

Tom Green County Drug Court

By Brit Macias



During a speech given at the monthly Pachyderm luncheon, County Judge Steve Floyd spoke of the Tom Green County Drug Court and its impact on our area. This sparked my interest as Judge Floyd explained the success rate of the program and the rehabilitation of repeat offenders.

I met with Judge Floyd to learn more information about the Drug Court. Despite the name, the majority of the court is made up of alcohol related cases and it is defined as a “problem-solving court that operates under a specialized model in which the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service, and treatment communities work together to help non-violent offenders find restoration in recovery and become productive citizens.”

Floyd explains that Texas adopted a program that had already been implemented in courts throughout the United States as an answer to the problem of drug and substance abuse. Instead of fining or incarcerating repeat offenders, the court would place the qualifying individuals in this particular program to correct the root of the problem.

Floyd personally heard about this solution model while attending classes at the National Judicial College around the year 2000. The model was the Drug Court used in the U.S., though the research of a judge who spoke on a book he’d published called, “The NORP Think Factor,” was taken into consideration as well.

NORP is short for: Normal, Ordinary, Responsible Person.

Floyd explains most judges, prosecutors, etc. in the U.S. judicial system qualify as NORP’s, and therefore they pass laws that go in hand with their model to correct other NORP’s. Dennis Challeen, the author of “The NORP Think Factor,” paired that idea with a study conducted and published as the Kohlberg Moral Scale.

Floyd sums up the study, explaining, “Based on people’s attitudes, attributes, and personalities, there is somewhat of a ranking system. On the top of that, you have Jesus, followed below by Ghandi, Mother Teresa, and those sort of people. Then on the bottom you’ve got the Jeffery Dahmers and Charles Mansons that are basically just totally evil. Most people are in the middle ranges; the 3, 4, and 5.”

Those at the top of the scale are considered very honorable and will choose to do the right thing except in extreme circumstances. There are those in some of the middle ranges that would do what is wrong only as long as the chance of being caught was slim to none, while those in the “1” category are simply evil, according to the study.

Those in the middle ranges generally self-correct out of shame and guilt over what they’ve done. “You don’t need to waste a lot of time and energy on those because they’re going to fix themselves,” Floyd states.

However, those in the extreme bottom range need not have resources and rehabilitation efforts spent on them, because they simply will not correct and be able to enter back into society.

These two extremes leave a group in the middle, the 2’s and 3’s on the scale, that will correct with a bit of help. Judge Floyd explains they are the group that, for whatever reason, are not NORP’s and they need time, energy, and money allocated to them in order to facilitate the necessary rehabilitation models.

Part of the research going into Challeen’s work was a study done over a 20-year period, comparing the recidivism rates of offenders leaving two judges’ courtrooms. One judge gave a high penalty to alcohol and drug abusers, while the other was more lenient. The recidivism rates were nearly identical.

This is the point where Challeen decided yes, it is important to be tough on crime, but the system must be tough on crime in an intelligent way.

“The idea (for) these people, the 2’s and 3’s, is to try and move them up the moral scale some and to get them functioning at a level where they’ll want to go on and do better,” Judge Floyd states.

Soon after Floyd saw Challeen’s model, he discovered the Drug Court model Tom Green County uses today in their one felony Drug Court, and three misdemeanor Drug Courts, presided over by Judge Nolen, Judge Roberts, and Judge Floyd.

Based on the type of crime committed, the Tom Green County court can decide to add the offender to the Drug Court where they receive what they need in

order to be rehabilitated. They are in the program for a year, where they have regular group and personal meetings, a probation officer, a counselor, required meetings such as AA, strict guidelines to follow, and a group of individuals that care about their success.

Each person is assigned a counselor to meet with once a week, a probation officer that gives them a curfew, and for the first month they are required to wear an alcohol monitor or a drug patch.

Floyd mentioned that a few participants have even requested that their monitor stay on a little longer, until they felt they could trust themselves without it.

Those in the Drug Court also have a couple of things they must do. They must hold a steady job, and they must attend a number of AA meetings or NA meetings, depending on their charges.

The Drug Court itself also meets regularly to discuss how each individual is doing.

“My job is to reinforce them if they’re doing well, or kick ‘em in the butt if they’re not,” Floyd says.

This type of meeting is called a progressive sanction court, due to the fact that it is held in front of the rest of the group.

After a successful year in the program, the Drug Court graduates the members.

“I like to bring in new people the same day we’re graduating others,” Floyd says, “because every one of (the graduates) speaks back to the group and it’s pretty touching to see how it’s changed and affected their lives.”

Floyd continues, “Our job is to portray that we are really on their side for success. Obviously if they violate the terms, we have to punish them but it’s not terminal. It can be terminal, you can work yourself out of the program, but I’ve had *one* that’s dropped out in two and a half years... Everyone else has gotten through. Some of them struggle a little harder for a few months than others... they get a lot of support from their counselor and their counselor won’t put up with b.s. because they’ve been there and they’ve seen it. If their counselor doesn’t pick it up, their group does.”

Floyd went on to say the groups become close-knit and many of those who simply needed someone to believe in them and be on their side for success find just that in the Drug Court program.

October 1st, the program will become a Specialty Court, enabling the court to let anyone eligible with a non-violent, non-sexual crime to join the group. Currently, the charges have to be drug or alcohol or the perpetrator must have been inebriated while committing the crime.

Floyd states that this will allow more people in and will increase the tax savings over traditional sentencing. If the defendants are working out of tax-paid custody, no longer needing representation by tax-paid attorneys, and they're rehabilitated back into society successfully, it saves money, and more importantly, lives.

Until Next Time...

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