

Treatment Based – Drug Courts...A Guide

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Gearing Up Against Substance Abuse

Overview

In recent years, drug-related criminal cases have imposed an enormous burden on court systems. More than a million drug arrests were made in the U.S. in 1991, a 56 percent increase since 1982.¹ The number of defendants convicted of drug offenses in federal courts increased approximately 50 percent from 1980 to 1987, while the number of defendants sentenced to prison increased over 70 percent.² Both jail and prison populations have grown significantly as a result of the tremendous influx of drug-related cases. State and federal prison populations have increased from 329,000 in 1980 to 804,000 at midyear 1991.³

Substance-abusing offenders present a challenge to the criminal justice system not just because of their volume, but also because of the interrelated nature of addiction and criminal behavior. Illegal drug use by offenders appears to increase their criminal behavior. Many addicts commit crimes to support their substance abuse habit, while for others, substance abuse reflects more pervasive criminal values and an established criminal lifestyle. Without access to substance abuse treatment, these offenders are likely to relapse and return to criminal activity following release from custody.⁴ However, few treatment opportunities are available in jails and prisons. Within community corrections settings, a defendant's involvement in treatment often depends on the skills and interests of the supervising probation or pretrial services officer who may monitor 100 or more offenders at a time.

Federal, state, and local responses to the drug epidemic have focused on enhanced enforcement and incarceration. These efforts have failed to significantly reduce illegal drug availability or use. At the same time, the

¹. Federal Bureau of Investigation, Uniform Crime Reports for the United States, 1991. Washington, D.C.: U.S. Department of Justice, 1992, pp. 212-213.

². Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1989. Washington, D.C.: U.S. Department of Justice, 1990, p. 504.

³. Bureau of Justice Statistics, National Update, Washington, D.C.: U.S. Department of Justice, 1992 p. 3.

⁴. Wexler, H.K., Lipton, D.S., & Johnson, B.D., A Criminal Justice System Strategy for Treating Cocaine-Heroin Abusing Offenders in Custody. National Institute of Justice: Issues and Practices. Washington, D.C.: U.S. Department of Justice, 1988 p.5.

costs of jail and prison construction have risen, while drug-involved offenders have continued to relapse and return to criminal activities. As a result, there is a growing recognition that other approaches must be considered. U.S. Attorney General Janet Reno recently observed:

“It makes no sense for me to prosecute somebody, see them sentenced to two years in state prison, have them out in 20 to 30 percent of their sentence because there are not adequate prison cells, without treatment, right back out on the streets doing the same thing again.”

Drug Court Strategies

Throughout the country, court systems have begun to experiment with different strategies to address the substance abuse caseload. Two innovations developed for this purpose include specialized or expedited case processing and treatment-based drug court programs.

- **Specialized or Expedited Case Processing:**

This approach is primarily intended to help courts deal efficiently with the huge volume of drug-related cases. By fast-tracking specially designated cases through an expedited caseflow process, large numbers of cases are handled quickly. The goal is to move the cases through the courts as quickly, efficiently, and economically as possible. This manual does not address this strategy.

- **Treatment-Based Drug Court:**

This strategy is based on the premise that treatment of addiction may reduce drug-related criminal behavior. Offenders are screened for possible participation in drug court when they may be most motivated to admit to the seriousness of their crime and addiction. Treatment-based drug courts represent a court initiative which establishes interagency cooperation and coordination focused on developing a judicial-led treatment program for the substance-abusing offender.

Figure 1 on the following page describes the general organization of events that occur in most treatment-based drug courts in Florida. Defendants are screened in the jail, provided the opportunity to be admitted to the program, oriented to treatment, involved in a graduated treatment program, monitored by the court, and provided aftercare. These events are described in this manual.

⁵. CJN Drug Letter, April, 1993.

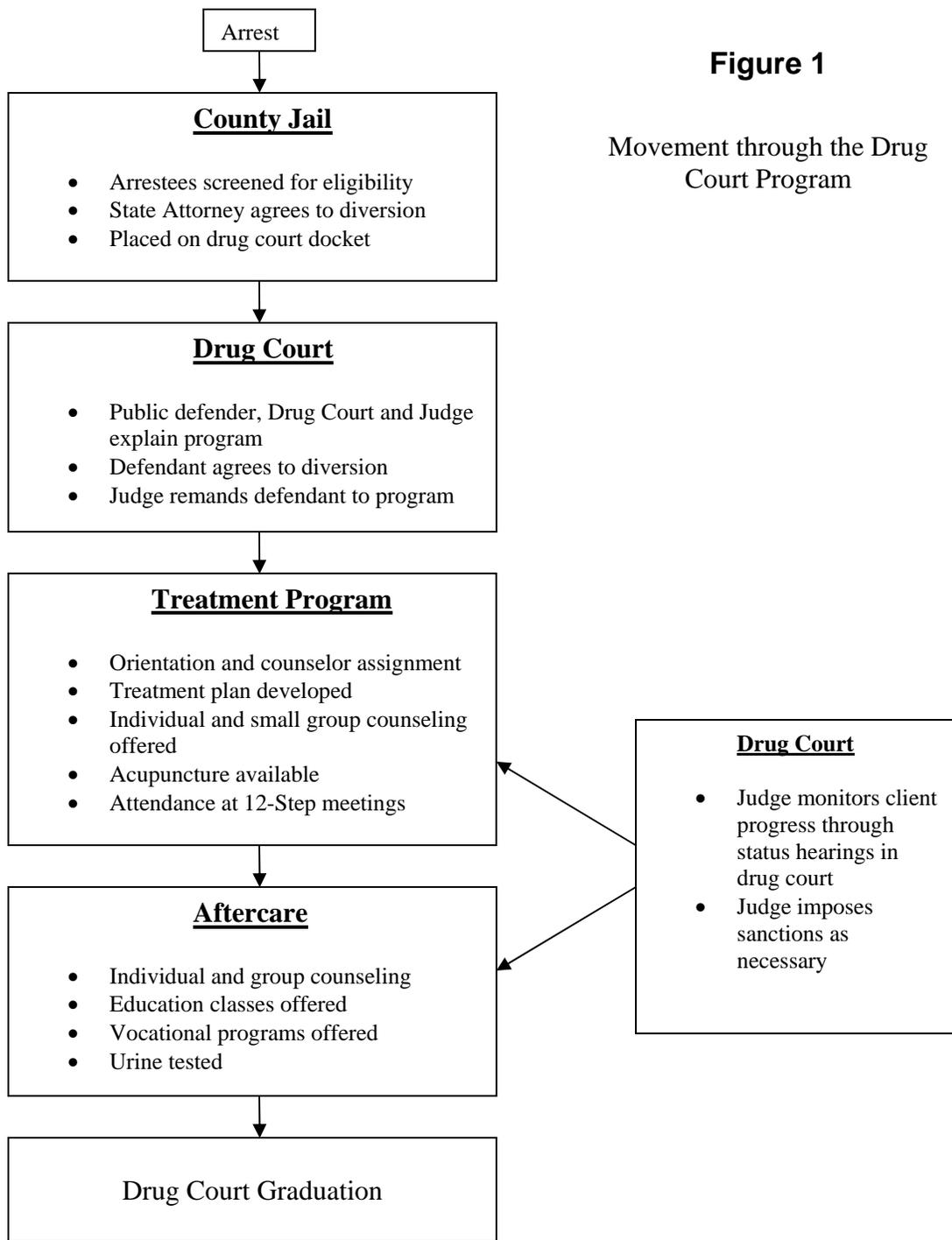


Figure 1

Movement through the Drug Court Program

Purpose of the Manual

This manual is designed as a reference guide for jurisdictions that are considering a treatment-based drug court or have decided to institute drug court and would like suggestions about how they should proceed. Of course, every court operates in its own political, economic, and cultural climate and, therefore, should design a drug court that meets its own needs. There are, however, common features in all treatment-based drug courts, as well as similar challenges that have to be overcome. This guide is meant to focus on these common elements and hurdles.

Florida drug courts are well-positioned to provide information for this manual. The drug court program in Dade County (Miami) was established in 1989 and was the first program developed in the country, followed closely by the program in Broward County (Ft. Lauderdale). Other Florida jurisdictions have implemented drug courts over the last few years including programs in Alachua County (Gainesville), Hillsborough County (Tampa), Leon County (Tallahassee), and Monroe County (Key West). With the assistance of a grant from the State Justice Institute, drug courts have also been established in two non-urban jurisdictions, Escambia County and Okaloosa County. This manual is based on the experiences of both urban and non-urban jurisdictions in Florida. Information from model drug courts in other states is also included. A profile chart of several drug courts is provided in Appendix A.

Chapter Previews

The following outlines the information provided in each chapter of the manual:

- **Chapter Two** describes the treatment-based drug court model by contrasting its approach to that of the traditional court. This chapter provides a conceptual background for the innovative drug court approach. Subsequent chapters examine substantive and procedural issues related to implementation of a treatment-based drug court.
- **Chapter Three** describes the critical role of treatment in a drug court program. This chapter can help provide the court leadership with an understanding of treatment modalities, and it examines several key terms used in the substance abuse treatment process. This information is designed to assist court staff in becoming more familiar with alcohol and drug treatment aspects of the drug court, and with the relapse and recovery process among substance-involved offenders.
- **Chapter Four** highlights several preliminary steps for implementing a treatment-based drug court program. This chapter will help guide court staff in examining the feasibility of developing a drug court program, developing community partnerships and support for the program, and identifying specific resources needed to support treatment, court monitoring, and other aspects of the program. The chapter describes key leadership roles played by various staff involved in the drug court program and potential sources of program funding.

- **Chapter Five** offers guidance in implementing a treatment-based drug court. Beginning with initial planning and development activities, and then moving to discuss actual operations, chapter five helps to define the level of coordination needed to implement a drug court program. Several important implementation issues are reviewed including strategies for developing a drug court program design, screening for program eligibility, developing an integrated system of treatment services, and determining staff training needs.
- **Chapter Six** describes several operational aspects of treatment-based drug court programs. Procedures for screening drug court participants and conducting drug court hearings are discussed. The chapter also examines methods for implementing a management information system to assist the court and addresses confidentiality issues that should be considered.
- **Chapter Seven** will assist staff in developing an evaluation plan for treatment-based drug court programs. This chapter includes essential evaluation components and questions, as well as methods for collecting evaluation data. The chapter summarizes both substantive and procedural aspects of evaluation that may be useful in examining drug court program outcomes.

The Shifting Roles of Courts

Treatment-based drug courts have been identified as a new innovation in the courts. Yet, defendants have been sentenced to substance abuse treatment for several years, either as a part of their pretrial diversionary program or probation. Why, then, are treatment-based drug courts considered new? And, if treatment is the key, why haven't other courts been offering a "treatment-based approach" by requiring substance abuse treatment of their defendants? This chapter attempts to explain the differences between the treatment-based drug court and traditional court in which substance abuse treatment is a part of defendants' sentences. This chapter will identify the key ingredients that make drug courts different and innovative.

How does treatment-based drug court differ from traditional court?

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| <p>QUICK ANSWER: Treatment-based drug courts operate by a team approach, focus on providing social services, closely monitor the progress of each defendant, and administer graduated sanctions as an alternative to additional criminal charges.</p> |
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At first glance, the drug court concept may appear to be similar to the everyday operation of existing pretrial diversion programs. However, drug court operates differently from the traditional courtroom environment by integrating available treatment and criminal justice resources under the leadership of the court.

The following table compares key characteristics of both the traditional court and the treatment-based drug court:

| TRADITIONAL COURT | TREATMENT-BASED DRUG COURT |
|--|--|
| Individuals representing entities within the criminal justice system to achieve the goal | Court team working together to achieve the goal |
| Adversarial | Nonadversarial |
| Goal = “Legal Justice” | Goal = Restore defendant as a productive, noncriminal member of society |
| Court has limited role in supervision of defendant | Court plays integral role in monitoring defendant’s progress in treatment |
| Treatment programs of variable lengths and intensity | Individualized, but intensive and structured, treatment programs |
| Relapse = new crime or violation of probation = enhanced sentence | Graduated sanctions imposed in response to noncompliance with drug court program |

Perhaps the most unique and important characteristic of drug court programs is the level of cooperative relationships formed among the drug court team members. Collaboration begins during the early planning stage and continues throughout the operations of drug court. All major decision points, from screening criteria and eligibility requirements to termination and completion of the program, result from collaborative agreements among drug court team members. The court, through the designated drug court judge, provides the overall leadership of the team and represents the court authority to the drug court participants.

What is the philosophy that guides the drug court team?

QUICK ANSWER: The drug court team focuses on defendants' problem behaviors in need of change and makes available to them every opportunity to modify these behaviors and become noncriminal members of society.

The traditional court differs from the treatment-based drug court in its philosophical approach to justice. In the traditional court, court officers represent, take, or argue different sides of an issue. Prosecutors oppose defense attorneys. Courts protect against improper or excessive use of law enforcement authority. Each entity has a defined role in the process of reaching a legal disposition.

In the treatment-based drug court, traditional roles merge into a partnership. Under the leadership and authority of the court, the prosecutor works in concert with the public defender, law enforcement, and treatment providers. The resulting "drug court team" focuses on defendants' problem behaviors and provides opportunities to modify these behaviors.

How does the role of the drug court judge differ from the traditional role?

QUICK ANSWER: The drug court judge is involved with the treatment, supervision, and progress of all defendants from the beginning to the end of their participation in drug court. The judge provides the encouragement and support when earned, and orders sanctions when necessary.

Perhaps the most dynamic shift in roles and responsibilities for members of the drug court team is for the drug court judge. The traditional role of the judge is to determine guilt and impose the appropriate sentence. The judge's work in a case usually ends after the sentence is imposed, unless the same judge later hears a violation of probation case against the defendant.

The drug court judge, however, is much more involved in all aspects of the treatment and supervision of the defendant. One example of the judge's integral role is the requirement that defendants appear at regularly scheduled status hearings. These hearings are held frequently in the beginning of the program (as often as once a week for the first month), with the frequency tapering off as the defendant progresses further into the treatment period.

At each status hearing, the judge personally reviews with defendants their treatment progress reports. These reports describe each defendant's urinalysis results, attendance and

attitude in treatment, recognition of his or her drug problem, and participation in the treatment program. The frequent hearings provide opportunities for the judge to reinforce positive behaviors, identify areas that need continued improvement, invoke consequences where appropriate, and establish a rapport with the defendant.

An observer of drug court may notice that the drug court judge talks directly with the defendant, usually bypassing the defense attorney. In addition, the judge has a familiarity with the defendant rarely seen in the traditional court. The judge may inquire about the defendant's health, housing situation, family, job, and feelings about treatment and drug usage. The combination of respect for the authority of the court and the rapport developed between the judge and the defendant is an important ingredient in the defendant's rehabilitation.

How are treatment programs offered through drug courts different from required treatment as a part of probation?

QUICK ANSWER: Drug court treatment begins with intense outpatient treatment several times per week and moves to a less extensive schedule based on the defendant's progress. The defendant must make regular status appearances before the same judge and remain in the program for approximately one year.

Another noticeable difference between the traditional court and the treatment-based drug court is in the approach to treatment. Mandated treatment often varies in length and intensity, and is not typically integrated with the court. In the drug court, treatment generally lasts about a year, although the program allows flexibility to extend the treatment based on the defendant's performance. Treatment is intense during the initial phase of the program, and may include a residential setting for those defendants experiencing difficulties in changing their behavior and environments. As the defendant progresses, the intensity of treatment may decrease while other aspects of their overall rehabilitation are addressed, such as educational and vocational training. Treatment protocols are developed with input from the court, and the treatment providers are ultimately responsible to the drug court judge.

The courts have not always been a firm advocate of substance abuse treatment for criminal defendants. Through years of experience, the judicial system has recognized the importance of integrating substance abuse treatment with judicial sanctions. Nevertheless, if a defendant serving a probationary sentence violates probation by using illegal substances during the recovery process (known as relapsing or backsliding), the traditional criminal justice system's reaction is to charge the defendant with a new crime or revoke probation. In either case, the result is an enhanced sentence without tangibly affecting the underlying addiction.

Conversely, treatment-based drug courts are structured to address relapse as part of the recovery process. Most individuals relapse (and return to treatment) several times before they are able to sustain a lengthy period of abstinence. Research has shown that addicted individuals

with a long history of substance abuse have few alternative coping skills to manage daily stress or difficult situations involving the temptation to use drugs or alcohol. Thus, recognizing the reality of relapse, drug courts use a system of graduated sanctions and rewards to promote continued abstinence from drugs and alcohol and ensure continuation in treatment.

Drug courts handle relapse as an expected occurrence. Relapse indicates to the court that the defendant's treatment plan needs to be reviewed, treatment intensity may need to be increased, or that other short-term sanctions need to be imposed. Programs often require participants to attend more frequent status review hearings as a result of relapse in an effort to increase the level of court monitoring. Brief jail terms may be used as a sanction for relapse or other infractions (particularly in jurisdictions that have in-jail treatment programs). In some cases, program participants who relapse are directed to return to a previous phase of treatment, in which more frequent attendance is required and behavior is monitored more closely.

Drug court programs offer various incentives to participants who successfully complete substance abuse treatment and supervision requirements. The most common incentive involves consistent, positive encouragement and feedback given by the drug court judge and other team members when participants progress toward their goal of continued abstinence. The final incentive of the program usually consists of the original charge being dismissed by the court for first offenders following successful completion of the drug court program and a required waiting period. Other incentives include a gradual reduction in the intensity of treatment, reduction of fines, and provisions of certificates and other awards for recognizing program achievement.

What are the major components of a treatment-based drug court?

QUICK ANSWER: The treatment-based drug court usually includes the following components:

- **Cooperation among the criminal justice community to reduce the impact of substance abuse on the courts by rehabilitating defendants;**
- **A team, led by the court, that understands the addiction process;**
- **Individualized, intensive, and structured treatment approaches; and**
- **Personal contact with defendants which supports positive behavior change and dispenses immediate sanctions.**

Engaging Treatment – Its Reason and Role

The treatment-based drug court incorporates treatment as an integral part of the overall program. The role of treatment in drug court is to provide counseling and techniques of self-examination that can promote continued abstinence from drugs and alcohol. This chapter explains what it means to have an addiction and the complications associated with relapse. Then, it describes the basic components of treatment programs used by most treatment-based drug courts.

What is addiction?

QUICK ANSWER: Addiction is a chronic disorder caused by multiple factors and is characterized by frequent relapses. Treatment programs should develop strategies to anticipate and manage relapse.

Unlike tuberculosis, the flu, or other medical disorders in which a single disease agent (e.g., virus) has been identified, substance abuse is caused by multiple factors including family history of substance abuse, biological/genetic factors, learning experiences, lack of healthy coping skills, peer pressures, and exposure to high risk situations. Due to the interaction over time of all these factors and the progressively disabling nature of addiction, recovery often involves a complex and lengthy process.

Addiction is a chronic disorder that is characterized by frequent relapse, which occurs when a person uses drugs again after having abstained for some time. Relapse is an expected part of the recovery process and should not be interpreted as a failure, but as a somewhat predictable interruption in the recovery process.

Abstinence from substance abuse is the primary goal of drug court treatment programs. Treatment programs should provide emotional support and skills development to help individuals avoid relapse and maintain abstinence while facing their addiction problems. Treatment also helps individuals recognize their high risk behaviors that lead to substance abuse and how to avoid them.

What are some of the facts associated with relapse?

QUICK ANSWER: Because of the strong physical and psychological dependency created by substance abuse, relapse is an expected event in the recovery process.

While most substance abusers in treatment relapse during their recovery, relapse should not be viewed as a sign that the abuser is “failing” treatment. Addiction affects people physically and psychologically. Substance abusers are often affected by cravings for illicit substances which have caused the many problems in their lives. Courts should use this information to develop a rational and realistic response to setbacks that may be experienced by their drug court participants.

- Approximately two-thirds of substance abusers relapse within the first two months following release from a secure environment, such as a jail or residential treatment program.
- The majority of participants will experience at least one relapse during involvement in a drug court program. Relapse is most likely to occur in the early stages of involvement in the drug court program.
- Participants can relapse and reengage in treatment several times before they achieve sustained abstinence from drugs or alcohol.
- Relapse is often caused by a lack of alternative coping skills to manage daily stress or difficult high risk situations involving temptations to use drugs or alcohol.
- Relapse should not be viewed as a sign of failure but, instead, can be used as a learning experience that will benefit the recovering individual.

What basic components should be part of the core treatment program for drug court?

QUICK ANSWER: Components of the core treatment program should include individualized intake and assessment services, individual and group therapy, and psychoeducational programs.

Substance abuse treatment should be designed to address a particular individual's substance abuse problem. Most treatment programs attempt to accomplish this by varying structure, duration, and intensity of services. A range of treatment modalities have been developed in most communities to reflect the needs of different groups of substance abusers (e.g., alcoholics, DUI offenders, heroin addicts). This "continuum" of services allows for placement of individuals recovering from substance abuse in a setting which is equipped to meet the individual's needs. Several of the most important treatment modalities that should be available to drug court participants are described below:

- Individualized intake and assessment - involves gathering background information, identifying participant's problems, explaining the program to the participants, assessing the impact substance abuse has had on the participant's life, developing a course of treatment appropriate for the participant, and then engaging the participant in treatment.
- Intensive outpatient treatment - includes individual and/or group therapy with a licensed therapist.
- Residential treatment - includes 24-hour care that may include intensive psychiatric, psychosocial, and medical services.
- Psychoeducational groups - includes training and education about the effects of substance abuse so that participants gain insight into their substance abuse problems, increase motivation and commitment to maintain abstinence, and adhere to recovery goals. Relapse prevention should also be included.
- Self-help groups - includes 12-Step groups or other support groups such as Alcoholics Anonymous, Narcotics Anonymous, and Cocaine Anonymous.
- Ancillary treatment tools - includes acupuncture, life skills training, stress management techniques, vocational and educational services, and performance/contingency contracting.

Court leadership should be aware of the wide range of treatment components available in the community such as individual and group therapy, 12-step support groups, acupuncture, and other therapeutic services. To the extent possible, it is desirable for drug court to include a wide array of services in its program.

After an initial intake assessment is completed, participants should begin a structured treatment program. Drug court treatment may initially include weekly individual therapy sessions and random urinalysis to monitor the participant's adjustment to the program. Individual therapy sessions provide an opportunity for the therapist to develop a trusting relationship with participants and help participants begin to recognize their problems. As participants make progress toward recognizing and effectively dealing with their problems, the therapist may recommend to the court that the participant continue through the program on less frequent treatment sessions.

Group therapy sessions should be required several times each week during the early stages of treatment and should address a range of topics related to substance abuse and psychosocial problems, including relapse prevention issues. The group sessions complement individual therapy through their supportive and confrontive nature. Most drug court participants benefit from group therapy, which is the preferred method of treatment for substance abusers. Participants who do not function well in the group settings may require additional individual therapy sessions.

The drug court may need to allow some flexibility in scheduling individual and group therapy sessions to allow participants to attend work (e.g., by providing evening sessions). Also, therapy sessions should include family members whenever possible.

Additionally, psychoeducational groups should be incorporated into the treatment program. Some possible topics include the following:

- Recognizing and understanding denial and other defense mechanisms;
- Explaining the purpose of the self-help (12-step) programs;
- Understanding the medical effects and consequences of substance abuse;
- Recognizing relapse and understanding the relapse process;
- Developing coping skills; and
- Understanding and preventing HIV/AIDS.

Access to residential treatment should be provided by the drug court program. Residential treatment is often necessary for program participants who are unable to maintain abstinence while living in the community. This type of treatment may range in duration from as little as a week to one year and includes programs such as therapeutic communities, group homes, and halfway houses. Detoxification services may be needed for a small group of participants who require a period of supervised abstinence before engaging in treatment.

What other ancillary treatment services should be considered for drug court?

QUICK ANSWER: Self-help groups, acupuncture, and other alternative treatment tools can be incorporated into the drug court program as supportive, ancillary services.

Attendance in 12-step support groups such as Alcohol Anonymous and Narcotics Anonymous provides an opportunity for self-disclosure with other recovering peers in a non-threatening environment. Twelve-step groups enhance treatment by offering positive role models, involvement with drug-free peers who are also working on their recovery, and an opportunity to learn new coping skills for dealing with everyday stress.

These groups also add a spiritual component to treatment which is useful for some participants.

- Drug courts may require that participants attend 12-step meetings several times weekly or on a daily basis.
- Some participants may object to the spiritual nature of a particular 12-step group or the emphasis on recognition of a “higher power.” Arrangements for alternative self-help or peer groups should be made for these participants.
- Most communities have regular 12-step meetings at local schools and churches.
- Twelve-step programs may be held at the treatment facility.

Acupuncture is a procedure that involves placing needles in strategic areas of the body for short periods of time and is particularly useful during the first month of treatment. Use of acupuncture can reduce participants’ craving for drugs, can help to neutralize other withdrawal symptoms experienced during the first weeks of recovery (e.g., agitation, sleep disturbance), and can ease anxiety related to treatment. Although acupuncture can enhance participants’ attention and involvement in treatment sessions, it should not be viewed as a substitute for core treatment components such as comprehensive assessment, group therapy, or individual counseling.

Drug court programs that utilize acupuncture allow the participants to volunteer for sessions, which are usually offered five days per week. Participants that do not choose to receive acupuncture are sometimes required to attend additional group sessions or 12-step meetings.

Acupuncturists may not be readily available in non-urban settings. Drug court programs with limited resources may want to consider sharing the services of an acupuncturist among two or more locations to help curb the additional cost. Each court should also consider its

community's acceptance and understanding of this ancillary service when deciding whether to incorporate it into the treatment program.

In addition to providing core treatment services, drug courts should address a range of other problems faced by participants that often influence the likelihood of successful recovery or reinvolved in the criminal justice system. Treatment providers should develop a referral network of community resources to help participants access these ancillary services. Important ancillary services should include the following:

- Educational services (e.g., GED program, community college or university level courses):
 - Literacy testing,
 - Adult education and GED classes, and
 - College classes;
- Vocational services:
 - Vocational counseling,
 - Vocational training, and
 - Job placement services;
- Other services:
 - Family counseling,
 - Housing,
 - Child care,
 - Economic services,
 - Medical and dental services, and
 - Legal services.

What treatment services should drug court provide following the core treatment program?

QUICK ANSWER: Drug court treatment programs should, if possible, provide supportive services that will assist participants' reentry into society.

Drug court programs have found that an essential component of the treatment program includes ongoing aftercare services such as educational and/or vocational training, continued treatment and peer support groups, and career counseling. Recovery from substance abuse is a lifelong process. As a result, providing participants with extended support services in areas such as vocational and education skills and continued involvement in 12-step groups will improve their chances for successful recovery.

Aftercare services are usually initiated during the last phase of the drug court treatment program and often involve monthly or bimonthly outpatient groups. Ongoing involvement in outpatient community treatment, 12-step support groups, and peer support groups should be encouraged following completion of formal phases of drug court treatment. Aftercare services should encourage the participant to return to more intensive substance abuse treatment services if relapse occurs. Local treatment or human services agencies, community colleges, or church organizations may coordinate aftercare services and programs. Since recovery is often seen as a lifetime process, aftercare services may be necessary for as little as six months to as much as several years after the primary drug treatment program ceases.

Often, the drug court, through ancillary and aftercare services, may be the "institution" that provides the opportunity to drug court participants to complete their high school education, receive vocational training and skills development, and obtain employment while involved in the program.

What does a “phased” treatment system mean?

QUICK ANSWER: A phased treatment system allows for gradual reintegration to the community and recognizes the need to provide more structured and intensive services early in treatment, with a reduction in the level of supervision as the participant continues in treatment.

The drug court team and treatment agency working with the drug court program will have primary responsibility for developing a phased system of treatment. Existing drug court or other diversionary treatment programs should be consulted in designing a phased treatment system.

New drug court participants should be involved in an intensive, comprehensive treatment program. Initially, participants may be ambivalent about trying to maintain abstinence, an attitude that usually leads to relapse. Therefore, participants’ involvement in intensive treatment helps to enhance their motivation and accountability during this critical period when relapse and program drop-out tends to occur more frequently. As motivation and commitment to treatment increase, participants may require less structured and less frequent treatment.

The following points are guidelines for developing a phased treatment program:

- Participant movement through phases of treatment is contingent upon completing a specified number of treatment activities and sessions;
- There is no time limit for participation in each phase; rather, specified tasks should be completed (e.g., a minimum number of group sessions or support groups are attended, a certain number of negative drug tests are completed within a given time frame); and
- A participant who does not complete required tasks is identified in drug court during regular status hearings, and sanctions are imposed as needed.

A drug court’s treatment program should allow participants to move easily between different phases of treatment as they achieve recovery goals, or when they need to return to more intensive treatment. The drug court judge should have flexibility (with input from team members) to move program participants to previous phases of treatment following a relapse or noncompliance with treatment guidelines and expectations.

An example of a phased treatment system developed by a drug court program is outlined below. Other examples of phased treatment systems are provided in Appendix B.

PHASE I (four weeks)

Intensive outpatient treatment (three hours per day, four days per week, 12 hours of programming per week):

- One individual counseling session per week;
- Three group sessions per week;
- Four 12-Step support groups per week;
- Five acupuncture sessions per week; and
- Four urinalysis tests per week.

Successful completion of Phase I (based on recommendations from the drug court team and confirmed by the drug court judge) results in moving to Phase II.

PHASE II (two to four months)

Moderately intensive outpatient treatment [two hours per day, four days per week, eight hours of programming per week]:

- One individual counseling session per week;
- Two group sessions per week;
- Three 12-Step support groups per week;
- Two acupuncture sessions per week;
- Two urinalysis tests per week; and
- One educational class per week.

Successful completion of Phase II (based on recommendations from the drug court team and confirmed by the drug court judge) results in moving to Phase III.

PHASE III (seven to nine months)

Less intensive outpatient treatment (three hours of programming per week):

- One group session per week;
- One 12-Step support group per week;
- One urinalysis per week; and
- Individual sessions as needed.

Successful completion of Phase III (based on recommendations from the drug court team and confirmed by the drug court judge) results in graduation from the program and referral to aftercare services.

What are the costs associated with drug court treatment?

QUICK ANSWER: The cost for drug court treatment will vary based on the volume of cases, the use of existing local government services, and the number of ancillary services included in the phased treatment approach. In Florida, the costs range from \$950 per participant per year to \$2,500 per participant per year.

Costs reported by drug court programs vary depending on the number of participants, the type of treatment, and the intensity of community supervision provided. The most comprehensive and costly treatment services occur in the first phase of treatment, which typically includes the first month or two of the program.

- The Dade County drug court program serves approximately 1,800 new participants each year and estimates that the annual participant cost of treatment in the drug court program is \$950, or \$3.65 per day.⁶
- The Broward County drug court program serves approximately 800 participants and estimates that the annual participant cost of treatment is \$1,470, or \$5.65 per day.
- The Escambia and Okaloosa drug courts serve approximately 175 - 200 participants and estimate that the annual participant cost of treatment will range from \$1,850 - \$2,500 or \$7.12 to \$9.62 per day.

⁶. Calculations are based on 260 days of treatment per year.

A large part of drug court program budgets should be allotted for urinalysis testing, although these costs are also incurred for other pretrial supervision programs.

- Treatment agencies that have large contracts with local laboratories can reduce costs, and test results can usually be obtained within 24 hours.
- Many on-site urine testing kits are available and are less expensive than many laboratories.
- On-site testing kits usually achieve the same degree of accuracy as laboratories and are also used by many probation departments.

Costs for acupuncture vary based on location, number of participants, and availability of licensed acupuncturists. The following information provides some cost considerations related to the ancillary treatment service:

- Acupuncturists are hired on a part-time basis and may receive a salary or an hourly wage.
- The Hillsborough County drug court program spends approximately \$25,000 per year for acupuncture, which includes 20 hours of acupuncture services each week for an average of 150 participants per year.
- The Broward County drug court program spends approximately \$43,000 annually for 30 hours of acupuncture services each week for an estimated 800 drug court participants per year.

Should drug court participants be required to pay for treatment services, and if so, how much?

QUICK ANSWER: Yes, participants will feel more vested in their treatment if they are required to pay. However, no participant should be denied admission to the program due to their inability to pay.

Although drug court programs are sometimes developed through special start-up grants, participants should be assessed fees for participating in treatment to help the program become more self-sustaining. Also, paying for their treatment and aftercare services should be viewed as part of treatment and a means to accept greater responsibility for their recovery. Other funding sources should be identified to support indigent participants, who should not be refused services due to a lack of resources. When possible and appropriate, indigent participants should be asked to complete community service in exchange for their treatment.

A sliding scale can be used for deciding reasonable charges for treatment services. An example of a sliding fee scale used for drug court participants is as follows:

| GROSS ANNUAL INCOME | AMOUNT ASSESSED FOR TREATMENT |
|----------------------------|--------------------------------------|
| \$0 - \$ 4,999 | \$250 |
| \$5,000 - \$12,499 | \$500 |
| \$12,500 - \$24,999 | \$1,000 |
| \$25,000 - \$37,499 | \$1,500 |
| \$37,500 - \$49,999 | \$2,000 |
| \$50,000 or more | \$2,500 |

Should there be consequences for relapse or violation of the treatment program?

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| <p>QUICK ANSWER: Immediate sanctions for noncompliance are necessary to encourage the participant to return to a drug-free lifestyle.</p> |
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Drug court participants who relapse or violate other drug court requirements must be held accountable for their actions, just as other defendants in the criminal justice system are held accountable. The response to drug court violations however, must focus on inappropriate behaviors while reinforcing positive behaviors that increase the likelihood of ultimate recovery from addiction. For example, participants who relapse should not simply be incarcerated without continued treatment, because incarceration alone will not cause participants to give up their long-term drug use. Instead, drug courts should respond to relapse or other violations with immediate sanctions that directly address the participants' conduct and simultaneously encourage more intensive involvement in treatment.

The court should strive to keep participants in drug court, while imposing swift, consistent, and behavior-specific sanctions for relapse, missed meetings or court hearings, and other rule violations. Graduated sanctions should become more restrictive as the severity and frequency of infractions increase. Examples of some sanctions are as follows:

- Increased frequency of court status calls;
- Increased frequency of urinalysis monitoring;
- Increased frequency of attendance in outpatient treatment;
- Increased attendance in 12-step programs;
- Increased supervision by pretrial/probation services;
- Short jail sentence;
- Referral to residential treatment; or
- Increased length of time in drug court program.

Other examples of graduated sanctions imposed by drug court programs are provided in Appendix C.

How can the court know when a participant has relapsed?

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| <p>QUICK ANSWER: Drug courts can use regular urinalysis testing, supervisory contacts, and treatment progress reports to identify relapse.</p> |
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Urinalysis monitoring is a quick, easy, and relatively inexpensive procedure that will confirm participants' recent drug use and monitor abstinence. Drug testing should be administered at least weekly during the first several weeks of treatment and less frequently after individuals have completed a period of successful abstinence. The drug court judge can also direct that a test be conducted immediately at the court appearance when there is suspicion of recent drug use. Urinalysis monitoring is an excellent method for demonstrating the court's intention to monitor participants' behavior.

In addition to urinalysis monitoring, the court, treatment providers, and supervising agencies should note missed appointments, changes in participant attitude, and lack of follow-through. These may be a warning sign that a participant may be less motivated to maintain abstinence and may be about to relapse. Increased contacts by the treatment providers and supervising agencies may help to prevent relapse.

Since addiction involves multiple factors, what besides the drug use itself should treatment address?

QUICK ANSWER: The treatment program for drug courts attempts to treat the whole person.

Drug court participants may have a wide range of life problems that are related to their alcohol or drug use, including psychological difficulties, estrangement from family members, a history of chronic unemployment, and medical disorders such as tuberculosis or sexually transmitted diseases. These difficulties may contribute to substance abuse, and they in turn are worsened by continued substance abuse. Addiction involves interrelated biological, psychological, and social problems. As a result, treatment programs should address the following areas:

- History of substance abuse problems (e.g., drug of choice, duration of use, age at first use);
- Psychological and emotional difficulties;
- Learning and other cognitive disorders;
- Family relationships and family drug use history;
- Social supports;
- Economic status;
- Educational and vocational needs;
- History of physical, emotional, and sexual abuse; and
- Stress related to involvement with the criminal justice system.

Why should courts and treatment agencies team up?

QUICK ANSWER: An effective treatment system that operates in coordination with the courts is essential to the success of a treatment-based drug court.

Historically, many courts have diverted substance-abusing defendants to treatment, but usually without significant coordination with community treatment and supervision agencies. Criminal courts may have had difficulty in obtaining appropriate treatment for defendants or in receiving feedback about defendants' progress in treatment, while treatment agencies may have received inappropriate referrals from court. Often, jurisdictions have not developed an effective system to divert nonviolent drug offenders to community treatment.

Drug courts can bring the criminal court and community treatment agencies together with a common goal. That goal is to rehabilitate the drug-involved offender and prevent recidivism. Drug courts provide an excellent opportunity to intervene with substance-abusing offenders at a time when they may be more motivated to face their problems and participate in treatment due to their recent arrest.

- Many drug court participants will be involved in substance abuse treatment for the first time and may be able to apply what they learn in treatment to change their lifestyle.
- Offenders who are involved in treatment are less likely to abuse drugs or alcohol again and return to the criminal justice system.
- Court-ordered treatment, through programs such as drug courts, has been found to be effective in encouraging ongoing involvement in community drug and alcohol services.
- Drug court programs offer an opportunity to engage the defendant in ongoing treatment with monitoring provided by community supervision or court-related agencies.

Drug courts can bridge the gap between the courts and treatment agencies. Defendants who receive effective treatment are less likely to break the law in the future, and treatment is more effective when it is supported by the court's authority. This balance can best be obtained through early intervention and coordination of treatment and supervision through drug court.

Planning for a Drug Court Program

A drug court can be successful only with early and thorough planning. Early planning enables a jurisdiction to assess whether a drug court program is feasible in that community. Planning activities are also important for identifying and securing local support for drug court, developing consensus regarding the drug court philosophy and design, and identifying community resources that can provide ongoing support for the program.

Who should initially be involved in planning for the treatment-based drug court?

QUICK ANSWER: Initially, the court's leadership (chief judge, court administrator, and selected staff) should conduct preliminary research. Then, key leaders from the Offices of the Prosecutor, Public Defender, Sheriff, pretrial release, probation services, and treatment services should be involved in the continued planning of drug court.

Months before a drug court program is implemented, initial planning steps should be taken by a court leadership team consisting of the chief judge and the court administrator, and in some cases, a potential drug court judge. The court leadership should also designate a professional within court administration or other appropriate local government office to assist with the necessary research and analysis of various issues related to drug court.

Early on, the court leadership determines if the drug court concept is a viable option to consider for the court and the community. The designated staff and the court leadership conduct basic fact-finding tasks in order to make a preliminary determination as to whether drug court will benefit the community.

How should the court leadership and professional staff begin their initial assessment of drug court?

QUICK ANSWER: Courts should first begin by collecting materials on drug court from their state and local court administrator's office, state and university libraries, and various criminal justice agencies.

A variety of materials are available that can help jurisdictions understand how treatment-based drug courts operate, how they have been developed, what the potential funding sources are, and what barriers there are to program success. Evaluations of certain drug courts are also available for review.

A careful survey of the available literature by the court leadership and staff will help jurisdictions determine whether a drug court program would be feasible and desirable. These materials are available through state, local, and university libraries and through various federal or federally-supported agencies. Also, the state and local administrative office of the courts may have materials available or have contacts at several criminal justice agencies to assist in the search for materials. A bibliography of pertinent articles is provided in Appendix D.

The following is a sample of agencies that can provide excellent materials:

- National Association of Drug Court Professionals
701 North Fairfax Street
Alexandria, Virginia 22314
(703) 706-0563

- National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23187-8798
(804) 253-2000

- State Justice Institute
1650 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-6100

- Center for Substance Abuse Treatment
Department of Health and Human Services
Alcohol, Drug Abuse, and Mental Health Services Administration
Rockfall II Building, 10th Floor
5600 Fishers Lane
Rockville, Maryland 20857
(301) 443-5052

- National Institute of Drug Abuse
National Clearinghouse of Alcohol and Drug Abuse Information Services
1-(800) 729-6686

- National Criminal Justice Reference Service
1-(800) 851-3420

Should the court leadership and staff visit existing drug courts?

QUICK ANSWER: Site visits will help the court leadership and staff better understand drug court from an operational standpoint. They can also discuss specific policy and implementation issues with their counterparts in the courts they visit.

Site visits to existing drug court programs by the court leadership and staff should be scheduled early in the planning process. On-site observation can provide considerable benefits to the court leadership and later, to the designated drug court judge (if not already included), prosecutor, public defender, and others who are involved in program planning and development. Site visits can be arranged through the court administrator's office or the court entity directly involved with drug court. For a list of Florida drug courts, the addresses, and professional contacts, see Appendix E.

The purpose of site visits is to observe firsthand the operation of the drug court and its treatment components. Also, the visiting court leadership and staff will have the opportunity to discuss the program and any specific questions or concerns they have with their appropriate counterparts. The information and insight gained can be invaluable.

Additional site visits should be conducted once the decision has been made to go forward with the treatment-based drug court so that individuals chosen to be a part of the drug court team can also observe and ask questions.

The following suggestions and considerations can assist court leadership and a new team in organizing a productive site visit:

- Conduct site visits to more than one active drug court, if possible.
 - Visit the drug court that most closely resembles the team's jurisdiction and team make-up. Consider size of judicial circuit and estimated caseload, team representatives, and funding resources so that these issues can be addressed during the site visit.
 - Visiting more than one court will expose the team to different program strategies which may help develop comprehensive procedures and treatment interventions consistent with the goals of the drug court program.
- Allow time during site visits to observe drug court proceedings and speak to the presiding drug court judge, drug court coordinator, prosecutor, public defender, court liaison, and pretrial/probation staff.

- Observe treatment sessions and meet with treatment program staff, counselors, and program participants.
- Observe different treatment modalities (if offered) such as group therapy, orientation meetings for new participants, and acupuncture.
- Prepare questions that focus on key issues relevant to the drug court program. Key questions may address the following areas:
 - Funding mechanisms,
 - Program admission,
 - Case processing strategies,
 - Supervision and monitoring,
 - Use of urinalysis,
 - Development and adjustment of treatment services,
 - Barriers that have inhibited effective program implementation,
 - Transportation of program participants, and
 - Aftercare treatment of drug court participants.

What other kinds of assistance can the court leadership request during the initial planning of a treatment-based drug court?

QUICK ANSWER: Court leadership can receive technical assistance from various agencies that will assist in the planning and implementation of the treatment-based drug court.

Technical assistance is available through various federal and state agencies to help the courts and other criminal justice or substance abuse programs assess, plan, and develop drug courts or other diversionary programs. The range of assistance may consist of phone consultations with experts in the field or on-site assessments that result in written reports and recommendations.

Court leadership or staff should contact their state administrative office of the courts to find out if professionals are available to help the local jurisdiction with research, literature reviews, or other types of services. Also, the state and local administrative office of the court may have information about available technical assistance programs. Depending on the level of assistance that can be nationally provided by the administrative offices, local jurisdictions may direct staff to identify nationally-based technical assistance programs and determine whether they would help court leadership to attain their goals. Staff would need to identify the types of technical assistance that are available from different agencies, as well as the requirements for receiving the technical assistance (i.e., telephone requests, prepared applications, matching funds).

Some agencies that provide technical assistance for the courts and criminal justice agencies include the following:

- State Justice Institute — awards technical assistance grants up to \$30,000 on a quarterly basis based on a written request and commitment of cash or in-kind match. For more information, call or write:

Mr. David I. Tevelin
Executive Director
State Justice Institute
1650 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-6100

- American University — provides technical assistance from funds supported by the Bureau of Justice Assistance and the State Justice Institute. Requests for assistance require a letter describing the need for assistance. For more information, call or write:

Mr. Joseph Trotter, Jr.
Director
School of Public Affairs, Justice Programs Office
American University
Brandywine Building, Suite 6-C
4400 Massachusetts Avenue, Northwest
Washington, D.C. 20016-8159
(202) 885-2875

- National Center for State Courts — also has technical assistance programs that can help an interested jurisdiction research the feasibility of a treatment-based drug court. For more information, call or write:

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23187-8798
(804) 253-2000

- National Association of Drug Court Professionals - an association of drug court judges, prosecutors, public defenders, treatment providers, educators, and other members of existing drug court programs. This group may provide technical assistance and information to drug courts. For more information, call or write:

National Association of Drug Court Professionals
701 North Fairfax Street
Alexandria, Virginia 22314
(703) 706-0563

Other agencies may have grant programs or technical assistance support which will help court leadership. These agencies include the National Institute of Justice; the Center for Substance Abuse Treatment; Treatment Alternatives to Street Crimes (TASC) programs; the Florida Department of Health and Rehabilitative, Alcohol, Drug Abuse and Mental Health Program Office (Florida jurisdictions only); and state planning agencies for grants management.

Once the court leadership has decided to move forward with the drug court concept, how should the court involve important agencies and the community?

QUICK ANSWER: The court may want to conduct preliminary meetings with key representatives from criminal justice and treatment agencies to assess their interest in the development of drug court.

Informal meetings and discussions between court leadership and interested judges, attorneys, criminal justice officials, treatment providers, and other agencies' will help to expedite the implementation of a drug court program. The goal of these preliminary meetings is to discuss concerns regarding the impact of the substance abuse problem in the criminal justice system and the viability of alternative strategies such as a drug court program.

Topics discussed at preliminary meetings might include:

- The potential number of drug and related nonviolent cases that could be assigned to drug court;
- Support that may be obtained from other community agencies;
- The community response to drug abuse and crime, and to alternative methods for dealing with the problem, such as drug court; and
- A plan to gather additional information regarding the need for and feasibility of the drug court concept.

Preliminary meetings will be most productive if they provide an open forum for ideas and brainstorming. Conflicts that arise should be addressed immediately, as unspoken differences can later undermine a drug court program.

⁷. Other interested agencies may include local vocational rehabilitation services, vocational-technology training centers, private industry councils, community or junior colleges, and universities located in the area. These agencies may be called upon to become involved with drug court by providing specialized services.

Should the court leadership create a formal board to oversee the continued planning and development of drug court?

QUICK ANSWER: The court leadership could benefit from a formal group whose goal is to improve interagency partnerships and work together to develop and support drug court.

After examining the information obtained from the literature review, site visits to existing drug courts, technical assistance, and preliminary meetings with leaders of the affected agencies, the court leadership should be able to make an initial determination concerning the feasibility of implementing a drug court. If these early steps lead to a decision to develop a drug court, then the court leadership may want to organize a formal group composed of key leaders from the agencies that would be involved in shaping the drug court concept. This group may include the prosecutor, public defender, clerk of court, police chief, sheriff, and staff representing corrections and jail administration, pretrial and probation services, education, and treatment. Leaders of existing boards and councils may also be invited to participate in remaining planning activities.

Developing and improving interagency partnerships is an ongoing process and should begin during the early stages of planning for a drug court program. No single agency involved in the program, regardless of funding capabilities, commitment, or dedication can make the drug court program function successfully without the cooperation of all of the agencies involved. An advisory group or board, therefore, can provide an important source of support for drug court programs, particularly during the first year of operation.

The advisory board should consist of representatives who are interested and able to shape local policies regarding drug-involved offenders. Advisory boards are assembled to review the feasibility of a drug court program, help develop community support for the program, review barriers to program implementation, and provide consultation regarding aspects of the program. The advisory board often will help confirm the drug court program design and promote participation and cooperation of each agency involved in the program. Moreover, advisory board members can lobby influential community and legislative leaders to help support the program.

What specific steps should be taken in organizing an advisory board?

QUICK ANSWER: Court leadership should ensure that key leaders are contacted and provided an opportunity to become involved in the development of drug court.

The court leadership may want to direct staff to continue specific planning tasks associated with the drug court concept and, more specifically, the development of an advisory board. Staff should contact state agencies to determine the boards, committees, or councils that are already in existence and may assist in the early stages of program development and implementation. Often, substance abuse, education, and criminal justice councils exist in the local community or in a particular region. Members of these councils can provide invaluable expertise.

Sometimes, a formal advisory board may not be necessary or appropriate for a specific locale. In these cases, the court leadership team can form the core of the project planning team and may invite several other community leaders and other agency representatives to participate throughout stages of program development.

What necessary resources should the court leadership or the advisory board seek to obtain for drug court?

QUICK ANSWER: The court leadership or advisory board should assess the availability, accessibility, and quality of private and government-supported treatment facilities, pretrial/supervision resources, public transportation, and education and aftercare services.

With the assistance of court staff, the court leadership or advisory board should assess the available community resources that can be redirected to support drug court. They should assess the availability and quality of substance abuse providers, both private and publically-funded, including in-jail treatment programs, and community outpatient and residential treatment programs. They should also review the accessibility of organized, community support groups such as Alcoholics Anonymous, Narcotics Anonymous, and other ancillary treatment services such as acupuncture. Court leadership or the advisory board should conduct this first-level assessment to determine what resources could be made available to the drug court program. Also, the identified treatment providers should be surveyed to examine their level of interest in assisting the drug court program and their flexibility in adapting treatment approaches to the needs of drug court participants.

The court leadership or advisory board should review existing pretrial/offender supervision services. Often, a county or state-funded position can be reallocated to assist the drug court program. Supervision of drug court participants is critical and should be addressed early in planning.

The court leadership or advisory board should also review the accessibility of public transportation. Since many of the drug court participants will need to arrange their transportation to and from the treatment facility, the group should determine if the current public transportation is adequate. Moreover, the availability of public transportation eliminates potential excuses participants may offer to explain why they failed to appear at treatment sessions or other court-directed appointments. Therefore, based on the limitations of public transportation, some treatment providers may be viewed as less desirable and may be asked to propose options for making their programs more accessible.

The court leadership or advisory board should also survey the additional services that support drug court in the later stages of the program, specifically general education, vocational training, career counseling, life skills training, and other support services that support the participant during reentry to the community. These aftercare services are critical to continued success of the drug court program.

How should the court leadership or advisory board initially determine the scope of the drug court and its expected impact on the community?

QUICK ANSWER: Staff should collect offender data and assess the expected cost-benefits of the program.

Several important planning activities should be conducted by the court leadership or advisory board members, through the assigned staff, to assess the needed scope and intensity of program activities, the impact of the program on other community resources, and ancillary community services that may assist the drug court program. The following suggested steps should assist a developing drug court program determine these needs:

- Determine the number of offenders eligible for the drug court program based on the number of targeted offenders (e.g., first-time felons with drug possession charges) processed by the court within a specified period:
 - Decide the number of “slots” that should be allocated for drug court;
 - Decide if offenders committing other nonviolent crimes should be considered as possible participants; and
 - Decide, based on data, the frequency of drug court sessions.
- Determine the characteristics of the target offender population. This information will help to determine the range of services that should be provided by the drug court program. The following characteristics should be identified:
 - Substance abuse history, including the most commonly abused drugs;
 - Criminal history;
 - Socioeconomic status;
 - Employment status;
 - Educational status;
 - Mental health status;
 - Transportation needs; and
 - Family/social characteristics.

- Examine the impact drug court could have on use of jail beds:
 - Determine the local jail capacity and current jail population;
 - Identify cost savings that would accrue from additional jail diversions; and
 - Evaluate the potential use and feasibility of short-term incarceration in jail as a sanction for drug court participants.

- Review existing diversion programs serving the intended target population that provide substance abuse treatment and other services:
 - Identify the agency which already supervises pretrial drug offenders;
 - Determine if any TASC programs are available and the role they could play; and
 - Assess pretrial court programs.

- Determine the number of court personnel and criminal justice employees available to screen participants, provide supervision, and staff drug court:
 - Decide if additional personnel will be needed in the court system, pretrial services, or probation;
 - Identify additional responsibilities placed on prosecutors, public defenders, pretrial services, and probation; and
 - Determine if flexibility exists to reduce judicial caseloads to accommodate a drug court program.

- Evaluate the anticipated community response to a new drug court program and the diversion of substance abusing offenders to community settings.

What cost factors should the court consider?

QUICK ANSWER: Treatment costs will most likely represent a new expense for the courts, and total costs will depend on the extent of services provided.

Costs to operate a treatment-based drug court program will depend on several factors:

- The number of participants;
- The scope and intensity of treatment services (see Chapter III, pps. 14 - 16 for more information);
- Ancillary services provided (e.g., transportation, career counseling, additional education); and
- The level of case management and community supervision provided.

Keep in mind that drug court will be serving offenders that are currently being incarcerated or participating in other pretrial diversion programs. Therefore, many drug courts can be funded in large part by shifting how local and state resources are spent.

The treatment costs may represent the primary drug court costs which are not currently incurred by the local community. These costs can be reduced by implementing group orientation and counseling sessions. Typically, however, the cost of one year of incarceration in the local jail far exceeds the one year cost of treatment services required for drug court.

Where can courts and communities locate the necessary funds to run drug court?

QUICK ANSWER: Several grant programs are available which are specifically geared toward substance abuse treatment and related direct services.

To help defray the treatment costs associated with drug courts, courts and communities interested in drug court need to apply for federal, state, and local grants. These grants may be available on a one-time basis to support the implementation of new programs, such as drug courts, or support ongoing program activities.

- Federal block grants may be obtained to support diversionary services for nonincarcerated offenders;
- The Federal Register, available in many libraries, provides listings of available federal funding;
- Federal and state grants designed to fund the implementation of treatment programs for special populations (e.g., nonincarcerated offenders) may be available by contacting the agencies listed below; and
- Municipal or university libraries often maintain listings of foundation grants that are offered for specific programs and populations. Drug courts may receive support from private foundations, businesses, or other agencies that are interested in supporting anti-drug programs.

Several potential funding sources are listed below:

- Federal Agencies
 - Department of Justice
 - Bureau of Justice Assistance,
 - Edward Byrne Memorial Law Enforcement Grant Fund, and
 - Pending crime control legislation and related funding.
 - Department of Health and Human Services
 - Center for Substance Abuse Treatment, and
 - Center for Substance Abuse Prevention.
 - State Justice Institute
 - National Institute on Drug Abuse (for research and evaluation studies only).
- State Agencies
 - Anti-Drug Abuse Act funds
 - Pass through funds from the federal government and distributed through a single state contact, usually the governor's office or the state department that handles community affairs; and
 - Part of this fund is available to the state for statewide programs.

- Florida Department of Health and Rehabilitative Services, Alcohol, Drug Abuse, and Mental Health Program Office (or its counterpart)
- Florida Department of Corrections (or its counterpart in other states)
- Local Funding Sources
 - Anti-Drug Abuse Act funds (see above explanation)
 - Portion of funds passes to local government for direct service use for substance abuse treatment.
 - RICO/forfeiture funds
 - Traffic and DUI fines
- Private and Non-Profit Funding Sources
 - Local, state, and national foundation grants
 - Private businesses in the community
- Participant Fees (based on a sliding scale).

Once the court leadership or advisory board determines that a drug court is feasible, what happens next?

QUICK ANSWER: The court leadership, with input from the appropriate agencies, selects the core drug court team.

Based on the information collected during the initial planning and assessment activities, a decision can be made to pursue or drop the drug court concept. If agreement is reached to pursue drug court, then a designated team of professionals should be selected to continue the detailed planning and future operations of drug court.

Care should be exercised in selecting the professionals for drug court because the goal of drug court, unlike most other courts, is not to establish guilt or innocence, but to provide expedient and supervised involvement in community treatment. In this nonadversarial setting, the drug court team serves to assist participants to make a successful transition to the community. The professionals assigned to this team must accept this approach and understand that their traditional role will now take on new characteristics.

Typically, the drug court team consists of the following professionals:

- A dedicated drug court judge, prosecutor, and public defender whose main, if not exclusive, caseload is drug court cases;
- A drug court coordinator whose responsibilities include coordinating the administrative matters associated with drug court;
- A pretrial/probation services professional whose major job function is screening and supervising drug court participants; and
- A treatment liaison whose responsibilities include ensuring open and accurate communication from treatment to the court.

What are the critical characteristics that should be considered when appointing a drug court judge?

QUICK ANSWER: A drug court judge should want to be assigned to drug court and understand and display sensitivity to the disease of addiction.

The drug court judge should be able to establish rapport with drug court participants and community agencies involved in the program. Strong leadership skills are needed. Also, sensitivity to and understanding of the substance abuse treatment and recovery process are necessary characteristics. Due to the pivotal role played in the drug court, the drug court judge should be appointed on a voluntary basis and be assigned a caseload that allows sufficient time for drug court responsibilities.

The following tasks and responsibilities highlight the role of the drug court judge. The drug court judge:

- Explains drug court requirements and expectations to each participant;
- Develops a personal relationship with each participant by reviewing past events and providing a parental role of authority;
- Provides encouragement and imposes sanctions to participants in an effort to set examples and shape behavior;
- Reviews with participants the current status of family and social relationships, employment, or personal welfare; and

- Provides leadership and decision-making skills to the drug court team and within the community.

What are the critical characteristics that should be considered when appointing the criminal justice drug court team members, namely a drug court coordinator, prosecutor, public defender, and pretrial/probation officer?

QUICK ANSWER: These team members should possess excellent interpersonal and communication skills, have a clear understanding of the challenge of treating an addicted population, believe in the program concept, and want to be a part of the team.

The remaining team members should be involved in not only the early drug court planning activities, but also the ongoing administrative and coordination functions. These professionals should exhibit excellent interpersonal and communication skills in order to work effectively with different agencies. Additionally, they should have a clear understanding of the challenge presented by the addicted population and the difficulties in successfully treating these individuals. They should have a strong background in both judicial and substance abuse treatment systems. Most of all, they should believe in the treatment-based drug court concept and want to be a part of the program.

The following tasks and responsibilities highlight the various roles undertaken by the drug court team and should be considered when selecting drug court team members.

Drug court coordinator:

- Serves as assistant to the judge and provides clarification and direction to the remaining drug court team members.
- Coordinates review and selection of the drug court treatment provider and monitors its performance.
- Identifies resources to support the drug court program and often prepares grant applications and reports to secure continued funding of the drug court.
- Reports on progress of the program to the advisory board, grantee, and other appropriate groups.
- Maintains statistics describing program participants.
- May carry out additional responsibilities (especially in circuits where resources are scarce) such as:

- Screening potential participants;
- Attending drug court when necessary; and
- Working with the clerk of the court to ensure that new participants are placed on the drug court docket.

The prosecutor:

- Approves admission of all offenders into drug court.
- Ensures that program eligibility requirements are met and maintained.
- Reminds participants of sanctions that will be provided for noncompliance with drug court program rules, or for rearrest.
- Requests increasing sanctions be issued by the judge for continued noncompliance.
- Requests termination of participants if their progress and behaviors do not show promise for rehabilitation.

The public defender:

- Ensures that drug court procedures and protocols are in the defendants' best interests.
- Evaluates the merits of each defendant's case to make appropriate recommendations regarding admission to the drug court program.
- Advises defendants of their constitutional rights to counsel, trial, due process and speedy trial, and explains the drug court's requirements to waive speedy trial.
- Explains the case disposition that would likely occur if the defendant completes or fails to complete drug court.
- Attempts to establish a supportive relationship with the drug court participant to encourage compliance with program guidelines.

The pretrial services officer:

- Reviews the list of defendants who are arrested on a daily basis and screens arrestees based on the specified criteria to determine which offenders are eligible for drug court.
- Identifies eligible defendants and obtains information about any previous arrests and other criminal history, including participation in diversionary or treatment programs.
- Ensures that eligible arrestees are held in separate holding facilities, if possible, so that they are not discouraged from participating in drug court.

- Notifies the court clerk of defendants to be included on the drug court docket.
- May explain the drug court program to potential participants during screening.
- May provide supervision for drug court participants.

The probation officer:

- Supervises drug court participants in the community and monitors compliance with treatment schedules, curfew, employment, and payment of court costs.
 - Participants who fail to appear for treatment or court hearings are tracked by the probation officer.
 - May attend drug court status hearings to describe participant’s compliance with program rules.
- May complete drug court screenings if pretrial services are not available.
- Communicates with the substance abuse treatment agency on a regular basis about the progress or obstacles facing the participants under supervision.

What are the critical characteristics that should be considered when selecting a treatment provider?

QUICK ANSWER: The treatment provider should have documented experience treating addicted populations that have criminal justice involvement, recognize that drug court is a court-authorized program, and be amenable to a team approach.

Since treatment fulfills a major function in the treatment-based drug court concept, the selection of the treatment provider requires careful scrutiny. The treatment provider should have extensive expertise and experience treating substance-abusing criminal populations and working with the court and criminal justice agencies. The provider needs to recognize that drug court is a court-authorized program and falls under the jurisdiction and leadership of the court. Therefore, though the treatment provider needs to be assertive and act as an expert consultant to the drug court team, the agency must recognize that final decisions on drug court policies and procedures are decided by the court.

The drug court liaison, who most often is employed by the substance abuse treatment provider, should believe in the program concept and want to be a part of the team. This individual provides ongoing reports to the court describing participants’ progress in treatment. The liaison should be knowledgeable of substance abuse treatment and court procedures, should

have good communication skills, and should be able to establish good working relationships with drug court staff.

The tasks and responsibilities of the treatment provider and drug court liaison are outlined below.

The treatment provider:

- Provides group and individual treatment services, case monitoring, and regular reports to the court regarding the progress of participants.
 - Treatment counselors may also report on participant progress through the TASC-MIS system (discussed in Chapter VI), or other information systems which contain details regarding urinalysis results, attendance in treatment, and attitudes.
- Conducts urinalysis testing and advises the court of drug test results.

The drug court liaison:

- Describes the drug court program and treatment services to new participants in the drug court.
- Regularly communicates with the drug court judge, treatment counselors, supervising probation officers, prosecutor, and public defender regarding participants' progress in the program (e.g., attendance in treatment, urinalysis results, and sanctions that might be warranted).
- Attends every drug court session.
- Reports on the treatment provider's recommendations for advancement or use of graduated sanctions.

How can a drug court team become prepared for drug court?

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| <p>QUICK ANSWER: A drug court team should visit existing drug courts and develop a training plan for the team. Staff training is an important component of readying the team for operations.</p> |
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Drug court team members typically have different levels of experience and will benefit from specific training focused on strategies for working with substance-abusing offenders and working effectively as part of an interdisciplinary team. Site visits (see pps. 29 - 30 for additional information) may be a helpful and informative way to begin team training. Continued

training should be an integral part of drug court program planning and may include the following:

- Attend conferences, seminars, and workshops related to drug court/diversionary treatment programs and innovative techniques for the assessment, treatment, and management of the substance-abusing offender.
 - The following organizations may be contacted for information regarding conferences or training events related to the substance abusing offender and drug court programs:
 - American Probation and Parole Association,
 - American University,
 - Bureau of Justice Assistance,
 - Center for Substance Abuse Treatment,
 - Conference of Chief Justices,
 - Conference of State Court Administrators,
 - Council for State Governments,
 - National Association of Drug Court Professionals,
 - National Association of State Alcohol and Drug Abuse Directors,
 - National Center for State Courts,
 - National Institute on Drug Abuse,
 - National Institute of Justice, and
 - State Justice Institute.
- Develop joint training activities among the various agencies in order to increase awareness and understanding of their respective roles in the drug court program.
- Arrange for treatment staff to observe court proceedings and judicial and pretrial/probation staff to observe treatment.

Developing a Treatment – Based Drug Court

The effectiveness of drug court depends on committed coordination among the courts, treatment agencies, community supervision agencies, screening staff, and other community support services. The topics reviewed in this chapter include both administrative activities (e.g., development of a drug court team, staff training) and clinical activities (e.g., developing a “phased” treatment system, drug court screening). This chapter is intended to provide new drug court programs with suggested approaches to implementing key program components while recognizing that these approaches will be adapted to meet the needs and resources of individual jurisdictions.

How should a newly assigned drug court team continue their planning and development activities?

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| <p>QUICK ANSWER: A drug court team should first reach consensus on its primary objectives.</p> |
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Subsequent to the initial planning activities, the drug court team should work cooperatively to develop common objectives. Whether the team commits their objectives to writing or communicates them verbally, the team should strive to reach consensus.

Key issues which may be included in a drug court team’s discussion of their objectives are:

- Management and administrative issues related to the team’s operation (e.g., designing either a pretrial diversion or post-conviction program) and the interagency relationship;
- Screening criteria and responsibilities for screening participants;
- Desired characteristics of the treatment provider;
- The case monitoring system to be used; and
- Methods to evaluate program success.

The team may want to review the role of each involved agency to exchange information related to community service strategies and foster a common knowledge base among team members. Some teams may wish to gather and document information by distributing a questionnaire describing agency missions. An example of a questionnaire that was used in “The National Conference on Substance Abuse and the Courts” in November, 1992 is included in Appendix F.

What specific issues related to the overall program design should the drug court team address?

QUICK ANSWER: The drug court team should develop the required key elements including type of drug court program, screening criteria, judicial and treatment case management strategies, characteristics of treatment providers, supervision strategies, and aftercare services.

It will be useful for the drug court team to develop consensus regarding key elements of the program design. These include the following:

- Pretrial diversion or post-adjudication program;
- The target population;
- Screening and referral methods;
- Judicial case processing strategies;
- Supervision in the community;
- Core treatment components and different phases of treatment;
- Case monitoring functions of treatment;
- Graduated sanctions to be utilized; and
- Aftercare services.

In some jurisdictions, the prosecutor may not fully support the use of a pretrial drug court program. Most operational drug courts are pretrial and believe that the offer of clearing participants' records produces a great

incentive for substance-abusing offenders reached by this program. However, post-conviction drug courts have operated successfully. The challenge is for the team to negotiate incentives for defendants who agree to participate in a post-conviction program.

One option is for defendants in a post-conviction drug court to plead "no contest" to criminal charges with adjudication withheld while the defendant participates in the drug court program. Defendants having adjudication withheld may be sentenced to one year probation. Participants who successfully complete the drug court program may petition the court to seal their record after a waiting period of a year and then, ultimately expunge the arrest.

Pretrial drug court participants are supervised, but not sentenced to probation while they are involved in the program. A major incentive for participation in pretrial drug court programs is that successful participants will not have a criminal record for the drug offense upon completion of the program.

After assessing the number of eligible drug offenders processed by the court in the jurisdiction, the caseload capacity of the drug court program can be discussed. Caseload capacity considerations should include some of the following issues:

- Estimated and forecasted drug related filings;
- Established drug court funds and the potential number of treatment slots;
- Estimated caseload capacity of all resources involved with drug court; and
- Perception of community (i.e., what crimes will the community accept as reasonable for inclusion in drug court).

Eligibility requirements for drug court may require greater flexibility in non-urban areas in which there are likely to be fewer eligible participants. In larger, urban areas, eligibility criteria are often more narrowly defined. Several additional decisions should be made regarding the length of the drug court program, frequency of hearings, and the number of staff involved in drug court.

What factors should the drug court team consider when developing eligibility criteria for admission into drug court?

QUICK ANSWER: The drug court team should review current controlling law, consider program capacity, and community trust when developing eligibility criteria. Then, the suggested criteria should be approved by the court leadership and/or advisory board.

Eligibility requirements for admission to the drug court program should be determined by the drug court team during early stages of planning. Section 948.08, Florida Statutes, provides guidelines that describe eligibility for general pretrial programs. The amended Section 948.08, Florida Statutes, provides more specific guidelines regarding the eligibility of defendants with substance abuse charges for diversionary community treatment programs (see Appendix G for detailed analysis of these laws).

Current drug courts have recommended that eligibility criteria include possession rather than sale of illegal substances. Experience has shown that many individuals charged with sale and processed through drug court do not successfully complete the program due, in large part, to an inappropriate assumption that these individuals are addicts. These individuals frequently do

not have a pronounced substance abuse problem or are not willing to admit to their problem. Also, several drug courts now include defendants whose nonviolent acts were committed while under the influence of drugs or alcohol. Therefore, drug court programs may choose to expand criteria to include nonviolent crimes (e.g., cultivation, prescription fraud, burglary, forgery, passing worthless checks) and possession with the intent to sell for defendants who are first-time offenders.

Programs may also want to implement flexible criteria with respect to the extent of self-reported substance abuse problems. For example, many substance abusers will not readily admit to problems associated with drug and alcohol use at the time of arrest or even during early stages of treatment. Some jurisdictions may want to provide flexibility in determining the amounts of substances possessed by an individual for purposes of personal use or sale.

Examples of frequently used eligibility requirements for drug court programs are as follows:

- Nonviolent drug offenses (current offense)
 - Drug possession charges,
 - Drug purchasing charges,
 - May include possession with intent to sell;
- Demonstrated substance abuse problems;
- Willingness to participate in treatment; and
- Limited criminal history (i.e., limited prior felony convictions or pretrial program participation).

Are there some factors or behaviors that can provide guidelines for excluding individuals from drug court?

QUICK ANSWER: Yes, defendants with both addiction and mental health problems present difficult obstacles. Also, defendants whose primary criminal involvement is in manufacturing and selling illegal substances or who have an ingrained criminal lifestyle typically make poor candidates for drug court.

Drug court programs are intended to provide services for individuals who are involved in the criminal justice system due to their substance abuse problems. First-time offenders and those who do not have an extensive criminal history are likely to receive the greatest benefits from

these programs. Exclusion criteria should be developed to identify individuals who would not benefit from the drug court program or who may disrupt program activities. These criteria are reviewed by pretrial services at the time of initial screening and may be revisited by treatment staff following admission to the program. Common exclusion criteria include the following:

- Significant psychiatric difficulties (e.g., defendants who are currently receiving psychiatric medication and who may not be stabilized on their medication). These individuals should be evaluated and placed in a program that can provide greater attention to mental health needs.
- Drug dealers and manufacturers. Drug court programs are not designed for defendants who deny active drug use, who are in business to profit, and who may have little interest in drug treatment.
- Defendants who have an ingrained criminal lifestyle and a well-established criminal value system. These individuals are not as likely to follow program guidelines, are less likely to successfully complete drug court programs, and may disrupt treatment groups.

How should cases be processed to ensure that the eligible cases are scheduled for drug court?

QUICK ANSWER: Drug court cases should be processed quickly so that eligible candidates are screened, separated from the general inmate population, educated about the drug court concept, and are placed in drug court as soon as possible (usually within 24 hours).

Once eligibility criteria are set, the drug court team can decide on procedures for identifying and processing defendants into drug court. These procedures should be designed to expedite the transfer of cases to drug court while ensuring that legal safeguards and rights of the individual are preserved.

The basic steps and considerations for identifying and processing defendants used by several operational drug courts in Florida include the following:

- 1) After arrest, pretrial services or the assigned drug court team member identifies eligible candidates for drug court based on approved screening criteria. They should:
 - Make every effort to collect and review criminal histories;
 - Interview candidates to determine if they are receptive to the drug court concept; and
 - Collect other historical information such as history of drug use, living situation, current and past employment record to help with the recommendation.

- 2) Once pretrial services or the assigned drug court team member identifies eligible defendants, the defendants should be detained (whenever possible) in separate holding facilities away from the general detainee population.
 - By separating eligible defendants, the assigned drug court team member can explain in more detail the drug court concept; and
 - Negative comments from the general inmate population will be minimized.
- 3) Within 24 hours of arrest, the eligible candidates attend their first appearance in drug court.
 - Defendants observe all status hearings scheduled for that day. They can witness cases in which positive progress has been made and cases in which sanctions were levied by the court.
 - Some courts hold first appearance in or from the jail (sometimes by video link), or in front of a “duty” judge; thus, interjecting an additional step for the defendant. This extra step also tends to delay treatment. If possible, the screened candidates’ first appearance should occur in front of the drug court judge.
- 4) Defendants who volunteer to participate in drug court are transferred directly from the courthouse to their first treatment session.
 - The immediacy of treatment is critical to help involve participants in recovery and abstinence. Often the court liaison helps ensure the new participants are immediately referred to treatment.
 - Again, the program expectations are reiterated to the participants.
- 5) Defendants waive their constitutional right to a speedy trial at arraignment.
 - Arraignment is held to ensure that the legal rights of the participant are addressed. Special waiver forms are prepared and signed by the participants (see Appendix H for examples).
 - During the first 30 days of participation, the drug court team can better assess the participant’s progress and attitude, and complete a thorough criminal history check to ensure the eligibility of the participant.
 - If the prosecutor or other team members uncover additional information that disqualifies a defendant from the program (e.g., other prior felonies), the defendant is then transferred from drug court to another criminal division.

What strategies and procedures should be planned to ensure proper case monitoring and management of drug court cases?

QUICK ANSWER: Regular progress reports should be completed by the treatment and supervising drug court members to document participants' progress in drug court.

Case monitoring and management of drug court participants strengthens the link between the court and treatment services, probation, and other community service providers. Case monitoring and management occurs on several levels. Treatment and probation services regularly report to drug court on participants' progress in the program. They report on attendance and attitude in treatment, and they identify critical incidents (e.g., relapse) that may signal a need for closer monitoring. Treatment staff typically have the primary responsibility for providing case monitoring services in drug court programs. Pretrial or probation services also report on appointments and supervision contacts made or missed by the participants and other rule infractions in the community.

Case management involves the scheduling of the participant for regular status hearings before the drug court judge. Cooperation with the Clerk of Court or court administration will allow for the timely scheduling and notification of hearing dates. Also, missed hearings need to be recorded so that the drug court judge can issue a warrant for failure to appear for a scheduled hearing date.

Both case monitoring and case management activities directly relate to the participants' supervision in drug court. The information collected by the drug court team member is reviewed by the drug court judge. Some drug court teams have found it beneficial to hold regular case monitoring meetings so that all team members can be briefed on participants' progress. The team can also discuss and decide on recommendations for the drug court judge about whether participants should graduate into the next treatment phase or be retained in the current phase, returned to an earlier phase, sent to an alternative treatment program (e.g., detoxification treatment, in-jail treatment, residential treatment), or terminated from the program.

What mechanisms should be in place for the drug court to respond to negative case monitoring reports?

QUICK ANSWER: A series of graduated sanctions should be developed to apply when participants do not comply with drug court guidelines.

The drug court team should develop a series of graduated sanctions that will be used as consequences for relapse and other infractions. By planning a series of sanctions in advance, the team will have prepared a rational response to drug court participants who decide to test the limits and boundaries of program rules or who are ambivalent toward treatment. Sanctions are typically imposed during status hearings. These sanctions should be determined during the planning stage of the drug court program, and should be revisited after the program is in operation to assess their effectiveness (see Chapter III, page 23 and Appendix C for examples).

The drug court team should closely monitor and track participants' compliance with program rules, particularly during the first several months of involvement in the program (see previous question for additional information). Jurisdictions may specify sanctions for frequency of rule violations (e.g., one positive urinalysis results in repeating a previous phase of treatment; two positive urinalyses result in two days in jail). Consequences should gradually become more restrictive as the severity and frequency of infractions increase. Participants who have one positive drug test may return to a previous phase of treatment where their activities are more closely monitored. A participant who has several positive drug tests in one month may be asked to attend residential treatment before continuing in the drug court program. Drug court programs may choose to impose strict sanctions for minor law violations (e.g., misdemeanor drug possession charges). Other jurisdictions will impose more severe sanctions (e.g., termination from program for misdemeanor offenses) for new law violations. A critical factor in the effectiveness of graduated sanctions is the immediacy of consequences provided.

Should criteria be established for program termination and discharge?

QUICK ANSWER: The drug court team should develop guidelines for both successful and unsuccessful program termination and discharge.

Termination criteria for drug court programs should also be established during the early stages of program planning. These criteria should be designed to reflect the fact that recovery from addiction is a long process and provide ample opportunities for participants who are

actively involved in treatment to complete the program. Successful termination from the drug court program typically results in dismissal of criminal charges. For unsuccessful participants, some jurisdictions will take a strict approach, establishing a specific number of missed appointments or positive urinalyses that will lead to termination from the program. Consistent failure to attend treatment sessions and participate in drug testing may lead to jail time, placement in residential treatment, or termination from the program. The following section provides examples of termination/discharge criteria developed by drug court programs.

- Termination criteria for successful participants:
 - Participants successfully complete all phases of drug court treatment and are involved in aftercare; and
 - Participants remain arrest-free for one year after completion of the drug court program.

Upon successful termination of the participant from the drug court program, the court dismisses the original charge.

- Termination criteria for unsuccessful participants:
 - Failure to attend drug court treatment after sanctions have been applied;
 - Failure to attend status hearings in drug court after sanctions have been applied;
 - Failure to notify pretrial services or probation officers of whereabouts;
 - Participant rescinds “waiver of speedy trial” agreement and revokes voluntary agreement to participate in program;
 - Placement in jail/residential treatment does not result in compliance with program conditions; and
 - Arrest on a new charge;⁸

Upon unsuccessful termination of the participant from the drug court program, the defendant is transferred back to the original criminal division.

⁸. As existing drug courts are expanding their eligibility criteria, new arrests may not immediately terminate the participant especially if the arrest is drug-related. These courts review these situations individually and determine the appropriate sanction to impose.

How often should drug court meet?

QUICK ANSWER: The drug court schedule should consider the number of defendants and availability of courtroom facilities. Some drug courts have daily dockets and assigned courtrooms; others meet periodically.

The schedule of drug court hearings will vary according to the size of the program, the availability of community resources, and the style of the drug court judge. Larger jurisdictions are often able to and need to accommodate drug court on a daily basis due to the number of defendants. In these jurisdictions, at least one courtroom should be dedicated to the drug court. Smaller jurisdictions or jurisdictions with staff or space restrictions may need to set a more limited schedule. Also, the judge may prefer daily sessions of short duration or periodic but longer sessions. These considerations may impact the scheduling of drug court.

Some current examples of drug court schedules include the following:

- The Dade and Broward County drug court programs hold drug court five days per week for both new participants and status reports. Court is usually in session three to five hours per day.
- The Hillsborough County drug court program provides drug court twice monthly, at which time new drug court participants are admitted, and status hearings of current participants are held.
- Escambia County holds drug court four days per week for both new participants and status reports from 7:30 to approximately 10:00 a.m.
- The Okaloosa County drug court judge handles first appearances at the jail. If arrestees are determined to be eligible candidates for the drug court, the judge explains the program to the arrestee, orders them to treatment, and schedules them to the next drug court status hearing. Status hearings occur twice monthly, one which is scheduled during the evening hours. The Okaloosa drug court is in a rural county.

How should a treatment provider be selected?

QUICK ANSWER: The drug court team should identify a treatment provider who has the necessary characteristics, displays flexibility, and is eager to work in partnership with the courts. By site visits and/or requests for proposals, the team can evaluate the providers and recommend the best one for the program.

Because the drug court concept embraces a phased treatment approach (see Chapter III, pps. 19 - 21), the drug court team will need to ensure that a competent and capable treatment provider is selected. The team will build on the information collected by the court leadership or advisory board during the planning and research phase in order to select the most appropriate treatment provider. To begin, the drug court team should first identify the possible treatment providers in the following manner:

- Contact the state agency responsible for licensing substance abuse treatment agencies to ensure that the team has a comprehensive list of providers to review. In Florida, the Alcohol, Drug Abuse, and Mental Health Program Office of the Department of Health and Rehabilitative Services (HRS) licenses substance abuse treatment agencies;
- Develop a list of potential providers along with any documented information on these providers that were identified by court leadership or the advisory board;
- Contact the state agency representative in the local community for specific information regarding the various treatment providers' history of service in the community. In Florida, HRS will have an agency representative in each community who should be able to provide this information; and
- Decide if treatment agencies that are not licensed by the state agency and that are interested in submitting a proposal will be considered. If so, encourage them to apply for licensure and include this step as a requirement of contracted work with the drug court.

Next, the drug court team, or a primary representative, should visit the prospective treatment providers and review the following:

- The full range of treatment components/services that the agency operates;
- Any information from the court, the state licensing agency, or from other sources regarding the agency's mission and history of service delivery, particularly within the criminal justice system;

- Existing treatment facilities, including their location within the community, access to public transportation, space used for individual and group therapy, and residential treatment beds, if available;
- Qualifications of treatment staff, level of education and experience of current staff, and minimum requirement for future staff;
- Treatment schedules, reporting practices, and contacts required by treatment staff;
- Facilities and procedures for taking and testing urine samples or identification of laboratories that provide these services to the treatment facility; and
- Active treatment groups (if possible).

The drug court team or its representative conducting the site visit may want to meet with treatment coordinators and other administrators to provide information regarding the drug court concept and discuss the treatment provider's interest in joining the drug court partnership.

The drug court team may wish to consult the following checklist of key questions for potential community treatment providers. This may help the team or representative ensure that they collect the appropriate information needed to make a proper decision. This checklist can also help to standardize the interview process and identify gaps in the agency's abilities to provide comprehensive services for drug court participants.

Key questions to ask potential substance abuse providers:

- What experience do you have working with offender populations?
- Do you have the capability to separate drug court participants and non-offender participants?
- Do you have the physical space to operate daily group sessions for drug court participants?
- Do you have staff available to conduct daily intakes for new participants entering the drug court program?
- What is your philosophy with regard to sharing information with the local court system about treatment?
- Do you have the capability of administering urinalysis and receiving immediate test results?
- Would you be willing to administer daily urinalysis and provide results to the court?
- What treatment components currently exist?

- Would you be willing to provide treatment services 4-5 days per week, with intensity gradually decreasing over a period of one year?
- Would you be willing to cost out services based on a guaranteed population rather than by billable hour?
- Does your agency contain a case management system that addresses participant needs including treatment, housing, educational, vocational, and additional ancillary services critical to the recovery process?
- Do you provide aftercare services?
- What continuum of services do you provide and where do you refer participants that need residential treatment or detoxification services?
- Are you interested in submitting a proposal to provide substance abuse treatment for the drug court program?

After completing site visits to the various treatment facilities, what should the drug court team do next?

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| <p>QUICK ANSWER: The drug court team should issue a request for proposal to evaluate the various providers on an equal basis.</p> |
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Following completion of site visits to community treatment agencies, the drug court team should develop a Request for Proposals (RFP). The RFP should describe the goals and objectives of the drug court program, the role of the treatment agency in drug court, minimum components of treatment to be provided, other services to be provided (e.g., court liaison activities, case monitoring), project time lines, budget parameters, and criteria by which completed proposals will be reviewed.

Once an RFP is drafted, the drug court team should seek the court leadership and advisory board's approval of the process. Finally, the county budget office and county attorney should be consulted to ensure that all legal and fiscal matters are covered appropriately. Then, the RFP can be finalized and published.

The time frame for the RFP may be set by general business practices within the county. It is advisable to allow community treatment agencies a minimum of 30 days from the date of publication to respond to the RFP. The court leadership and advisory board may want to hold a pre-bid conference to answer any specific questions that treatment facilities may have about the RFP. These conferences also provide an opportunity for the court leadership and advisory board to get a sense of the true interest in the program.

Because knowledgeable members of the drug court team, court leadership, advisory board, and possibly the county budget and legal office may have to review the proposals and judge them against the pre-determined criteria, the drug court team should consider developing a checklist for reviewing completed proposals. This step helps the reviewers provide a consistent evaluation of the proposals and document the review process.

Selection of a treatment provider is an important step in the development of the drug court program. Careful consideration should be taken to ensure that the most qualified and cost-effective treatment provider is selected to carry out the treatment component of drug court. An example of a drug court RFP is included in Appendix I. A sample proposal submitted by a prospective drug court treatment provider in response to an RFP is listed in Appendix J.

Once a treatment provider is selected, what is the next step?

QUICK ANSWER: Once a provider is selected, then the drug court team drafts a detailed professional services contract outlining the expectations and requirements of the treatment provider.

Following selection of the treatment provider, a contract will be developed between the court or local government and the treatment provider. Be sure to check with the local government's legal office and budget personnel to make sure required contract stipulations are included in the contract. Also, if the funds for treatment are being provided by a grant or federal agency, check to see if the funding agency has special requirements that should be included in the contract. For example, grant funds issued from the U.S. Department of Justice require that all personnel working for a criminal justice program that is supported with Department of Justice funds must complete a drug-free workplace program. Other funding agencies may require that all contracts be reviewed and approved before any contract is signed.

When drafting the contract, the drug court team should describe in detail all essential and expected qualifications and components of the drug court treatment program. The following list of issues should be reviewed and possibly included in the contract:

- Staff credentials;
- Staff/client ratios;
- Expected hours of service;
- Required reports/information and due dates;
- Clinical supervision issues;
- Mandatory HIV/AIDS education and other educational programs;

- Linkage to medical and mental health agencies;
- Designated court liaison staff;
- Detailed cost of treatment including cost for individual therapy, group therapy, residential therapy or a cost breakdown based on a guaranteed client population;
- Cost of urinalysis;
- Cost of additional and ancillary treatment tools such as acupuncture, meditation, stress-reduction therapy;
- Method of billing and payment; and
- Aftercare programs and services provided (see Chapter III, pps. 16 - 18 for additional information).

Putting Drug Court in Gear

During initial stages of drug court implementation, considerable time will be dedicated to developing policies and procedures to guide daily operations. This chapter provides examples of policies and procedures developed in existing drug court programs related to screening of court participants, courtroom procedures, use of a management information system, confidentiality regulations, and development of a resource directory.

When should defendants be screened for drug court?

QUICK ANSWER: Defendants should be screened for drug court eligibility within 24 hours of arrest.

The screening process should begin as soon as possible after defendants are arrested to expedite their involvement in treatment and capitalize on motivation for behavior change associated with their recent arrest. Several steps for screening defendants are outlined below:

- Review new jail admissions to identify eligible candidates.
- Interview eligible defendants by pretrial services (or other screening staff) and then refer them to the next drug court session.
- Screen weekend arrests for inclusion on the next drug court docket.
- Refer eligible defendants who have their first appearance before a non-drug court judge to the next drug court session.
- Review defendant's criminal history records to determine eligibility for the drug court program (often completed by the prosecutor).
- Approve defendant's admittance in drug court at first appearance (final approval determined by prosecutor).

Who should conduct the initial drug court screening?

QUICK ANSWER: Designated staff such as pretrial services or treatment liaisons should conduct the drug court screening.

In many jurisdictions, staff from pretrial services already screen jail detainees for eligibility for general pretrial release programs. With modest additional training, these same staff could also screen detainees for drug court. In very large jurisdictions, a pretrial release officer may be specifically assigned to review all drug cases in the jail, complete screenings for the drug court program, and appear in drug court with eligible participants. In jurisdictions in which pretrial service officers may not be available, the drug court coordinator or court liaison may need to check arrest reports daily for eligible offenders and screen potential participants. Staff from Treatment Alternatives to Street Crime (TASC) programs or from other court services programs may also assist in screening for drug court.

Should special forms be developed for screening potential drug court defendants?

QUICK ANSWER: Drug courts should use specialized screening checklists and admission forms when determining eligibility for drug court.

Most drug court jurisdictions will need to develop two screening forms as follows:

- 1) An initial screening checklist used to screen all new jail admissions, and
- 2) A more comprehensive admission screening interview form used to compile information prior to program admission.

The initial screening checklist will be used to identify eligible defendants for the drug court program among all new jail admissions. Eligibility criteria to be included in the checklist will be established during the drug court planning stage as described in Chapter V, and may include the following:

- Defendant's current charge is drug-related (e.g., possession);
- Defendant's criminal history includes few prior felonies (some drug court programs require a history of no prior adjudications); and
- Defendant's criminal history includes no violent offenses.

A more comprehensive admission screening is often conducted for defendants who have been determined by the initial screening to be eligible for the drug court program. Examples of admission screening forms used by various drug court programs are included in Appendix K. Admission screening should inform the court about whether a defendant is willing to participate in the drug court program. In addition, the screening can provide information about the severity of substance abuse and other problems that may hinder participation in treatment. Components of a drug court admission screening form should include the following defendant information:

- Legal status and detailed criminal justice information;
- Address and personal descriptive information;
- Marital/family information;
- Employment;
- Substance abuse history; and
- Medical and mental health history.

Once defendants are screened, are they immediately considered drug court participants?

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| <p>QUICK ANSWER: Before eligible defendants may be admitted to drug court, defendants must agree to certain terms and conditions.</p> |
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When a defendant has been identified as eligible for drug court, the public defender or drug court liaison explains the drug court program to the defendant. Before being admitted to drug court, however, a defendant must agree to make the following decisions:

- Voluntarily agree to participate in treatment; and
- Agree to waive the right to speedy trial.

The defendant may be asked to attend treatment voluntarily until the hearing/arraignment is held (see Appendix L for an example of a participant agreement to attend treatment). Immediate involvement in treatment enhances the likelihood that defendants will be successful in recovery. This interim period gives the prosecutor an opportunity to file charges and ensure that there are no outstanding warrants, detainers, or additional charges that would disqualify the defendant from the program. The following section describes several unique procedures for admission to Florida drug courts.

Examples of Screening Procedures Used in Florida Drug Courts

* In Dade County, defendants who are screened and found to be eligible are placed on the drug court calendar and transported the following morning for their first appearance in drug court.

* In Hillsborough County, drug court is in session twice per month. Defendants are screened for initial eligibility by pretrial intervention services and are referred to the drug court treatment provider for a substance abuse evaluation. After this interview, the drug court treatment provider notifies pretrial intervention of participants who are eligible for drug court. The participant's case is reviewed by the prosecutor for admission to drug court after this two-tiered process is completed.

* In Escambia County, Pretrial Release conducts initial screening of defendants for drug court. Then the assigned Assistant State Attorney independently reviews cases and makes the final decision on who will be offered the opportunity to participate in the drug court program.

What happens in drug court on a typical day?

QUICK ANSWER: Drug court hearings typically involve the introduction of new cases and status hearings on current cases.

New drug court cases are approved by the judge during a defendant's first drug court hearing. However, status reviews on current cases are often conducted before new cases are heard so that new participants can see how the court deals with individual accomplishments and any infractions that may have occurred. Key elements of new case reviews and old case reviews (status hearings) are described below.

New Drug Court Cases

- Drug court judge explains the program goals, sanctions for noncompliance with program rules, and benefits of successful completion.
 - Defendants are allowed to ask questions before admission to the program.
 - Defendants sign an agreement to participate in the drug court program and to waive speedy trial.

- New participants are referred to treatment immediately following admission to the drug court program.
 - If possible, the county sheriff's office or jail should provide transportation directly from the courthouse or jail to the treatment agency.
 - Drug court programs that have limited transportation resources should provide new program participants with an intake appointment with the treatment agency on the same day as the initial drug court hearing.

Status Review Hearings

- Drug court judge reviews and discusses participant's progress.
 - Hearings should be held at least monthly within the first few months of involvement in treatment.
 - Drug court judge praises and encourages participants when they have successfully engaged in treatment and are able to maintain abstinence.
 - Drug court judge may extend time between status hearings as a reward for positive involvement in the program.
 - Drug court judge imposes sanctions on participants who relapse and/or commit program infractions.
 - Drug court judge may require non-compliant participants to attend status hearings more frequently to monitor them more closely.

What are some of the ways drug court team members coordinate and share information?

QUICK ANSWER: Communication and resource sharing can be enhanced with the help of automated systems such as the Treatment Alternatives to Street Crime-Management Information Systems (TASC-MIS).

To be successful, a drug court program must coordinate and share information. Information regarding participant screening and initial assessment to criminal history, program status and progress (e.g., participation in treatment, drug test results), and dates of upcoming hearings must be accessible to staff within the same and different agencies. Drug court programs have developed different types of management information systems (MIS) for this purpose.

This section describes a coordinated MIS system developed for TASC programs which operate nationwide in efforts to provide coordination and linkage services to the courts.

Overview of the TASC-MIS System

- The TASC-MIS system is a public domain (non-copyrighted and available at no charge) software system designed for substance abuse offender case management programs such as drug courts, and is distributed in conjunction with the National Consortium of TASC Programs.⁹
- TASC-MIS runs on a variety of computer platforms in both single-user and multi-user local area network environments. Available platforms include DOS-compatible microcomputers (386 version or higher), UNIX microcomputers and workstations, VAX VMS minicomputers and workstations, and Apple Macintosh microcomputers.
- For DOS-compatible microcomputers, the system requires dBASE IV and at least 12 megabytes of hard disk space. UNIX and Apple Macintosh versions are also available.
- For Florida courts, training and software are available from the Florida Office of the State Courts Administrator. TASC-MIS training is also available through the National Consortium of TASC Providers. Florida drug court programs interested in TASC-MIS can obtain additional information by contacting the Office of the State Courts Administrator, Research, Planning, and Court Services, at (904) 922-5094.

Purpose of the TASC-MIS System

- To develop a standard and systematic approach to collecting comprehensive data for drug-involved offenders, including descriptive data for participants and treatment program data.
- To provide important uniform data which can be used in evaluating drug court programs.
- To provide access to data from several different locations (e.g., court administrator's office, treatment agency).
- To provide flexibility in compiling and using program information.

⁹. Treatment Alternatives to Street Crime Management Information System (TASC-MIS) User's Manual, Version 1.1, SEARCH, The National Consortium for Justice Information and Statistics, funded by Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 1992. (grant no. 89-DD-CX-K024) SEARCH Group Inc., 7311 Greenhaven Drive, Suite 145, Sacramento, CA 95831, (916) 392-2550.

Components of the TASC-MIS System

- TASC-MIS is composed of five modules: (1) Search, (2) Screening, (3) Assessment, (4) Case Management, and (5) Termination.
- The search module contains basic background information on the participants (e.g., name, address, participant number) and acts as a pointer system or directory.
- The screening and assessment modules contain information collected during initial interviews with program participants including current charge, prior arrests, drug use background, and psychosocial history.
- The case management module describes active participant data such as treatment attendance, attitude toward treatment and urinalysis results, and may be used to create progress reports for status review hearings.
- The termination module stores summary data on participants who are terminated from the drug court program.

How are confidentiality issues addressed in drug court?

QUICK ANSWER: A defendant's right to confidentiality is protected under the provisions of both federal and state law. Drug courts may obtain necessary treatment information by using release of information forms.

Federal laws and regulations protect the confidentiality of alcohol and drug treatment for offenders (42 U.S.C. §§ 290dd-3 and ee-3 and 42 C.F.R. Part 2). Federal laws govern all substance abuse treatment providers that receive state or federal funding. These laws protect confidentiality in the following ways:

- Programs must notify drug court participants of their right to confidentiality during the intake process.
- Treatment counselors are prohibited from notifying the court regarding specific aspects of treatment.
 - Drug court participants may, however, be asked to sign a release of information form that authorizes release of this type of information to the court (examples of release of information forms are included in Appendix M). Drug court programs often require participants to sign such a release of information at the time of program admission.

- The form should only provide for the release of information on a time-limited basis, though, to conform with the confidentiality guidelines.

Subsection 397.501 (7)(a), Florida Statutes, also provides for the right of confidentiality:

The records of service providers which pertain to the identity, diagnosis, and prognosis of and service provision to any individual client are confidential in accordance with this chapter and with applicable federal confidentiality regulations....Such records may not be disclosed without the written consent of the client to whom they pertain...

Drug court judges and other staff should meet with the treatment provider to discuss the range of confidentiality issues that are likely to arise. Procedures developed by the drug court program should provide for:

- 1) The types of treatment information that will be provided to the court, to community supervision staff, and to others involved in the program;
- 2) The release of information forms that will be used and procedures to ensure confidentiality of treatment and drug court records;
- 3) Conditions under which confidential treatment information will be shared with non-treatment drug court staff; and
- 4) Methods for ensuring that sensitive information regarding drug court participants (e.g., use of alcohol or drugs by family members, participant history of sexual or physical abuse) is not disclosed in court without the consent of program participants.

What is the best way drug courts can stay in touch with local services and activities?

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| <p>QUICK ANSWER: Drug court programs should develop and maintain a resource directory.</p> |
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Drug court participants frequently benefit from community services outside the scope of services provided by drug court or the treatment provider. Therefore, it is helpful to prepare a resource directory that is available to participants and their families to guide them to the following kinds of services:

- Mental health agencies
- Substance abuse treatment agencies
 - Residential programs
 - Outpatient programs
 - 12-step groups (Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous)
- Community support groups
- Economic services
 - Housing programs
 - Public assistance and food stamp programs
 - Other entitlement programs
- Educational and vocational services
- Community colleges and universities

A resource guide that includes this kind of information can save staff time and can encourage greater participant involvement in their recovery from substance abuse. Check with local treatment providers or social service agencies to find out whether they have already created similar types of directories. For example, the United Way publishes resource directories in many communities. The local phone company may also have a comprehensive list of service providers in the phone directory. Some communities operate a referral hotline for social services that is listed in the phone book.

A comprehensive index and several pages from a sample resource directory are included in Appendix N to assist drug courts in developing their own directory. A resource directory should be revised as new resources are identified or developed within the community.

How can a court increase awareness and understanding of the drug court concepts?

QUICK ANSWER: Develop training programs, materials, and public relations for court staff and the community that will explain the benefits of drug court. Also, drug court may want to organize a community group, or coalition, to help increase awareness and support for the program.

Drug court jurisdictions should develop training programs and informative materials for court staff. These programs and materials can help explain the purpose of the drug court, the eligibility criteria, and referral procedures. Prosecutors, public defenders, and judges from other courtrooms should attend or participate in training so that they can get answers to their questions about drug court and become better able to refer appropriate defendants to the court.

Once the drug court team is operating comfortably, the court may wish to invite the press and media to observe and report on the new program. Efforts should be made in advance to organize any press releases and ensure that the covering reporters understand the program and its benefits. Also, prior communication with participants should occur so that they can be prepared for the media and, if desired, remain anonymous.

In many areas, community coalitions have been established to increase community awareness of drug court and encourage financial support of the program. Coalitions meet on a regular basis to discuss substance abuse issues affecting the community, and potential needs of drug court. Private business owners who are members of a community coalition may also assist drug court participants in securing employment. Coalitions can also provide awards and incentives that are used throughout the program to recognize positive improvement as well as host special graduation ceremonies when participants successfully terminate.

Fine – tuning Through Evaluation

Despite the recent growth in the number of drug courts, only a few evaluation studies have examined the effectiveness of these courts in reducing criminal recidivism and substance abuse. Although findings from these initial studies are encouraging, additional research is needed to increase the pool of information that can be used both to validate the effectiveness of drug courts and to enhance their operations. This chapter should help new drug court programs decide what should be evaluated and how the evaluation should be done.

How will an evaluation help drug courts?

QUICK ANSWER: An evaluation of drug courts can help demonstrate program effectiveness and identify changes that need to be made.

Each drug court should conduct an ongoing evaluation to determine whether program participation leads to reduced drug use and criminal recidivism. Drug courts contain many unique features such as the reliance on interagency resources and coordination, court-monitored treatment, and acknowledgment of relapse as part of the recovery process. These features have not yet been rigorously evaluated within the criminal justice system. Therefore, drug courts should strive to evaluate the effectiveness of these innovations to obtain objective information that can be used by administrators and policy-makers to modify programs and to justify continuation or expansion.

The evaluation should begin when the drug court is implemented. Therefore, planning for an effective evaluation program must be initiated during the drug court planning phase. Anecdotal reports and other subjective evidence of a drug court's success will not be enough to enable court leadership to convince funding agencies to continue their support of the program. Accurate data from all components of a drug court must be collected and compiled to demonstrate that drug courts lead to successful outcomes for individual participants and the community.

What should an evaluation attempt to answer?

QUICK ANSWER: The evaluation should assess whether the drug court has efficiently, effectively, and economically achieved its objectives.

The more thorough an evaluation is, the more it costs in terms of staff time and other resources. A court must commit the resources necessary to conduct an effective evaluation to obtain useful information, and realistic goals should be set for the evaluation in light of the available resources. At a minimum, however, there should be articulated objectives for the drug court established during the court planning phase. The evaluation will then help determine whether these objectives have been attained.

A drug court's objectives should include the successful implementation of both short and long-term strategies. Short-term strategies encompass drug court operations, such as developing effective screening criteria for identifying offenders who are appropriate for drug court, maintaining a sufficient number of defendants in the program, ensuring that each defendant is monitored intensively, and providing effective group and individual treatment sessions. Long-term strategies include drug court outcomes (e.g., reduced recidivism and drug use) and cost effectiveness.

The drug court evaluation should answer the following key questions:

- Does the drug court achieve its objectives with the resources now available?
- What treatment and other services are supported with current resources?
- What are the similarities and differences among offenders participating in the program? Can a profile of participants be developed?
- What are the distinguishing features of the drug court itself (e.g., average length of participation, level of treatment and supervision provided, education/vocational services)?
- Has the drug court program been implemented as intended?
- How do key supporters of drug court (within the criminal justice system and the community) perceive the effectiveness of the drug court program?
- Have offenders made progress toward program goals and objectives as measured by criminal activity, substance abuse, and other indicators examined during follow-up?
- How do recidivism rates of drug court participants compare to defendants with similar backgrounds who do not participate in drug court?

- Is the cost of the program justified by the results?
- How does drug court impact the overall court's caseload?

How should the evaluation be designed?

QUICK ANSWER: The evaluation should be designed to: (1) describe the drug court participants as compared to other groups; (2) use existing sources of information; (3) develop new methods for collecting needed data; and (4) plan for the routine collection and analysis of identified data.

In order to determine whether drug court has made a difference in the lives of its participants, an evaluation should compare outcomes of drug court defendants with those of other groups. For example, an evaluation could ask how many drug court defendants were arrested after release from drug court as compared with substance-abusing defendants who were ineligible for drug court. An evaluation designed to address program outcomes and other key areas should include a description of the group(s) to be studied, sources of evaluation data, and responsibilities of personnel who will collect and analyze the data.

In addition to deciding which questions the evaluation will answer, the design must also take into consideration the available sources of information and the procedures for assembling information. The evaluation design should capitalize on the various sources of information which may already exist within the court system or community treatment programs, such as criminal justice history databases, psychosocial histories, and substance abuse assessments. If gaps in data exist, new instruments or data collection forms may need to be developed for the drug court evaluation. These may include intake assessment measures and follow-up interview tracking forms.

Routine procedures will need to be developed to collect, compile, and merge diverse sources of evaluation data from the criminal justice system, the treatment program, and follow-up interviews. Several drug court programs have collaborated with faculty, graduate students, or interns from local universities in developing an evaluation design. You may want to consult the drug courts listed elsewhere in this manual for information about their court's evaluations and any outside assistance they may have obtained. Other agencies involved in tracking offenders such as probation/parole or Treatment Alternatives to Street Crimes (TASC) programs may also provide valuable information for a drug court evaluation.

What specific types of information should be collected and analyzed as part of the drug court evaluation?

QUICK ANSWER: The evaluation should include detailed information about drug court participants, participation in court and treatment services, participant progress, and follow-up results. Moreover, the evaluation should assess major changes that have been made to the drug court program over time and determine their appropriateness.

Several types of information may be collected by drug courts in the course of an evaluation and some of them are briefly summarized as follows.

- Description of Program Participants
 - The evaluation should attempt to describe the program participants to:
 - assist administrators in describing the type of offenders admitted to the program; and
 - identify profiles of participants who successfully respond to different levels of program interventions.
 - Commonly used instruments include use of intake and assessment instruments such as the following:
 - Addiction Severity Index (ASI);
 - Drug Abuse Screening Test (DAST-20);
 - Michigan Alcoholism Screening Test (MAST);
 - Alcohol Dependency Scale (ADS); and
 - Screening instruments for HIV risk behaviors.
 - The specific type of data that should be collected describing program participants includes the following list:
 - Demographic characteristics;
 - Criminal justice history;
 - Substance abuse history and current levels of use;

- Family relationships and social functioning;
 - Vocational status and economic support;
 - Academic achievement;
 - Mental health history;
 - Medical history;
 - HIV risk behaviors;
 - History of physical or sexual abuse;
 - Attitudes toward treatment, motivation or readiness for treatment; and
 - Treatment plan needs.
- Participation in Drug Court
 - The evaluation should describe the history of an individual participant's involvement in drug court. This information may be used to identify problems related to service delivery and to assess the effects of involvement in the treatment program on program outcomes.
 - The specific type of data that should be collected includes the following:
 - Date of program admission, date of program discharge;
 - Treatment interventions received;
 - Incident or disciplinary reports;
 - Urinalysis results;
 - Status at completion of drug court program (e.g., successfully completed);
 - Criminal justice status at discharge from program (e.g., probation, jail);
 - Service needs at discharge from program (e.g., mental health services); and
 - Discharge referrals initiated by drug court.

- Progress in Treatment
 - The evaluation should attempt to determine the extent to which drug court has achieved intermediate objectives, such as participants gaining skills and improved psychological functioning. Evaluation measures may be used to assess the level of cognitive and behavioral change over the course of treatment.
 - The specific data that should be collected include the following:
 - Skills acquisition;
 - Knowledge in specific areas related to the treatment program (e.g., relapse prevention strategies);
 - Psychological and emotional functioning (e.g., self-esteem);
 - Cognitive functioning (e.g., expectancies related to substance abuse, self-efficacy);
 - Counselor ratings of participation or progress; and
 - Participant satisfaction with the treatment program.

- Changes in the Drug Court Program over Time
 - Attempts should be made to assess changes to the drug court that are likely to affect short or long-term outcomes. In addition to providing a history of program development, this information is often useful in explaining changes in program outcomes observed over time. Significant changes in program functions related to funding, patterns of program admissions, interventions provided, and coordination and linkage services should be recorded. Barriers to program implementation and successful strategies used to resolve these difficulties should also be noted. This “process” information is often obtained through interviews with program administrators, program participants, and agency staff involved in the drug court program.
 - The specific data that should be collected include the following:
 - Administrative/fiscal;
 - Personnel;
 - Caseload impact;
 - Referral and screening procedures;
 - Intake and assessment procedures;

- Program population and census;
 - Program interventions, such as length and type;
 - Program facilities and resources;
 - Coordination and linkages (e.g., court, probation, community agencies); and
 - Public policy affecting criminal justice/social service systems.
- Follow-up Evaluation and Tracking
 - This information examines patterns of community adjustment among participants following completion of the drug court program. This information provides an important foundation by which to examine the long-term effectiveness of the drug court program. Evaluation procedures should include examination of criminal justice records and, in some cases, follow-up interviews with program participants and probation officers.
 - The specific data that should be collected include the following:
 - Date of each arrest, technical violation, conviction, and incarceration during program participation, and during follow-up;
 - Type of charges (offense severity), differentiating between new and old charges;
 - Conviction/sentence status for each arrest;
 - Substance abuse;
 - Results of urinalysis (dates), type of drug(s);
 - Type of follow-up treatment referral, length of stay in follow-up treatment, disposition of follow-up treatment;
 - Probation/parole status, change in status;
 - Employment status; and
 - Positive social adjustment indicators.

The results of the evaluation should provide credible information to the court leadership and community about the status of drug court and whether drug court should be continued, revised, or expanded. Such information helps guide both the court and the community to decide whether drug court is a viable option to incarceration.