.

7 I had to fight to get into drug
8 court. Technically, I wasn't permitted. You
9 know, drug courts are different all around,
10 throughout the states.

11 In New Jersey -- and they recently
12 changed it so you could have two or more third
13 degree crimes and still get into drug court.
14 When I was getting in, you couldn't even have
15 two or more third degree crimes. You
16 certainly couldn't have a first degree crime.
17 So it took me about a year to get into drug
18 court.

19 I had a private attorney. That
20 attorney had relationships with the
21 prosecutor, relationships with the judge. I'm
22 not so sure I would have gotten drug court if

1 I had a public defender because I needed an
2 attorney with those relationships in order to
3 let them know. I mean, clearly, I had never
4 committed a crime except when I was on drugs.
5 I clearly needed treatment.

6 So I did get into drug court. I
7 successfully completed five years of drug
8 court.

9 I believe drug court saved my
10 life. The drugs had taken over so much that
11 I wasn't sure I wanted to be clean for the
12 first two years. I was pretty hopeless. You
13 know, I just couldn't figure out what I was
14 going to do with my life.

15 But drug court just kept kind of
16 plugging away with me. I think one thing
17 about drug court is it is the relationship
18 that you can develop, either with your
19 probation officer or with the judge, with a
20 counselor. I think that is a really important
21 piece of it.

22 I did have one sanction, which was

1 probably unwarranted. I do believe that lack
2 of due process added to that sanction. I also
3 had mental health issues.

4 I was in an Oxford House, and I
5 got kicked out because they learned I was on
6 medication. Drug court didn't know what to do
7 with me. So they decided to put me in jail.
8 They hadn't told me they were planning to do
9 this.

10 The defense attorney that was
11 assigned to drug court didn't get involved in
12 any of my case because I had a privately-
13 retained attorney. So I hadn't called the
14 attorney. I didn't know I was going to jail,
15 and suddenly I was in jail.

16 So, along those lines, I do think
17 that a defense attorney could have found out
18 the facts, why I got kicked out, the needs I
19 had. I had been trying to hook up, you know,
20 find a psychiatrist to get back on my
21 medication, but I couldn't find one. I don't
22 believe I would have been sanctioned had an

1 attorney been present and assisting me at that
2 point.

3 But, all in all, you know, I'm
4 even grateful at this point that drug court
5 did sanction me because, as a result, I lost
6 the job I did have, which was a menial job,
7 and then started looking for another job. And
8 I got this job, which is amazing because
9 there's not many jobs that an attorney with a
10 criminal record, a disbarred attorney in
11 Oregon can get.

12 My boss knows all about my
13 background, and I get to use my legal skills
14 to really help people and to make policy.

15 You know, I was taking some notes
16 while you were speaking. The people that go
17 into drug court in New Jersey usually have a
18 presumption of imprisonment. Misdemeanors,
19 people that have misdemeanors and not a
20 presumption, the reality is they are not going
21 to ask for drug court. If they can get
22 probation, they will go for probation.

1 Plus, we plea guilty before we get
2 accepted into drug court. In my case, I was
3 required to plead guilty to all my crimes
4 except they made the first degree a third
5 degree, so I could get into drug court.

6 And the judge basically said to
7 me, if you fail drug court, you will go to
8 prison for 87 years. That 87 years hanging
9 over my head was helpful at the beginning,
10 when I didn't know if I wanted to be clean
11 because I was so miserable.

12 Drug court was long enough and
13 kept me in treatment long enough that my head
14 started to clear after about two years, and
15 then I started wanting to be clean. So I
16 don't know that I could have done this without
17 drug court. I didn't expect the drug to take
18 over like it took over.

19 So the same probation officer that
20 put me in jail was also the woman I wanted in
21 the delivery room when I gave birth to my
22 first child a couple of years ago. That

1 relationship was really important to me.

2 It's also really important that I
3 gained the respect of the judge, especially
4 given my background.

5 So that's it, briefly.

6 CO-CHAIR JONES: Great. Thank
7 you.

8 Let me just ask you one quick
9 question. How long have you been in your
10 current job?

11 MS. SINGER: Four and a half
12 years.

13 CO-CHAIR JONES: Good. Great.
14 Adele?

15 MEMBER BERNHARD: Well, thank you,
16 all of you, for sharing your experiences.

17 Since you have been sitting here,
18 I know that you know that we are trying to
19 really focus on the defense attorney's role in
20 all of that. So thank you for alluding to
21 that.

22 How did having -- I mean, I know

1 from you, Candice, how a lawyer sort of
2 helped, at least initially, getting you in and
3 doing some advocacy. What did your attorneys
4 do that you could say would be helpful or that
5 you could say isn't helpful? What lessons can
6 we learn from your experiences as defendants,
7 I guess?

8 MS. SINGER: I can say that in
9 drug court there is a defense attorney present
10 at all the hearings. We met weekly with the
11 judge in New Jersey.

12 MEMBER BERNHARD: You did,
13 personally?

14 MS. SINGER: And everyone in drug
15 court.

16 MEMBER BERNHARD: Right.

17 MS. SINGER: It started out
18 weekly.

19 MEMBER BERNHARD: And there was a
20 lawyer there, but that lawyer wasn't really
21 representing you personally because you had
22 this other lawyer?

1 MS. SINGER: Right, but she did
2 represent the people that had court-appointed
3 attorneys.

4 MEMBER BERNHARD: Okay.

5 MS. SINGER: So an attorney can
6 play a role in the sanctioning or not
7 sanctioning, you know, I think to get the
8 information, you know, investigate what really
9 happened, impress upon the court the needs of
10 the client --

11 MEMBER BERNHARD: Right.

12 MS. SINGER: -- whether that is
13 seven days in jail or whether what they really
14 need is another treatment program.

15 MEMBER BERNHARD: Right.

16 But, Rhonda, you talked a little
17 bit about having an attorney that your family
18 had hired and somebody who was in private
19 practice. How was that person helpful or not
20 helpful, your attorney?

21 MS. REAGAN: For me, like I guess
22 because she has represented my brother -- you

1 know, I have a very long history of some
2 criminal activity in my family.

3 MEMBER BERNHARD: Uh-huh.

4 MS. REAGAN: I guess because she
5 just knows the family -- like I come generally
6 from really good parents, you know. So I
7 think just her being educated on the disease
8 of addiction itself, like she never gave up on
9 me. As a matter of fact, I am just going to
10 call her and tell her like I'm here today.

11 Once I decided to really surrender
12 and that I really wanted to change my life
13 around, I had a court case pending for --
14 what? -- like my 20th driving on revoked, and
15 she basically like told my story to the
16 prosecutor with like compassion, and they
17 really believed in me that, believe or not,
18 like I was dropped and like how I was able to
19 get my license back. And I was facing jail
20 time and almost willing -- you know, it's a
21 free lunch, go to jail thing, because I
22 committed the offense, you know.

1 MEMBER BERNHARD: So one of the
2 things that I'm hearing you say about that
3 person was that she had some background in
4 addiction and she also had some sort of long-
5 time connection with you?

6 MS. REAGAN: Rapport, yes.

7 MEMBER BERNHARD: Rapport with
8 you, and that she was obviously concerned with
9 developing --

10 MS. REAGAN: Yes.

11 MEMBER BERNHARD: And that was
12 helpful both for how you felt in the court and
13 for actual outcomes?

14 MS. REAGAN: Right. Even when I
15 was in TC that Discovery House had
16 sentenced -- I mean that the drug court had
17 sentenced me to, I again had another driving
18 while suspended court case pending, for I
19 guess -- this is probably 2002.

20 I mean she actually came to the
21 rehab, picked me up, and brought me to court.
22 So like she just did a lot of advocating on my

1 part and did what she could.

2 MEMBER BERNHARD: Uh-hum, and that
3 was also something that made it easier for you
4 or motivated you --

5 MS. REAGAN: Yes, well, I was
6 completely honest with her.

7 MEMBER BERNHARD: Yes.

8 MS. REAGAN: Because my whole life
9 I was never honest.

10 MEMBER BERNHARD: Right.

11 MS. REAGAN: So she just kind of
12 made it easier for me to tell the truth, you
13 know, and, in turn, she could tell the truth
14 of my story.

15 But, at this point in time, all my
16 life I have pretty much just copped out to a
17 guilty. My drug use, I was so -- you know, my
18 brain was going a mile a minute all the time,
19 that I just couldn't sit and wait to fight
20 for, no, I'm not guilty. That is the insanity
21 of this disease. I would take a guilty plea
22 and walk out the door because I knew what was

1 waiting for me on the other side.

2 MEMBER BERNHARD: Right.

3 MS. REAGAN: That's all my fault.

4 So, with that -- oh, I forgot
5 where I'm going with this. So, at that point
6 in time, like I was ready and willing. You
7 know, I get pulled over for driving without a
8 license.

9 MEMBER BERNHARD: Yes, I don't
10 think you can get past this until the point
11 when you're ready to get past it.

12 MS. REAGAN: Right. Right.

13 MEMBER BERNHARD: And that's all
14 up to you, and there's probably nothing
15 anybody else can do about that.

16 But, you know, there are things
17 that attorneys can do so that, when you are in
18 that position, they can sort of help you get
19 through those next steps, whatever they might
20 be.

21 MS. REAGAN: Sure.

22 MEMBER BERNHARD: I mean, what

1 about you, Mr. Jeffery?

2 MR. JEFFERY: If it is okay with
3 you, I can swap hats and come from the
4 treatment side right now.

5 MEMBER BERNHARD: Sure. Yes.

6 MR. JEFFERY: And I'm not speaking
7 for my drug court team or anybody in my employ
8 or anybody like that. This is merely my
9 insights.

10 But the defense attorney on our
11 team, the public defender, is a remarkable
12 member of that team. It is a necessity, even
13 though I have to say that I pity her
14 sometimes. If you're familiar with that
15 process, she gets the losing side more often
16 than not.

17 MEMBER BERNHARD: Yes, we're used
18 to that.

19 (Laughter.)

20 MR. JEFFERY: Yes, well, in all
21 honesty, it is a wonderful check and balance
22 because here's the deal: we will push things.

1 Even though it's in the client's best
2 interest, I will say sometimes in that thought
3 process, let's say, that they will back down
4 just a little bit. Maybe their rights aren't
5 totally -- but what is the greater good here?
6 Are we working to get this person better or
7 are we working to get them what they think
8 they want?

9 There's got to be concessions made
10 at this table, especially in this setting.
11 There is not going to be a winner. The only
12 winner that can come out of there is actually
13 a client by surrendering in that team effort,
14 and it is always the defense attorney, not
15 always. She won one a couple of weeks ago.

16 (Laughter.)

17 MEMBER CLARK: She's had a good
18 year.

19 (Laughter.)

20 MR. JEFFERY: And it's not lack of
21 trying or effort. I mean she makes her voice
22 known that we might want to take a look at

1 that. And it is a nice check and balance
2 because I can honestly say treatment will,
3 particularly on our team environment,
4 treatment really is -- the judge has the
5 ultimate say, but he pays attention to
6 treatment, because who is working with these
7 people day-in and day-out; who knows these
8 people day-in and day-out? He kind of falls
9 in line with our recommendations.

10 And it is nice that the defense
11 attorney is there because we are not always
12 recommending something that is right from a
13 legal standpoint.

14 MEMBER BERNHARD: So, what you're
15 saying is you sort of need that defense
16 attorney there to counteract the way everyone
17 else on this team may sort of fall into
18 agreement easily with one another over certain
19 kinds of recommendations, and you sort of need
20 to have somebody playing devil's advocate --

21 MR. JEFFERY: Absolutely.

22 MS. REAGAN: -- and at least

1 watching out for what those recommendations
2 are?

3 MR. JEFFERY: Absolutely. Yes.

4 MEMBER BERNHARD: Now has that
5 defense attorney that's been on your team been
6 there for a while or?

7 MR. JEFFERY: Seven years.

8 MEMBER BERNHARD: Seven years?

9 MR. JEFFERY: And she's
10 remarkable. Where was she when I was in
11 trouble?

12 But kind of at the same time, she
13 does her job, and that is such a needed check
14 and balance. Because I will be honest, it
15 could get unfair without that in place.

16 MS. SINGER: And I just want to
17 say it is a really tough role to play, because
18 I do know the defense attorney quite well who
19 is the drug court defense attorney.

20 Basically, she would get beat up in those
21 meetings.

22 You know, attorneys were used a

1 lot with the short-term sanctions, but in any
2 kind of probation violation or, if they were
3 looking at taking you out of drug court, then
4 it became adversarial and then an attorney
5 would be present.

6 MEMBER BERNHARD: But that person
7 that is in court all the time, do they have
8 time and space to get to know the drug court
9 participants? So they have time outside of
10 court? Or how does that work? How do they
11 know enough to advocate for the number of
12 people who are in drug court at any one time?

13 MR. JEFFERY: We're 120 deep in my
14 program alone.

15 MEMBER BERNHARD: Yes.

16 MR. JEFFERY: And we have one
17 attorney, and I have no idea how she
18 feasibly handles it as she does, and she
19 returns every one of their phone calls, and
20 they call her on treatment. When they come at
21 me with legal stuff, I say, you know, you go
22 this direction, and I give her number. She

1 returns every one of their phone calls, and
2 what a remarkable feat that's got to be, all
3 by itself. Can you imagine having 120
4 addicts?

5 (Laughter.)

6 MS. SINGER: From what I have
7 heard other people say, it is that they don't
8 feel like they have the best representation,
9 at least in the drug court that I was in.

10 MEMBER BERNHARD: Uh-hum. And
11 it's once again that there's one person for
12 all that stuff --

13 MS. SINGER: And there's so many
14 people.

15 MEMBER BERNHARD: Right.

16 MS. SINGER: But I believe the
17 defense attorney starts, like is there right
18 at the beginning. So she does know the client
19 somewhat because she has gone through the
20 process with them.

21 MEMBER BERNHARD: Uh-hum. Uh-hum.
22 So other than saying, you know, you appreciate

1 the work and you can understand how difficult
2 it is, and that it is a good counterbalance,
3 is there advice, training? I mean, what kinds
4 of suggestions, advice should we maybe take
5 home?

6 MR. JEFFERY: We were at the
7 National Conference, and we go to our State
8 conference, and our public defender is with us
9 every step of the way. Actually, she knows
10 more about the urinalysis testing than I do,
11 and rightfully so because a lot of our
12 discrepancies and problems come from that
13 direction.

14 She is well-educated. The
15 trainings that are provided at the Drug Court
16 National and at the State conferences are very
17 adequate.

18 You had Mr. Marlowe, Doug Marlowe,
19 yesterday. I heard him speak for the first
20 time, and I had to sit back, being an addict
21 and being on the other side for so many years,
22 he got it. When I heard him speaking at the

1 National Conference, I had to take a step back
2 and say, well, wait a second, somebody does
3 get this. Somebody does understand, and
4 they're working diligently to try to bring
5 this to scale, because this is what works.

6 I mean it is what saved my life,
7 even though it may have been a failed
8 treatment. Did they get me engaged in
9 treatment? Yes. Did that judge take the time
10 to make sure that I stayed engaged? Yes.

11 So, at the same time, as
12 persistent as the disease of addiction is, so
13 is the system; the system and treatment needs
14 to be the same. If it's not, you just send
15 them off to prison or jail. You're sending
16 them back to gladiator school, criminal tech,
17 whatever you want to call it, and they're
18 going to come back out to the streets again,
19 and the public safety is probably worse off
20 than before because now you have hardened
21 criminals that have been taught.

22 MS. SINGER: I was just going to

1 say, in New Jersey at least, the recidivism
2 rates for drug court clients is really low.
3 I think it's like 6 percent versus the 40
4 percent who went to prison.

5 I know, without a doubt, had I
6 gone to prison, I would have continued to use,
7 and I would have come out and continued to be
8 addicted.

9 You know, I just wanted to say, in
10 New Jersey also, the screening takes place
11 before -- it's a two-step process. The
12 screening to make sure someone's clinically
13 appropriate is done, and then, at least in my
14 case, they screened me. I went through
15 several psychological exams also because of
16 the mental health issues. Then they took it
17 to the prosecutor to see if I was legally
18 appropriate, which is very important.

19 So in New Jersey we're not getting
20 people that aren't addicted.

21 MEMBER BERNHARD: Right.

22 MS. SINGER: You know, we are not

1 getting those people that are just trying to
2 get out of things.

3 MEMBER BERNHARD: Yes.

4 MS. SINGER: We are getting people
5 that truly need treatment and are addicted.

6 One of my suggestions, the need to
7 expand drug courts, because there's so many --
8 like me, I wasn't really eligible for it, and
9 I was someone that could succeed in it.

10 At least in New Jersey, our
11 statutes, really they're still not wide enough
12 to let people in because there's plenty of
13 people that have committed a first degree or
14 second degree crime or numerous third degree
15 crimes that need drug court and aren't
16 permitted to get in.

17 CO-CHAIR JONES: We are going to
18 run just a little bit long because we've got
19 a number of people who want to get in on this
20 conversation.

21 Elizabeth and then Marvin.

22 MEMBER KELLY: Thank you.

1 Some of us have wondered if,
2 instead of having widespread use of drug
3 courts, if we could basically arrest continued
4 drug addiction by putting more resources into
5 our public health system. So, that is to say,
6 before people are faced with criminal charges
7 and convictions, they are able to beat their
8 trouble or their addiction.

9 I'm sensing from each of you that,
10 had you not been charged with a crime, you
11 never would have had the incentive or, if you
12 will, the coercion to stop. Is that true or
13 false?

14 MS. SINGER: To answer your first
15 question, absolutely. If treatment is
16 available, you will divert many people before
17 they ever get to the drug court system.
18 Treatment is not available.

19 One of the issues I work at at
20 NCADD, New Jersey, is closing the treatment
21 gap. Had I wanted treatment, I wouldn't have
22 been able to get it until I got into drug

1 court, and especially long-term treatment. I
2 mean my insurance company would only pay for
3 like some outpatient treatment.

4 So I think you would be diverting
5 numerous people, and it is a public health
6 issue. It is not necessarily a criminal
7 issue.

8 By the time I got to drug court, I
9 was so deep into it, though, the foraging was
10 helpful.

11 MEMBER KELLY: Okay. Rhonda?

12 MS. REAGAN: I think it varies. I
13 would definitely go ahead for more treatment
14 available.

15 Like, for instance, the place that
16 I went, you didn't need insurance. It is a
17 life skills program. They teach you how to go
18 out, back into society, and work. So,
19 therefore, you pay them to allow you to be a
20 part of their recovery community. Do you know
21 what I'm saying?

22 MEMBER KELLY: Uh-hum.

1 MS. REAGAN: You know, maybe other
2 places would be more beneficial, but I'm going
3 to definitely go ahead with more treatment
4 being available.

5 Like other places like that,
6 because necessarily sometimes -- like I know
7 for me, I didn't know how to live. I had to
8 be taught a lot of things over again. A place
9 like that, where it is a not like non-profit
10 organization, like places like that, you know,
11 if there's no way to like, you know, get these
12 places that take insurance and things like
13 that.

14 I have to say, for me, long before
15 I was -- as a juvenile, I did not necessarily
16 like went in front of a judge, but I was in
17 front of juvenile committees. I have had a
18 lot of interventions in my life.

19 You know, I can honestly say that
20 probably this time around I entered treatment
21 pretty much on my own because I was in such a
22 crazy mind state. Like I really didn't care

1 if my probation officer was going to find me.
2 I didn't care about the police by this time.
3 Do you know what I'm saying?

4 So the bottom line is, I think,
5 family that loves me, you know, and having a
6 couple of decent people in my corner, and an
7 attorney who believed in me. Things like
8 that, you know, I can't honestly say --
9 because I've actually had the opportunity to
10 just go away, and a lot of it for me was not
11 being willing to change, like not taking what
12 I've learned at these treatment facilities and
13 using it on the outside.

14 MEMBER KELLY: So the
15 criminalization of your conduct was almost
16 irrelevant for you, you were so far down the
17 tracks?

18 MS. REAGAN: Yes, and a lot of my
19 criminal activity -- like what was possession?
20 Not intent to distribute my personal
21 possessions that -- you know, like driving a
22 car with no license. I'm driving erratically

1 and that kind of stuff. I've never harmed an
2 individual, you know. I stole from stores,
3 you know, shoplifted, things like that, of
4 that nature, when I was a juvenile, and then
5 convicted for them, sure.

6 MS. SINGER: I did want to just
7 state one thing real quickly, you know,
8 regarding how widespread -- I know in New
9 Jersey about 40,000 people tried to get
10 treatment and couldn't. And that's not the
11 800,000 that needed treatment. I assume that
12 it is probably the same here and everywhere
13 else.

14 MR. JEFFERY: From a public health
15 standpoint, in the coerced treatment side of
16 this, if you are looking at prevention, you
17 are not going to get much prevention with
18 addicts. The thing is, and it is in each and
19 every one of us, if there hadn't been the
20 criminal justice intervention, we wouldn't be
21 sitting here today. I can say that for myself
22 for sure, but I think I heard that from all

1 three to some degree.

2 So, stepping back from that
3 picture and integrating services -- because
4 one of the things is we are so diverse.
5 Everybody has got their little section, and
6 everybody has got this and everybody is
7 fighting for funding. Well, we have one
8 common point of interest, and it is the same
9 place that everybody goes, and that is the
10 county jail.

11 Why we do not have treatment is
12 ridiculous. It is almost fraudulent to the
13 taxpayers that they are going to house, keep,
14 and take care of these people, and we're not
15 going to interject treatment into a population
16 that 80 percent have a drug or an alcohol
17 problem? Wow, what a concept.

18 That alone would change the whole
19 dynamics. From a public health standpoint,
20 that is the intervention. That is the place.

21 Here is the thing: it piggybacks
22 off of failed treatments in drug court. Here

1 it piggybacks off -- it is a win/win, and it
2 really doesn't take a lot.

3 I have heard both sides of the
4 complaint that they are not there long enough.
5 Well, yes, they are. I've been there several
6 times.

7 You can tell me whatever you want,
8 but I can tell you what I have seen with my
9 own two eyes, and, no, that's not true. I'm
10 sorry if it interfered with somebody's funding
11 or their pension plan, or whatever that deal
12 is, but the bottom line is, no, that is an
13 absolute perfect place from a public health
14 standpoint to be able to interject treatment.

15 This is a very opportune time
16 where people are probably more apt to listen
17 than they are at any other point in their
18 life. At any other time, they are not as
19 receptive as they are when they are sitting on
20 their hands. All of sudden, weird things
21 start looking really good, and they get to
22 that point, and we are missing a golden -- for

1 everybody, it is a win, all the way across,
2 that intervention at that point. And it goes
3 undone.

4 There are a few small -- I think
5 Santa Barbara County. There's one in Indiana.
6 There's a few of them. Multnomah County was
7 another one that has county jail treatment.

8 They are highly successful. You
9 would wonder why everybody doesn't, especially
10 in the metro -- I understand the rural setting
11 isn't going to have that same ability, but in
12 the metropolitan areas it is without saying.

13 CO-CHAIR JONES: Gail?

14 MEMBER SHIFMAN: No, I'm okay.

15 CO-CHAIR JONES: Jay?

16 MEMBER CLARK: Rhonda, I want to
17 ask you a question, and I think maybe two,
18 both of you. You said that your use got to be
19 so bad you would just go in and cop a plea,
20 just so you could get out and basically go
21 back to using again.

22 I want to ask you a question

1 because one of the things we are trying to
2 sort through is the role that the defense
3 attorney plays. Let's assume that you got
4 arrested. Your attorney comes to you and
5 says, "You can go to this court," what it's
6 called, "and I'm part of the team there. I've
7 got a deal for you. You'll get treatment and
8 you'll get rehab, and then you can quit coming
9 in here. That's what I want to do for you.
10 What do you want me to do?"

11 What would you have told your
12 attorney to do, cop you out or get you into
13 treatment?

14 MS. REAGAN: "Cop me out" meaning
15 what?

16 MEMBER CLARK: Take a plea; you're
17 right out the door. "Or you can stay; we'll
18 get you into some inpatient treatment, get you
19 into transitional living. You might be here
20 six, four, five, six months," whatever.

21 MS. REAGAN: As crazy as this may
22 sound, it would probably have really depended

1 on what's happening in my life at the moment.

2 MEMBER CLARK: What about each of
3 you?

4 MS. SINGER: Well, like I said, I
5 fought to get into drug court. I fought for
6 the treatment, because at least once I was
7 arrested, there was part of me that was a
8 little bit relieved. I was the type of
9 burglar that when I would come down off the
10 drugs, I felt so bad that I would break back
11 in to bring the stuff back.

12 (Laughter.)

13 That was one of the reasons they
14 had to look at my mental health.

15 (Laughter.)

16 MEMBER SHIFMAN: And you were also
17 older, right?

18 MS. SINGER: Right, and I actually
19 had been on the board of a treatment center
20 when I was in Oregon and I was an attorney.
21 So I was familiar with treatment, and I knew
22 I needed treatment, and so that's what I

1 wanted.

2 Like I said, my defense attorney
3 played a really important role, and I think
4 the defense attorney can play an important
5 role.

6 MEMBER CLARK: I guess what I'm
7 trying to get a sense of is, they can play an
8 important role when you're at the point where
9 you're ready to let them?

10 MS. SINGER: Right.

11 MEMBER CLARK: But until you get
12 to that point, don't you want them to get you
13 out as soon as you can, so you can go right
14 back to using?

15 MS. REAGAN: Absolutely.

16 MEMBER CLARK: So how does the
17 defense attorney know when you are at that
18 point? How do we reconcile those
19 conflicting --

20 MS. SINGER: As a defense
21 attorney, I did a lot of social work as a
22 defense attorney. Consequently, I was very

1 successful. I did much more social work than
2 I did legal work.

3 My hope would be that, once I got
4 someone into treatment, that treatment would
5 stick. That's the hope. Hopefully, they
6 could engage the client enough.

7 Like in my case, I went into
8 treatment. I wasn't particularly engaged. I
9 didn't really want to be clean. I didn't
10 really want to live.

11 But treatment was able, after a
12 while, treatment was able to engage me where
13 I became willing and wanting to stay alive.

14 MEMBER CLARK: How about you,
15 either one of you? Both of you.

16 MS. REAGAN: I just feel like I
17 can -- like remaining hopeful, like you just
18 -- you know, with the reality of this disease,
19 we never know. Like I never knew if I was
20 ready to stop. I didn't know. Gosh, I
21 wouldn't know. That's a question that I
22 probably shouldn't be answering.

1 MEMBER CLARK: Jeff, what about
2 you?

3 MR. JEFFERY: For a defense
4 attorney to be able to know when the disease
5 of addiction is running the show, it is an
6 allergic reaction. When the client keeps
7 breaking out in cuffs, you can always tell
8 that it is full-blown.

9 (Laughter.)

10 If they are being arrested and
11 there's been more than one or two in a year's
12 span, you know you've got somebody that's
13 battling an addiction. They are not going to
14 acknowledge it. They're not going to
15 acknowledge it. Nine chances out of -- I
16 never acknowledged it.

17 MEMBER CLARK: Because if you tell
18 me, and I'm your attorney, "Get me out of
19 here. I don't care what it takes. I'll do
20 two weeks. I'll plead to whatever," and I'm
21 back out, and I say, "Wait a minute. I can
22 get you a nice program, get you cleaned up."

1 You're like, "Screw that."

2 How do we reconcile that? Because
3 our obligation is to be an advocate for what
4 you want right then.

5 MEMBER BERNHARD: Your expressed
6 views, right?

7 MEMBER CLARK: Your expressed
8 views.

9 MR. JEFFERY: My expressed views
10 would have been, "You get me the two months.
11 You get me the two weeks, and you let me get
12 back out there, so I can get back into what I
13 know best." The only thing I knew at that
14 time, and I was perfectly fine with that --
15 brief interruptions weren't as bad. It was
16 that six-year thing that really --

17 MEMBER CLARK: The bigger
18 interruption.

19 (Laughter.)

20 MR. JEFFERY: Yes, yes.

21 MEMBER BERNHARD: But is that also
22 sort of part of why you are focusing on the

1 county jail thing, because then something
2 might have happened to you during that very
3 initial time? Like they could have at least
4 maybe encouraged you to think clearly for a
5 second, or no?

6 MR. JEFFERY: Well, I could have
7 as easily went into prisons because I would
8 have just as soon. It is all pretty a wasted
9 opportunity, I think.

10 In California, they call it "the
11 billion dollar farce". It's a billion dollars
12 worth of treatment put into the prison system,
13 and not one iota of treatment came out.
14 Recidivism, at an all-time high anywhere.
15 It's ridiculous.

16 We are doing nothing. We are
17 sending them to gladiator school. And we are
18 wondering why our streets aren't safe. Well,
19 if you're not treating the problem and you're
20 making it worse, you are self-perpetuating.
21 It makes no sense.

22 We are the ones that are supposed

1 to be protecting and serving? We are making
2 it worse.

3 I could go on for hours, but it is
4 just not the county jail. It is the prisons
5 as well. I mean it is a golden opportunity.
6 You're going to feed and clothe and house
7 somebody. You might as well get your money's
8 worth and put some treatment in there.

9 CO-CHAIR JONES: Well, listen, we
10 have probably sat before 50 or 60 panels by
11 now in five or six or more different states in
12 every region of the country. I don't think
13 that we could have ended on a better note than
14 we just have.

15 This is the last of these panels
16 that we will have the good fortune of meeting
17 with before we begin to sit down and
18 collectively write all that we have learned.
19 I think that -- and I'm sure that everybody
20 agrees with me -- we can't tell you how much
21 we appreciate you sharing your testimonies
22 with us. This really is the best way for us

1 to wrap this up.

2 So thank you all very, very much.

3 Thank all of you who have been

4 here and who have shown such interest.

5 That's it. Thank you.

6 (Whereupon, at 3:43 p.m., the

7 meeting was adjourned.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A				
AA 94:6 103:20	accepted 52:5 275:2	148:17 157:2	adjudication 60:2	137:21 138:13
ABA 66:13	access 167:16 232:9	161:4 162:6,7	150:12 155:20	185:6
abandon 50:12	232:17 258:8	164:20 178:21	adjust 24:8	afternoon 197:7
223:22	accomplish 248:6	193:12 263:20	adjusted 46:1	199:4 225:8,9
abandonment	accomplishment	265:4 291:8,20	administered 200:3	256:6 257:14
224:5	15:9	292:5	administration	afternoons 225:8
ABC 14:17	accomplishments	addiction 10:4 16:1	260:11	agency 16:21 17:7
abiding 157:15	155:5	16:2 20:7 22:2	administrator 53:7	19:16 22:11 34:13
265:18	accountable 22:18	23:20 25:1,11,12	admission 155:18	48:13 200:5,11,11
ability 32:3,9 58:15	accounted 114:11	35:17,17 38:6 42:9	241:14 248:10	232:12,12 244:22
153:18,19 157:16	accounts 117:18	47:20 54:7 60:4	adolescent 262:15	248:9
190:20 300:11	accurate 57:9	67:10 143:21	adopt 85:22 86:1	agent 17:9
able 27:8 49:5 98:7	223:21	151:8 153:7 156:9	224:2	agents 31:16 32:8
107:12 109:6,16	achieve 14:12 44:21	158:9,16 160:10	adopted 71:21,22	34:18 35:10
112:20 125:1	49:9,16 152:7	161:6 165:19,20	74:9	ago 5:19 7:3 43:2,18
151:6 152:7	162:8	165:22 167:15	adult 53:16 232:14	50:9 69:8 71:21,22
158:17,21 167:16	achieved 8:9 13:15	169:19 170:1	233:12 260:15	79:1,2 90:5 202:7
170:9 178:6	acknowledge	178:4 179:3 180:4	advantage 74:8	215:22 222:13
187:20 248:2,6	305:14,15	232:6 259:13,22	75:8,13	248:18 251:22
258:4 259:14	acknowledged	261:12 279:8	adversarial 12:15	275:22 284:15
261:20 279:18	305:16	280:4 290:12	56:13,17 229:6	agree 20:14 51:17
293:7,22 299:14	act 6:13,15 120:2	293:4,8 305:5,13	287:4	51:18 59:13
304:11,12 305:4	124:8 125:17	addictions 153:6	adversaries 152:1,2	163:12 186:9
abolish 134:3	222:6 231:19	173:9 177:14,17	adversary 50:17	191:7 251:1
abolished 132:2	242:16	179:13 215:3	56:14	255:11
233:14	active 124:12 130:8	addicts 8:22 9:22	adverse 198:9	agreed 57:10
absence 150:10,11	225:15 270:10,11	10:8 14:14 189:1	advice 289:3,4	248:14
167:6	actively 208:5	264:15 288:4	advise 176:7 229:11	agreement 13:11
absolute 26:16	activist 23:11	297:18	advising 152:15	59:3 205:17,21
299:13	activity 279:2	adding 113:4	196:2	206:2,7,8,12
absolutely 60:6	296:19	address 24:8 41:22	advisor 195:10	208:12 228:19
139:14 198:8	actor 171:13	42:4 76:13 137:16	advisors 66:13	248:7,20 285:18
231:17 242:21	actors 165:10 169:9	139:3 140:7	advisory 208:20	agrees 204:17
285:21 286:3	actual 36:6 87:14	addressed 41:15	advocacy 277:3	308:20
293:15 303:15	268:6 280:13	43:17 239:1	advocate 31:19,20	ahead 18:8 111:15
absorb 48:15 49:21	actuarial 26:17	addresses 139:16	40:3 58:22 65:6	133:12,18 254:9
abstinence 41:12	acupuncture 35:1	addressing 151:16	129:15 131:11	294:13 295:3
abuse 3:5 41:14	acupuncturists	adds 37:11	195:5,6,12 223:22	ail 151:15,17
53:8 71:8 257:8	10:11	Adele 1:19 134:15	227:14 246:20	albeit 199:15
258:6	acute 146:15 165:21	257:18 276:14	285:20 287:11	alcohol 161:5
abysmal 114:12,14	165:22	adequate 95:14	306:3	248:13 260:12
116:18,19	add 72:16	246:2 289:17	advocating 280:22	298:16
acceded 133:19	added 273:2	Adjourn 3:22	affect 220:17	Alcoholism 3:14
accent 259:1	addict 8:12 45:22	adjourned 309:7	affluent 182:11	257:2 270:3
accept 8:1 10:7	146:15 162:7	adjournment 167:7	afforded 57:1	alcohol-involved
acceptable 254:14	179:17 259:4,17	adjudicate 255:17	afraid 148:10	67:13
	289:20	adjudicated 35:15	149:18	alike 76:18
	addicted 27:7 44:18	150:15	African-American	alive 21:9 304:13

allergic 305:6	and/or 213:13	207:12 243:1	148:21 167:10	25:2,2 31:10 35:20
allocate 235:12	anecdotal 81:11	247:1	221:13	38:3,7,7,8 39:11
allocated 164:4	anecdotally 87:9	applaud 66:14	arguing 124:18	59:22 60:4 165:13
allow 219:17 294:19	angry 45:19	apples 74:15	arguments 195:20	169:16,18 170:8
allowed 85:3 242:20	animal 76:6	applied 21:13 22:6	Arkansas 6:9	170:10 172:14
259:12	animus 183:21	23:3 24:1 26:14	armed 32:9 189:13	173:2 176:15
alluding 276:20	anomalies 101:12	56:4	arraigned 214:20	assessments 25:16
all-or-nothing	answer 49:20 56:10	applies 156:14,19	arraignment 215:2	26:17 29:20 39:13
155:9	88:2 183:3 189:7	apply 23:21 31:22	arraignments	assessors 20:7
all-time 307:14	215:20 218:6,8	64:12 149:21	214:21	assigned 39:10 41:1
alternate 164:9	219:13 223:14	appointed 225:2	arrest 13:18 32:12	227:2 273:11
alternative 9:6	233:2 293:14	242:15	293:3	assignment 96:16
101:21 145:19	answering 36:4	appointment 22:3	arrested 7:16 14:4	98:10 201:21
147:1,6,15 155:22	97:7 250:17	58:7 93:4,6 94:5	45:17 58:18	202:4,14 203:3
161:2,10 162:15	304:22	appointments	148:17 164:16	248:7
167:21 170:12,19	answers 216:6	107:21 109:11	184:17 185:10,11	assignments 202:21
172:2 184:2	anticipated 11:13	appraisals 181:17	190:10 207:13	assist 49:5
188:14 263:18	anybody 43:14	181:17	263:9,14,16	Assistance 71:6
alternatives 146:5	70:22 96:14	appreciate 28:15	270:22 301:4	Assistant 129:8,10
altogether 186:18	161:19 188:18	44:17 196:13	302:7 305:10	assisting 274:1
186:22	212:21 214:1,4	197:5 256:7	arrests 185:4	Associate 2:20,22
amazing 6:19,19	269:1 282:15	288:22 308:21	art 44:22	197:8,10
274:8	283:7,8	appreciated 66:5	article 154:13 179:1	associated 13:5
ambiguous 180:18	anymore 20:19 90:7	approach 27:10	180:12 181:4	14:10 43:11 44:5
America 162:10	128:1	72:1 74:6 115:5	182:3 191:13	45:1 56:21 75:10
American 31:13	anytime 201:1	156:15 177:8	254:6	79:14 80:13 98:7
amorphous-looki...	226:13 259:16	186:2,11 188:16	articulate 221:7	98:15,20 116:16
170:5	anyway 69:19 73:11	191:17 228:11	artificial 191:9	116:18 126:10
amount 7:15,18	78:11,13 81:8	234:19 235:6	artificially-inflated	127:3
24:12 117:2	84:10 91:11	248:15	54:9	associates 42:2
150:16 205:6	153:21 170:6	approached 78:22	aside 40:10 189:6	association 1:1,14
211:19	apart 44:2	approaches 156:19	193:5	6:17 16:5 17:18
amounts 117:20	apiece 34:18	appropriate 9:11	asked 71:1 88:5	18:2 34:3 43:12
Anacostia 204:5,7	apologize 55:12	14:6 15:3,12	121:21 152:12,14	159:13 201:17
205:8 207:14	134:18	255:10,12,15	152:19 186:9	222:4,5,10 254:11
211:7	APOs 219:21	291:13,18	194:7 199:6	assume 77:1 173:11
analogy 170:6	Apparently 129:9	April 181:5	asking 5:6 11:18	173:14 241:13
analysis 29:12,18	appear 105:4	apt 299:16	108:16 125:19	297:11 301:3
73:2 83:13 84:18	204:11 208:18	arbitrarily 206:11	133:6 217:17	assuming 155:16
85:4 88:16 112:22	226:11 227:1	arbitrary 81:7	aspects 54:20 79:13	210:3 231:5
113:8 115:15	235:13 245:17	ardent 253:16	241:2	asterisk 211:5
121:14 131:20	appearance 7:18	area 40:5 69:22	aspire 49:14	attached 9:20 52:19
133:3 143:6	214:22 216:19	205:8 218:19	assault 219:18	attempt 218:4
Analyst 3:13 257:1	appearances 231:7	areas 69:4 128:9	242:11,12 248:17	attempted 212:18
270:2	243:5	204:5 209:12	assaults 219:20	attend 82:5 269:19
analyze 183:15	appeared 142:15	218:20 239:1	assessing 25:11	attendance 119:18
analyzed 85:1	appearing 240:18	300:12	46:12	attended 55:5
analyzing 87:3	appears 87:18	argue 33:8 124:19	assessment 23:20	attending 130:11,12

231:7 246:11	audience 68:2	209:4 215:13,16	18:3,21 19:12	behavior 37:14
attention 64:8	authority 32:12	215:18 216:8,11	21:15,16,22 22:4	64:19 266:3
171:18 251:18	35:2 37:9,10 44:22	216:15 217:2,9	22:10 25:19 27:22	behold 178:15
255:13 256:4	45:10 50:16 65:13	218:14 226:7	28:9 33:5 34:12,16	184:3
285:5	217:6	228:19 230:5	34:22 35:14 37:9	behooves 86:11
attorney 9:10 12:2	avail 160:1	239:18 247:5,9,11	37:18 41:4 59:21	belabor 257:15
19:17 37:3 41:8	available 79:20	248:21 251:10,18	60:10 117:13	belief 47:15 202:22
57:13 94:22 95:10	128:11 136:4	263:3 264:13	129:5	believe 24:12 60:5
96:5,18 97:10 98:1	139:12 154:15	267:2,14 268:17	Baltimore's 17:12	67:19 142:22
98:2,13 99:4 100:1	168:6 169:6	268:21 269:12	bar 15:22 17:18	148:7 202:3 240:3
129:14,21 130:10	188:17,22 228:13	271:2 273:20	18:2,16 129:13	243:9,16 254:6
131:6 152:12,22	232:16,19 245:21	279:19 284:3	193:16,20 205:1,2	263:10 265:9,13
153:16 163:1	293:16,18 294:14	289:20 290:1,16	222:6,9 227:1,5	269:14,18,18
175:20 186:6	295:4	290:18 294:18	Barbados 7:4	272:9 273:1,22
190:19 193:7	average 85:16	298:2 300:21	Barbara 300:5	279:17 288:16
195:3,8 196:1	avoid 29:11 99:17	302:10,11 303:14	bare 55:9	believed 267:16,17
231:6 240:21,22	101:21 145:4,19	305:21 306:12,12	bargain 150:16	279:17 296:7
242:13,15,19,20	147:12	backdrop 156:3	bargained 106:21	believes 246:7
243:1,1 246:4	Aw 53:12 54:13	background 16:20	barrier 180:19	believing 73:11
254:18 264:4,5	awaiting 173:13	136:17 138:7	base 61:21	187:15
270:5,9,10 271:19	aware 162:22	149:22 229:11	based 8:8 13:10	bench 15:19,21
271:20 272:2	228:11 246:14	262:13 274:13	31:5,6,10 47:15	23:16,18 45:1,8,11
273:10,13,14,17	261:2,18	276:4 280:3	77:13 131:21	beneficial 295:2
274:1,9,10 277:9	awful 53:21	backseat 190:6	132:19 165:13	benefit 4:21 68:10
278:5,17,20	A-F-T-E-R-N-O-...	backstop 155:1	169:17 173:13	141:17 197:18
283:10 284:14	197:1	back-end 146:12	179:10 182:20	257:21
285:11,16 286:5	a.m 1:14 4:2 37:1	156:18 163:5	221:9 230:21	benefits 116:22
286:18,19 287:4	141:3	167:14 171:19	basic 205:14 208:2	benefitted 239:4
287:17 288:17		196:6	basically 85:5	240:9
296:7 301:3,4,12	B	bad 62:5 105:20	134:21 205:5	BERNHARD 1:19
302:20 303:2,4,17	b 129:14 157:17	119:4 155:22	206:13 220:11	59:11 95:3 114:13
303:21,22 305:4	170:16 172:5	186:8 193:9,9	227:13 275:6	114:17 115:9,21
305:18	baby 58:14 62:4	203:4 259:18	279:15 286:20	116:10 117:10,21
attorneys 29:3	back 7:20 8:3,5,5,5	300:19 302:10	293:3 300:20	118:8,18 136:7,10
50:12 82:4 95:11	8:16 11:20 14:4	306:15	basis 169:6	136:14 137:3,11
96:12,12 123:15	19:4 29:5 30:6	badly 85:12	battling 305:13	138:1,16 139:5,20
130:4 189:19,19	31:20 34:1,1 38:2	badly-implemented	bear 50:16 52:8	188:12 194:1
190:5 208:16	44:12,15 46:21	86:10	70:14	195:21 220:5,9
221:19,22 223:9	80:3 84:13 88:13	bail 194:19,20	beat 286:20 293:7	276:15 277:12,16
223:10 227:6,7	91:14 106:12	263:16 264:1	bed 15:11 169:13	277:19 278:4,11
230:19 231:2	115:3 116:14	bailed 264:3	beds 163:15 169:7	278:15 279:3
242:11 243:14,20	121:6,7,8,13,21	balance 22:20	began 43:1,17 271:3	280:1,7,11 281:2,7
255:1 277:3 278:3	133:22 141:4	102:18 283:21	beginning 97:3	281:10 282:2,9,13
282:17 286:22	149:2 162:18	285:1 286:14	275:9 288:18	282:22 283:5,17
attorney's 96:21	167:17 168:22	balanced 27:9	begins 33:20 56:12	285:14 286:4,8
152:11 248:8	174:21 175:20	balancing 209:1	56:14	287:6,15 288:10
276:19	185:9 188:5 191:1	ballistic 32:14	behalf 221:13 262:3	288:15,21 291:21
attracted 32:19,20	196:22 207:3	Baltimore 17:18	behave 9:1 45:3	292:3 306:5,21

best 58:15 59:1 89:17 169:22 177:14 186:9 203:3 223:15 246:13 256:20 267:10 284:1 288:8 306:13 308:22	BJA 19:5 black 75:14 blanket 248:16 bleed 17:11 blended 74:20 blending 74:19 blind 144:4 blinders 143:7 block 222:15 244:21 blow 140:21 blurring 253:19 board 23:8 145:5 233:13 302:19 boat 245:1 boatlift 7:12 bombed 85:12 114:1 book 151:13 boring 55:22 born 17:17 62:5 boss 274:12 bother 266:11 bottom 86:14 113:18 296:4 299:12 bottom-line 84:14 boundaries 270:12 Bowers 2:15 141:7 141:8,11 142:10 154:9,17 156:12 159:6 160:2,6 162:11 165:5,8 168:18 169:2 172:18,21 173:19 174:16 175:10 177:11,17 180:13 181:10 186:12 191:5 194:2 195:22 196:14 box 75:14 267:6 boy 62:14 92:11 106:18 Bozza 253:14 brain 281:18 brainer 128:21 branch 16:21 19:11 37:18 245:8 branches 31:15	brave 193:21 break 12:19 131:1 140:21 302:10 breaking 305:7 brief 306:15 briefly 145:7 149:5 149:7 260:3 276:5 bring 19:18 29:4,5 65:1 70:13 244:4 255:12 290:4 302:11 broad 113:6 broader 73:5 broadest 48:7 Bronx 144:21 145:2 147:4,10,11 171:22 172:1 186:4 Brooks 191:8 brother 278:22 brother-in-law 6:7 brought 18:19 56:22 68:22 82:16 256:3 280:21 budget 31:4 200:13 250:7 budgets 30:21 buffer 227:14 building 191:17 buildings 117:14 built 174:6 bulk 21:14 89:14 bunch 10:10 68:13 102:17 burden 130:20,21 131:5 burdens 160:15 Bureau 71:5 burglar 302:9 burglaries 271:1,5 burglary 270:21 burn 19:8 bus 17:19 104:1 business 15:15 16:3 50:21,21 buy 225:5 232:3	calendar 118:22 121:2 218:14,15 218:17 calibrate 170:19 calibrated 171:21 California 71:18 83:20 85:4 113:5 113:11 137:20 138:21 259:1,5 307:10 call 34:17 46:14 48:9 62:20 145:10 154:11 199:20 226:18 230:7 231:13 236:7 237:10 279:10 287:20 290:17 307:10 called 83:20 156:7 160:12 199:18 218:19 232:10 240:5 266:10 273:13 301:6 calling 7:3 calls 287:19 288:1 cancer 179:6,7,10 Candice 3:12 256:22 257:1 270:1 277:1 candidates 132:16 Candidly 15:14 canned 10:2 capacity 176:6 capriciously 206:11 car 47:8,9 94:9 296:22 care 10:16 11:9 271:2 295:22 296:2 298:14 305:19 careful 173:2 carefully 173:15 cares 250:13 carrots 171:14 178:14 180:5,8 carrot-and-stick 186:2,10 carrot/stick 177:8	carry 32:12 56:19 carved 37:19 case 9:9,13,14 13:9 14:10 25:9 27:10 47:20 54:18 56:1,2 56:22 58:20 59:4 66:21 67:7 68:17 144:3 150:14 151:10 160:21 173:22 182:21 188:3 200:21 201:2,7 204:18 205:19 206:2,22 207:21 213:9 217:22 219:20 231:2 241:3 245:6 245:11 246:5 249:21 250:13,16 252:13 255:11 256:2 265:2 273:12 275:2 279:13 280:18 291:14 304:7 caseload 34:18 110:14 cases 7:22 10:19 12:8 18:18 49:2 50:3 53:1,2 67:5 129:22 150:13 194:16 207:3,8,13 208:6 218:9,22 219:19 222:9 249:15 250:8,9 255:17 256:1 case-evaluation-b... 248:15 case-related 59:2 category 136:17 218:9 248:11 caught 86:20 153:6 259:13 cause 63:19 64:21 causing 54:15 caveat 101:7 126:12 142:20 144:19 147:9 caveats 142:14 center 3:5 34:22
C				

240:4 257:9 302:19 Centers 259:2 certain 80:12 84:17 91:19 103:19 110:13 132:9 135:9 147:4 169:5 177:13 178:19 182:12 183:9 184:1,16 185:3,18 195:14 204:17,22 205:6 229:11 285:18 certainly 30:17,20 32:20 34:4 62:11 63:12 86:14 96:21 99:12 109:21 123:4 128:3 137:18 167:14 200:7 271:16 cetera 42:3 109:12 chafed 106:10 107:18 challenge 22:7 30:16,17 60:7 243:17 244:3 chambers 266:19 chance 120:9 132:10 166:11 246:3 267:1,17 chances 179:10 263:4 267:8 305:15 change 3:5 30:15 61:13 133:18 149:9 159:21 161:15 257:10 259:3 263:1 279:12 296:11 298:18 changed 48:12 189:2 219:17 271:12 changes 83:10 134:2 268:19 changing 249:5 chaotic 108:17 characteristics	116:15 charge 13:16 166:14 172:7 204:6 219:18 230:7 241:5 258:11 271:6 charged 146:7 164:16 214:4 219:5 220:8 237:17 248:11,17 249:6,16,18 250:11 271:1,4 293:10 charges 7:20 17:5 18:17 20:2 249:13 293:6 Charlottesville 147:18,22 187:8 cheap 191:14,16 cheaper 185:4 check 283:21 285:1 286:13 checking 180:16 chew 66:18 chief 9:4 38:18,19 child 263:8 269:7 275:22 chipper 162:6 chippers 160:12 choice 100:7 219:9 chose 135:20 chronically 28:1 Circuit 18:22 20:2 22:14 28:11 circulated 142:17 circumstance 175:21 citation 214:20 cities 223:4 citizens 208:21 city 17:13 18:3,12 18:22 19:12 21:15 22:4 28:9 34:16,22 35:14 37:18 59:21 129:5 134:22 214:1 citywide 179:6 CJA 222:9 231:1,6	claims 16:5 Clark 1:19 124:14 125:4,8,18 127:13 127:17,20 128:22 129:3,7 131:4,21 134:16 198:19 209:18 210:5,9,16 210:20 211:1,6,11 211:17 212:4,9,15 212:19 213:3,6,18 214:6,9,12,17 215:6,9,15 217:16 218:11 219:15 221:18 222:17 223:1,8,19 224:13 224:17 225:13,19 226:1,16,22 227:7 227:10,21 228:2 229:13,18 230:8 230:15 232:5,15 233:2,7,17 234:6 234:14,17,21 235:3,20 236:2,16 237:8 284:17 300:16 301:16 302:2 303:6,11,16 304:14 305:1,17 306:7,17 class 10:1 50:3 260:7 classist 184:22 classrooms 245:2 clean 22:21 27:7 47:13 135:4 157:6 157:13,17 161:6 193:22 266:14 270:6,7 272:11 275:10,15 304:9 cleaned 305:22 cleaner 165:22 clear 35:14 104:17 104:20 131:20 154:12 162:13 163:17 213:12 238:9 275:14 clearly 68:8 106:17 124:12 170:11 196:10 217:18	272:3,5 307:4 client 12:21 13:7 53:5 98:19 103:8 103:12 104:5,22 123:16,17 129:16 130:8 131:17 152:15 195:11,11 195:18 196:3 211:15 215:2,10 220:19 221:14 225:16 226:11,14 227:12,13,19 228:13 229:1 232:1 247:6,10,12 278:10 284:13 288:18 304:6 305:6 clients 87:14 89:2,7 92:5,6 96:19 119:4 153:9 155:4 194:13 223:12,18 225:22 228:1 230:19 246:15 270:10 291:2 client's 97:1 153:17 153:17 284:1 cliff 62:21 63:2 climate 164:7,8 168:11 clinical 169:16,18 clinically 291:12 clinicians 10:10 clogged 18:17 close 29:6 127:2 137:8 159:9 171:18 209:13 222:2 closed 85:6 270:14 closely 105:5 closer 168:3 closing 32:2 293:20 clothe 308:6 clued 88:7 cocaine 7:11 14:14 18:9 210:2 241:17 coerced 177:18 297:15 coercion 10:22	293:12 coin 143:18 colleagues 32:4 collection 29:15 collectively 308:18 college 260:8 color 53:5,9,14 180:21 183:16 Columbia 199:9 200:4 202:20 230:11,13 234:1 combination 130:15 come 7:20 8:3,4,5,5 11:20 18:9 30:6 33:8 35:16 48:20 53:13 63:14 67:8 70:1 71:1 73:14 93:22 97:11,13 103:17 105:1 107:9 113:17,18 116:7 132:12 152:2 168:3 175:18 176:15 187:3 193:11 209:5,22 210:11 213:8 214:11,15 214:21 215:16 217:1 219:8 224:10 228:18 245:21 246:3 247:5,8,11 249:17 250:10,15 252:20 256:16 258:4 261:14 266:11 269:6 271:2 279:5 283:3 284:12 287:20 289:12 290:18 291:7 302:9 comes 72:22 78:11 103:20 104:13 106:18 151:9 156:9 181:1 190:7 204:8 215:13 249:21 301:4 comfortable 41:19 154:22 175:19 190:4 196:5
---	--	--	--	--

262:12	265:16 294:20	81:10 82:13 237:3	consensus 51:10	contraindication
coming 4:8 16:22	company 69:12	Compounding	consequences 192:6	145:10 149:6
62:13 118:17	294:2	153:15	259:13 264:11	control 22:21
127:1 144:1	comparable 232:18	comprised 222:5	Consequently	134:21 149:17
230:20 233:20	compared 116:4,21	compromise 143:10	303:22	171:6 185:16
234:8 249:7 301:8	compares 134:20	168:1	consider 255:2,15	191:14 251:9
comments 92:15	comparing 74:16	compulsion 160:13	considerable 82:6	controlled 111:2
203:20 230:21,22	115:22	compulsive 146:16	considerations	183:4 213:14
Commission 21:5,7	comparison 74:18	171:4	99:19	controlling 180:20
Commissioner 19:3	96:11,17 101:16	concentration	considered 65:8	convened 1:13 6:4
commissioners	109:20 110:1	260:10	249:4	conventional
65:12 73:18	111:20 115:17	concept 298:17	consistency 119:5	145:20 146:1,21
commit 26:15 47:13	116:5,6 118:2	conception 157:10	consistent 74:12	147:8 148:3 151:2
130:18 161:5	135:14 136:8,18	concern 21:12	120:4 121:13	151:22 154:20
189:13	137:1	23:16 38:18,20	185:15	155:1 156:3 163:5
commitment 202:5	comparisons	61:19	consists 45:4	164:15 166:18
committed 90:8	137:14	concerned 9:20	constantly 22:19	168:8 170:13
101:2 171:7 272:4	compassion 279:16	13:4 61:12 161:17	25:17 95:7	171:10 172:1
279:22 292:13	competing 128:7	174:9 193:17,18	Constitution 60:21	177:20 178:11
committee 208:21	complain 93:4,9	280:8	constitutional 56:19	181:19,21 182:2
222:22 249:3	complaining 105:3	concerns 229:15	constructive 40:15	184:5,7 186:17
committees 295:17	105:12 108:12	concessions 284:9	contact 173:18	188:6
committing 38:12	complaint 161:1	conclude 123:2	230:21 269:4	conversation 5:17
common 81:5,9	165:14 299:4	conclusion 114:20	contemplating	11:17 68:15
92:8 95:20 112:9	complete 206:22	conclusions 180:16	167:7	140:19 141:22
112:11 124:3	207:20 213:22	conditions 23:22	context 5:22 7:6	142:5 292:20
208:13 228:5	215:12 229:2	75:15,22 76:1,2	11:1 15:3 36:14	conversations 96:6
298:8	completed 41:7	84:17,18 205:14	43:17 111:6	139:18 240:20
communication	70:15 71:14 79:18	conduct 4:18 89:2	contexts 128:12	convey 195:14
173:18	112:1 262:16	171:7 296:15	continue 36:19	convicted 210:20
communities 25:8	268:3,21 272:7	conference 6:5 78:7	47:12 180:2	229:2 232:7
51:18 53:9 66:20	completely 53:8	240:2 289:7,8	205:10 236:5	235:12 237:19
67:10 138:3 184:1	251:2 281:6	290:1	264:2	297:5
184:4,17,19,19	completing 70:16	conferences 20:18	continued 3:1	conviction 40:9
185:3,5,18	71:14	289:16	264:17 291:6,7	150:15 213:17
community 16:6	completion 13:13	conflicting 303:19	293:3	229:4 255:18
20:13 25:1,14	13:14 158:3	Congratulations	continuing 133:2	262:20
26:15 27:5,17	compliance 160:16	53:7	contract 8:7,8 44:10	convictions 158:5,7
39:16 40:18 45:10	176:14,17 226:20	Congress 52:10,16	55:17,18 56:2,3	158:10 205:2,22
51:14 54:6 60:12	251:6,11	200:12 232:13	58:8 127:1 242:6,8	293:7
63:17 64:16 74:2	complicated 102:17	237:13	contracted 234:4	convinced 193:8
143:19 159:20	152:6 196:4	conjure 66:11	contracts 10:2	convincing 164:3
185:7 204:1 205:6	complied 58:15	connected 126:4	69:14 71:10,15	cookie 12:3
205:7 208:17	component 40:16	connection 280:5	78:12,12 127:10	cool 53:9
209:2,10 216:11	45:5 72:10,16 81:9	connects 97:16	contract-stipulated	cop 220:2 300:19
216:13,14 218:15	207:10 238:18	Connick 46:8	58:17	301:12,14
218:17,22 219:2,4	components 72:20	conscious 250:2	contraindicated	copped 281:16
221:20 239:16	79:9 80:22 81:4,5	consecutive 204:21	142:15 193:10	copy 245:22

core 23:4	counteract 285:16	31:2,6,15 34:11,16	147:5,12,14,20,22	225:21 226:4,19
corner 296:6	counterbalance	34:20 35:6,12,15	148:2,15,22 150:1	227:2,18,19 228:4
corollary 192:6	289:2	37:5,10,10,11,14	151:10 152:14,16	229:5,16 230:6
Corps 257:6	counterintuitive	37:16 40:9 41:7,7	153:13 154:8	231:7,18 232:2,11
correct 35:7 38:13	62:17 153:4	43:12,18 45:9	155:3,14,17,19	232:20 233:3,9,13
40:13 48:5 135:8	counterpart 185:8	48:16,20 49:12	157:19,21 158:1	233:20 234:18
213:10 231:2	country 7:9 9:7	50:2,10 53:6,17,19	158:18,20 159:15	235:4 236:8,9,21
correctional 19:6	14:21 18:6 19:21	54:11,11,11,21	159:20,22 160:4	237:2,14 240:1,5
22:12	25:15 30:21 32:5	55:6 56:8,8,11,12	160:15,16,21	240:18,20 241:3
corrections 17:1	44:3 46:5 49:21	56:13,20 59:15,22	161:22 162:22	241:12,20 242:3
20:13 25:1,15	55:6 63:9 69:15	60:11,19 61:8	163:7,9 164:14	242:18 243:10,22
27:17 60:12 64:16	200:1,10 201:15	62:22 63:1,4 64:2	165:3,17 166:4	244:13 245:13,17
correlated 99:5	233:21 234:3	67:12 69:21 70:3,7	167:4,11,14,17	245:22 246:1,14
correlation 98:11	258:20 308:12	70:9,11,19,21 72:1	168:5,11 172:6,9	246:21 248:3,21
cost 72:16,18 73:2,5	county 3:5 73:17	72:8,11 73:14,20	173:17 174:6	249:7,13,14,18,19
73:5,19 79:12,22	120:13 134:22	73:20 75:7,8,9,14	175:13 176:15	249:21 250:2,4,10
85:4 113:8 115:14	159:19 172:15	76:6,7,7 77:22	177:6 178:16,19	251:17 252:12
115:15,16,17	253:14 257:9	78:15,16 79:13	179:5 182:11	253:6 254:11
116:21 117:13	298:10 300:5,6,7	80:11 82:2,14,21	183:19,20 184:12	258:7 261:9,11
118:3,5,15,16	307:1 308:4	83:13 84:4 85:6,11	184:13,14 185:8	262:18 263:4
121:15,18 130:20	couple 10:9 20:4	85:14,15 86:13	185:12,19 186:10	264:8,19 267:3,4
130:22 131:13,15	52:9,22 78:6 88:16	87:10,14,20 88:17	186:19 187:9,14	268:4,8 271:8,13
131:17,19 162:4	142:13 180:15	90:2,5,13,22 91:5	187:22 190:2,7	271:18,22 272:6,8
179:21,21	209:19 232:3	91:9 92:18 93:19	192:12 193:7	272:9,15,17 273:6
costly 117:6	259:19 263:4	94:11,19 96:7,7,13	194:13,14 195:1	273:11 274:4,17
costs 29:1 73:14,14	275:22 284:15	96:14,19,22 97:4,5	195:12 197:9,11	274:21 275:2,5,7
116:2 117:16	296:6	97:9,20 98:14 99:8	199:8,9,18,19	275:12,17 277:9
118:5 131:1,16	coupled 166:18	99:8,10,13 100:12	200:2,8,16,19	277:15 278:9
179:20 180:1	courage 201:5	100:12,20 101:11	201:10,14,17,22	279:13 280:12,16
181:20	course 45:8 71:19	101:20 103:14,18	202:20 203:1,7,22	280:18,21 283:7
cost-benefit 113:19	82:4 83:14 84:22	104:17 109:11,20	204:2,3,9,12,12	286:19 287:3,7,8
116:8,16 121:19	88:19 91:13 93:15	110:5,9 111:1,10	206:9,17,19 207:4	287:10,12 288:9
125:6 135:3	97:12 98:9 203:22	115:16 116:15,21	208:17,18 209:1	289:15 291:2
cost-effective 84:20	208:14 239:13	117:7 118:3,13	209:22 210:3,11	292:15 293:17
Council 3:14 240:4	240:19 254:20	119:3,11 120:1,6,7	210:13,15,17	294:1,8 298:22
257:2 270:3	courses 239:13	120:16,19 121:1	211:9,12 213:8	301:5 302:5
counsel 12:20 163:3	court 1:4 2:21,23	121:16 122:7	214:1,3,7,11,22	courthouse 159:19
224:16,18,22	3:2,9 5:20 6:3,4,13	123:4,6,14,16,22	215:3,5,11 216:2,8	244:21
225:2,3,6,15	6:15,18 8:17 10:5	124:4,8 125:16	216:9,11,12,13,15	courtroom 12:16
228:10 230:1	13:10 14:8 17:13	126:20 127:3,9,21	216:18 217:4,19	14:11 159:5,7
243:4,9 244:7	17:15,17,21,22	128:7,18 129:1,5	218:4,13,15,17	courts 5:1 6:1 7:13
245:21 246:2	18:22 19:1,1,12,19	130:2,6 131:2	219:1,2,4,5,9,10	8:14 15:10 16:7,7
counselor 3:5 22:2	20:2,6,9 21:3,5,7	133:7,7,10,15,16	219:10,12 220:14	16:7 18:16 19:21
176:12 195:9	21:19,22 22:6,13	133:19,21,22	220:17,22 221:1	20:14,21 21:1,2,4
257:9 258:6	22:14,18,22 23:7	135:1,6,16 136:16	221:21 222:1,4,10	21:11,13 24:1,6
272:20	24:3 25:21 26:4,4	136:19 138:3,8,13	222:16,20,21	25:4,10 26:6,7
counselors 35:11,17	26:20 27:20,21,22	144:22 145:2,13	223:5,10,16,17,20	27:1 28:9,10,11
265:8	28:22 29:10 30:13	145:17 146:14,15	224:10,15 225:5,8	30:17 31:19 32:19

33:2 36:13,19 38:6
38:15 39:20,22
43:8 44:3 48:1,16
50:2,16,20 51:19
51:20,20 52:7 53:4
53:21 55:1,14,16
57:2 59:5,6 61:13
66:14,22 70:4,17
70:22 71:13 75:4
75:11,15,17 76:6
76:17,18 79:7,21
80:3,7,12,14 81:8
81:14 82:11 84:2,5
84:6,8,11,14,19
86:6,9,10 87:8
89:3,19 90:16,20
94:16 97:20
101:14,17 104:1,2
104:19,21 108:3
110:21 111:18
112:8,8,14,16
113:11,16 128:9
128:14 130:14
131:22 132:5
136:3 137:18
138:8,11,12,20
139:1 142:15,19
142:21 143:3,6,9
144:2,8,17,20
145:8,11 146:9,18
146:22 147:4
149:8,18 152:1
153:5 154:20,22
156:14 162:14
163:19 164:11
167:6 168:1,13,22
169:4 173:4
174:19 177:19
180:18 181:2,9,16
181:19,21 182:1
183:13 184:7,8
186:17 191:20
197:15,19 200:1,9
229:21 232:6,14
237:3 239:16,21
249:1 253:16
255:20,20 259:3
271:9 292:7 293:3

court's 182:19
court-appointed
278:2
court-ordered
263:5
covered 14:17
Co-Chair 1:15,18
1:18 2:2 4:3 16:13
33:18 34:7,10 35:5
35:8 36:5 37:12
38:1,5,11,14,17
39:1 40:4,7,14
41:3 42:12,16,20
43:4,7,15 47:22
48:3,6,11 65:19,22
66:3,8 67:17,22
86:16 134:15
136:6 139:7,11
140:10,15,18
141:5,9,12 154:2
180:10,11,14
185:20 188:10
196:12,16 197:3
198:8,15 199:12
203:11,19 209:15
238:19,21 239:7
239:12 240:16
241:6,9,11 242:7
242:17,22 243:18
244:8,9 247:14
253:8 254:4,15
256:5,11,15
258:19 262:4
269:21 276:6,13
292:17 300:13,15
308:9
crack 18:11 210:2
210:10
crack-addicted
47:8
crack-associated
14:14
Craig 2:22 197:9
crazy 265:15 295:22
301:21
cream 54:8
create 50:2
created 200:11

232:12
creating 42:11
credit 7:21 11:4
15:11
cried 55:6
crime 6:13,15 26:16
42:1 47:13,19
149:17 151:13
164:19 171:1,7
185:5 214:5 219:5
225:19 232:7
249:18 254:22
271:16 272:4
292:14 293:10
crimes 18:17 38:12
101:18 146:7
158:13,13,14,15
161:5 235:13
237:18,19 248:12
258:9 271:13,15
275:3 292:15
criminal 1:1,14 3:4
7:13 14:10 15:3
17:5 18:3 26:11
27:7,8 30:18 34:3
40:1,20 50:3
150:10 151:2,10
151:14 157:12
158:21 159:13,15
160:20 163:21
164:9 165:15
184:5 186:22
187:18 192:7,13
193:1 194:18
222:5 224:6
231:19 238:5,8
242:15 248:1,4
257:8 274:10
279:2 290:16
293:6 294:6
296:19 297:20
criminality 42:10
criminalization
296:15
criminals 290:21
criminogenic 39:14
40:22 41:13,15,20
criteria 81:5,7

237:16
critical 25:2,3 72:3
75:4 86:2 100:2
142:18
criticism 29:14 30:3
40:15
criticisms 24:11
cross-site 84:3
crushed 7:14
CSOSA 233:9,10,11
234:9,11 235:5
245:1
cuffs 64:8 305:7
culture 33:12
202:19
cure 147:16 167:16
current 26:10 28:19
34:2 66:19 98:22
162:9 164:6,8
276:10
currently 133:2
147:18 176:22
270:2
curve 123:1,8
custody 63:13,14
64:3,5,17 65:7
cut 123:22
cuts 165:20
cycle 143:20 153:7
C-O-N-T-E-N-T-S
2:1 3:1

D

DA 191:1
dad 266:16
danger 157:12
166:17
dangers 67:15
91:17
dare 44:16
data 29:15 69:5
70:13 72:7 76:21
85:8 88:18 109:7
112:1 115:12
121:15,15 124:18
126:2 179:8,12
182:16
date 181:16 228:9

dates 160:17 226:13
daughters 18:13
dawns 85:11
day 1:8 4:9 10:18
14:16,18 17:6
19:22 31:5 58:11
123:10 155:8,11
163:18 186:8,9
244:1 247:9,9
254:12 256:1
266:10,17,18
days 16:9 33:1 65:2
100:16,19 201:1,1
201:1 207:18
211:4 212:18
213:1,12 217:5
241:18 243:11
244:12 252:19,20
262:21 263:1
278:13
day-in 285:7,8
day-out 285:7,8
de 181:2
deaf 195:4
deal 10:22 30:10
53:3 54:6 76:8
283:22 299:11
301:7
dealing 45:22 50:4
72:17 219:3
238:12
dealt 10:3
death 56:1
debate 15:11 46:8
decent 296:6
decide 5:11 98:11
198:22 201:2
207:4 241:20
decided 10:20 69:11
73:10 188:19
232:13 265:5
267:10 273:7
279:11
decision 91:10
94:20,20 95:14
96:8 99:12 165:11
165:18 170:18
190:1 195:1

Decisionmakers 65:11	152:11,21 153:16 159:13 163:1	132:6 158:12	devil's 285:20	207:18 240:20
decisions 63:8 65:14 112:7 129:11 169:6	168:14 175:8,20 189:19,19 190:5 190:19 193:1,6,16 193:20 195:2,8 196:1 198:13 206:9 208:15 221:21 223:9,14 224:6 225:15 226:3 244:17 254:18 255:1 270:5,10 273:10 273:17 276:19 277:9 283:10 284:14 285:10,15 286:5,18,19 288:17 301:2 303:2,4,17,20,22 305:3	demonstrates 83:3 denial 247:2 265:10 denied 258:7 department 6:16 22:11 36:20 37:21 48:13,19 49:17,18 172:15 232:8 depended 301:22 Dependence 3:15 257:3 270:4 depending 10:3 32:5 210:22 211:3 220:8 depends 167:12 depth 10:4 describe 14:15 144:12 described 109:8 deserving 171:8,9 design 168:17 designed 261:6 desire 221:9 desperation 9:4 51:16 despite 261:6 destroyed 34:12 detail 83:18 113:6 detection 62:19 detention 34:22 62:9,15 determination 169:21 235:10 determine 9:13 170:15 179:6 215:4 250:4 determined 169:17 204:19 207:6 determining 245:10 develop 25:8 30:13 132:17 203:4 272:18 developed 9:6 developing 96:11 280:9 development 76:10 260:10 deviate 44:20,21	diagnoses 23:18 diagnosing 23:15 diagnosis 152:19 194:7 diagnostician 152:16 dialog 224:12 Diego 259:2 dies 51:14 difference 64:11 65:7 134:2 181:1 183:9 243:19 244:2 differences 82:10 117:19 137:15 different 28:17 45:21 48:14 49:18 50:4 59:15,19 61:22 63:21 74:18 74:19 75:18 76:17 80:15 87:4 88:20 105:22 109:3 118:1 121:1 123:11,18 132:5 136:17,17,18 143:2,4,22 144:16 144:16 149:15 152:12 174:4 177:1 186:16 191:6,16 192:20 199:16 204:2 212:8 217:14 224:6 233:8 237:1 238:22 250:20 269:19 271:9 308:11 difficult 24:16 50:10 66:16 128:15 174:12 229:19 289:1 digits 260:19 diligently 290:4 diminish 77:5 direct 122:4 147:11 154:8 161:12 163:7 173:17	directed 50:6 189:18 directing 103:13 direction 108:13,15 143:5 149:15 152:8 186:15 209:3 287:22 289:13 Directions 236:8,20 237:6,10 238:4,6 238:15 247:19,20 250:22 251:10,20 252:8,18 directly 144:20 146:8 151:16 155:4 176:2,4 214:7,10,21 245:9 Director 2:7 4:12 4:14 16:18 Directors 23:9 dirty 44:11,12 45:19,20 65:2 241:15 disagree 161:19 disappear 132:20 disappoint 8:4 disbarred 274:10 discern 243:19 disclosing 42:22 disclosure 78:14 Discovery 280:15 discreet 182:5 discrepancies 246:6 289:12 discrepancy 246:10 discretion 56:5,7 discussion 5:4 66:4 68:17 97:2 99:11 141:13 142:7 197:14 198:1,18 198:20 201:5 245:17 discussions 68:15 disdain 60:13 disease 279:7 281:21 290:12 304:18 305:4
dedicated 31:16 77:6				
deep 235:7 260:20 287:13 294:9				
defendant 9:16 11:6 11:6 45:2 57:10 131:5 162:6 173:18 174:18 175:5,14 176:1 204:17 215:10 222:9 224:12,15 224:17 227:15 229:7 241:16 242:2,3				
defendants 51:7 150:9 204:11 226:4 229:20 277:6	deferred 205:16,20 206:7 208:11			
defendant's 208:9	defined 122:14 124:4,9,10,11			
defended 14:7	defining 125:5			
defender 6:8 9:12 12:20 14:7,12 19:17 48:22 49:3 94:22 98:13 129:8 129:10 131:2,7,8,9 187:7 202:6 222:7 222:8,18 224:8 225:4 229:22 264:6 272:1 283:11 289:8	definitely 143:19 181:12 294:13 295:3 definition 52:18 125:9 definitive 182:18 degree 110:3,4 143:11 150:4 159:14 185:19 271:5,13,15,16 275:4,5 292:13,14 292:14 298:1			
defenders 29:3 97:11 102:7 189:20,22 190:8	degrees 260:8			
defender's 82:2 95:9 97:19 130:1 130:17,21 244:1	delegate 65:18 delegating 65:16 delivery 275:21 demand 57:5 170:14 200:18 235:5			
defense 1:1,14 12:20 15:22 34:3 37:3 50:11 57:12 94:22 95:10 96:5 96:12 97:10 98:13 99:4 129:14,21 130:4,10 152:11	demographic 180:21 demonstrate 158:7 demonstrated			

dismissal 13:16 167:7,8,17	DOC 17:22	114:15 115:3,11	31:19 32:18 33:2	133:21 135:1,6,16
dismissals 150:17	docket 64:22 227:3	115:22 116:11	33:13,14 34:11,16	136:15,19 138:8,8
dismissed 204:18 205:19 206:2 207:1,21 213:10	document 37:14	117:17,22 118:9	35:6,11,12,15	138:13 142:15,18
dismissing 188:2	doing 9:10 12:13 28:5 29:6 35:12 49:1 54:18 85:21 90:15 91:11 94:15 95:12 106:12 113:21 114:9 115:7 119:7 126:3 127:2 131:19 136:8 137:10 143:1,14,14 172:9 182:17 185:7 190:9,18 202:10 202:10,16 203:7 209:6 217:4 226:19 230:3 239:19,22 264:2 264:15 277:3 307:16	118:20 121:12,22 122:3,10,16 124:5 124:16 125:7,12 125:21 127:16,19 128:2 129:2,6,20 131:12 132:3 135:7 136:9,13,21 137:5,16 138:2,18 139:8,10,14,22 140:11,17	36:13,19 37:5 38:6 38:15 39:20,22 40:8 41:7 43:12,18 44:2 46:12 48:1,15 48:16,20 49:12 50:2,2,10,16,19 51:19,20 52:4,7 53:4,16,19,21 54:10,11,11,21 55:1,5,14,16 56:7 56:8,10,12,13,20 59:5,6,15,21 60:6 60:11,18 61:8,13 62:22 63:1 64:2 66:22 67:12,13 69:21 70:2,9,11,17 70:19,21 71:13 72:1,7 75:14,15,17 76:5,18 77:21 78:15,16 79:7,13 80:11,12,14 81:20 81:21 82:11,14 84:2,4,5,6,8,14,19 85:6,10,14,15 86:6 86:9,10,13 87:8,9 87:14,20 88:17 89:19 90:2,5,13,16 90:19 91:4,8 92:17 93:19 94:11,19 96:7,7,13,14,19,22 97:4,5,9,19 98:14 99:7,8,9,13 101:11 101:13,17,18,20 103:14 104:2 109:20 110:5,9,21 111:1,10,18 112:8 112:14,16 113:15 115:16 117:7 118:2,12 119:3,17 120:19,22 121:16 123:3,6,16,22 124:4,9 125:16 126:3 127:9,21 128:7,8,18 129:1,5 130:2,14 131:2	142:21 143:3,6,9 143:12 144:2,8,16 144:20 145:8,10 145:13,15,15,16 146:7,9,14,14,18 146:22 147:13,20 147:21 148:2,15 148:22 149:8,18 149:20,21 150:1 152:1,14 153:5,13 154:8,20,22 155:3 155:17,19 156:14 157:19,21 158:1,5 158:18,20 161:16 161:20 162:14,22 163:9,19 164:10 164:14,16,17 165:3,17,22 166:4 167:4,6,11,14,16 168:1,3,4,5,11,13 168:22 169:4 172:4,6,9 173:4,16 174:6,18 177:19 178:16,18 179:4 180:17 181:2,9,15 181:18,20 182:1 182:10,19 183:13 183:19,20 184:6,8 184:11,13,14,15 184:16 185:8,12 185:19 186:10,17 186:19 187:9,14 187:22 189:1 190:2 191:20 192:3,14,18 193:2 193:7 194:13,14 195:1 199:8,18,19 199:22 200:2,7,9 200:16,19 201:10 201:14,17 203:7 203:22 204:20 206:17,19 207:4 207:10,14,19 210:12,15,17 211:12 212:2
disorganized 119:11	dollar 117:20 132:12 307:11	Draconian 52:18		
dispassionate 54:17	dollars 52:19 191:11,12 307:11	drag 44:15		
disputes 33:12	domestic 204:8 248:12	drama 37:9 55:8 64:9		
disruptive 260:21	door 56:20 59:5 159:9 231:11 281:22 301:17	dramatically 108:3		
dissimilar 30:20	doors 184:20	draw 108:4 198:9		
distinction 181:1 183:9	double 260:19	drawbacks 144:4		
distinguishes 201:13	double-wide 10:9	drawing 137:13		
distraction 149:8	doubt 124:22 291:5	dreaded 16:4		
distribute 296:20	Doug 77:17 289:18	dreams 144:14,15		
distribution 33:7	downfall 259:15 261:19	drifted 26:1		
district 19:1 23:6 28:10 98:1,2 186:5 197:15 199:9 200:4 202:20 230:10,13 234:1	dozens 234:8	driven 60:20 122:7		
distrustful 156:2	Dr 67:21 68:21 86:21 87:5,11 88:1 95:5 96:1 99:14,22 102:3,8,12 103:15 105:18,21 106:3,7 107:3,14,17 109:1 109:13,18 110:12 110:20 111:19 112:3,12,15 113:3 113:12,15 114:4,8	driver's 260:17 269:11		
diverse 130:15 298:4		drives 121:18		
diversion 13:11 166:9 167:5 187:10 204:12,13 204:19 205:3 207:22 228:7,12 228:19 229:3 249:12		driving 17:4 183:17 279:14 280:17 282:7 296:21,22		
diversionary 149:1 175:11		drop 216:15		
divert 28:1 61:4 293:16		dropped 279:18		
diverted 32:22 39:5		drops 241:20		
diverting 28:12 294:4		drove 225:17		
division 2:8 4:12 16:19 17:1 18:1 20:10 35:18 159:19 161:22		drug 3:2,9,15 5:20 6:4,13,14,17 7:9 7:17 11:2 13:10 15:10 16:7 17:13 17:15,17 18:17,17 19:12,21 20:2,6,14 20:21 21:4,5,11,18 21:19,22 22:3,6,17 22:18,22 23:4 24:3 25:4,10 26:4,4,6,7 26:20 27:1,20,20 27:22 28:22 29:10 30:13,17 31:2,6,15		
divorce 186:14,17				
DNA 150:5				

213:7,22 214:3 215:2,5,11 216:2,8 216:9,10,18 217:4 217:11,19 218:4 218:13 219:3,4,8,9 219:10,12 220:14 220:16,20,22 221:1,9,10,15 222:1,16,21 223:10,15,20 224:14 225:5 227:18,18 230:6 231:18 232:2 234:10,12,18 235:4 236:6,8,10 236:21 237:2,3,13 237:14,15 238:2 240:18 241:20 243:10,21 244:4 246:20 248:3,21 249:7,13,14,16,16 249:17,19,21 250:10 251:17 252:11 253:2,3,6 253:16 254:11 255:5 257:3,6 258:7 259:3,21 260:13 261:10 262:18 264:8,14 264:19 265:8 267:4 268:3,8 269:9 270:3 271:3 271:7,9,13,17,22 272:6,7,9,15,17 273:6,11 274:4,17 274:21 275:2,5,7 275:12,17,17 277:9,14 280:16 281:17 283:7 286:19 287:3,8,12 288:9 289:15 291:2 292:7,15 293:2,4,17,22 294:8 298:16,22 302:5 drugs 7:15 8:20 18:10 23:17 146:21 149:12,13	158:13,14 160:12 161:4 162:10 168:10 179:18,22 192:8 205:10 206:15 212:12 248:13 263:3,14 265:3 272:4,10 302:10 drug-driven 7:14 33:11 drug-involved 19:7 19:10 drug-related 14:1 47:19 drug-taking 9:3 drunk 17:4 due 63:18 150:11 166:13 263:8 273:2 duh 250:19 duh-duh 250:19,19 DUI 21:2 DUIs 260:19 dumping 191:11 DWI 230:7 dwindling 36:17 DYFS 269:6 dying 268:16 dynamic 31:21 123:19 dynamics 298:19 dysfunction 44:4,5 44:6 dysfunctional 260:15 D.C 1:15 2:21,23 4:10 18:15 197:9 197:10 201:14 233:13 <hr/> E <hr/> earlier 111:17 256:2 261:1 earliest 69:20 70:3 133:1 early 69:22 93:21 121:6 156:22 169:9 240:15	earmark 218:22 ears 195:4 easier 185:4 281:3 281:12 easily 10:14 285:18 307:7 east 204:1,5,6 205:8 207:13 208:17,21 211:7 214:2,6 218:20 271:2 easy 169:21 206:19 263:21 265:22 economic 180:20 Economics 116:11 economy 164:1 236:5 editorial 39:2 educated 279:7 education 183:5,12 192:10 effect 28:13,14 56:11 84:14 131:9 132:11 166:20 185:14 effective 27:10 28:5 29:7 62:7 65:5 84:21 122:8,14 125:2 132:7 133:11 165:9 177:9 195:5,6 225:14 246:20 effectively 23:3 27:4 121:4 223:11 effectiveness 75:6,6 79:14 152:11 effects 193:9,10 efficacious 157:9 efficiency 143:15 146:2 effort 41:5,5 98:1 98:18 284:13,21 efforts 66:15 eight 70:19 98:21 Eighteen 41:9 eighties 45:9 either 15:6 40:9 70:15 71:8 91:18 96:3 103:5 106:8	107:21 132:7,16 146:2 155:11 172:14 182:12 189:14 220:8 226:8 242:14 252:15 272:18 304:15 elbowed 220:2 elect 148:14 elected 9:12 11:15 12:18 electronic 62:10 element 54:21 112:19 elements 9:7 81:4 112:9,11 eligibility 165:13 204:19 206:16 207:5 215:4 eligible 70:11 135:15 138:6 172:7 206:17 292:8 Elizabeth 1:20 253:10 292:21 email 139:16 140:6 embedded 52:20 emphasized 26:22 72:2 empirical 148:8 158:12 170:14 empirically 148:6 empirics 179:15 employ 283:7 employee 172:16,16 employees 20:20 69:13 employment 103:20 179:22 183:4 205:12 empty 117:14 encourage 226:20 encouraged 307:4 encouragers 47:5 encouraging 227:19 ended 34:13 167:1 308:13 ends 174:1	end-run 146:12 enforcement 32:7 63:10,11 260:12 engage 68:14 141:12,22 170:9 182:14 197:22 304:6,12 engaged 181:16 290:8,10 304:8 engaging 256:6 enhance 39:22,22 enjoyed 114:6 enlightened 16:1 enlightening 197:13 enrolled 226:6 ensure 13:3 enter 143:6 156:22 157:18 159:22 171:11 228:19 entered 58:4 94:19 148:2 187:14 295:20 enters 160:14 178:2 entire 12:9 186:1 entirely 9:16 76:21 255:9,12,21 entitles 191:13 Entrance 9:15 entry 51:2 205:1,2 208:8 environment 111:2 118:3,5 123:12 285:3 environments 117:22 envision 165:3 envisioned 157:19 epidemic 7:9 episode 9:2 episodes 30:10 era 36:16 eradicated 53:8 Erie 253:14 erratically 296:22 escaped 266:8 especially 90:4 276:3 284:10 294:1 300:9
--	--	---	---	---

essentially 103:17 104:6 116:8 117:5 157:20 204:15	exciting 119:6	expressed 306:5,7,9	fail 10:8 30:13 115:2 147:4 149:1 150:1,8 166:11 185:12 187:9 193:14,15 275:7	favorite 58:3
estimate 113:19	exclude 51:21	expungement 13:18 160:4	failed 13:8 85:1 115:2 166:6 217:4 221:16 261:3 290:7 298:22	FBI 13:20
estimation 101:10	excluding 248:11	expunging 158:4,9	failing 28:21 170:21 172:8 174:14 188:2	fear 62:20 148:5 159:10
et 42:3 109:12	executive 4:14 16:21 19:11,15 31:14 37:17	extend 192:1	fails 147:21 162:14	fears 148:5
ethnic 138:7	exercise 153:18,19 166:14	extent 29:4 61:17 75:2 96:5 139:7 143:3 161:9 248:1 249:10	failure 114:21 146:15 147:3,13 173:21 183:17 184:12,13,14 185:19	feasible 143:16 171:16
evaluate 133:7	exist 36:19 164:2 176:22	external 178:12 179:19,20	failures 182:4	feasibly 287:18
evaluation 29:19 72:1 74:10	existed 11:13 187:22	extreme 10:18	fail,I 191:22	feat 288:2
evaluations 70:16 71:12 74:11 76:4	existence 13:6 36:11	Extremely 196:4	fair 106:8 113:6 174:11,13	fed 218:18
event 167:19	existing 24:5 182:16	ex/ante 192:21	fairly 91:12 125:12 126:4	federal 6:6,14 49:4 52:10,19 71:7 78:12 161:20 200:11 232:12 234:2,4
events 59:18	exit 9:15	eye 61:10 86:20 144:4	fall 153:14 285:17	federalized 233:15
eventually 50:13 175:17	exiting 19:8	eyes 299:9	falling 253:5	feds 74:6
everybody 25:14 27:12,13 32:21 48:19 63:1 64:10 75:17 97:22 102:16 118:22 123:21 134:5 189:10 190:17,19 197:4 208:14 261:2 298:5,6,6,9 300:1,9 308:19	exoneration 150:5		falls 218:21 285:8	feed 308:6
everybody's 41:20	expand 292:7	F	false 293:13	feedback 37:15
everyone's 47:21	expect 76:3 275:17	face 146:19 150:9 153:19 162:15	familiar 228:21 283:14 302:21	feel 41:19 72:3 153:12,13 154:21 171:5 175:19 191:19 203:8 213:7 247:3 262:7 262:17 288:8 304:16
evidence 24:18	expectations 46:1,3 104:18	faced 293:6	families 18:13 41:22	feeling 104:16
evidence-based 26:21	expected 105:7	facilities 296:12	family 14:19 16:7 42:2 84:3,4,6 183:5 260:6 267:16 278:17 279:2,5 296:5	felonies 210:7,8 220:1 230:12
ex 186:19 192:11	expending 160:9	facility 252:19	famously 191:10	felony 7:16,17 11:2 18:22 20:2 22:14 172:5 210:3 219:20 220:6 249:13,16,21 250:16
exact 161:14	experience 5:16 55:8 64:19 76:19 81:12 83:5 144:20 145:2 153:1 176:6 195:2 199:7 227:16,17 228:5 262:19	fact 57:6,10 59:4 76:7 78:4 80:2 89:10 93:16 101:5 108:9 113:6 151:5 153:15 157:4 159:8 160:9 168:12 179:19 180:7 183:15,22 186:13 187:5 192:7 231:17 279:9	far 93:18 161:17 193:16,17 210:7 222:19 260:20 296:16	felt 13:6 143:15,19 195:3 203:5 280:12 302:10
exactly 38:9 68:21 101:8 107:4 123:11 187:13 268:14	experienced 268:2	facto 181:2	farce 307:11	fidelity 86:2
examine 145:3	experiences 59:17 243:8 276:16 277:6	factor 41:15 121:18 131:4 164:21	fashion 168:10 176:8	field 24:22
example 57:17 227:11 246:7 248:12 267:5	experiment 191:15	factors 26:12 39:14 41:1,13,20 124:3 148:21 255:2 256:3	Fast 191:13	fierce 31:1
exams 291:15	experimentation 191:22 192:2 193:5	facts 51:7 273:18	fault 282:3	Fifth 198:6
exceed 70:17	experiments 191:22	factual 229:10,11	favor 148:21 163:19 163:20	fight 271:7 281:19
excellent 236:6 243:18	explain 154:11 209:7 216:10	faculty 77:19		fighting 298:7
exception 204:7	explaining 11:17 37:14			figure 8:10 50:16 154:19 156:5 179:3 272:13
exceptions 126:9	explore 217:14			figures 132:13
excited 141:10,12	exponentially 147:15			
	express 194:15 196:9,10			

figuring 265:2	firm 69:14	flunk 218:13	forms 155:6	friends 60:17
file 159:20	firmly 98:10	flunks 216:8 220:16	formulating 50:9	front 55:9 152:15
files 7:20	first 5:11,20,22 6:4	focus 87:3,16 88:18	forth 91:14 98:2	174:11,13 204:11
filing 162:4	6:14 7:18 13:10	89:1,14 90:12	267:3	206:10 209:22
fill 173:5	17:12,14,14 23:8	91:12,13,16,17,20	forties 189:12	217:9 221:22
filling 122:21	43:16 46:6 50:6	95:7 97:12 102:2,5	fortunate 236:3	224:21 243:2
fill-ins 122:20	52:9 60:9 61:3	102:6,15,15 103:7	fortunately 81:14	256:17 295:16,17
finally 69:11 208:20	80:20 87:16 88:2	103:13 104:5	fortune 308:16	front-end 148:13
find 75:1 84:16 90:2	88:13 111:22	109:3 115:7 145:9	forward 161:7	165:9 166:5 196:2
90:6 92:9 107:12	113:16,22 120:15	147:1 150:7,8	196:8 197:13	234:19
111:8 178:15	120:20 123:10	185:3 204:4	fought 302:5,5	fueled 248:13
185:5 226:12,14	148:2,12,18	276:19	found 11:5 14:20	full 59:3 88:15
230:19 271:3	154:18 155:19	focused 19:7 131:14	69:12 81:3 97:17	166:13
273:20,21 296:1	167:2 181:11	154:18 204:12	111:17 119:14	fully 58:14
finding 120:14	187:14 188:1	focusing 47:19	120:12 122:9	full-blown 305:8
finds 123:14	191:6 199:1 202:8	306:22	124:3 126:6,21	full-time 205:12,13
fine 49:8 123:7	213:2,17 222:14	folks 12:14 17:22	128:16 194:12,22	fun 60:14
213:13 228:10	225:11 234:21	19:18 35:17 39:3	210:18 239:17	function 48:16,18
250:18 306:14	241:1 243:3	50:1 51:17 53:3	254:22 273:17	48:18 149:8 161:2
finely 181:14 182:9	244:18 254:22	64:2 82:1 89:21,22	foundation 78:13	206:14 249:9
fine-grained 170:9	258:17 263:20	91:7 227:2	founded 69:8	functioning 167:20
fingerprints 13:20	270:6 271:5,16	follow 72:12 243:4	Founder 2:12 68:4	259:17
Finigan 2:11 67:21	272:12 275:4,22	247:16	founding 6:16	fund 29:3 35:21
68:3,21 69:7 86:21	289:19 292:13	followed 6:2	four 205:17 211:20	80:4
87:5,11 88:1 95:5	293:14	following 41:18	211:21 222:13	fundamental
96:1 99:14,22	firsthand 187:6	79:8,10	259:3 266:14	255:19
102:3,8,12 103:15	first-time 146:6	follows 9:8	276:11 301:20	funded 17:19 19:14
105:18,21 106:3,7	172:5	followup 108:22	fourfold 147:8	20:7,8,8 70:6 71:3
107:3,14,17 109:1	fish 224:9	fool 259:1	four-month 205:18	78:13 79:17
109:13,18 110:12	fit 129:18 193:22	foraging 294:9	four-year 263:12	109:19
110:20 111:19	five 4:20 7:6 16:11	Force 1:4,6,13	fragmentation	funders 71:4,7
112:3,12,15 113:3	68:10 141:18	66:13	183:12	funding 6:5 19:15
113:12,15 114:4,8	153:22 197:17	forced 131:9 202:18	framework 149:17	36:2 37:19 39:12
114:15 115:3,11	203:10,17 209:14	foregoing 141:2	149:20 150:3	78:11 79:3 200:9
115:22 116:11	257:20 272:7	196:20	franchised 7:2	200:14 250:4
117:17,22 118:9	301:20 308:11	foresee 149:4	frankly 194:10	298:7 299:10
118:20 121:12,22	fix 29:5	151:18	264:12	funding-dependent
122:3,10,16 124:5	fixing 29:19	forever 203:14	fraternization	173:5
124:16 125:7,12	flat 53:3	262:1	265:17	funds 20:11 37:21
125:21 127:16,19	floor 5:10,12 68:19	forgot 282:4	fraudulent 298:12	88:4 231:19
128:2 129:2,6,20	142:8 198:21	form 165:9 179:21	fraught 8:13	funneled 37:17
131:12 132:3	199:1 245:1,2	180:1	free 166:20,22	funnels 21:20 24:10
135:7 136:9,13,21	257:19	formal 7:20	167:22 208:14	36:1
137:5,16 138:2,18	Florida 5:21 7:15	formalism 194:4	279:21	funny 260:21
139:8,10,14,22	11:3 13:17,17	formalized 216:3	freedom 194:21	furnishes 225:6
140:7,11,17	14:17 28:18 43:19	formed 19:11 21:6	frequency 126:2	further 181:8
finish 251:22	47:16	former 3:9 17:13	frequent 81:21	188:18
finished 226:8	flubbed 170:6	19:3 207:16 257:6	Friday 1:10 45:17	F-I-N-I-G-A-N

140:8	217:16 221:4	61:9 62:16,18	12:15,17,21,22	281:18 282:5
G	252:11 253:6	63:20 64:3 72:18	14:21 19:19 23:15	284:11 290:18,22
Gail 1:21 125:19	266:3 268:15	80:2,5 88:3,13	26:14 27:19 31:18	292:17 295:2
142:6 154:3	269:8 271:14	91:19 93:7 94:5,6	33:15 39:7 42:17	296:1 297:17
244:10 247:14	277:2 291:19	94:7,8 96:6,7 97:4	44:11,12,18 54:12	298:13,15 300:11
300:13	292:1,4	97:5 99:12 100:4,6	55:12 61:15 63:6	305:13,14 308:6
gained 276:3	Ginny 23:7	100:6,9 102:18	67:4 69:1 79:12	gold 250:12
game 107:1,4,8	girl 265:15 266:5	103:18 111:15	84:13 90:8,21 91:1	golden 299:22 308:5
108:10 145:16	girls 268:10	113:1 115:3	93:8 94:14 95:19	good 4:4 8:11 19:4
177:18,19	give 4:20,20 12:18	120:21 124:11	100:8 103:21	20:19 23:20 25:10
gang 33:6	16:20 20:3,12	132:7 133:12,17	105:3,8 107:22	25:11 26:8 29:8
gap 293:21	27:13 34:21,21	135:5,10,13 136:4	116:14 121:13	30:4 31:13 32:13
gaps 29:6 32:2	39:7 57:16 65:13	149:12,14 164:13	122:2 126:1	34:8 36:18 38:6
gatekeeping 249:9	65:17 68:9,10	165:12 173:16	128:22 130:18	60:4,9,16 63:3,4
gather 88:18	76:20 79:3 83:16	189:13 199:1	133:17 135:18	67:21,22 88:12,21
gee 153:10	87:16 141:17,17	200:12 205:3	140:20 142:5,6	89:20 91:3,15,21
Geez 45:12	166:10 197:17,18	206:4,18 208:14	145:6 146:4	98:6 99:19,20
general 5:4 12:3	203:17 211:19	209:19 210:12,14	148:12,14,15	100:1 105:20
20:11 137:17	212:11 218:6	210:16 213:8,9	149:2 150:18,18	114:22 115:1
138:15 141:22	220:19 221:8	214:7,12 216:11	152:20 153:13	116:16,17 119:8
198:1	223:13 232:21	216:12,15 218:14	155:15 156:17	119:12 127:7
generalizable 145:5	246:2 255:7	220:14 221:2,3	161:7 166:21	132:18 141:9,9
generally 18:11	257:20 261:5,6	226:7,13 228:14	168:12 170:16,17	148:4 173:3 199:3
20:18 25:3,18	266:22 267:7	231:10,15 234:12	174:11 179:4,7	203:8,11 206:21
26:10 30:1,4,8	287:22	239:13 241:21	180:5 187:19	223:6 237:22
62:11 68:16	given 17:5 19:22	246:6 249:22	188:7,8,9 189:13	238:1,6 251:20
111:21 200:14	47:22 48:11 75:20	250:6,16 252:17	189:17,18 190:2	259:17 276:13
205:17 207:12	95:13 98:22	252:22 253:2	190:15,16,19	279:6 284:5,17
208:5 235:11	100:11 139:17	254:9 260:17	193:11 194:9,11	289:2 299:21
238:4 279:5	153:2 162:9	263:17 267:19	194:14,17 195:15	308:16
generational 18:5	168:11,12 170:15	268:10 274:16,22	195:16 196:7	goodbye 8:3
18:13	233:19 276:4	275:7 279:21	197:4,6 198:19	gosh 15:19 69:7
generic 21:7	giving 11:1 27:1	287:21 289:7	201:20 209:5	190:13 304:20
genuine 151:8 153:6	48:6 166:20,22	294:13,17 295:3	212:6,6,7,11	gotten 74:4 87:7
160:10 167:15	167:4	296:10 300:19,20	216:13 218:14	93:20 187:22
173:9 179:3,13	glad 140:12,14	301:5 303:13	219:11 220:1	263:1,9,14 264:4
180:3	gladiator 290:16	308:3	221:14 226:12,15	264:18 266:2
geographic 134:22	307:17	goal 12:4 14:5 15:13	226:17 230:5	271:22
Georgia 254:7,17	global 181:17,17	15:14 27:20 39:9,9	231:1 234:21	Governing 151:13
getting 13:22 46:7	go 5:11 7:18 8:1,2	47:18	235:7 238:3,13	government 8:7
50:11 51:15 60:22	9:2,17 10:14 11:8	goals 32:18 49:16	250:13 252:13,15	49:4 206:11 234:5
61:6 89:18,20 91:6	11:8,10 12:6 13:7	God 261:4	252:15,18,20,21	250:18
136:19 165:10	15:15 16:2,9 18:1	goes 44:16 53:12	252:22 253:1,9	Governor 6:8
169:8 170:21,22	20:19,22 22:1 24:7	135:1,1 174:1,17	256:9 257:17	go-round 162:19
179:10,15 180:1	27:13 31:1 38:2	216:8 217:19	258:13 265:11	grace 261:4
187:12,20,21	41:16 42:21 43:19	225:13 245:12	266:15,22 267:18	graduate 85:16
188:5 189:5	49:7 52:1 55:15,21	298:9 300:2	272:14 273:14	90:13 145:14
	56:20 57:10 59:5	going 4:7 11:9,10,22	274:20 279:9	146:14 260:5

260:7	88:18 89:1,14	260:8 266:14	hardest 194:12	169:10 271:2
graduates 40:8	90:12 91:13,16,18	276:11	hard-core 143:12	274:14 282:18
89:10,12,15,16,17	91:21 95:8 97:12	halfway 267:19	hard-working 77:6	helped 91:9 105:15
238:13	102:2,6,15,16	hall 10:21 11:8	harm 9:20 54:4,16	141:15 277:2
graduation 55:6	103:7,13 115:7	33:22 196:17	149:15	helpful 91:4 92:5,7
155:11 236:20	130:15 136:8	hammer 51:9	harmed 297:1	94:2 275:9 277:4,5
graduations 55:3,4	137:12 146:17	hand 44:11 54:4	Harry 46:8	278:19,20 280:12
236:21	147:3 182:5,6,7	81:13 92:20	harsher 218:2	294:10
grain 76:20 104:5	183:10 245:3	106:11 233:4	Harvard 185:2	helpfulness 93:13
104:11 106:15	246:11	handcuffed 220:3	hat 155:13,14	helping 106:13
178:18	grow 157:1,2	handcuffs 64:11	hats 283:3	helps 5:18
grand 143:10	grown 20:22	handful 95:17	havoc 62:4	heroin 18:5,12,15
167:22	grownup 189:3	handle 5:5	head 40:12 157:5	33:7 45:22 265:4
grant 19:6 29:2	grows 189:11	handled 249:10	275:9,13	hey 31:15 58:8
160:4	Guam 71:19	handles 287:18	headed 9:5	181:17,20,22
grants 19:16 20:6	guard 57:7	handling 36:9	health 21:1 179:20	183:13 269:6
grateful 199:5,6	guards 57:7	hands 63:1 299:20	273:3 291:16	Hi 262:6 270:1
274:4	guess 21:8 69:3 71:7	hanging 157:5	293:5 294:5	high 14:3 42:2,9
great 30:5 38:7	78:2 84:12,13 89:7	275:8	297:14 298:19	52:6 117:12
43:20 55:2 67:17	92:17 110:15,22	happen 13:1 111:6	299:13 302:14	146:19 207:11
67:20 90:17	132:15 133:13	184:3 188:9	hear 50:7 82:19	307:14
128:13 139:21	134:6 215:1 216:5	208:13 215:8	173:22 226:6	higher 81:6 147:15
140:10,15,15	217:17 222:12	218:7 242:6,8	233:3 259:16	181:18
209:15,15 236:10	239:9 240:5	245:18 265:11	heard 40:19 87:6	highest 147:3 172:6
239:21 249:10	251:21 265:1	266:15 268:12	105:14 136:10	172:6
254:15 256:5,14	267:10 277:7	happened 167:6	144:11 230:22	highlight 144:6
262:4 276:6,13	278:21 279:4	221:1 264:18	241:21 253:13	highly 300:8
greater 164:10	280:19 303:6	268:14 278:9	259:19 261:1	Hill 250:7
183:11 185:19	guilt 150:12	307:2	288:7 289:19,22	hinted 122:2 149:7
284:5	guilty 51:2,4 150:9	happening 126:19	297:22 299:3	hire 131:6 242:12
greatest 268:1	155:18 206:5	126:19 138:6	hearing 64:22	hired 10:10 25:22
greatly 209:9	208:7,9,11,12	159:3 269:13	243:11 244:3,13	71:11 132:21
grew 76:9,9	210:19 250:17	302:1	280:2	135:11 278:18
ground 73:13	254:22 275:1,3	happens 18:14	hearings 4:9,10,19	Hispanic 137:21
133:17	281:17,20,21	50:20 97:21	5:14 43:2 111:3	Hispanics 138:21
group 21:2 23:10	guns 31:8 33:13	211:20 238:9	152:18 174:3	historically 30:12
77:19 78:1 91:12	guy 6:11 9:14 58:13	255:22	225:7 243:17	183:10
96:11,17 102:5	153:10 216:7	happy 34:4 79:19	244:12 277:10	historically-disad...
104:6 109:3	guys 15:20 28:20	142:9,11 144:9	heart 265:20	146:17 182:7
115:17 116:5,6	43:20 47:1 52:12	188:20 197:12	heavily 263:20	193:13
118:2,3 134:21	52:13 54:13 95:1	harbor 46:2	heavy 173:12	histories 238:5
135:14 136:18	142:17 151:20	hard 26:9 89:9 90:3	heels 7:11	history 14:16 26:12
137:1,6,9 140:13	162:21 237:21	90:6 95:19 96:2	held 22:18 194:19	248:4 279:1
189:10 190:3		127:11,11 187:15	194:20	hit 6:20 22:13 53:16
193:14 208:15		188:7 195:4	helm 261:12	156:17
221:19 252:9		hardened 290:20	help 5:21 11:12	hitting 22:9
groups 49:13,14		harder 108:10,10	66:15 94:14	hocus-pocus 51:8
74:18 87:3,17		110:17,17 221:13	145:12 146:19	Hoffman 155:2
	H			
	habit 157:3			
	hail 67:8			
	half 9:17,21 79:2			

hold 30:6 63:1 181:4,6	how's 46:17	impartial 174:9	164:12 260:16	individuals 10:1
hole 170:4,5 235:7	huge 41:14 237:15	impeachment	incarceration-foc...	12:6,7,12 13:8
hollow 13:19	human 44:5 55:8	175:14,18	149:13	46:11 52:5 102:13
home 11:9,10 14:3	260:9	imperfect 173:12	incentive 293:11	146:6 182:3
62:9,15,19 63:20	humanity 49:8	implement 86:2	incidences 263:8	industry 52:5
69:18 234:8 289:5	humble 252:10	134:9	incident 61:1,2	ineffective 132:7
homeless 47:2	hundred 44:2	implementation	incipient 177:15	inferences 198:9
honest 57:9 84:9	hundreds 87:2	50:1 57:9	193:2	infinite 36:18
85:22 88:3 100:2	hung 40:11 261:8	implemented 77:2	include 222:15	inform 5:18 91:5
123:13 124:17	hurt 10:20 51:13	133:11	237:6	information 20:3
218:5 281:6,9	184:1,4	implementing	includes 207:10	83:17 88:10 95:14
286:14	I	54:16	including 5:15 6:12	114:20 240:6
honestly 285:2	idea 6:13 7:1,2,7	import 7:10	10:18 164:10	278:8
295:19 296:8	11:12 12:22 13:11	important 36:15	236:7	informed 91:10
honesty 110:7	14:22 19:4 26:8	78:2 82:18 83:4,5	incoherence 171:3	165:19
283:21	43:18,20 87:16	83:6 86:3 89:4	inconsistent 106:17	initial 59:8 100:5
honor 247:5 258:3	99:20,20 100:1	91:6 93:14 99:18	independent 261:10	190:1 214:22
honored 5:15 68:5	158:6 161:21	203:9 272:20	index 215:4	307:3
199:5	188:16 239:21	276:1,2 291:18	Indiana 71:18 300:5	initially 20:7 50:10
honors 45:8	247:22 258:13	303:3,4,8	indicate 148:16	211:15 220:14
hook 273:19	262:8 287:17	impose 67:14	indicated 122:6	277:2
hope 4:15 5:17	ideal 164:14 169:11	217:15 255:17	145:22 149:5,10	initiative 222:3
59:16 153:10	176:21 177:6	imposed 57:6 58:17	247:17	initiatives 61:20
164:7 208:10	ideally 170:8 190:3	imposes 215:17	indicating 232:22	inmates 33:2
209:8 256:13	ideas 66:17 77:7	impossible 14:13	234:11 253:4	innerness 151:6
304:3,5	239:18 240:7	136:1	indication 99:16	innocence 150:5,6,8
hoped 15:15	identified 25:14	impress 278:9	217:12	150:12
hopeful 304:17	26:13 28:12 84:18	imprisonment	indicator 98:17	Innovation 240:5
Hopefully 41:11,13	identify 25:6 94:16	274:18	99:6	innovative 125:1
304:5	134:5 135:14	improve 66:19	indicators 148:16	163:20
hopeless 272:12	137:2	90:22 239:21	184:11	inpatient 169:13
hopes 144:14,15	idiots 52:17	improved 103:14	indigent 162:1	200:18 207:19
hoping 134:4	ignore 67:11 183:22	improvement 67:2	222:9	301:18
196:17	255:22	inability 32:3	indirect 161:3	input 87:7,13,17
hordes 49:8	II 246:8	inappropriate	individual 10:3	89:5 127:12 191:1
horrendous 46:7	imagine 90:4	253:19 255:22	13:15 20:16 39:14	inquiry 256:9
hospital 58:13	149:14 176:9	inappropriately	40:17 41:1 70:21	insanity 281:20
hotel 78:6	177:1 207:11	56:18	83:15 102:14	inside 75:13 261:13
hotly-debated 15:4	261:17 288:3	inauguration	106:4 111:21	insights 283:9
hours 7:22 205:7	immediate 162:9	144:11,13	112:5 146:16	insignificant 180:22
308:3	immediately 206:4	incarceral 191:21	176:11 182:4	instance 113:4
house 163:18	immense 24:12	incarcerated 167:1	240:21 241:13	137:20 187:15
232:13 267:19	immune 58:16	incarceration 23:22	297:2	215:1 241:22
270:15 273:4	impact 25:7 33:10	34:20 40:11	individualistic	294:15
280:15 298:13	136:12 181:8	143:21 146:5,20	156:21 170:8	instances 127:8
308:6	182:19	147:2 153:7,8	individualized	instant 58:21
housing 192:11	impacting 191:2	161:2,10 167:21	170:10	instinct 263:21
		incarcerations	individually 103:5	Institute 2:5 4:15

26:20 71:5 79:1	interruption 306:18	214:19 215:7,14	Jay 1:19 4:6 198:19	180:10 196:12,16
instituted 222:13	interruptions	215:19 216:17	209:17 300:15	197:3 198:8,15
institutional 184:9	306:15	217:1 219:13,16	Jeff 3:4 257:7 305:1	199:12 203:11,19
institutionalized	intervene 206:12	220:7,10 221:19	Jeffery 257:7 258:1	209:15 238:19
54:1	intervention 151:7	227:22 228:3	258:22 283:1,2,6	244:9 247:14
instruction 222:16	158:19 171:9	229:14 235:9	283:20 284:20	253:8 254:4,15
insurance 294:2,16	193:4 199:19	236:1,3,18 239:9	285:21 286:3,7,9	256:5,11,15
295:12	200:17 297:20	239:15 242:10,14	287:13,16 289:6	258:19 262:4
insured 9:10	298:20 300:2	247:19 250:21	297:14 305:3	269:21 276:6,13
intake 22:1	interventions	254:16 256:8,14	306:9,20 307:6	292:17 300:13,15
integrated 39:16	295:18	issue 15:4 26:6	Jeffrey 3:4	308:9
72:17 115:5	interview 94:8	27:14,18 36:16	jeopardy 13:5	Josh 2:15
integrating 298:3	103:4 104:8	54:7 61:22 63:22	Jersey 3:15 257:3	judge 2:19,20,22,22
integrity 57:8	interviews 88:19	83:11,12 86:3	263:11 268:8	9:5 12:16 14:11
intelligence 191:9	102:13,14 104:6	95:10 100:14	270:4 271:11	23:7,17 24:15 37:2
intended 145:12	intimidated 262:11	101:20 103:16	274:17 277:11	44:13,14,15 45:13
146:18	introduce 256:21	110:14 123:1,9	291:1,10,19	48:22 49:3 50:15
intensive 29:2	intuitive 81:7	128:16 137:10	292:10 293:20	55:22 58:7,12 60:3
intent 296:20	invalidated 82:10	158:4 222:21	297:9	64:13 83:4,6,12
interact 155:4	invest 67:10 163:12	223:2 294:6,7	job 9:11 15:16	93:8,10 101:3
interacting 176:2,4	investigate 278:8	issues 28:17 45:6	24:16 94:8 130:2	105:4 111:4,4,5
interaction 237:4	investment 118:4	53:3 63:18 72:14	148:20 189:14	119:2,3,6 120:17
interactions 123:15	invited 196:18	76:8 81:18,20,22	190:10,10,13	120:22 121:1,2
123:17	inviting 16:17	87:4 94:14 95:1	192:9 202:16,18	122:7 123:13,22
interdiction 15:6	invoke 56:4	110:2 119:15	203:8 223:11,15	124:12,12 152:1
interest 59:1 78:15	involved 10:17 18:2	155:14 217:18	231:10 240:12	155:2,13,14 158:4
84:1 223:16,17,20	21:19 23:11,13	219:3 234:10	244:5 246:13	163:9 173:17,22
224:2 246:16,19	28:2 82:1 87:8	273:3 291:16	269:3 274:6,6,7,8	174:4,5,6,12,14,18
284:2 298:8 309:4	119:16 161:11	293:19	276:10 286:13	175:5,12 176:1,2,6
interested 33:16	165:10 169:9	items 25:5,13	jobs 274:9	176:9,10,13,18
79:3,15 89:8 90:18	192:22 206:9		Joel 1:21 238:20	195:15 197:7,8,9
94:4,12 103:9	246:14 251:3		244:9	197:10 198:5
119:9	262:14 273:11		John 33:22 56:2	199:2,3,13 200:19
interesting 70:13	involvement 33:14	jail 10:18 28:2	253:14	201:2,10,19,19
80:9 82:22 89:22	46:12 191:3	34:21 58:9 82:7	johns 208:1	203:14,16,20,21
92:3,8 103:8	192:21	99:17 100:4,6,9,12	Johnson 186:4,8	203:21 206:18,20
115:19 130:13	in-depth 115:6	100:13,15,20,22	joined 33:22	207:2 209:21
185:1	iota 307:13	101:3,7,11,19,22	joining 91:8	210:4,6,14,18,21
interests 209:2	iron 259:11	115:13 189:12	joke 60:21 133:8	210:22 211:2,3,10
interfered 299:10	ironic 228:20	235:19 255:7	Jonathan 151:12	211:13,18 212:5
interject 298:15	ironically 258:7	262:21 263:17	Jones 1:15,18 2:2	212:10,16,20,22
299:14	irrelevancy 131:18	264:20 267:3	4:3 16:13 33:18	213:4,11,21 214:3
internal 157:6	irrelevant 296:16	273:7,14,15	65:19,22 66:3,8	214:8,10,14,16,19
178:12,13 180:9	Iscoe 2:22 197:9	275:20 278:13	67:17,22 86:16	215:7,10,14,17,19
internally 157:3	203:16,21 210:18	279:19,21 290:15	134:15 136:6	215:19 216:5,17
internet 240:4	211:10,13,18	298:10 300:7	139:7,11 140:10	216:21 217:1,6
interpreted 213:15	212:5,10,16,20	307:1 308:4	140:15,18 141:5,9	218:5,12 219:13
interrupt 143:20	213:21 214:10,16	Janet 11:16 32:19	141:12 154:2	219:16 220:7,10
		January 1:11 230:3		

221:5,18,18 222:2
 222:18 223:7,13
 224:4,11,14 225:1
 225:18,20 226:2,7
 226:11,17 227:4,9
 227:13,16,19,22
 228:3 229:14
 230:2,10 231:4,8
 231:12,16 232:10
 232:21 233:6,9,18
 234:7,15,18 235:1
 235:4,9,15,17,18
 235:22 236:1,3,13
 236:16,17,18,22
 237:5,7,9 239:6,9
 239:10,15 240:16
 241:4,7,10,16
 242:5,10,14,18,21
 243:6 244:2,11,15
 244:18 245:19
 246:16,22 247:17
 247:19 248:5
 249:11 250:21
 251:2,2,15 253:14
 253:17,19,20,21
 254:3,6,9,10,13,16
 255:1 256:8,14
 261:5,12 267:7
 271:21 272:19
 275:6 276:3
 277:11 285:4
 290:9 295:16
judges 23:6,11 29:5
 31:2 50:11 77:2,3
 83:10 85:13,17
 100:15 118:21
 119:2 120:8,9,14
 120:19 121:3,5
 122:12 123:3,5
 155:3 168:15
 183:19,20 240:2,6
 255:15 256:3
 263:4
judge's 83:5 255:13
 266:18
judgment 200:19
judicial 46:3 56:5,6
 238:17 240:1

judiciaries 63:7
 65:12
judiciary 20:9 21:6
 24:13 28:18 29:4
 29:17,22 30:9
 31:14 36:1 63:7
judiciary's 28:15
jump 63:2
jumping 62:20
jurisdiction 73:13
 170:15,16 258:21
 261:9
jurisdictions 29:21
 32:4 51:9 101:17
 163:1
jurist 253:20
justice 2:5 3:4 4:14
 6:16 15:3 18:3
 30:18 40:1 48:19
 71:5,6,8 79:1
 146:3 150:10
 151:3,14 154:21
 155:1 156:3
 163:21 164:10
 166:19 168:8
 171:5 177:7,20
 181:22 182:2
 184:5,7 186:17,22
 187:18 193:1
 222:6 231:19
 238:8 242:16
 248:1 257:8
 260:11 297:20
justify 19:9
juvenile 21:3 53:19
 84:7 89:3 270:5
 295:15,17 297:4

K

keep 19:19 23:2
 26:4 28:21 29:16
 31:18 105:9 127:1
 143:14 157:6,13
 157:17 182:9
 187:17 216:6,22
 230:20 234:20
 258:10 298:13
keeping 61:10

keeps 60:21 305:6
KELLY 1:20 50:5
 51:1,5 56:9 57:12
 57:16,21 58:3 59:7
 121:10 253:11
 254:2 292:22
 294:11,22 296:14
kept 22:19 176:16
 221:4 258:9 261:9
 272:15 275:13
key 9:7 79:9 80:21
 81:9 82:12 237:3,4
kicked 221:5 226:9
 251:7 273:5,18
kicking 191:21
kidding 66:6
kill 62:6
kind 8:14 13:19
 22:20 26:1 29:11
 44:1 45:13 52:15
 54:17 61:13 64:9
 73:7 74:9,19 77:18
 81:11 83:3 92:14
 93:20 97:21 103:4
 104:20 105:2
 108:5,17 109:15
 110:18 115:8
 116:12,12 118:17
 120:17 124:7
 127:2 128:20
 132:13 140:5
 189:16 190:11
 191:19 192:10,21
 204:2 209:19
 220:3 244:14
 255:7 260:3 263:5
 264:19 265:7,18
 268:22 272:15
 281:11 285:8
 286:12 287:2
 297:1
kinds 119:19 255:6
 285:19 289:3
kiss-hug 52:15
knew 41:19 47:12
 281:22 302:21
 304:19 306:13
knock 28:6

know 13:19 15:4
 16:10 18:4 27:1
 30:5 32:2 37:13
 41:17 43:1 48:8
 51:11,12 54:15
 60:20 62:9,19
 63:18 66:11,20,22
 68:6 71:20 72:3,6
 73:6,9 74:13,15,18
 75:9,16 77:5,10,10
 77:17 80:4,17
 81:16 82:12 85:15
 86:5,7,8 92:18
 93:2,4 94:11 95:5
 97:13,21 100:19
 101:7,8 104:10,21
 106:22 107:1,4
 108:6 110:3 111:4
 112:22 113:19
 114:1,5,10,22
 116:3 117:1,2,11
 119:15,19 123:11
 123:18 126:18
 130:9 132:14
 134:1,17 136:4
 144:9 150:14,19
 151:19 153:16
 155:2 171:2,22
 173:1 176:19
 177:11 178:19
 185:14,16 188:6
 189:11 190:17,18
 192:9 194:3
 202:11 203:13
 208:19 209:4
 211:16 214:14
 222:19 224:19
 226:10 228:6,15
 231:6,21 235:19
 237:21 238:2
 244:5,6 250:7,19
 253:5,15 257:14
 260:3 262:11,18
 262:19 263:15
 264:13 265:1,15
 265:20 266:6,22
 267:1,8 268:9,11
 268:15,16 269:3,5

269:13,15,16
 271:9 272:3,13
 273:6,14,19 274:3
 274:15 275:10,16
 276:18,18,22
 278:7,8 279:1,6,20
 279:22 281:13,17
 282:7,16 286:18
 286:22 287:8,11
 287:21 288:18,22
 291:5,9,22 294:20
 295:1,6,7,10,11,19
 296:3,5,8,21 297:2
 297:3,7,8 303:17
 304:18,19,20,21
 305:4,12 306:13
knowing 4:21 263:9
knowledge 113:4
 243:21
known 72:15
 284:22
knows 227:18,18
 236:4 252:2
 274:12 279:5
 285:7 289:9

L

L 1:15
LA 18:8
lab 244:5
labor 29:1
lack 37:15 75:6 94:2
 114:12 183:11
 243:13 273:1
 284:20
ladies 262:2
laid 13:13 55:9
language 38:2 133:8
 133:9 144:12
large 19:20 41:13
 81:4,14 93:12
 110:16 126:15
 137:12 268:3
largely 129:20
 238:11
largest 19:21
late 7:7 270:13
laughter 42:15

53:11 58:2 59:12 60:15 66:2,9 68:9 78:10 95:4 140:22 186:7 198:7,11,14 198:17 202:13 203:15 233:1,5 236:15 254:1 258:15,18 259:7 259:10 283:19 284:16,19 288:5 302:12,15 305:9 306:19	leads 5:6 learn 60:8 61:16 120:21 121:3 226:8 277:6 learned 21:10 22:5 23:12,19 24:9,22 31:22 42:4 47:7 59:16,17 76:5 103:12 107:8,11 122:17 200:3 203:6 239:17 273:5 296:12 308:18 learning 123:1,8 202:9 225:16 leave 9:18 203:9 leaving 266:7 led 68:16,17 114:20 257:17 left 90:5 202:14,17 248:6 256:22 legal 176:10,14 180:1 195:9,12,20 196:8 259:6 274:13 285:13 287:21 304:2 legally 291:17 legislation 173:14 legislative 146:10 146:11 149:20 150:3 161:15 legislators 73:18 legitimate 9:11 legs 64:8 length 13:14 158:1 lengthy 91:12 lenient 93:8 lens 145:3 lessons 21:11,12 22:5 23:2,12,19 31:22 47:7 277:5 letting 190:5 let's 5:9 31:20 46:22 70:18 75:4 85:21 87:10,20 141:5,6 146:7,8,9 161:12 161:14 164:5,13 168:9 173:10,14	211:20 241:13 249:20 284:3 301:3 level 25:11 42:9 46:21 69:9 82:14 120:6 210:2 levels 44:21 65:16 161:21 212:3,4 lever 151:6,15 liaison 127:18 195:11 liberty 63:14,17 65:17 license 260:18 269:12,12 279:19 282:8 296:22 lieu 50:21 96:16 life 12:9 15:17 88:4 92:21 156:11,12 157:2 170:2,2 184:20 188:20 189:2 260:16 265:6,14 267:21 269:16 272:10,14 279:12 281:8,16 290:6 294:17 295:18 299:18 302:1 lifespan 73:7 lifestyle 28:4 lift 247:22 lifting 238:7 liftoff 248:21 light 177:17 lightly-addicted 145:15 liked 119:8 likelihood 42:1 152:17 likes 236:16 Likewise 179:12 liking 238:16 limit 189:9 limited 5:16 80:8 128:10 161:9 227:17 limits 131:16 line 55:15 108:4	113:18 285:9 296:4 299:12 lines 273:16 link 158:12 159:5,6 linked 187:17 list 49:15 listed 140:2 listen 44:10 141:10 299:16 308:9 listened 195:6 listening 264:14 literally 172:9 literature 36:8 39:18 84:6 130:22 139:3 141:15 156:7 180:17 201:16 little 4:21 16:20 27:2 28:17 68:11 82:12 84:8 101:19 104:11 106:15 111:8 127:10 138:22 150:7 164:6 211:13 260:2 262:13,18 278:16 284:4 292:18 298:5 302:8 live 250:3 295:7 304:10 lived 184:20 188:21 lives 51:14 108:19 109:12 223:18 246:15 living 188:20 265:14 270:16 301:19 lo 178:15 184:2 202:7 loaded 132:4 local 70:22 73:13 77:2 88:17 126:20 126:22 135:11,14 135:18 locally 118:1 131:2 locally-based 135:18 location 90:7	110:12,13 134:22 259:14 lock 45:20 logically 180:4 long 28:20 36:12 70:9 71:16 82:17 83:7 102:21 122:8 185:13 203:1 223:6 250:13 275:12,13 276:9 279:1 280:4 292:18 295:14 299:4 longer 11:19,22 12:1 43:11 56:21 120:12 188:20 201:11 223:11 248:4,10,22 268:22 longest 146:20 long-term 18:11 265:9 294:1 look 15:19 17:21 26:10,11 31:21 39:12 43:19 53:21 55:14 56:1 70:13 72:20 73:5 79:5 80:6,9 83:8,11,17 83:19 84:15 85:9,9 86:13 88:19,20,21 115:11 131:17 135:17 153:9 154:16 165:7,14 165:15 168:20 197:13 220:21 264:11 284:22 302:14 looked 28:10 70:7,9 88:9 110:2 113:5 122:11 140:2 141:14 looking 21:2 25:20 75:13 82:20 83:9 84:4 86:20 90:9 96:17 111:21 129:4 165:21 179:6 182:2,4,9,20 265:2 274:7 287:3
--	--	---	---	---

297:16 299:21	lowest-level 210:10	Marlowe 77:17	109:21 111:7	meeting 1:6 37:1
looks 19:4 55:10	low-level 242:11	289:18,18	112:16 114:18	130:19 244:14
165:8,14	low-risk 19:7	marriage 260:6	115:4 116:3 117:1	308:16 309:7
looming 149:22	lucky 260:1 261:14	married 23:7	117:9,11,17,18	meetings 82:5 98:14
Lord 252:2	lunch 196:17,21	Mars 191:12	118:13 119:6	109:10 130:11,12
lose 175:16	279:21	marvelously 84:19	121:10 124:13,21	130:19 249:3
losing 283:15	lunchtime 196:16	Marvin 1:18 5:8	125:14 126:16	286:21
lost 172:11 179:21		33:20 34:6 44:8	127:5 130:13	Meg 151:19
270:15,15 274:5	M	180:10 238:19	131:13 134:11	member 1:19,19,20
lot 12:14 21:11	M 71:17	292:21	135:10 136:21	1:21,21,22 6:17
23:15 24:14,18,19	machines 10:11	Maryland 2:8 4:12	138:5 154:13	45:7 50:5 51:1,5
28:7 39:2,17,18	macro 191:2	17:17 21:1,9 22:16	157:7 159:4 162:8	56:9 57:12,16,21
41:21 51:19 53:21	main 79:6	24:2 30:20 32:8,20	168:11,19 169:11	58:3 59:7,11 86:19
55:7,8 60:14 61:20	maintain 109:12	33:1 34:12 49:19	181:12 188:17,21	86:22 87:6,12 95:3
63:18 67:5,6 71:9	110:18 129:11	62:11 63:13,15	189:2,10 190:12	95:21 99:11,15
74:4 80:2,15 87:7	205:12	71:15 132:21,22	193:3,19 211:2	102:1,4,10 103:11
96:15 101:17,21	major 7:10 164:17	133:1,3	213:16 223:19	105:11,19 106:1,5
105:3 106:19,20	164:19 207:10	mass 75:4	224:3,4,5 230:8	107:1,10,15
108:12 122:20	majority 93:17	match 56:21 137:1	232:4 241:4	108:21 109:2,14
140:2 141:14	making 67:1 165:12	137:8	251:21 253:5	110:11,19 111:14
147:16 148:12	168:13 307:20	matching 137:5	267:8 268:13	111:15,16 112:2,6
151:11 152:7	308:1	material 68:22	272:3 276:22	112:13 113:2,10
153:12 163:13	manage 16:2,22	matter 141:2	280:16,20 282:22	113:14 114:2,7,13
173:7 184:22	25:9 27:4,8 30:5	163:11 164:2	284:21 289:3	114:17 115:9,21
201:14 207:8	32:16,17 64:1 90:4	196:20 229:9	290:6 294:2 308:5	116:10 117:10,21
214:20 219:2,7,19	127:11	253:4 279:9	meaning 51:1	118:8,18 121:10
219:21 230:4	managed 20:5	matters 47:20	301:14	121:20 122:1,4,15
234:9 236:9,10	45:18	255:12,16	meaningless 132:13	124:2,14 125:4,8
237:12 239:17,19	management 27:14	maturing 156:7	means 63:17 64:5	125:18 127:13,17
240:2,6,12 253:5	29:15	max 188:6	72:7 96:10 117:2	127:20 128:22
253:17 265:7	manager 200:20	maximum 212:16	192:16 200:7	129:3,7 131:4,21
267:7 268:19	201:2 245:7,8	McGee 2:6 4:11	235:14	134:16 136:7,10
280:22 287:1	managers 246:5	16:15,16 34:7,9,15	meant 13:14 76:22	136:14 137:3,11
289:11 295:8,18	manages 40:17	35:7,13 37:7,13	183:8	138:1,16 139:5,20
296:10,18 299:2	managing 131:19	38:4,10,13,16,19	measure 54:17	154:4,10 156:11
303:21	mandated 83:21	39:2 40:6,13,21	measured 47:15	159:2,18 160:3
lots 169:2 192:3	mandating 103:18	41:4 50:6 59:9,13	measures 30:8	161:18 164:5
208:2 236:18	mandatory 146:11	65:21	116:13 250:4	165:6 168:9,19
love 123:6 192:11	164:11	mean 12:1,14,16,18	mechanics 49:15	172:13,20 173:10
loved 14:19 122:17	mantra 142:22	12:19 30:3 38:9	mechanism 160:8	174:15 175:1
123:3	manuals 88:20	51:13 57:18 77:5	192:17	177:3,16 188:12
loves 101:3 296:5	manufacturing	77:10 81:1 85:2,17	mechanisms 146:9	194:1 195:21
low 19:9 39:4 42:7	271:4,5	86:2 88:4 89:17,17	161:13	198:12 209:18
65:16 291:2	March 17:15	90:19 93:1 96:20	media 62:5	210:5,9,16,20
lower 121:17	marginalized 163:2	98:16 99:3,22	medication 273:6	211:1,6,11,17
181:20,22	Mariel 7:11	100:2 102:12	273:21	212:4,9,15,19
lowers 161:6	marijuana 42:8	105:21 106:16,21	meet 127:22 206:16	213:3,6,18 214:6,9
lowest 210:1	45:16 212:13	107:20 108:11	207:5 208:22	214:12,17 215:6,9

215:15 217:16 218:11 219:15 220:5,9 221:18 222:17 223:1,8,19 224:1,13,17 225:13,19 226:1 226:16,22 227:7 227:10,21 228:2 229:13,18 230:8 230:15,17 231:5,9 231:13 232:5,15 233:2,7,17 234:6 234:14,17,21 235:3,20 236:2,16 237:8 244:11,16 245:16 246:12,18 247:15,20 249:8 253:11 254:2 276:15 277:12,16 277:19 278:4,11 278:15 279:3 280:1,7,11 281:2,7 281:10 282:2,9,13 282:22 283:5,12 283:17 284:17 285:14 286:4,8 287:6,15 288:10 288:15,21 291:21 292:3,22 294:11 294:22 296:14 300:14,16 301:16 302:2,16 303:6,11 303:16 304:14 305:1,17 306:5,7 306:17,21	246:12 mentioning 162:21 merely 182:16 283:8 merits 56:22 58:20 mess 7:12 message 27:3 195:14 met 277:10 meta-analyses 74:14 mete 57:3 methamphetamine 270:14,18 method 12:13 118:10 methodological 137:10 methodologically 136:22 methodologies 74:17 methodology 72:1 74:9,13 75:1,3 113:17 118:11 metro 300:10 metropolitan 300:12 MHS 3:5 257:9 Miami 5:20 6:3,5 7:7 9:6 43:5 44:1 45:9 51:3,12 Michael 2:11,19 68:3 197:7 Michigan 49:17 71:16 micro-scale 191:3 middle 70:16 71:14 89:13 90:12 256:12 257:5 midst 174:19 Mike 69:7 mildly 162:6 mile 281:18 mind 153:17 166:9 295:22 mindless 46:20 minds 164:9	mine 29:16 31:7 60:17 270:20 minimize 193:19 minimum 146:11 164:11 minorities 182:12 182:13 minority 182:6 183:10 minors 260:11 minute 36:14 215:22 281:18 305:21 minutes 4:20 7:6 16:11 68:10 69:1 141:18 153:22 197:18 203:10,17 209:14 228:18 242:1 251:22 257:20 miracle 260:22 miracles 268:11 mirror 30:6 misdeemeanor 204:6 219:18,21 220:6 220:12 250:11 misdeemeanors 210:5,7,8 218:10 230:12 274:18,19 miserable 275:11 miserably 85:1 misnomer 56:11 missed 58:6 134:17 missing 58:11 107:21 299:22 mission 31:17 208:4 229:15 233:11 Missouri 71:16 misunderstanding 135:8 misunderstood 213:5 mitigate 39:13 mitigated 41:12 mix 138:22 mixed 84:9 137:19 modalities 25:13 model 49:12,13	77:1 85:22 86:3 109:9 154:8 164:15 166:8,8,9 166:10 175:11 186:20 223:20 224:2,7 226:2,5,10 229:7 232:3 237:1 modeled 237:2 models 65:9 201:14 223:17 modified 161:16 modifying 161:20 mom 264:1 moment 302:1 monetary 179:21 money 19:5,8,16 20:6 29:1,2 48:21 52:10 67:6 73:22 78:3 94:13 133:15 163:16 228:20 237:12 252:1 money's 308:7 monitor 57:8 176:13,17 190:11 monitored 105:5 monitoring 62:10 206:13 208:6 245:10 monkeyed 101:16 Monterey 85:4,9 113:22 114:11 117:12 118:19 120:7 month 64:22 234:8 265:13 monthly 249:2 months 10:15 41:9 85:14,16 90:5 93:19,20,20 119:3 158:2 205:17 211:4 216:18,22 266:14 267:13 268:7 270:14 301:20 306:10 morass 12:22 morning 4:4,11,17 5:18 33:22 34:5,8 34:11 37:1 67:21	67:22 68:6 144:8 246:2 mother 178:4 266:13 271:2 motivated 157:3 183:20 281:4 motivating 164:21 motivation 12:10 97:1 178:12,13,13 180:9 move 18:18 143:5 259:14 260:2 movement 150:5,6 moving 25:17 muddled 179:8,12 multi 18:4,12 170:4 multimillions 191:11 multiple 32:18 126:8 127:5,7 128:6 multiple-treatment 81:19 multiplicity 126:15 multi-faceted 162:12 Multnomah 300:6 municipal 37:19 murders 230:3 Murray 2:4 4:13 5:13 42:14,19 43:1 43:3,6,9,22 46:14 48:2,5,8,17 50:6 50:19 51:3,6 56:16 57:15,18,22 58:4 66:1,6,10
<hr/> N <hr/>				
NACDL 1:4				
NADCP 20:16 76:12 77:16,20 78:4				
name 140:7 159:21 204:4 206:6				
names 106:4				
national 1:1,14 3:14 6:4,17 16:4 34:2 43:12 69:14 71:4,5				

78:22 126:2 159:12 201:17 254:11 257:2 270:3 289:7,16 290:1 nationwide 259:9 natural 29:13 naturally 269:5 nature 108:19 111:1 258:9 297:4 nay 165:16 NCADD 257:3 293:20 NDCI 77:21 near 92:16 nearing 260:19 nearly 161:16 necessarily 27:12 92:6 103:6 106:17 169:4 294:6 295:6 295:15 necessary 149:9 169:3 199:20 229:10 245:7 261:21 necessity 127:9 283:12 need 23:20 26:7 27:8,9,10 31:16,20 31:21 35:14 39:4,8 40:22 48:21 51:22 55:22 56:7 64:20 76:19 77:9 99:17 124:19 132:17,18 139:3 145:18 151:9 173:8,8 181:7,14 192:3,8,9 192:9,10 207:19 215:3 234:14 235:14,15,20 252:2,3,6 253:4 265:8 278:14 285:15,19 292:5,6 292:15 294:16 needed 60:22 143:2 143:19 200:20 201:3 272:1,5 286:13 297:11	302:22 needs 26:18,22 46:21 61:15,17 65:8 67:14 93:10 125:3 162:9 192:18 209:1,10 237:15 245:11,14 255:4 273:18 278:9 290:13 negative 37:15 90:19 204:21 205:10 211:16 212:3 negatively 132:8 negotiated 9:19 negotiations 13:3 neither 89:11 net 29:5 network 268:2,3 net-fixing 28:14 net-widening 28:13 166:19 Nevada 71:18 never 11:13 16:4 24:15 57:19 72:3 96:18 109:19 120:15 127:7 148:1 187:14 189:14 208:10 215:7 229:7 241:7 241:10 265:9 272:3 279:8 281:9 293:11 297:1 304:19,19 305:16 new 3:15 18:7 42:1 46:9 48:18 50:3 71:18 107:5 144:21 150:1 193:21 236:7,20 237:6,9 238:4,6,15 247:19,20 250:22 251:10,20 252:8 252:17 257:3 263:11 268:8 270:4 271:11 274:17 277:11 291:1,10,19 292:10 293:20	297:8 news 14:16,17 nice 114:2,4 160:6 166:9 183:18 285:1,10 305:22 nickname 261:10 night 45:17 NIJ 70:6,6 71:4 80:4 nine 113:5 267:13 305:15 nineties 18:10 ninth 245:1 NJ 257:4 non 23:3 26:6 166:16 179:8 nonviolent 214:4 non-compliant 64:20 non-drug 21:13 non-incarcerative 8:15 non-pernicious 166:10 non-profit 295:9 non-violent 28:1 noon 141:1 norm 11:2 normal 13:9 109:15 normally 5:6 14:10 210:13 218:3 Norman 66:12 normative 143:13 North 3:5 257:9 nose 140:21 notable 183:1 note 98:12 308:13 notes 46:19,20 274:15 nothing's 265:10 noticed 199:10 notion 8:6 15:2 82:10 96:18 130:12 164:8 177:7 notwithstanding 179:18 Nowadays 265:20	no-brainer 100:7 NPC 2:12 68:4 69:8 npcresearch.com 140:2,8 nuanced 156:20 211:14 220:11 nuances 169:22 number 5:2,6 68:16 71:12 80:8 81:4,14 82:8 84:3,7 87:3 92:19 98:22 100:10 107:11 113:6 124:10 127:8 141:20 142:3 197:21 198:3 204:10,22 236:6 250:8 287:11,22 292:19 numbers 71:10 73:8 73:11 117:19 119:18 numerous 207:22 260:16,16 292:14 294:5 nurtured 17:18 N.W 1:15	occurs 29:12 244:19 244:20 245:5,5,8 oddly 97:6,8 offender 8:16 17:14 25:21 27:15 28:2 42:8 61:21 172:5 232:11 233:10 offenders 16:22 19:10 20:1 21:17 31:7 39:5 52:11,14 62:2,14,16,18 192:3 234:13 offense 14:1 26:11 52:18 58:21,22 62:6 101:2 164:16 204:6 205:9 210:2 211:8 213:2 249:16,17 279:22 offenses 7:14 204:8 204:22 212:17 230:14 offer 5:15 12:11 66:17 158:19,20 165:16 208:19 offered 135:21 194:13 262:21 office 6:15 19:16,17 22:1 82:2 95:9 97:19 98:3 130:1 130:17,21 133:6 172:16 244:1 248:8 officer 46:4 92:16 219:19 242:12 267:15 272:19 275:19 296:1 officers 63:11 109:11 offices 1:14 71:12 244:21 office's 11:18 oftentimes 109:22 165:18 169:5 oh 46:10 65:21 90:16 104:19 111:15 190:13 216:21 228:14 231:8,8 282:4
---	---	---	---	--

O

Obama 144:11
163:17
objection 247:18
objective 6:22
objectives 6:21
obligation 306:3
oblique 223:14
oblivious 104:3
observations 20:21
147:11
obvious 89:5
obviously 77:16
80:1 130:7 280:8
occasion 205:14
occasionally 227:9
228:4 229:8
occasions 243:16
occur 59:18 81:21
229:16
occurred 205:9

Ohio 198:19	125:10 126:14	option 189:4 220:12	244:20 294:3	parenting 64:19
OJJDP 71:6	150:18 194:16	options 19:6 169:3	outright 167:8	parents 89:3 266:10
OJP 71:6	219:22 225:15	204:10 217:14	outset 170:19	279:6
okay 42:19 43:15	307:22	228:12	outside 264:20,21	Parish 46:9
51:5 56:3 64:12	one-dimensional	opt-in 154:11 159:3	287:9 296:13	parole 2:8 4:13
65:22 78:17,21	147:1 149:12	162:14 186:19	outstrip 147:7	16:19 17:9 20:10
82:8 112:2,12	one-hour 222:15	188:15	outstripped 170:13	20:12 32:10 35:18
113:2,14 114:18	one-on 224:11	oranges 74:15	overall 73:7	63:16 64:4 65:10
116:10 118:8,18	one-size 156:14	order 8:14 39:8	overarching 124:7	65:11 159:4,8,10
129:6,12 130:3	one-time 162:19	51:9 66:22 127:1	overflow 237:11,11	233:13,16 262:16
139:5 146:13,22	ongoing 29:19	128:11 137:14	overlap 213:22	267:15
149:4 154:9	open 69:6 142:13	145:17 155:14	overmanage 42:7	parolees 63:12
162:11 168:8	157:20 158:6	158:4 272:2	overpopulation	parse 181:14
174:15 175:1	159:17,17 164:9	orders 209:11	33:4	part 6:13 8:15
177:3 181:10	175:13 178:9	241:22	oversaw 14:8	54:22 72:5 77:21
188:10 191:5	192:11,12,19	ordinarily 219:21	oversupervision	78:1 87:18 88:13
201:8 209:13	214:1 240:20	Oregon 70:2,2	54:2	88:14,22 89:1
210:9 211:1,6,19	241:3,12 242:3	71:17,18 274:11	overtreat 42:7	93:14 94:15 103:9
212:9,15,19 213:3	opening 2:2 11:2	302:20	overview 208:3	108:10 110:7
215:6 217:8	open-ended 10:13	organically 191:15	overwhelmed	114:6 131:13
218:11 219:15	131:20	organization 20:17	110:16	190:6 225:3,4
220:9 222:17	operate 45:5 68:7	109:6 120:6	overwhelming	233:13 236:8
224:13 226:1,16	141:16 149:19	295:10	100:3 109:10	242:5,8 248:20
227:21 228:1	197:16 198:2	organizational	ownership 26:3	257:14 258:20
229:13 230:15	257:15	124:6	28:7 29:12	281:1 294:20
231:9 232:15	operates 56:18 72:8	organizations 76:12	owning 29:16	301:6 302:7
233:17 234:6,17	operating 72:11	organize 120:9	Oxford 273:4	306:22
235:3 236:2 237:8	operation 36:6 70:8	original 59:14	o'clock 196:19	partial 174:8
254:2 258:12	operationalize	182:15		participant 3:2,9
261:2 265:1 278:4	80:21	Orleans 46:9	P	87:10 245:6 257:6
283:2 294:11	operationalized	ought 40:16 252:11	paid 20:11 78:5,6,9	participants 87:21
300:14	81:2	outcome 23:5 72:4	231:7,15	237:5,21 287:9
old 262:15 268:15	operationalizing	72:13 73:1 79:12	Paint 47:2	participation 103:1
older 61:13 302:17	85:10	98:8 99:1 100:21	panel 3:2 5:7 9:5	particular 71:4 74:2
oldest 41:5	opinion 30:14 48:12	101:1 115:12	43:1 68:8 142:4	112:18 209:12
onboard 50:13	opponent 253:16	116:2,13 118:4	256:15	245:11
168:2 188:7	opportune 299:15	133:12	panels 4:19 68:8	particularly 72:13
once 44:11 45:19	opportunities 146:5	outcomes 49:9	142:2 308:10,15	74:5 92:2 97:3
47:20 56:13	157:14	80:13 112:20	panoply 166:13	100:5,12 101:18
240:12 243:11	opportunity 68:9	116:17,17 127:4	paper 128:13	122:11 212:12
254:19 266:2	141:17 165:2	280:13	165:13 181:13	230:6 285:3 304:8
279:11 288:11	167:4 190:20	outcomes/outputs	184:10	parties 9:19 13:3
302:6 304:3	296:9 307:9 308:5	30:8	paper-eligibility	164:3
onerous 207:4	opposed 149:16	outfit 109:5	172:21	parts 45:5 80:11
ones 14:19 31:9	160:10,19 161:12	outline 78:20	paper-eligible	256:2
103:8 111:21	182:11,12	outloud 233:3	172:19	pass 177:4 193:11
113:16,22 116:18	opposite 42:6 209:3	outpatient 157:22	parallel 144:17	247:6
122:13,16 125:8	opt 154:14 157:21	169:14 200:15	parental 155:6	passes 104:2

passing 254:6	104:19 105:22	222:8,11 234:1,3	288:11	299:1
passion 158:14	106:9 107:9,12	249:14 252:5	personal 103:3	pitfall 147:12
Pat 10:13 16:12	110:1,22 121:16	291:3,4 298:16	202:2 223:18	pity 283:13
44:7,7,9 47:6 58:6	122:20 128:17	percentage 177:13	246:15 296:20	place 13:5 14:6
path 61:9	134:8 135:15	178:19 207:11	personality 60:19	52:21 56:14,16
paths 145:4,4	136:11,15 137:13	perfect 168:5,11	122:6	58:11 59:18
patient 176:3	137:14 138:9	173:11 193:7	personality-driven	107:22 114:2,4
Patrick 2:6 4:11	143:9,17 144:9,16	299:13	24:20	125:11 127:15
pay 133:13 171:17	145:11 146:18,19	perfectly 86:7	personally 193:17	148:2 155:19
179:22 200:17,22	147:2,13 148:14	306:14	277:13,21	159:14 188:1
201:1 294:2,19	148:16,17 152:5	performance 30:7	person's 241:2	202:15 233:12
paying 228:20	153:5 156:22	220:22 250:3	243:12	234:22 235:2
payment 231:18	159:9 160:8,12	period 2:9,14,18,24	perspective 17:8	261:5 268:6,7,13
pays 162:4 285:5	161:4 162:1	3:19 82:21 83:7	20:14 24:21 27:16	286:15 291:10
PCP 212:13	165:21 166:6,20	85:18 122:19	27:17 28:16 29:21	294:15 295:8
PDS 225:3 230:22	166:21,22 168:3,7	205:11,19 206:1	65:11 184:22	298:9,20 299:13
231:22 232:1	171:19 172:8	245:14	199:16 209:2	placed 21:21 26:1
pee 10:11 44:10,12	173:7,9 177:14,21	peripherally 95:3	219:14 250:20	35:20 39:3 41:6
45:19,20	178:2,20 179:13	96:9	petition 157:20	157:22
peed 65:1	184:16 188:7,22	permanent 201:19	159:20 162:19	places 61:16 127:10
peg 170:3,5	189:4,10,11	permanently	petitioner 163:8	160:15 197:5
penal 174:22	192:13 205:17	201:20	petitions 162:4	267:14 295:2,5,10
penalized 219:11	207:13 209:4	permit 13:18	phase 93:21 174:20	295:12
penalty 213:12	213:20 214:15	permitted 271:8	174:22 175:6,9	plan 25:9 27:11
penchant 143:8	218:12 219:3,8	292:16	176:4 246:8,9	299:11
144:3	225:11 231:10	permitting 13:17	phases 124:11	plane 17:20
pending 7:19	232:3,4,6 233:19	pernicious 166:17	PhD 25:20	planning 273:8
279:13 280:18	234:7,13,20	persistent 290:12	PhDs 69:16	play 63:14 66:19
Pennsylvania 64:4	237:17,18 238:1,2	person 25:6 26:13	phenomenon 156:7	246:21 247:1
64:5 253:15	238:7,14 242:12	27:9 40:19 41:8	156:21 160:11	255:20 278:6
penny 78:5	247:22 248:4,11	65:1,3 103:5,6	Philadelphia 18:7	286:17 303:4,7
pension 299:11	251:10 252:5,17	106:10 117:7	phone 7:4 103:5	played 303:3
people 6:2 8:11 10:7	253:3 267:8,14	123:19 144:10	287:19 288:1	player 57:14 131:10
10:19 11:19 12:19	269:15 274:14,16	153:2 155:15	phrase 224:19	152:13
13:21 14:2,13,18	274:19 278:2	158:17 159:3	pick 35:2 47:1	playing 152:10
17:3,19,22 18:19	285:7,8 287:12	163:2,8 169:18	picked 23:14 270:13	267:9 285:20
19:7 30:11 31:7,8	288:7,14 291:20	170:20 171:4	280:21	plays 301:3
31:10 35:12 41:18	292:1,4,12,13,19	174:7,10,13 176:7	picking 31:8	plea 8:1 51:2 60:1
45:10,14 47:4,12	293:6,16 294:5	176:15 187:7	picture 84:9 89:20	147:8 150:15
51:21 53:13,13	296:6 297:9	190:9 193:12,13	298:3	167:8 170:13,16
54:3 60:10,16 61:4	298:14 299:16	195:13 217:7	pie 234:10,12	172:19,22 204:16
62:3,13 64:16 67:6	people's 192:5	219:10 225:17	piece 38:2 39:17	208:9,11 216:16
67:12 75:19 77:7	perceive 60:6	230:6 231:17	72:19 73:16 75:9	250:17 275:1
77:16 83:2 88:17	perceived 65:15	241:20 246:7	114:10 142:14	281:21 300:19
89:11,14,18 90:11	percent 11:14 67:3	247:1 248:16	144:6 145:3,9	301:16
91:5,15 95:17	67:4,8 81:6,8	249:15,20 252:11	234:11 272:21	plead 11:8 35:16
100:10 101:6,21	138:14,14 150:13	278:19 280:3	pieces 35:3,4 37:22	60:1 198:5 252:22
102:20 103:18	150:20 207:12	284:6 287:6	piggybacks 298:21	258:16 275:3

305:20 pleaded 206:5 208:7 208:12 pleading 174:2 pleads 174:3 pleas 51:4 216:16 please 228:11 264:1 pleased 4:10,16 68:5 256:19 257:11 264:15 pled 155:17 plenty 292:12 plugging 272:16 plus 150:13 275:1 PO 111:4 point 7:10 32:15 37:20 52:1 63:9 73:2,3,6 78:3 79:4 94:10 96:3 98:5 99:3 117:6 119:22 125:16 133:5 154:1,14 155:20 170:2,7 183:1 184:10 189:11 208:10 213:21 220:17 225:14 252:1 266:21 274:2,4 281:15 282:5,10 298:8 299:17,22 300:2 303:8,12,18 pointed 19:18 254:19 points 59:14 184:9 253:18 police 19:3 57:8 184:18,21 185:2,9 218:18,19 219:18 242:12 296:2 policy 3:13 69:10 118:13 257:1 270:2 274:14 policymaker 118:11 118:12 policy-relevant 74:7 political 63:3 143:10 164:1,6,8	187:2 pool 137:2 pools 137:15 poor 182:10 185:6 264:14 poorer 184:19 popcorn 166:19 population 17:2,2 19:22 21:14 22:10 22:14 23:4 25:7 26:5 27:15,18,18 27:19 29:6,8,9 30:6 32:17,22 35:10 36:10 47:5 61:11 70:10 83:2 107:16 137:20 138:4,6,13,15,17 138:18 182:13 237:15 238:12 249:15 252:4 298:15 populations 24:10 29:18 53:20 110:16 Portland 70:1,2,7 82:22 120:18 121:5 pose 5:3 141:21 position 5:18 43:13 66:12 229:1 240:13 261:17 282:18 positive 37:15 80:13 92:6,22 98:15 116:22 119:21 126:10 132:8 152:8 161:14 177:10 206:15 211:12,14,22 212:3 possession 7:15,17 11:3 164:17 210:2 210:10 212:17,18 213:13,17 262:21 296:19 possessionary 211:8 possessions 296:21 possibilities 251:3	possibility 229:3 possible 66:18 137:9 186:11 possibly 89:6,9 162:17 258:4 post 60:1 186:19 187:10 192:12 post-plea 51:20 187:11,18 post-trial 170:17 pot 61:17 250:12 potential 126:16 144:4 145:4,7 157:4 167:13 168:22 224:21 potentially 150:22 172:11 poverty 183:11 power 56:6 powerful 59:20 practical 102:19 185:21 186:1 practically 232:2 practice 208:16 221:20,22 223:10 270:15 278:19 practiced 147:10 practices 26:21 132:19 147:19 203:4 practicing 190:14 223:9 224:6 226:3 264:7 preceded 239:11 predecessors 201:11,12 predictable 49:9 prefaced 43:10 preference 201:18 prehistoric 186:6 premiere 120:19 premise 255:19 premium 89:17 prepared 68:22 88:8 prescribing 46:12 presence 50:15 184:18	present 1:17 63:7 98:14 224:16,18 229:8 240:22,22 243:15,16 274:1 277:9 287:5 presented 264:7,18 265:12 presently 163:15 preside 203:6 204:1 236:19 President 2:12 6:11 34:2 68:3 presides 203:22 236:20 presiding 1:15 4:3 201:10 pressure 184:9 presumption 274:18,20 pretend 168:9,10 pretrial 2:5 4:14 13:11 40:2 200:4 200:10 236:5 237:12 244:22 246:4 248:9 251:21 252:1 255:16 pretty 29:12 89:4 91:15 254:13 272:12 281:16 295:21 307:8 prevailing 149:19 150:2 prevention 297:16 297:17 pre-plea 51:4 166:8 172:13 173:15,21 175:11 187:10 price 72:21 115:14 170:13 priced 73:21 prices 147:8 pricing 73:16 118:2 118:4 primarily 71:3 primary 15:13 71:7 238:16 principally 145:9	principles 49:14 prior 50:1 74:14 158:5 194:18 205:1 208:8 240:11 priorities 163:12 priors 220:15 prison 17:6,21 22:17 28:2 33:1 115:13 163:15 164:22 171:10 233:22 261:8 267:11,12,18 275:8 290:15 291:4,6 307:12 prisoners 234:2,5 prisons 33:4 233:21 234:2,4 307:7 308:4 private 12:20 129:13 130:4,10 189:19 227:1,5 230:1 264:4,5 271:19 278:18 privately 264:7 273:12 privilege 258:3 privileged 262:8 prize 61:11 proactive 149:9 probability 42:4 52:6 probable 63:19 64:21 probably 7:8,19 10:7 19:20 22:14 51:21 80:3 83:22 90:6 93:17 94:11 95:15,20 96:4 98:17 99:5 102:9 119:4,5 120:5,7 124:1 133:8 150:9 151:19,20 163:14 166:1,2 167:1 175:16 186:5 200:5 201:13 202:11 209:13 217:13 219:6
---	--	--	--	---

229:16,19 240:8 262:20 270:11 273:1 280:19 282:14 290:19 295:20 297:12 299:16 301:22 304:22 308:10 probation 2:8 4:13 16:19 17:9 20:10 20:13 21:18 22:1 30:12 32:8 35:19 36:10,21 37:4 39:3 39:4 40:10,17 41:6 43:19 44:8 45:14 46:15 48:13 49:13 49:17,18,21 60:2 63:8,11 65:10 82:5 92:16 106:21 109:11,16,20 110:1,3,8,15 111:7 115:18 117:8 135:2,4,20,20 159:4,8,10 210:13 210:21 211:2 220:19 221:8 224:20 232:8,14 232:17 233:12,19 235:18 262:19,22 263:11 272:19 274:22,22 275:19 287:2 296:1 probationary 167:9 167:11 probationers 17:1 63:12 probe 191:12 problem 5:22 18:5 21:6 33:4 60:6 77:11 104:12 145:8,10 149:6 150:21 151:18 152:5 153:11,12 156:20 160:19 193:2 194:17 197:14 227:11 231:14 250:1 298:17 307:19 problematic 12:5	61:5 151:5 195:22 problems 8:12,13 33:7 85:20 145:7 147:17 149:4 150:9 151:15,16 152:9 156:13 165:22 181:15 192:14 207:15 225:17 232:7 238:2 260:17 289:12 problem-solving 1:4 5:1 22:8 66:14 197:19 procedural 194:4 procedurally 194:3 procedures 72:11 proceedings 242:1 proceeds 97:9 process 11:3 13:9 14:10 28:19 49:7 54:19 56:13 59:4 63:4,18 66:16,21 67:7 72:2,5,10,19 73:1,16 75:9 88:16 91:12 103:14 112:19 114:10 115:6,6 150:11 166:13 186:1 273:2 283:15 284:3 288:20 291:11 processes 14:9 29:19 72:12 104:15 134:7 processing 250:9 produce 84:20 141:15 producing 177:10 178:16 product 158:8,15 productive 12:12 157:15 158:22 products 143:10 profession 17:10 78:16 86:12 professional 60:12 76:11,12	Professionals 6:18 43:13 201:18 254:12 professions 134:11 Professor 2:16 141:7 180:11 profound 55:11,13 program 6:10,15 9:7,15,22 10:13 11:7,17,20 13:6 14:3,15,20 22:3 35:1 56:18 57:11 58:5,19 59:1 62:7 67:4,11 86:1 125:2 125:2,5 157:22 160:16 162:5 169:14,15 171:15 187:11,11,19 192:2 199:19 200:16,17 205:3,3 205:5 206:21 207:9,17,18,21 213:9 215:12 221:2 225:5 226:9 226:21 228:7 236:10 237:5 238:1,6,6,11,15 245:6 247:11,18 249:22 250:1,22 251:1,6,12 252:12 258:8 260:6 265:9 267:20,21 278:14 287:14 294:17 305:22 programmatic 112:19 176:17 programming 52:21 programs 16:6 62:11 129:19 178:6,17 181:20 192:4 204:13,13 207:7 208:1,19 228:12 236:7 245:4 263:19 269:17 progress 212:12 243:12,12,13	progressive 186:5 prohibits 248:3 project 6:8 projecting 95:8 promised 263:22 266:16 proof 205:12 prop 113:11,13 150:2 261:1,2,4 proper 25:12 properly 45:3 property 158:12,15 164:19 proportion 150:16 proposal 154:6 159:14,15 163:13 175:17 192:20 proposition 83:20 155:9 prosecuted 14:8 prosecutes 230:11 230:13 prosecution 15:22 172:16 205:16 206:7 249:10 prosecutor 9:12 11:15 12:18 13:12 14:8,11 37:2 46:9 48:21 49:2 165:12 165:14 186:3 187:20 206:8 228:16 241:22 271:21 279:16 291:17 prosecutors 50:11 166:21 168:2 185:22 prostitute 207:16 prostitution 21:3 207:8,9,13,17 protecting 308:1 protections 57:1 provide 34:19 35:3 64:15 109:7 126:15 146:4 154:7 157:16 205:12 233:14 237:13	provided 109:15 237:14 254:8 289:15 provider 8:8,9 81:18,19 94:7 126:17,20,22,22 127:21 128:1 169:12 172:17,18 providers 8:10 10:7 126:7,10,13 127:6 127:7,14 128:6 168:15 169:5 provides 37:16 235:5 236:10 providing 49:5 126:14 147:14 151:1 235:8 proving 189:4 pro-social 28:4 PSA 218:21 PSAs 218:19 psychiatrist 273:20 psychological 255:5 291:15 psychologist 176:12 psychopathy 25:20 25:21,22 public 6:7 9:12 12:19 14:7 19:2,17 22:10,11 29:3 37:21 46:7 62:8 69:10 82:2 94:21 95:9 97:10,18 98:12 102:6 103:22 129:8,10 129:22 130:17,21 131:2,6,7,8 187:7 189:20 202:6 222:7,8,18 224:8 225:4 229:22 233:11 243:22 264:6 272:1 283:11 289:8 290:19 293:5 294:5 297:14 298:19 299:13 published 256:10 puffs 54:8
--	--	--	--	--

pull 34:21 88:6	qualify 53:14 131:7 229:21	145:22 151:21	232:21 233:6,9,18	real 9:14 160:13 260:3 297:7
pulled 19:5 36:1 282:7	quantified 54:14	152:7 156:16	234:7,15,18 235:1	realistic 12:4
punish 44:18 166:6 221:15	question 21:10 36:4 43:16 49:11,20	157:8 194:9	235:4,15,17,22	realities 186:15
punished 170:21,22 196:5	50:5 55:21 56:10	256:18 262:10,12	236:13,17,22	reality 47:10 128:14 274:20 304:18
punishing 147:13 171:19	59:8,14 63:5 72:18	264:12 266:22	237:9 239:6	realize 54:22 78:5 110:9 128:8
punishment 55:20 145:20 162:16	79:16 80:11 84:14	267:1 286:18	240:16 241:4,7,10	240:14 264:22 266:15
163:5 167:13	88:8 101:16	quo 44:19 67:3 143:11 146:1	242:5,18,21 243:6	reallocate 187:1
171:10 218:1	103:20 118:14	149:10	244:2,11,15,18	really 23:14 29:14 31:21 36:6,15
255:17	121:21 132:4	quote 121:15 191:8	245:19 246:16,22	51:13 55:13 72:3
purely 149:1 167:22 221:9	134:17 135:8	quote/unquote 33:6	247:17 248:5	73:21 76:22 80:2
purpose 204:14	136:6 149:11	<hr/> R <hr/>	249:11 251:2,15	80:17,22 85:20
purposes 5:7 102:19 175:15,19 198:18	162:12 163:22	race 53:3 136:18	253:21 254:6,10	91:15 93:22 98:10
push 47:1 283:22	175:2 176:5 177:4	180:12,18,18,19	rap 194:20	98:17 99:4,5,17
pushed 22:19	180:6 181:3,11	182:18 185:14,14	rapes 230:3	106:10 107:6
put 9:5 11:1 14:6,18 15:11 17:14,21	191:6 209:21	racial 136:12 138:7	Rapport 280:6,7	112:17 114:12
19:10 27:19 31:16	213:15 235:9	181:8 183:21	rare 215:1 232:2	118:9 120:5,9,20
58:10 59:18 62:2,2	242:9 253:9,12	racially-mixed 137:19	rate 11:13 33:9	124:17 126:20
62:12 64:7,10 90:3	276:9 293:15	racist 184:21	47:15 67:7 161:7	130:6,13 133:16
94:13 111:10	300:17,22 304:21	racked 157:11	170:16 181:22	133:20 138:6,7
115:16 118:14,16	questioning 5:5 33:21 142:1,3,4	radically 149:15	209:9	142:11 144:5
119:1 125:15	198:3 257:17	152:12 177:1	rates 54:9 147:3	145:6 148:11
131:2,5 148:14	questions 5:2,7 33:16 42:14,18	192:19	178:21 179:6	167:12 169:10,22
155:2 178:5	55:15 68:13 78:21	rainbow 250:12	181:18 183:11	176:3,21 179:9,14
189:18 190:2	80:18 82:18 84:13	raise 200:8	291:2	180:6 185:1 189:6
191:8 232:1 255:7	91:7 95:9 97:8,14	raised 40:8 254:19	ratio 116:8	189:20 191:15
265:16 273:7	140:9 141:20	ran 263:6	rational 9:2 171:13	194:17 195:4
275:20 307:12	154:1 180:15	random 96:16,21 98:10 132:9	reach 139:11	200:3 203:5
308:8	182:10 191:6	range 251:15	reached 202:15	217:10 220:19,20
puts 155:13 200:5	197:21 201:6	Rankin 2:19 197:8	reaction 305:6	235:7,16,16
putting 17:19	203:18 209:3	198:5 199:3,13	read 36:8 91:22	237:11 245:9
163:16 189:8	238:22 240:14	203:14,21 206:18	142:18 264:10	249:12 255:4,4
293:4	262:1	206:20 207:2	reading 154:12	259:15 262:7
P-R-O-C-E-E-D... 4:1	Question-and-An... 2:9,14,18,24 3:19	209:21 210:4,6,14	176:19 201:16	264:10,22 267:16
p.m 141:4 196:21	quick 80:16 120:11 191:16 276:8	210:21 211:2	208:4	272:20 274:14
196:22 197:2	quickly 29:13 91:22 297:7	212:22 213:4,11	readmission 14:2	276:1,2,19 277:20
309:6	quiet 198:21 257:16	214:3,8,14 215:11	ready 4:5 42:21	278:8,13 279:6,11
<hr/> Q <hr/>	quit 14:3 247:2 301:8	215:20 216:5,21	247:2,13 264:12	279:12,17 285:4
qua 180:18 185:14	quite 13:12 15:5 43:8 45:18,21	217:6 218:5,12	265:21 268:18	286:17 291:2
	49:17 104:22	221:5,18 222:2,18	282:6,11 303:9	292:8,11 295:22
		223:7,13 224:4,14	304:20	299:2,21 301:22
		225:1,18,20 226:2	Reagan 3:7 257:5	303:3 304:9,10
		226:17 227:4,9,16	262:6 278:21	306:16 308:22
		230:2,10 231:4,8	279:4 280:6,10,14	rearrest 115:12
		231:12,16 232:10	281:5,8,11 282:3	
			282:12,21 285:22	
			294:12 295:1	
			296:18 301:14,21	
			303:15 304:16	

184:14	101:6 141:3,4	163:7 174:7	report 79:19 87:19	researcher 77:22
rearrested 13:22,22	157:12 158:5,9,21	269:10 272:17	87:19 88:11 129:4	researchers 69:22
184:15	165:15 188:15	276:1	129:12 176:19	77:9,20 95:11
rearrest/reconvic...	189:5,15 192:7	relationships 30:14	189:17 245:13,15	177:9
121:17	194:18 196:21,22	41:21 42:3 60:9	245:22 246:3	research-based
reason 71:2 90:15	254:5 274:10	119:21 169:4	256:10 269:1	86:13
100:5 131:13	records 88:20 166:1	271:20,21 272:2	reporter 233:3	resemblance 50:17
136:16 147:9	192:13	relative 84:2 100:19	reporting 191:1	resentment 65:3
153:19 166:16	recovery 294:20	relatively 49:15	reports 58:6 75:21	reshifting 163:11
177:12 202:1,2	recreational 177:16	101:19 118:6	88:9 245:20	residential 252:19
214:17 218:7	179:14	178:7	represent 131:10	residing 268:9
237:1 238:16	reduce 39:10 47:19	release 233:15	225:10 278:2	resist 92:18
262:17	reduced 34:17	256:2	representation	resolution 208:8
reasonable 211:18	reducing 209:9	released 7:19 63:16	131:8 162:3	resolved 47:21
213:19	reduction 149:16	189:12	243:21 288:8	218:1
reasons 43:22 74:4	refer 211:12 215:10	releasees 17:6	representations	resonate 82:13
107:19 135:16,17	215:18 253:22	relevant 69:3,20	231:20	resource 128:10
138:10 162:17	reflect 268:17	73:17 82:1 83:22	representative 98:3	162:17
195:16 216:20	reflection 120:5	95:15 97:3 113:8	138:19	resources 36:17
249:4 255:3,14	reform 48:10 52:2,3	139:18	represented 97:19	54:6 67:11 111:9
259:6 302:13	61:15	relieved 302:8	98:19,19 138:21	111:11 128:7
recall 201:16 243:7	refuse 14:1	remain 13:4	198:16 278:22	133:21 160:9
receive 128:19	regard 129:11	remaining 59:1	representing 58:6	163:10,13,14
148:22	175:2	304:17	190:9 223:12	164:2,4 173:7
receiving 147:6	regarding 297:8	remarkable 11:5	226:3 227:2	187:1 235:10,11
receptive 299:19	regardless 7:17	283:11 286:10	231:17 277:21	293:4
recidivate 25:7 26:9	55:17	288:2	reprimand 64:7	respect 24:13,14
39:15 135:5	regimen 46:13	remarks 2:2 43:10	request 255:10	65:13 180:17
recidivism 38:10	178:1	50:8	require 35:9 119:18	220:18 239:3
39:10 42:5,11	regiment 178:2	remember 11:16	required 107:18	243:3 276:3
47:16 72:13	region 308:12	15:5 23:9 46:7	109:9 127:21	respected 45:11
115:12 116:3,12	regular 119:17	53:6 118:1	224:11 275:3	respects 45:8
116:17 121:15	regularly 61:18	reminds 150:4	requirement 97:22	199:21
161:7 181:22	208:18,22 256:4	151:11	243:10	respond 49:10
209:9 291:1	regulatory 149:16	remove 186:2	requirements	80:17 194:9
307:14	rehab 265:13 266:7	251:12,17	206:16 207:5	response 46:16 59:8
recognize 33:21	280:21 301:8	removed 186:21	requires 110:4,5	100:3 161:3
recognized 240:11	rehabilitation 207:9	216:19 261:15,16	205:5	209:10 254:3,3,17
recognizing 224:5	255:6	renew 8:8	research 2:12 68:4	responsibility 52:8
recommendations	rehabs 263:5 265:7	renewal 132:16	69:9,11,21 70:21	responsible 9:1
66:12 168:13	reinstated 166:15	Reno 11:16 32:19	72:4,5,13 74:13,14	responsive 169:20
285:9,19 286:1	reintegrate 158:22	rent 117:11	75:20 77:13 78:16	171:14 180:5,7
recommending	relapse 42:1 155:10	repair 54:16	78:20 79:12 86:4	193:4 194:11
285:12	270:8	repeat 38:9	98:5 109:6 111:13	rest 15:18 17:4 22:6
reconcile 303:18	relate 112:21	repeated 37:13	112:10 122:6	30:21 37:17
306:2	related 33:7 47:20	repeatedly 217:7	131:22 132:18	150:17
reconviction 115:13	relationship 30:15	repeating 199:14	134:5,8,19,20	resting 46:3
record 43:9 68:1	112:18 155:6	replication 7:1	139:3 182:15	restore 54:4

restructuring 146:10	rich 156:6	166:14 284:4	route 117:8	217:15 243:17
result 13:9,16 24:9 58:16 99:1 274:5	Rick 1:15,18 2:2	rigidly 45:6	routine 119:17	251:4,4,13,14,16
results 66:21 80:15 82:15 83:14 84:21	rid 188:15 189:5	rigorous 169:16,17	routinely 226:12	287:1
98:15 108:1,4	ridiculous 52:4 58:10 298:12	risk 19:10 25:2,5,13 25:15 26:8,12,17	routinized 46:20	sans 4:7
126:11 132:8	307:15	31:6,10 38:3,7,8,9	rule 101:13	Santa 300:5
135:2 177:10	right 4:4,15 5:9 15:16 18:6 23:9,21	38:10 39:5,11,12	rules 265:14,17,19	sat 60:11 264:13
178:17 204:20	37:12 39:1 40:12	39:14 40:22 42:8	run 142:2 200:15	267:6 308:10
resume 141:1 196:18	40:19 41:3 42:12	42:11 47:14 63:3	232:14 263:7	satellite 7:4
retain 229:22 242:19,20 243:1	48:4 54:15 55:9	River 204:1,5,7	266:6 292:18	satisfaction 47:21
retained 227:5,7 228:1 242:10	57:7 61:11 64:21	205:8 207:14	running 160:20	save 11:22 31:3
243:3,9,20 244:3 273:13	67:20 76:13 87:5	208:17,21 211:7	305:5	saved 272:9 290:6
retention 181:18	94:12 98:8 105:17	214:2,7 218:20	runs 207:16	savings 73:20,21
rethink 97:7	106:1,1 107:3,4	road 116:3 259:5	rural 128:9,14	saw 11:11 44:4
retired 29:4	109:13 110:11	Rob 186:8	300:10	161:15 190:13
retrain 35:9	112:6 115:9,9,10	robberies 189:13	RWJ 78:13	saying 23:2 29:14
retributive 171:5	117:21 122:15	Robert 186:4	S	41:19 45:19 50:14
retrospect 100:11	125:18 128:2	Robinson 19:2	sad 51:11	53:6 62:14 64:1
retrospectively 114:9	138:18 141:5	robots 191:18	safe 46:2 307:18	65:7 73:19 75:14
return 238:14	143:5 156:16	Rockefeller 149:21	safeguards 13:4	94:13 100:1 102:4
returned 79:18	162:20 165:12	161:15 172:4	14:6	104:2,7 105:12,17
returns 287:19 288:1	168:21 171:2	Rodney 191:8	safety 19:2 22:10,11	106:2,10 111:9
reverse 108:14	172:20 173:4,10	role 57:13 83:12	37:21 233:11	114:9 115:4
review 9:13 30:7 142:16 245:14	176:18 177:13	120:22 121:1	290:19	116:15 117:5
254:7,17	179:15 183:19	128:18 129:8,9,13	sake 143:15	118:11,14,21
reviewed 140:5	185:9 187:1 194:1	129:14,21 151:22	sales 258:11	123:9 125:15
revise 248:9	195:21 197:3,6	155:7 190:6,17,18	salt 76:20 104:5,11	132:14 136:2
revoke 206:12 235:18	199:12 200:22	193:19 195:7	106:16 178:18	159:21 183:3,19
revoked 206:3 279:14	202:4,12 211:10	196:1,2,7,8 223:22	SAMHSA 71:6 84:4	185:13 189:21
reward 64:14	211:17 215:14	225:3,16 253:17	sample 83:2 120:18	199:17 219:11
re-enter 157:14	216:17 231:12,16	253:19 255:20,22	San 259:2	231:3 255:10,11
re-entry 40:18 192:2,4,5	232:9 235:22	276:19 278:6	sanction 8:16 13:9	285:15 288:22
rhetoric 186:15	236:4 241:6,9	286:17 301:2	56:3,4 57:4,5	294:21 296:3
Rhonda 3:7 257:5 266:13 278:16	242:8,17 245:19	303:3,5,8	58:17 64:12,15,20	300:12
294:11 300:16	256:18 257:7	roles 50:12 129:1	100:12,15 101:4	says 20:15 36:8
	263:17 267:13,13	152:6 168:14,15	210:12 215:16,18	44:10 55:18 58:8,8
	269:2 277:16	roll 83:7	216:1 217:3	64:18,19 129:9
	278:1,11,15	rolled 28:8	224:22 225:6	156:8 183:18
	280:14 281:10	room 78:6 275:21	267:2 272:22	211:15 216:9
	282:2,12,12 283:4	rotate 202:20	273:2 274:5	226:5,10 235:6
	285:12 288:15,17	rotated 120:8	sanctioned 217:7	241:16 242:18
	291:21 301:17	122:12	221:4 266:2,4	266:13 301:5
	302:17,18 303:10	rotating 85:13	273:22	scale 290:5
	303:13 306:4,6	118:21	sanctioning 65:16	scarce 235:11
	rightfully 289:11	rotations 261:18	215:21 278:6,7	scare 52:12
	rights 56:19 61:5	rough-and-ready	sanctions 10:17	scared 12:13
	63:14 67:14	186:19	23:1 34:19 57:2	scares 53:20
		round 170:3,5	215:20 216:2	scary 51:15 53:22
				SCDIP 199:20

252:6	162:18 181:11	seldom 246:1	208:11 221:8	286:7,8
scenario 35:22	202:9,10 225:14	selected 70:12	255:2	seven-eight 10:14
165:3	290:2 292:14	self-perpetuating	sentencings 173:13	severe 31:1 162:7
Schechter 1:18 5:8	307:5	307:20	separate 87:19	218:2
34:7,10 35:5,8	secondly 79:11	seller 145:15	102:6 106:9 176:5	severity 25:12 215:4
36:5 37:12 38:1,5	second-order 146:8	sellers 184:16	sequence 59:19	sex 62:2,14,16
38:11,14,17 39:1	161:13	Senate 6:12	serendipitous	shake 174:11,13
40:4,7,14 41:3	section 298:5	send 20:19 79:19	120:14	shameful 265:7
42:12,16,20 43:4,7	see 8:3 22:2 23:20	88:16 96:13,15,18	series 89:1 112:7	shape 51:11
43:10,15 47:22	30:12,16 35:16	102:19 139:17	serious 18:5 153:11	shaped 170:5
48:3,6,11 52:2	36:6 39:13 42:20	140:12,13 207:2	178:4 207:14	share 188:4 258:4
55:16 180:11,14	44:14 54:10 55:10	218:22 219:4	235:13,14 238:5	sharing 276:16
185:20 188:10	55:15,16 60:18,20	235:19 290:14	seriously 104:13	308:21
238:21 239:7,12	61:8 65:1 73:16	sending 169:10,12	serve 32:9 119:2	shelf 15:17
240:16 241:6,9,11	79:15 83:9 85:10	169:15 290:15	145:11 150:2	shelter 47:2
242:7,17,22	85:19 96:20	307:17	served 6:14 7:21,22	sheriff's 172:15
243:18 244:8	101:12 106:22	senior 254:13	11:4 28:3 85:6	Shifman 1:21 95:21
schedule 109:10	111:8 126:16	sense 81:7 106:18	101:6,10 121:6,7	108:21 109:2,14
scheduled 134:1	133:12 144:14	109:22 124:7	138:8 167:8 261:7	110:11,19 111:14
225:7	145:8 147:17	133:9 135:9 153:2	service 159:16	111:16 112:2,6,13
school 2:17 270:9	148:12 150:22	153:4 166:7	160:1 202:6 205:7	113:2,10,14 114:2
290:16 307:17	152:2,4 159:7,11	179:16 195:9,12	205:7 218:19,20	114:7 121:20
schooling 205:13	185:17 190:22	195:13 254:21	222:7,8,19	122:1,4,15 124:2
SCHUMM 1:21	191:18 196:1,2,7	257:21 270:11	services 22:12 49:6	142:6 154:4,10
244:11,16 245:16	211:20 212:10,12	303:7 307:21	51:22 126:16	156:11 159:2,18
246:12,18	212:14 215:8	sensing 293:9	151:1,9 154:7	160:3 161:18
science 39:19 64:18	223:8 226:18	sent 216:13 252:18	158:18 192:8,18	164:5 165:6 168:9
scientific 62:7	228:16 229:15	sentence 23:21,22	200:4,11 232:11	168:19 172:13,20
scourge 7:8	234:16 236:18	26:8 30:11 40:11	232:16,18 233:10	173:10 174:15
scratch 168:17	241:14 243:11	58:10 60:5 148:3	236:6 237:12	175:1 177:3,16
screen 137:3	246:21 247:1	155:22 156:17	244:22 246:5	198:12 247:15,20
screened 137:7	264:11 268:10	157:5 162:16	248:9 251:21	249:8 300:14
173:15 291:14	291:17	165:1 167:9,11	260:9 298:3	302:16
screeners 190:4	seeing 30:19 136:20	170:12,17,20	serving 50:15 138:4	shift 163:14 164:5
screening 137:12	136:22 137:15	172:2,6 187:13	308:1	227:22
148:13 160:7	144:1 225:11	188:5,6 218:1	session 101:1 197:7	shock 34:20
165:9 166:5	seek 48:10 52:2	220:18 221:8,17	225:8,9 257:18	shocked 187:4
291:10,12	205:11	263:12	sessions 119:19	262:10
Screw 306:1	seeking 163:8	sentenced 101:9	124:10 127:2	shooting 31:8
screwed 93:2	seemingly 166:10	155:15 187:12	set 6:22 32:6 40:10	shoplifted 297:3
scrubbed-clean	166:16	280:16,17	64:22 156:19	short 49:15 100:22
158:21	seen 23:5 44:3	sentences 146:20	218:18 252:12	140:20 194:20
search 63:19	48:14 53:4 55:2	147:6,16 171:20	setbacks 155:5	253:11 260:4
seat 12:7,11 169:14	59:6 101:5 136:14	184:2 216:1 218:2	sets 130:19 243:8	shortcomings 181:2
175:20	137:18 139:1	256:1	setting 14:12 73:15	shorten 199:21
second 30:22 66:7	178:8 190:15	sentencing 44:8	152:10,14 153:14	short-term 287:1
66:10 69:16	238:10 268:4,9	82:8 155:21	284:10 300:10	shot 167:22 267:21
144:19 147:9	299:8	205:20 206:4	seven 69:16 278:13	shots 166:20,22

show 11:19 12:15 43:21 80:20 92:12 130:5 173:6 221:3 305:5	297:6 302:4,18 303:10,20	slowest 14:16	259:15 261:1	sound 301:22
showed 6:10	single 55:7 70:9 82:21 83:6 87:18 126:13,17	small 29:7 98:22 99:2 117:2 132:11 132:11 150:16 191:15 300:4	263:15 278:18 285:20 290:2,3 305:12 308:7	sounds 27:6 55:10 128:13 249:8
shown 13:8 169:19 217:12 309:4	single-treatment 81:18 126:7,9	smaller 251:4,4,13	somebody's 57:6 299:10	south 11:3 14:16 47:16
shows 83:3	singular 14:5	smart 12:3 15:20 107:9	someone's 291:12	so-called 75:13
shut 16:10 86:15	sir 33:18 40:6	smoker 45:17 179:5 179:11	someway 54:5	space 287:8
shy 89:15	sit 31:20 56:1 66:13 222:21 246:3,4 281:19 289:20 308:17	smokers 179:8,9	somewhat 93:15 126:6 142:18 143:4 158:20 288:19	span 305:12
sic 174:8	site 102:20	sober 12:12 47:9 52:13	son 269:4,10	spawn 16:6
sick 263:13,22 264:9 266:5	sites 88:17 113:5,7 113:11	sobriety 11:11 13:15 41:11,12	sons 18:13	speak 47:6 59:10 127:18 262:2 289:19
side 47:1 69:11 116:22 143:18 160:22 192:12 193:9,10 258:5 282:1 283:4,15 289:21 297:15	sits 58:7	social 12:17 148:19 151:1,8 158:18 165:16 166:1 180:20 183:12 192:8,18 253:20 255:2 303:21 304:1	soon 8:4 14:20 303:13 307:8	speaker 67:19 68:2
sides 299:3	sitting 34:1 276:17 297:21 299:19	socially-fragment... 182:8	sophisticated 212:1	speaking 118:6 274:16 283:6 289:22
sign 44:10	situation 109:4 128:5,6 212:8 240:17	societal 73:5 184:8	sorry 46:16 65:21 114:15 116:19 227:8 299:10	speaks 87:1
signal 160:17	situations 101:4 130:10	society 12:8 157:15 157:18 159:1 192:6 255:20 294:18	sort 5:3 85:11 89:12 90:12 95:18 100:17,19 102:22 105:6,19 106:14 108:5,13 109:3,6,8 110:22 122:1,6 123:18 132:19 141:22 150:11 151:7 154:6,11 159:18 161:21 163:6 164:6,15,18 164:19,20 183:21 186:18 189:8,15 189:18 190:7,12 190:22 191:14,17 193:21 194:5 198:1 202:4 208:8 222:20 223:14 234:19 237:20 249:5,9 250:20 277:1 280:4 282:18 285:15,17 285:19 301:2 306:22	specialized 239:4,10
significance 240:11	six 71:22 74:16 85:14 90:5 119:3 172:3 265:12 268:7 301:20,20 308:11	socioeconomic 183:6	sorts 94:4 103:19 107:19 108:18 124:13	specialty 84:10
significant 26:12 33:6 42:5,11 63:22 64:9 104:12 180:19	six-year 261:8 306:16	soft 52:14 67:5	sought 52:3	specific 72:11 94:16 119:18 125:13,15 140:9 238:22 240:10
similar 42:17 49:14 62:10	size 156:15	softball 53:1,2		specifically 95:8 125:22 144:21
Simon 151:12	sizes 132:11	solid 54:17		specifics 125:19
simple 12:10 13:12 219:19	skepticism 188:4	solve 33:12		spectrum 160:11 168:4 258:5
simplification 204:14	skewing 177:21 178:21	solving 6:1 21:7 197:15		speech 27:2 33:15
simply 54:3 89:10 143:16 152:21 153:16 166:15 174:8 182:17 184:6 185:4 188:5 218:13 255:17 268:17	skilled 261:11	somebody 27:4 40:8 57:3 64:7 130:18 135:4,5 154:14 204:20 207:3 208:6 211:15 213:1 215:1 216:18 217:19 218:3 220:2,16 228:20,21 232:19 240:17 242:18 251:17 254:21		spend 133:20
Singer 3:12 257:1,1 270:1,2 276:11 277:8,14,17 278:1 278:5,12 286:16 288:6,13,16 290:22 291:22 292:4 293:14	skills 259:8 267:21 274:13 294:17			spending 196:13
	skin 180:21 183:16			spent 9:21 43:7 74:1 100:13 201:9
	slam 171:15			spoke 147:19 151:21
	slap 44:11			spoken 20:17 78:8 151:20
	slapped 54:3			spontaneously 241:15
	slightly 109:2			spot 170:2
	slipping 168:22			square 149:3 166:12 170:4
	slots 173:5			Sr 46:8
	slow 253:1			staff 35:11,18 69:16 76:16 89:2,4,5 102:15 103:1,7 114:5 202:6 232:1
	slowed 252:13			staffing 37:1 244:14

244:19,19 245:5	16:18 20:6,11 29:3	stays 122:8 135:4	38:22	48:9 52:6 54:9
stakeholders 87:8	37:6,19 66:19	stay-away 209:11	struggle 15:6 28:8	67:2,3,4,7 98:8
stakes 146:19	71:12,13,15 73:18	steering 249:2	31:12,13,14	112:9 114:12
stale 203:3	74:5 78:12 90:9	step 46:21 251:14	student 260:5	129:18 152:17,17
stand 254:17	132:22 133:3	289:9 290:1	studies 22:15 69:21	173:6 182:19
standard 77:1	134:22 135:11	stepped 61:6	74:16 79:4 83:15	183:17 194:8
115:18 116:4	161:20 191:21	stepping 298:2	84:15 111:17	268:4
117:8 118:22	234:3 263:11	steps 20:4 26:19	123:5 139:9 140:3	successful 13:13
135:19,20 158:1	289:7,16 295:22	32:16 163:21	177:12 178:9	26:15 75:11 89:19
standardization	297:7	282:19	180:6 181:8,15	99:1 112:8 117:15
76:10 80:10	stated 39:12	stick 304:5	182:20 185:15	124:3 125:5,9
124:20 134:10,12	statement 116:21	sticks 171:14	260:13	158:3 213:10
standardized 79:8	178:10 208:5	178:14 179:19	study 70:5 73:1	217:21 221:11
126:4 128:17,20	229:15 242:2	180:6,8	80:20 81:15 82:20	300:8 304:1
standards 76:11	statements 175:4,12	stipulate 51:7	84:4 97:17 111:22	successfully 16:2
77:12,13 110:13	242:2	stirred 61:18	119:14 120:12	40:9 45:18 109:16
124:15,17 125:10	states 29:20 48:14	stock-in-trade	121:6 122:11	268:21 272:7
127:14,15,22	71:11,17 87:1	194:5	133:13 148:8	sucking 54:5
132:1,18 248:10	230:11 248:8	stole 297:2	170:14	sudden 155:12
250:4	250:5 271:10	stone 249:6	stuff 46:6 47:2	171:12 299:20
standing 192:4	308:11	stood 172:4	51:17 52:15 53:22	suddenly 113:20
standpoint 143:14	State's 19:17 41:8	stop 270:17 293:12	55:11,13 73:7	174:21 251:7
146:3,3 171:5	state-of-the-art	304:20	77:18 82:16 88:21	273:15
285:13 297:15	25:17	stores 297:2	92:14 104:20	suffered 183:10
298:19 299:14	static 17:2 19:22	story 45:21 268:5	105:2,6 115:8,15	suffering 263:13,22
stands 44:1	statistically 42:10	279:15 281:14	132:10 140:4,5	264:9
stand-in 225:2,6	stats 61:5 177:21	Strangely 219:16	163:20 185:1	suggest 69:4 127:6
229:9 244:7	status 40:2 44:19	strategically 145:16	189:21 191:4	186:1
start 4:7 34:8 61:9	67:3 143:11 146:1	street 1:15 209:4	263:6 265:18	suggesting 134:13
62:1 72:9 75:16	149:10 162:9	streets 270:16	287:21 288:12	suggestions 289:4
111:2 141:6 154:4	200:6 243:11	290:18 307:18	297:1 302:11	292:6
166:12 197:6	244:12	strictures 45:7	Stuntz 185:2	suggests 204:4
209:18 225:9	statute 62:16	stripped 194:3	subcommittees 21:8	206:6
235:8 246:1	statutes 62:12	strong 29:17 72:9	submitted 70:6	suit 29:17
299:21	292:11	148:19 158:11	subsequent 58:21	summarize 92:2
started 5:20 6:1	statutorily 248:3	stronger 218:2	subset 84:22	summing 245:13
10:8 14:2 33:2	statutory 149:20	strongly 39:19,20	substance 3:4 28:1	Super 269:21
54:13 55:1,11	213:12	163:19,20	41:14 53:8 71:8	Superior 2:21,23
60:10 61:3 62:10	stay 9:17 11:6 94:20	struck 113:20 183:7	213:14 257:8	159:19 161:22
62:22 69:18	212:13 215:12	structure 36:11	258:6	197:9,11 199:8,19
133:20 251:22	227:20 247:10	37:5 92:9,10,21	substantial 88:22	200:16 202:19
264:6 274:7	250:13 254:10	93:14 105:16	157:11 235:16	222:4,10 233:20
275:14,15 277:17	301:17 304:13	106:13,19 108:14	substantive 155:20	250:2 263:4
starting 6:3 43:5	stayed 201:12 202:1	109:15 110:19,20	174:2 241:2	supervise 35:6
75:12 82:13	202:2 223:4	111:5 119:12	succeed 152:20	234:9
starts 245:22	266:14 270:7	120:3 124:6	153:3 179:4 292:9	supervised 64:7
288:17	290:10	structured 30:1	success 8:9 11:13	233:15
state 7:20 9:10	staying 212:6,7	structures 36:9	12:6 44:22 48:1,4	supervises 35:6

supervising 46:13 67:6	swap 283:3	88:5 91:19 102:22	195:3 213:19	193:3 225:21
supervision 17:3 21:17,21 34:17 39:8 41:10 46:22 110:17 116:4 232:11 233:10 268:22	swear 57:13	104:4,10,13	218:9 227:5	tendencies 29:13
support 6:6 11:18 11:21 181:7 263:8	switch 171:12 174:21	106:15 128:10	241:12	tendency 173:3
supportive 128:4	swore 147:20	140:20 141:18	talks 75:17 87:20	tends 29:22
supports 26:20	sympathetic 93:10 148:20	159:22 181:11	129:13 151:12	tenth 245:2
suppose 105:6	sympathize 145:21	183:14 188:18	191:10	term 37:16 38:8 121:7,8 216:1 261:8
supposed 79:9 93:5 94:5,6,6,8 105:1 194:10 202:16 206:1 221:2 226:14 267:19 307:22	system 18:3 19:8 22:4,17 24:5,8 25:5,21 29:9 30:18 38:21 40:1 45:2,3 45:4 46:4 50:18 52:4 56:15,17 60:7 62:1 85:14 93:18 100:20 130:5 148:10 150:10 151:14 162:22 173:11 176:9,13 212:13 218:18 228:22 233:16 238:8,14 248:1 252:21 253:1 260:15 261:6 262:14 266:1 290:13,13 293:5 293:17 307:12	190:5 191:16 194:16 195:1 196:3 197:4 222:3 223:16,20 224:2 225:15 234:19 237:10,17,18,22 240:17 246:16,18 248:14,16 275:17 281:21 284:22 289:4 290:1,9 295:12 298:14 299:2 301:16	target 22:9	terminate 90:14
sure 34:9 55:2,3 57:18 87:2 109:1,1 121:22 122:3 123:21 125:21 127:16,19 129:2 139:10 148:8 154:17 160:8,17 162:21 165:5 168:2,5 171:18,20 173:20 196:14 228:2 240:9 267:1 271:22 272:11 282:21 283:5 290:10 291:12 297:5,22 308:19	systematic 111:22 112:17	taken 41:10 73:3 153:22 170:7 233:11 272:10	targeted 12:5 47:6	terminated 89:12 89:21 90:2 107:13 107:20
surface 216:6,7	systematically 88:11	takes 11:19 28:19 62:5 85:15 123:19 155:13 222:8,10 291:10 305:19	Task 1:4,6,13 66:13	termination 147:6 155:11,12,22 156:17 162:15 170:12,20 172:2 184:2
surprised 82:12	systemic 44:4	talk 7:6 43:13 53:19 69:1,15 77:8,16 82:16,17 88:8 89:10,11 94:2,18 94:21 99:13 126:2 129:21 145:6 155:5 194:12 199:7 201:7 203:14 208:22 217:5 227:12,13 228:16 229:7 241:7 246:9 247:6 253:21 262:1 269:16	taught 69:9 290:21 295:8	terminators 93:16
surprising 178:10	systems 32:6 63:8	talked 103:4 111:16 199:15 249:12 278:16	TC 280:15	terms 70:21 74:9 92:4 93:13 94:1,18 101:20 102:18 103:1,13 104:15 117:19 135:3 193:6 215:15 217:3 231:18 238:7 243:20 249:11
surprisingly 70:1 81:3,10 126:6	S-E-S-S-I-O-N 197:1	talking 14:21 46:11 94:21 96:2 97:9,15 111:20 112:4 150:19 155:16 159:12 169:11 176:20,21 192:20	teach 294:17	Terrence 199:10 200:3 254:8
surrender 279:11	<hr/> T <hr/>		team 57:14 60:9 82:3 97:20,22 98:14,18,18 99:6,7 101:2 102:2,5,16 119:16 129:15 130:11,12 131:10 152:3,9,13 224:1 244:16 283:7,11 283:12 284:13 285:3,17 286:5 301:6	terms 70:21 74:9 92:4 93:13 94:1,18 101:20 102:18 103:1,13 104:15 117:19 135:3 193:6 215:15 217:3 231:18 238:7 243:20 249:11
surrendered 268:13	table 12:8,11 22:13 51:10 187:3 284:10		tease 237:20	Terrence 199:10 200:3 254:8
surrendering 284:13	tables 60:11		tech 290:16	terrible 54:14
surveyed 182:16	tackle 160:19		Technically 271:8	terribly 180:5
survive 260:1	tactic 194:7		technique 88:14 115:5	terrorism 51:14
suspended 280:18	take 7:5 8:10 10:15 15:10 17:20 32:16 34:13 44:12 47:14 53:1,2 56:9 66:8 75:18,20 76:19		teen 16:7	test 206:15 211:11 211:14 215:4 244:4
swamp 147:7			tell 26:14 68:7,11 87:7 95:18,22 96:2 112:10 152:3 179:9,14 187:20 203:16 206:18 216:3 221:12 241:16 258:20 268:14 279:10 281:12,13 299:7,8 305:7,17 308:20	testify 76:15 200:12 250:6

thank 5:13,13 16:13 16:16 33:18 66:3 67:16,17 86:16,16 139:5 140:16,17 141:11 142:10 154:2 188:10 196:12,14 203:19 203:19 209:16 244:8 247:21 256:5,8 258:1 262:4 269:20,21 276:6,15,20 292:22 309:2,3,5	120:12 132:19 139:22 160:6 189:16 196:14 198:12 220:4 250:22 251:16 254:22 259:17 260:22 263:2 264:8 267:11,13 268:1,20 269:2 272:16 279:21 297:7,18 298:21 306:13,16 307:1	26:21 27:2 28:4 30:2 32:13,18 35:13 36:14 38:15 38:20 39:21 40:18 48:9 49:11,22 50:19 58:14 59:14 59:16 61:7,17 70:20 74:3 76:5,8 76:11 78:8 82:9,18 84:17 86:9,11 88:12 90:15 91:6 93:13 97:2 98:20 103:11 104:12,13 104:15 105:10 106:7,12,12,16 107:6 111:7 123:8 124:6,18 125:13 126:12,13 128:13 132:3 133:4,16 134:4,12 137:17 139:2 140:3 143:4 143:8 144:2,16 146:2 147:16 149:7 151:4 153:21 161:18 163:22 169:3 171:16 173:3 174:16 175:11,15 175:17,22 176:19 179:17 181:7,11 182:9 186:11,14 188:9,17 190:13 192:3 194:14 199:11,17 200:5 201:5 203:7 206:19 212:21 215:22 216:16 221:6 223:5 238:10 239:19,20 240:1 243:7 251:5 254:13 255:9,15 255:18 257:13 258:16 261:18 272:16,20 273:16 278:7 279:7 282:10 284:7 291:3 294:4,12 296:4 297:22	300:4,17 303:3 307:4,9 308:12,19 thinking 78:4 144:7 243:14 thinks 178:5 third 150:21 202:11 271:12,15 275:4 292:14 thirst 11:11,12 thirties 157:1 188:19 270:13 thorny 54:7 thoroughly 19:14 253:18 thought 4:5 14:13 15:16 44:22 85:20 105:14,15 145:3 183:1 194:17 202:15 251:22 265:21 266:4,6 284:2 thoughts 5:1,16 68:11 141:18 168:20 197:19 257:22 thousands 16:5 57:19 233:19 threat 156:16 threatened 31:4 three 10:15 15:17 15:18 38:22 66:17 85:17 147:7 201:9 202:2 203:9 204:21 211:19,21 222:13 223:5 238:22,22 241:17 243:8,8 257:12 260:7,8 262:22 263:7 269:4 298:1 three-size-fits-all 156:15 three-time 262:20 three-year 202:5 throw 8:16 10:19 12:21 13:21 45:13 58:19 239:18 thrown 171:12 ticket 155:18	tied 33:13 ties 148:19 165:16 166:1 183:5 tight 30:21 Tim 2:4 4:13 10:15 16:16 19:18 20:15 20:22 24:3 53:12 55:18 59:10 time 6:9 7:10,21,22 11:4,4,16 15:1 20:19 30:22 41:18 43:8 46:9 47:16 50:10 53:15 55:5 65:20 70:10 71:16 75:2 79:17 80:1,7 80:10 83:7,9,10 85:18 100:13,18 101:6,11,19 102:20,21 108:7 108:19 122:8,19 133:5 135:12,12 135:13 140:16 145:16 148:18 157:9 167:8 172:3 187:15 190:20 196:13 199:14 204:14 205:11 206:10 211:19 212:11 221:1 222:14 225:12 226:18,18 235:17 243:9 253:9 254:21 260:4 263:13 264:20 266:7,21 270:6,8 270:22 279:20 280:5 281:15,18 282:6 286:12 287:7,8,9,12 289:20 290:9,11 294:8 295:20 296:2 299:15,18 306:14 307:3 times 36:18 78:6 98:21 106:20 135:22 186:6 204:21 224:15 236:19 239:20
Thanks 142:11 262:6	things 39:6 45:15 49:6 53:1 69:17 75:10,11 77:3 78:19 79:6 80:5,12 80:14,19 82:8 83:3 89:8,13 92:2,4,7 94:1,4,16 101:15 102:17 104:16 108:18 116:1 119:10,14,20 120:13 124:13 125:13,15,22 126:21 130:13 133:1 134:6 139:15,17 140:11 140:14 144:9 151:12 152:13 154:18 155:3 165:21 174:21 175:3 183:14 188:13 190:15 191:10 195:15 199:14 200:8 204:18 208:2 209:12,19 223:2 229:12 240:12 248:5 255:6 259:20 267:14 269:13,19 280:2 282:16 283:22 292:2 295:8,12 296:7 297:3 298:4 299:20 301:1			
Thank 142:11 262:6				
theater 54:22 55:2				
theme 92:8 107:16				
themes 106:5				
Then-Secretary 19:1				
therapeutic 109:9 143:18 151:7 152:10,13 155:13 158:19 161:22 165:10 168:15 169:3,9 171:8 172:14,17,18 173:2 174:17,20 175:6,9 176:7 177:7,10 178:11 190:3,6 204:3 255:19 265:16				
therapeutically 173:16				
therapeutically-tr... 176:11				
therapist 260:6				
thief 47:8,9				
thing 13:19 32:13 49:11 54:10 76:4 79:22 81:17 83:1 86:19 91:13 92:22 93:6 95:15,18,20 99:2 100:2,17,20 100:22 103:4 105:11 108:5,14 110:21 111:12 115:19 117:18				
	think 5:21 15:10 18:8 20:16 21:12 22:7 24:3,7 26:18			

299:6	trafficking 164:18	165:2 166:11	218:14 220:1	133:21 137:7
Tim's 17:21 61:14	trailers 10:10	169:20 170:22	222:4,10 228:9	145:19 146:12
tired 157:1,2	trained 152:22	171:11 172:9	241:21 242:4	156:5 179:3
today 46:17 169:1	208:16 221:20	177:18,19 178:1,1	249:22 250:16	181:12 209:8
250:3 279:10	224:9	178:3,16,17,18	252:22	213:6 216:6
297:21	training 23:17	181:19 182:19	trials 216:14	227:12 243:7
told 11:7 54:4 91:8	128:16,18,20	185:12 192:15,17	tried 37:20 61:3,4,4	250:16 273:19
187:8 217:17	192:9 221:21	192:19 194:9,11	61:14 65:9 73:12	276:18 284:21
265:8 273:8	222:14,14,20	195:16 200:15,18	145:1 175:16	292:1 301:1 303:7
279:15 301:11	239:4,10 240:10	201:5 204:3	183:2 217:13	Tucson 87:12
tolerance 108:5	289:3	207:10,17,19	221:10,15 297:9	turf 31:2
155:10	trainings 289:15	217:11,13 220:20	tries 62:1 206:11	turn 5:10 16:11
tolerate 62:8	trajectory 6:3	221:9,10,15	trigger 7:2	84:12 144:3 154:1
tomorrow 34:10	transfer 207:18	223:17 224:10,15	triggers 184:12,14	198:21 229:22
247:5	transferable 259:8	226:4,21 232:18	trip 259:6	257:19 266:17
tool 15:3	transferred 261:16	234:10,12 235:5,8	trite 27:6	281:13
tools 14:9 25:16	267:2	236:11 237:7,13	trouble 53:15	turned 92:21
49:16 157:17	transformation	237:14,16 243:12	176:16 178:7	266:20
topic 5:17 68:11	151:22	243:13 244:20,20	180:1 286:11	turning 8:11
69:4	transitional 301:19	245:3,7,10 249:1	293:8	turns 12:1
topics 257:22	translate 246:19	252:3,6,14,19	troubled 163:6	tweak 270:19
total 224:5	transportation 94:3	253:2,3 255:5,5,8	true 42:7 53:18 86:8	twenties 188:21
totally 70:18 104:3	94:13 103:16,22	261:3,13,20	86:11 99:8,9 104:9	twice 44:12 45:20
114:1 284:5	104:9,12	263:19 272:5	108:19 111:12	two 4:9 6:10 18:21
touch 61:21 140:19	trash 47:1	275:13 278:14	120:1 124:1	25:22 34:21 36:9
254:10	travel 259:12	283:4 285:2,4,6	125:12 138:12	38:21 41:9 43:2
touched 64:10	traveled 46:5	287:20 290:8,9,13	139:4 142:22	53:15 66:17 76:17
tough 18:18 206:20	treat 153:5	292:5 293:15,18	148:6,7,9 187:16	79:1,1,6 85:17
286:17	treated 9:22 10:1	293:20,21 294:1,3	239:7 254:21	100:16,18 106:8
tougher 221:16	247:3	294:13 295:3,20	293:12 299:9	116:1 129:9
town 7:12 14:18	treating 307:19	296:12 297:10,11	truly 175:10 292:5	139:15 147:7
18:15	treatment 8:6,15,17	297:15 298:11,15	trust 177:12	148:5 154:18
toyed 64:6	8:18,19 10:6,9	299:14 300:7	truth 152:3 281:12	156:6,14 172:2
track 90:1	15:2,7,12 17:13,15	301:7,13,18 302:6	281:13	175:2,8 176:12
tracked 117:7	19:12 20:8 21:20	302:19,21,22	try 14:12 44:20,20	181:6 188:12
tracks 18:21 296:17	22:4,20,21 25:4,13	304:4,4,8,11,12	44:21 61:8 73:4,12	191:5 196:18
trade 240:6	27:13 28:3,20 32:2	307:12,13 308:8	79:5 80:16 86:12	201:12,12 216:18
tradeoffs 144:5	35:20 44:9,16	treatments 298:22	89:5,9 90:2 91:16	222:12 260:10
193:9	45:14 46:13 49:5	treatment/case	122:2 129:10	271:12,15 272:12
tradition 202:21	52:4 58:5,7,9,11	200:20	134:8,9 137:1	275:14 299:9
traditional 50:12,17	82:5 83:21 94:7	trends 29:18	144:5 154:18	300:17 305:11,20
54:18 56:12 57:13	99:18 103:19	triable 9:9	161:14 194:15	306:10,11
64:15 66:21 67:7	107:22 119:19	triage 31:5,6	209:7 234:19	two-step 291:11
123:14 135:2	137:6,8 144:21	trial 7:19 61:4	249:3 290:4	type 169:19,20
152:2 184:8 224:7	145:2,18 147:5,14	150:18,19 152:16	trying 27:21 36:7	170:1 302:8
229:6	147:22 148:15	152:18 172:11	47:18 72:19 76:12	types 191:16
traffic 230:13	152:3,20 154:7	174:1 194:8	76:13 94:15 105:9	typical 170:17
trafficker 164:18	157:8,22 163:9	208:15 216:12	114:21 130:15	199:22 200:9

201:21 210:11 typically 222:15 247:4,8	undone 300:3 undoubtedly 200:2 unemployed 182:8 unfair 110:22 111:8 286:15 unfairly 247:4 unfortunately 52:20 54:20 193:20 uniform 267:7 uniformity 81:11 unique 199:22 200:6 United 230:11 248:8 universal 49:12,13 156:10 universally 121:9 156:8 universe 154:6 university 2:17 22:16 69:9 unlinked 151:2 unmotivated 8:19 unpredictability 44:1 unsuccessfully 218:4 unsuitable 8:18 unsustainable 143:12 149:11 unusual 212:22 unwarranted 273:1 upbringing 255:3 upside 193:16 urban 128:5 185:7 urinalysis 289:10 urine 27:13 241:15 use 15:12 22:13,19 22:21,22 25:19 26:21 29:2 33:14 38:8 49:14 61:5,14 61:16 88:15 100:11,15,16 101:3 102:9 132:18 133:8,9 144:11 145:1 146:8 151:14	160:12 164:10,11 179:14,20 180:2 192:17 223:21 224:19 247:18 252:2 274:13 281:17 291:6 293:2 300:18 useful 66:4 92:9,10 92:20 134:14 240:3 user 145:15 users 184:15 uses 22:22 25:15 242:1 usually 85:15 88:16 97:18 100:16 102:20 103:2 116:20 129:22 135:15 153:3 205:7 246:10 274:17 U.S 230:7,9	version 163:3 versus 109:14 110:4 126:7 253:20 291:3 vessel 144:13 vested 78:15 vestige 45:10 vests 32:14 Vicki 1:22 68:17 86:18 230:16 video 253:13 view 16:1 73:2,3,6 94:10 98:6 117:6 181:4,6 208:10,22 223:15 252:10 views 87:21 306:6,8 306:9 violated 8:17 violation 46:19,20 224:20 263:12 287:2 violations 206:3 251:5 violence 33:9 38:9 158:14 204:8 219:6 220:15 248:12 249:6,19 violent 52:11,14,17 61:21 62:2,6,18 234:13 237:17,19 258:10 Virginia 2:17 virtually 16:8 visions 164:10 visit 114:3,5 239:16 266:11 visiting 266:9 visits 109:12 voice 129:11 284:21 volition 202:17 voluntarily 119:2 voluntary 9:16 57:11 97:12 171:6 177:22 178:1,17 192:15,16 vow 55:18	wait 201:6 281:19 290:2 305:21 waiting 250:19 282:1 wake 45:16 walk 123:10 281:22 walked 10:21 walking 262:9 Walton 199:11 245:8,9 254:8 wander 90:8 want 7:5 15:20 16:20 17:20 20:12 24:15 27:3 31:18 33:21 42:14 44:14 48:20 52:13 57:19 61:21 62:14 64:1,6 77:3 78:18,20 80:2 82:9 83:18 92:1 97:7,13 100:6,9 114:22 116:8 118:12 121:20 123:2 124:9,21 125:1,13 127:6 131:6 140:6,12 143:6 145:18 153:4 160:19 161:10 162:13 170:11 173:1,19 176:8,13,17 178:2 180:14 189:20 190:8 191:7 196:10 199:13 201:7 203:12 209:18 213:8 215:11 216:10 217:11,20 219:9 219:10,12 220:20 228:8 229:21,22 242:19 250:7 251:16,17 284:8 284:22 286:16 290:17 292:19 297:6 299:7 300:16,22 301:9 301:10 303:12 304:9,10 306:4 wanted 78:14 92:1
<hr/> U <hr/>				
UA 108:1,4 UAs 108:11 UCLA 142:16 Uh-huh 279:3 Uh-hum 38:4 105:18 136:13 138:1 139:20 180:13 281:2 288:10,21,21 294:22 Uh-uh 216:9 ultimate 173:20,22 285:5 ultimately 156:20 174:1 195:19 217:22 221:4 unaddicted 145:14 146:6 uncommon 228:5 uncouple 154:20 156:6 184:6,8 uncoupled 151:2 undeniable 15:10 undeniably 54:21 undergrad 260:9 underlying 171:1 understand 25:5 30:11 40:22 43:3 45:16 51:17 53:13 65:4 72:4,7,19 79:6 90:21 101:9 105:1 160:22 210:1 230:18 231:3 258:12 289:1 290:3 300:10 understanding 76:14 266:19 understands 72:10 261:12 understood 25:4 47:10 undertaking 47:11				
		<hr/> V <hr/>		
		valid 25:5,16 269:11 valuable 21:11 61:7 value 60:18 174:17 variables 180:21 183:4,6 185:17 variation 81:15 82:3,6,7 98:6 108:7 variations 97:18 126:8 varied 108:3 110:10 varies 104:18 130:6 205:1 294:12 variety 124:22 135:16 138:9 various 51:8 74:14 82:3 209:1 vary 213:1 vast 23:12 89:13 100:3 vastly 98:15 verbalize 60:13 verify 58:14		
			<hr/> W <hr/>	

143:13 154:18 186:13,16 187:5 195:14 244:4 247:15 272:11 275:10,20 279:12 291:9 293:21 303:1 wanting 14:18 275:15 304:13 wants 122:7 129:15 129:16 131:5 140:13 215:2 216:12,15 247:10 war 146:21 149:12 149:13 warning 133:14 warrants 32:10,10 63:19 warrior 168:4 warriors 143:12 259:21,22 Washington 1:15 wasn't 12:18 17:12 70:18 83:2 92:16 93:8 119:1,6 126:18 143:1,16 154:12 170:20 195:16 264:12,20 265:18,21 267:9 268:5,18 271:8 272:11 277:20 292:8 304:8 waste 199:14 wasted 307:8 wasting 67:5 133:15 watch 187:6 watched 6:9 267:7 watchful 92:17 watching 286:1 water 224:10 wave 8:2 way 4:18 5:4 16:11 18:8 30:1,2 35:6 42:22 43:11 50:4 60:22 65:5 68:7 70:5 73:22 77:4,15 79:8 80:21 88:4 91:19 95:6 96:9	99:16 103:10 108:2 109:19 114:19 117:4 118:15,16 120:11 122:14 125:4 126:4 130:20 131:14,19 132:5 132:16 133:11 134:9 135:10 136:5 137:17 141:16 142:2 144:8 151:1 154:19 157:15 161:1 162:7 174:10 177:18,19 178:7 185:13 190:12 191:19 192:5 197:16 198:2 202:16 203:3 204:15 205:15 206:19 218:8 220:8 224:6 234:15 246:22 263:21 266:3 269:9 285:16 289:9 295:11 300:1 308:22 ways 9:2 61:9 66:18 86:13 97:6 134:4 weapons 32:12 wear 32:13 website 83:16 86:20 87:1 140:1 163:18 240:4 week 58:9 102:21 187:8 weekday 267:4 weekly 111:2 130:18 277:10,18 weeks 34:21 211:20 211:21 284:15 305:20 306:11 weird 299:20 Weissman 23:8 welcome 4:16 68:20 141:10 197:12 249:17,19 256:18 257:11	well-educated 289:14 well-implemented 86:9 well-known 120:19 well-organized 120:2 well-represented 99:7 well-trained 91:16 went 10:12 12:7 14:3 52:16 75:2 114:5 118:19 133:20 141:3,3 196:21,22 261:7 263:3 266:18 267:11,12,13,20 268:7,20 270:8 291:4,14 294:16 295:16 304:7 307:7 wept 55:3,4 weren't 95:8 107:22 119:7,8 137:10 171:19 238:1 258:10 306:15 Wesley 33:22 western 70:4 we'll 19:4 43:21 133:12,13 140:19 212:14 217:5 256:17 301:17 we're 11:22 12:14 47:4 156:16 167:20 168:10 235:7 238:3 239:19 258:11 269:6 283:17 287:13 291:19 298:14 we've 11:7 26:4,5 91:14 103:4 132:9 143:22 202:22 212:1 217:12 256:22 292:18 whatnot 263:9,19 white 163:18 185:8 232:13	Whoa 61:1 wholeheartedly 191:7 wholly 159:12 wide 292:11 widely 192:12,12 widespread 293:2 297:8 wife 58:13 wild 265:15 willing 47:14 123:19 192:1 279:20 282:6 296:11 304:13 willingly 269:8 willingness 157:6 willpower 153:18 153:18 win 300:1 wind 22:16 window 8:2 winner 284:11,12 winning 32:21 win/win 299:1 wisdom 178:11 wise 146:2 wish 59:9 205:4 witnesses 250:18 woman 275:20 women 267:21,22 268:3,9 won 284:15 wonder 219:22 300:9 wondered 293:1 wonderful 90:17 151:13 155:3 160:7 283:21 wondering 87:15 307:18 word 92:17 114:19 116:19 195:10,13 223:21 259:16 words 36:22 73:4 120:16 124:14,16 136:2 138:5 wordsmith 195:17 work 4:22 28:19	49:22,22 56:11 59:4 65:4 70:19 74:4 75:15,17,18 75:22 76:1,2 84:19 86:6,9,10,12 87:22 99:10 127:3 130:2 130:16 133:21 134:6,7 162:1,2 165:4 191:9 197:20 204:15 205:15 208:3 234:20 236:12 238:3 259:2 287:10 289:1 293:19 294:18 303:21 304:1,2 workable 128:3 worked 20:5 24:13 69:17 186:4 259:9 worker 12:17 253:20 259:11 working 46:17 61:9 99:6 126:21 143:1 152:5 214:18 247:12 258:9 284:6,7 285:6 290:4 workings 197:14 works 30:9 75:7 77:8,10 87:21 99:9 128:12 167:13 178:12,13 191:18 268:7 290:5 work-around 24:4 24:7,9 world 12:1 169:11 185:21 189:5 193:21 250:3 worried 150:7 191:20 193:8 worry 52:6,22 167:19 174:20 worrying 168:21 worse 47:17 67:1 145:11 148:1 167:12 183:13 184:1,4 185:7 193:15 290:19
---	---	---	--	---

307:20 308:2	23:13 24:14 41:9	112:22 127:14	2:15 225:9	40,000 297:9
worst 7:9 8:19 31:7	43:2,18 46:6 50:9	141:18 153:22	20 5:19 6:19,20 7:3	<hr/>
147:17 172:10	52:10 69:8,10 70:8	248:17	43:18 50:9 69:8	5
worth 13:2 199:17	70:18,19,19 71:22	10,000 17:5	70:18 217:4	5 2:4 150:20
307:12 308:8	79:1,2 122:12	10:00 37:1	249:14 259:11	50 34:18 80:3
wouldn't 10:19 76:3	172:3 201:9,13	10:15 246:1	265:3 270:7,7	111:18 113:7
101:13 103:10	202:3,7 203:9	10:30 246:1	20th 279:14	234:1,3 308:10
123:2 159:9	222:13 223:5	100 17:14 70:17	2002 280:19	50-60 75:3
162:18 167:1	230:5 243:8	71:20 74:10 76:4	2004 262:15	<hr/>
217:3,14 219:6	248:18 249:3	11 269:12	2008 181:5	6
237:22 240:14	259:4,11 260:8,18	11:49 141:3	2009 1:11	6 291:3
293:21 297:20	262:15,22 263:7	12 85:16 158:1	203 2:22	60 65:2 201:1
304:21	265:3 269:4,12	216:22	209 2:24	252:19 308:10
wow 60:3 239:19	270:6,7 272:7,12	12-step 269:17	21,000 33:3	600-and-some-odd
298:17	275:8,8,14,22	12:04 141:4	23 1:11	32:11
wrap 309:1	276:12 286:7,8	120 287:13 288:3	23rd 203:2	68 2:11
wreak 62:3	289:21	14 70:8 122:12	24 271:1,4	<hr/>
wreckage 260:20	year's 13:2 305:11	265:3	25 222:8 260:18	7
wrestling 56:21	yesterday 187:5	14-year 82:21	257 3:2	700 19:22 32:8
write 190:16 308:18	199:11 231:1,22	141 2:15	258 3:4	71,000 17:3
written 181:5 185:2	253:13 254:8	15 23:13	26,000 33:2	75 81:6,8 222:11
245:13 249:5	289:19	154 2:18	262 3:7	252:5
wrong 17:19 90:20	York 18:7 71:18	156 218:21	27 259:4	<hr/>
118:19 159:14	144:21 150:1	16 2:6 205:7	27-year 259:22	8
wrote 180:12	young 1:22 68:18	16,000 17:3	270 3:12	80 298:16
Wynne 151:19	86:19,22 87:6,12	1660 1:14	276 3:19	800 20:1 21:19
<hr/>	99:11,15 102:1,4	17 270:6	28-day 267:20	800,000 297:11
X	102:10 103:11	18 53:16 79:21 80:7	<hr/>	86 2:14
X 160:4 169:12	105:11,19 106:1,5	83:11,12 85:16	3	87 275:8,8
250:8	107:1,10,15	111:20,22 112:14	<hr/>	<hr/>
<hr/>	111:15 193:3	112:16 158:1	3 150:19	9
Y	230:17 231:5,9,13	211:4	3:43 309:6	9:30 1:13
Y 160:5	youth 260:10	18-court 84:17	30 11:14 67:8 201:1	9:36 4:2
yard 185:10	<hr/>	18-site 97:17	207:18 211:3	90 17:20 67:3,4
yea 165:16	Z	180 212:18 213:1,12	228:18 243:11	138:14,14 201:1
year 5:19 9:17,21	zero 108:5 222:2,19	262:21 263:1	244:12 251:22	207:12 252:20
33:10 120:15,17	zip 222:19	19,000 21:16	30-year 45:22	91 17:21
120:20 133:4	<hr/>	1980s 7:8,16	31 69:13	95 150:12 207:12
142:16 201:11,21	\$	199 2:19	34 2:9	97 19:15
202:8,9,10,11	\$1,000 213:13	1994 17:16 248:21	35 17:8 24:14	
203:2 206:18	<hr/>	1995 20:16	262:15	
211:4,16 240:19	1	1997 232:12	36 83:20 113:11,13	
240:19 241:19	1 142:20 148:5	<hr/>	261:1,2,4	
256:13 271:17	150:19 156:4	2	37 67:8	
284:18	1st 17:15	2 1:8 148:10 150:19	<hr/>	
years 5:19 6:10,19	1:05 196:21	161:8 241:11	4	
6:20 7:3 10:15	10 70:18,19 79:9	2nd 230:2	4 2:2 150:19	
15:17,18 17:8 23:6	80:21 81:9 82:12	2:01 196:22 197:2	40 32:9 80:3 111:18	
			113:7 291:3	

Judge Michael Rankin
Transcript Edits
DC Hearing
Friday January 23, 2009

Page 201, line 5—should read “...discussion of coerced treatment,...”

Page 216, lines 15-16—should read “...cop a plea,...”

Page 225, line 5—should read “...buy-in to the....”

Page 230, line 7—should read “...what we call a D.C. charge.”

Page 232, line 14—should read “...should not run....”

Page 245, line 1—should read “...same building with CSOSA.”

Page 246, lines 3-4—should read “...sit down with the client,...”

Page 250, line 17—should read “...entering a guilty plea;...”

