

MULTNOMAH COUNTY

S.T.A.R.T. Court

Portland, Oregon

Technical Assistance Report

Submitted to:

Multnomah County S.T.A.R.T. Court
501 SE Hawthorne Blvd.
Portland, OR 97214

Submitted by:

NPC Research
Portland, Oregon
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Portland, Oregon Technical Assistance Report

Submitted By

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BACKGROUND

Drug courts are designed to guide offenders identified as drug-addicted into treatment that will reduce drug dependence and improve the quality of life for offenders and their families. Benefits to society take the form of reductions in crime, resulting in reduced costs to taxpayers and increased public safety.

In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives operating outside their traditional roles. The team typically includes a drug court coordinator, case managers, substance abuse treatment providers, prosecuting attorneys, defense attorneys, law enforcement officers, and parole and probation officers who work together to provide needed services to drug court participants. Prosecuting and defense attorneys hold their usual adversarial positions in abeyance to support the treatment and supervision needs of program participants. Drug court programs blend the resources, expertise and interests of a variety of jurisdictions and agencies.

Drug courts have been shown to be effective in reducing recidivism (GAO, 2005) and in reducing taxpayer costs due to positive outcomes for drug court participants (including fewer re-arrests, less time in jail and less time in prison) (Carey & Finigan, 2004; Carey et al., 2005). Some drug courts have even been shown to cost less to operate than processing offenders through business-as-usual (Carey & Finigan, 2004; Carey et al., 2005).

Technical Assistance Description and Purpose

This technical assistance process assesses the extent to which the program is implementing the 10 Key Components of drug courts. Activities include a site visit to the drug court, administration of an electronic assessment, interviews in person and/or by telephone with the program coordinator and other drug court team members, and a discussion of enhancement recommendations at a meeting including drug court team members and court administration.

A synthesis of the information collected through these activities provides NPC with a general understanding of the drug court's organization and current processes, assists the consultants in determining the direction and content of further questions and technical assistance needs and supports, and informs possible future evaluations of the program.

Multnomah County S.T.A.R.T. Court Assessment and Technical Assistance Activities

NPC staff conducted the following activities with the Multnomah County Success Through Accountability, Restitution, and Treatment (S.T.A.R.T.) Court (referred to as MCSC in the remainder of the report):

1. An online assessment completed by the program coordinator in collaboration with the drug court team
2. Stakeholder interviews and site visits by NPC staff to:
 - a. Observe a pre-court staffing meeting and a drug court session
 - b. Determine the drug court team's understanding of the 10 Key Components
 - c. Share the current status of the research in these areas
 - d. Learn more about the drug court's program policies and procedures and how they are implementing these as they relate to the 10 Key Components and best practices
 - e. Review and discuss data elements and program operations, and address any questions that arise
 - f. Discuss the recommendations at a conference including drug court team members and court administration.
3. This report, which summarizes program characteristics and practices, analyzes the degree to which this program is following guidelines based on the 10 Key Components, and provides recommendations for program improvement and enhancement.

ELECTRONIC/ONLINE PROGRAM ASSESSMENT

An electronic assessment was used to gather program process information from the drug court coordinator, in conjunction with members of the drug court team. This assessment, which provides a consistent method for collecting structure and process information from drug courts, was developed based on three main sources: NPC's extensive experience with drug courts, the American University Drug Court Survey, and a paper by Longshore et al. (2001), which lays out a conceptual framework for drug courts. The assessment covers a number of areas, particularly areas related to the 10 Key Components—including eligibility guidelines, specific drug court program processes (e.g., phases, treatment providers, urinalyses, fee structure, rewards/sanctions), graduation, aftercare, termination, and identification of drug court team members and their roles. The use of an electronic assessment allows NPC to begin building an understanding of the program, as well as to collect information to support a thorough review of the site.

General Summary of Findings and Recommendations

The Multnomah County S.T.A.R.T. Court was implemented in March 2010. This program, which is designed to take 12 months to complete, accepts only post-conviction participants. The specific target population consists of medium and high risk offenders convicted of specific felony property crimes that are on adult supervision and score 3 or more on the Texas Christian University (TCU) drug screen. The program has a capacity to serve 200 participants at one time. As of September 21, 2010, there were 88 active participants, 0 participants had graduated, and 4 participants had been discharged unsuccessfully (terminated).

Research has demonstrated that drug courts that have performed monitoring and evaluation and make changes based on the feedback have significantly better outcomes including 50% reductions in recidivism rate and twice the cost savings (Carey, Finigan, & Pukstas, 2008; Carey, Waller, & Weller, 2010).

The recommendations in this report are based on research in many drug courts and on practical experience working with individual courts and collaborating with people who do this work. Courts that perform the practices we recommend have shown significant reductions in recidivism.

Overall, the MCSC has implemented its drug court program within the main guidelines of the 10 Key Components. The MCSC team includes representatives from a range of collaborating agencies and has a central agency coordinating treatment. The MCSC provides a breadth of diverse and specialized services to program participants and the judge has frequent contact with program participants. Finally, this program has established partnerships across several community agencies that can provide employment, educational, and other services.

The following recommendations represent the primary areas of suggested program improvement that arose during the interviews and site visit. Based on what we have learned about the MCSC program and on our experience working with over 100 other drug courts, the key issues that must be addressed by this program are summarized below. Additional recommendations, background information, and more detailed explanations are presented within each of the 10 Key Components in the main report after the summary.

Primary Recommendations:

- **Have longer pre-court staffing meetings and shorter court sessions.** More comprehensive and structured pre-court staffing meetings would help ensure that all members of the team have an opportunity to discuss each participant prior to court. Agreeing on behavior response recommendations before court decreases the amount of discussion during the court session. These recommendations have already begun to be implemented by the S.T.A.R.T. team.
- **Present a united front as a team in court.** Having the team agree on behavior response recommendations before court also allows participants to witness a united team in court. If necessary, the team can be called to the bench during the court session for an impromptu discussion about what to do with a certain participant if new information comes to light that may change the team decision from staffing.
- **Work to streamline interactions in court and shorten the length of court sessions.** Because time is often a scarce resource for drug court team members, as well as participants, it is prudent for the team to explore how interactions in the courtroom could be more streamlined, especially in regards to contested probation violations. National research (Carey, Finigan, and Mackin, in process) has demonstrated that the optimal length for court interaction is an average of 3 minutes for each participant. The following recommendations may assist in shortening court session time.
 - **Decrease the required frequency of participant court appearances.** Decreasing the number of participants seen per session will further shorten the docket. As research has shown that court appearances less frequent than once per week (e.g., every 2 weeks or once per month) can have better outcomes (Marlowe et al., 2006; Carey,

Finigan, & Pukstas, 2008) (except in very high-risk populations), the MCSC should consider reducing the frequency of drug court appearances to once per week or every 2 weeks for participants in the first phase (unless the participant is very high risk and having issues remaining sober).

- **Minimize participant distractions and other disrespectful behavior in court.** Distractions can slow court sessions, disrupt the participants' ability to hear and learn from the judge during court proceedings, and are not conducive to productive and efficient court sessions. The judge and team should present a united front in expecting and enforcing appropriate behavior during court sessions including requiring participants to stay in the court room and listen quietly to the judge rather than going in and out of the room and having conversations with other participants.
- **Take full advantage of the court hearing as a learning experience for participants.** Because drug court hearings are a forum for educating all participants and impacting their behavior, it is recommended that the court require all participants (or at least those in Phase 1) to stay for the entire hearing both to observe consequences (both good and bad) and to see how some people who have as many challenges as they have are able to succeed and make positive, healthy choices and changes in their lives. This will be more feasible as court sessions become shorter.
- **Test participants randomly and more frequently, starting with a frequency of at least 2 times per week in Phase 1.** Research shows that drug courts that test randomly at least two times per week have better outcomes (Carey, Finigan, & Pukstas, 2008). We recommend that the MCSC increase the frequency of its drug and alcohol tests to at least two times per week during phase 1, and include the possibility of tests occurring on the weekend. The team is already considering options to increase the randomness and frequency of drug tests, including testing on weekends.
- **Increase the length of clean time required before graduation to AT LEAST 90 days.** Research has shown that the longer clients are required to be clean before graduation, the more positive their outcomes (both in terms of lowered recidivism and lower costs) (Carey, et al., 2005).
- **Obtain role-specific training and overall training on the drug court model for the district attorney and public defender assigned to S.T.A.R.T. Court.** As a part of this training, the attorneys should work to reduce their adversarial roles in court. Observations of mentor programs would also be beneficial as a part of this training. The MCSC should work towards the national drug court model, where the public defender and district attorney still maintain their traditional roles of protecting public safety and representing their clients' rights while also creating their drug court roles built on collaboration, cooperation, and communication with all the team members to promote what is best for the participant and society long term.
- **Increase the focus on rewards for participants who are doing well.** MCSC team members identified the need to provide more incentives to participants and to be more systematic in awarding them. Incentives are key to shaping participant behavior, and it is important that the program find incentives that are meaningful to its participants. For ideas and examples, please see Appendix B, which is a sample list of rewards and sanctions used by drug courts across the United States and Appendix C, which provides a

sample of sanctions and treatment responses from a mentor program. Other examples can be found at this BJA Web site: http://www.dcpincjrs.org/dcpincjrs_adult.html#ias.

- **Give guidelines on the use of sanctions and rewards to each team member.** Drug courts that have written guidelines for sanctions and rewards and that provide these guidelines to the team have double the graduation rate and three times the cost savings compared to drug courts that do not have written guidelines (Carey, Finigan & Pukstas, 2008; Carey, Waller & Weller, 2010). It is recommended that the MCSC review and revise (as necessary) its current sanction and reward guideline document, perhaps referring to the sample in Appendix C, and make sure all team members have a copy.
- **Consider limiting the length of jail sanctions.** Jail sanctions used by the MCSC average 4 days, but may be 2 weeks or longer. NPC's latest research shows that 2 day jail sanctions are the most effective in terms of higher graduation rates, lower recidivism and higher cost savings. Courts that used jail sanctions of 2 weeks or longer had worse outcomes than courts that used shorter jail sanctions. Also, the program may want to consider its use of 60 day jail sentences for technical probation violations (after which participants may be returned to the program), as this adds significantly to program outcome costs and serves to further delay the treatment process. The team may want to consider telling such offenders that they could receive 60 days in jail, but if they fully comply with all program requirements, most of the jail sentence will be waived (as an incentive for compliance).
- **Institute participant orientation.** Assess the process for informing prospective participants about the details of program participation. Consider implementing a structured information process (including a participant handbook or other materials) that includes an orientation to explain participants' legal rights, courtroom decorum, and program requirements.
- **Consider new screening tools.** The MCSC is required to use the TCU alcohol and drug assessment as part of its grant, but the team should consider asking to have the grant modified if it believes that other assessment tools would be more useful. We recommend that the MCSC team go to the GAINS Center Web site to get more information about mental health and substance abuse screens and assessments in general so that the most appropriate assessment tools can be identified.
- **Work toward solutions that would allow the coordinator, district attorney, and public defender to be full-time on S.T.A.R.T. Court as the program nears capacity.** These positions are currently funded for half-time, but an increasing high risk/high need caseload requires increasing attention which means that these positions will need to spend more time on S.T.A.R.T. Court to be effective. The program should explore options for funding these positions full time, including having at least part of these positions funded as a part of their own agencies regular budget (since these cases would have to be processed in the traditional system anyway, if there were no drug court). This is important for sustaining the program beyond grant funding. In addition, it would allow the drug court coordinator more time to coordinate the communication and cooperation between agencies and to develop the necessary procedures and policy documents.
- **Recruit a non-probation law enforcement representative to join the team.** The MCSC team could be further improved by the addition of a law enforcement representa-

tive. Research in this area has shown that greater law enforcement involvement increases graduation rates and reduces outcome costs.

- **Reduce the frequency of policy committee meetings.** Most drug court policy committees meet once a month or once every other month. Once the program feels that it is through the implementation stage, the S.T.A.R.T. Court should consider reducing the frequency of these meetings, as that will allow team members that attend these meetings more time to work on their regular program tasks. Unless the policy committee is still spending a lot of time working on policies and procedures, the frequency of these meetings can probably be reduced to once per month. In addition, it is recommended that all S.T.A.R.T. Court team members attend the policy committee meetings.
- **Consider whether the appropriate people are members of the policy committee.** People attending policy committee meetings should be those that deal with the day to day operation of the program AND people who are authorized to make decisions for their agencies that may affect agency workload. If a decision needs to be made that a person on the committee is not authorized to make, this decision must be put on hold until an authorized person can be present or otherwise be a part of that decision making.
- **Share and discuss evaluation and assessment results with all team members.** The team should set aside time to discuss the overall findings and recommendations in this report and determine what program adjustments will be made. Appendix A contains a brief set of guidelines for how to review program feedback and next steps in making changes to the program. Drug courts that made modifications to their program based on assessment and evaluation results have 2 times lower recidivism and 2 times greater savings.

Overall the MCSC has implemented a program that follows the guidelines of the 10 Key Components of drug courts. It is clear that the drug court team members care about this program and are dedicated to doing what they feel is best for the participants. This dedication should help resolve any issues and ensure that the program will continue to improve over time. The team should set aside time to discuss the overall findings and recommendations in this report, both to enjoy the recognition of its accomplishments and to determine how to respond to the recommendations provided. Appendix A contains a document providing some guidelines for how to organize the recommendations and make plans to implement any changes.

The following section of the report presents each of the 10 Key Components with the MCSC practices and recommendations in more detail as well as additional recommendations within each component.

MULTNOMAH COUNTY S.T.A.R.T. COURT

10 Key Components of Drug Courts Detailed Results

The Multnomah County S.T.A.R.T. Court was implemented in March 2010. This program, which is designed to take 12 months to complete, takes only post-conviction participants. The specific target population consists of medium and high risk offenders convicted of specific felony property crimes that are on adult supervision and score 3 or more on a drug assessment. The main drugs of choice for program participants are alcohol (40%), methamphetamine (24%), marijuana (18%), heroin (16%), and cocaine (2%).

KEY COMPONENT #1: DRUG COURTS INTEGRATE ALCOHOL AND OTHER DRUG TREATMENT SERVICES WITH JUSTICE SYSTEM CASE PROCESSING.

Assessment Question: Has an integrated drug court team emerged?

The focus of this component is on the integration of treatment services with traditional court case processing. Practices that illustrate an adherence to treatment integration include the role of the treatment provider in the drug court system and the extent of collaboration of all the agencies involved in the program.

In the original monograph on the 10 key components (NADCP, 1997), drug court is described as a collaboration between ALL members of a team made up of treatment, the judge, the prosecutor, the defense attorney, the coordinator, case managers, and other community partners. Each team member sees the participant from a different perspective. Participation from all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. It is important to keep team members engaged in the process through ensuring that they have input on drug court policies and feel their role and contribution is valued.

National Research

Previous research (Carey, Finigan, Waller, Lucas, & Crumpton, 2005; Carey, Finigan, & Pukstas, 2008; Carey, Waller & Weller, 2010) has indicated that greater representation of team members from collaborating agencies (e.g., defense attorney, treatment, prosecuting attorney) at team meetings and court hearings is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up. Greater law enforcement involvement increases graduation rates and reduces outcome costs (Carey, Finigan, & Pukstas, 2008).

Research has also demonstrated that drug courts with one treatment provider or a single central agency coordinating treatment resulted in more positive participant outcomes including higher graduation rates and lower recidivism costs (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008).

Multnomah County Process

- The drug court team is composed of the judge, coordinator, treatment clinical supervisor, probation and parole officer, deputy district attorney, and public defender. There are two full-time treatment counselors and two probation and parole officers for the MCSC, with a caseload of about 50 participants each. One more probation and parole officer will be hired in November, and if the program reaches capacity another half-time counselor will have to be hired. It was reported that due to the large amount of court session time, the

counselors do not attend court sessions and only one probation and parole officer attends court sessions at a time. A court clerk also attends court sessions, along with bailiffs who bring in-custody participants to and from court. The bailiffs also occasionally perform court security. Court sessions are held twice weekly on Tuesdays and Fridays (and sometimes also on Wednesdays, if there are a lot of in-custody probation violation hearings).

- The judge, coordinator, treatment clinical supervisor, probation and parole officer, deputy district attorney, and public defender attend twice weekly pre-court meetings where they review participant progress. They also meet after court on Friday to discuss policy issues and the next week's docket (although this doesn't always happen due to a long Friday docket). Participants doing well in the program are not discussed at team meetings. The treatment counselors and probation and parole officers also recently started having monthly treatment staffing meetings.
- The MCSC has a policy committee that meets twice a month and includes the judge, coordinator, and representatives of treatment, probation, district attorney, and public defender. There is no advisory committee, but policy committee members report to their superiors.
- All agencies that work directly with participants are represented on the drug court team, but there is no law enforcement representative on the team.
- The MCSC does not have a program manual.
- Volunteers of America, Oregon InAct (referred to as InAct for the remainder of this report) provides treatment services to all MCSC participants through a contract with the Multnomah County Department of Community Justice (which provides probation and parole services for the county).

Suggestions/Recommendations

- **Recruit a non-probation law enforcement representative to join the team.** The MCSC team could be further improved by the addition of a law enforcement representative. The role of this representative could be to support probation and parole officers in conducting home visits to check on program compliance of participants. They can also learn to recognize participants on the street and can provide an extra level of positive supervision. To the extent possible, the team should make certain that local and state law enforcement understand their participation with drug court as a cost-effective way to deal with repeat offenders who have substance abuse problems. Additionally, the program should be seen as an avenue for addressing quality of life issues and preserving public safety. Research in this area has shown that greater law enforcement involvement increases graduation rates and reduces outcome costs.
- **Have longer pre-court team meetings and shorter court sessions.** More comprehensive and structured pre-court team meetings would help ensure that all members of the team have an opportunity to discuss each participant prior to court. For those participants who are doing well, team members would have an opportunity to discuss and agree on rewards. For those individuals whose behavior necessitates a treatment response and/or sanction (especially those with violations), each team member would have more of an opportunity to contribute his/her unique perspective. Agreeing on behavior response recommendations before court decreases the amount of discussion during the court session. It is also recommended that the MCSC team only discuss participants on the docket for

that particular day, and that all team members make a point to be on time so that everyone's time is used effectively. In addition, having more frequent treatment staffing meetings (with the treatment counselors and probation and parole officers) would help team members be more fully informed about participants and reach decisions more quickly in the pre-court team meetings. Many of these recommendations have already begun to be implemented and the team is now holding pre-court meetings in the courtroom so that team members have access to email and the internet (which allows them to have the most current participant information available).

- **Present a united front as a team in court.** Having the team agree on behavior response recommendations before court also allows participants to witness a united team front in court. It is good to let participants know that the team discussed what to do, but the team should try to limit the amount of team member discussion during the actual court session. Based on what the participant shares during court and on the team's recommendation in the meeting, the judge reserves the right to make the final decision and impart that decision to the participant. If necessary, the team can be called to the bench during the court session for an impromptu discussion about what to do with a certain participant.
- **Work toward solutions that would make the coordinator, district attorney, and public defender full-time on S.T.A.R.T. Court as the program nears capacity.** These positions are currently funded for half-time, but an increasing high risk/high need caseload requires increasing attention which means these positions will need more time on S.T.A.R.T. Court. The program should explore options for funding these positions full time. Since the participants in S.T.A.R.T. Court would be processed through the public defender and district attorney's offices under normal circumstances, some of the time spent by the district attorney and public defender should be paid for out of those agencies' normal operating budget. This is important for sustaining the program beyond grant funding. Most long-term drug court programs are funded through regular state or county budgets, and through community resources from connections the program has built with the business community. Allowing the attorneys more time to focus on S.T.A.R.T. participants will likely mean that fewer of these offenders come back through the criminal justice system for other attorneys to deal with, resulting in lower costs in the long run. In addition, it would allow the drug court coordinator more time to coordinate the communication and cooperation between agencies and to develop the necessary procedures and policy documents, in addition to her data collection and grant management duties.
- **Reduce the frequency of policy committee meetings.** Most drug court policy committees meet once a month or once every other month. Unless the policy committee is still spending a lot of time working on policies and procedures for implementation purposes, the frequency of these meetings can probably be reduced to once per month or once every other month. In addition, it is recommended that all S.T.A.R.T. Court team members attend the policy committee meetings.
- **Consider whether the appropriate people are members of the policy committee.** People attending policy committee meetings should be those that deal with the day to day operation of the program AND people who are authorized to make decisions for their agencies that may affect agency workload. If a decision needs to be made that a person on the committee is not authorized to make, this decision must be put on hold until an authorized person can be present or otherwise be a part of that decision making.

- **Create a program manual.** It is recommended that the MCSC review documents from the grant proposal and create a program manual that accurately describe what the program is and does. This document can be invaluable in ensuring that all partners are operating under the same assumptions, and for clarifying roles, responsibilities, and expectations. The team will want to have a discussion about what procedures they want the drug court to follow so that all partner agencies will share in the decision-making, thus creating greater buy in to the model that is selected for the program.
- **Commendation on regular email communication.** Drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email.

KEY COMPONENT #2: USING A NON-ADVERSARIAL APPROACH, PROSECUTION AND DEFENSE COUNSEL PROMOTE PUBLIC SAFETY WHILE PROTECTING PARTICIPANTS' DUE PROCESS RIGHTS.

Assessment Question: Are the Defense Attorney and Prosecuting Attorney satisfied that the mission of each has not been compromised by drug court?

This component is concerned with the balance of three important areas. The first is the nature of the relationship between the prosecution and defense counsel in drug court. Unlike traditional case processing, drug court case processing favors a non-adversarial approach. The second focus area is that drug court programs remain responsible for promoting public safety. The third focus area is the protection of the participants' due process rights.

National Research

Research by Carey, Finigan, and Pukstas (2008) and Carey et al. (2009) found that participation by the prosecution and defense attorneys in team meetings and at drug court hearings had a positive effect on graduation rate and on recidivism¹ costs.

In addition, allowing participants into the drug court program only post-plea was associated with lower graduation rates and higher investment² costs. Further, courts that allowed non-drug-related charges also showed lower recidivism costs. Finally, courts that imposed the original sentence instead of determining the sentence when participants were terminated had lower recidivism costs (Carey, Finigan, & Pukstas, 2008).

Multnomah County Process

- The district attorney and public defender are included as part of the drug court team and attend pre-court meetings and drug court sessions regularly. The positions are stable and do not rotate among different individuals in the District Attorney's or Public Defender's Offices.
- During a court observation, the district attorney and public defender seemed to keep the traditional adversarial roles. The district attorney gave warnings when participants were not fulfilling all obligations (missing UAs or treatment sessions, etc.) and acted as the en-

¹ Recidivism costs are the expenses related to the measures of participant outcomes, such as re-arrests, jail time, probation, etc. Successful programs result in lower recidivism costs, due to reductions in new arrests and incarcerations, because they create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.

² Investment costs are the resources that each agency and the program overall spend to run the drug court, including program and affiliated agency staff time, costs to pay for drug testing, etc.

forcer who asks the judge for sanctions. The public defender frequently asked the judge for softened sanctions and argued his clients' cases.

Suggestions/Recommendations

- **Commendation for having the district attorney and public defender attend pre-court meetings and drug court sessions regularly.** The MCSC attorneys participate in all pre-court meetings and drug court proceedings. This helps the team effectively monitor participant progress and make decisions collaboratively that are in the best interest of both the participant and the community.
- **Obtain role-specific training and overall training on the drug court model for the district attorney and public defender assigned to S.T.A.R.T. Court.** As a part of this training, the attorneys should work to reduce their adversarial roles in court. Observations of drug court mentor programs would also be beneficial as a part of this training. Our assessment and observations revealed both attorneys tended to act in their traditional roles with the public defender being the participant advocate, particularly in terms of working to prevent participants from receiving sanctions while the district attorney focused on more sanctions and warnings for participants. This not only is detrimental to participants' ability to learn to accept ownership for their own behavior but also slows court proceedings by creating a more adversarial atmosphere. The MCSC should work towards the established drug court model, where the public defender and district attorney still maintain their traditional roles of protecting public safety and representing their clients' rights while also creating their drug court roles built on collaboration, cooperation, and communication with all the team members to promote what is best for the participant and society long term. This can be a difficult balance to reach, but has demonstrated benefits in positive participant outcomes.

KEY COMPONENT #3: ELIGIBLE PARTICIPANTS ARE IDENTIFIED EARLY AND PROMPTLY PLACED IN THE DRUG COURT PROGRAM.

Assessment Questions: Are the eligibility requirements being implemented successfully? Are potential participants being placed in the program quickly? Is the original target population being served?

The focus of this component is on the development and effectiveness of the eligibility criteria and referral process. Different drug courts allow different types of criminal histories. Some drug courts also include other criteria such as requiring that participants admit to a drug problem or other "suitability" requirements that the team uses to determine whether they believe specific individuals will benefit from and do well in the program. Drug courts should have clearly defined eligibility criteria. It is advisable to have these criteria written and provided to the individuals who do the referring so that appropriate individuals that fit the courts target population are referred. Drug courts also differ in how they determine if a client meets these criteria. While drug courts are always targeting clients with a substance use problem, the drug court may or may not use a substance abuse screening instrument to determine eligibility. The same may apply to mental health screens. A screening process that includes more than just an examination of legal eligibility may take more time but may also result in more accurate identification of individuals who are appropriate for the services provided by the drug court.

Related to the eligibility process is how long it takes a drug court participant to move through the system from arrest to referral to drug court entry. The goal is to implement an expedient process. The amount of time that passes between arrest to referral and referral to drug court entry, the key staff involved in the referral process, and whether there is a central agency responsible for treatment intake are all factors that impact the expediency of program entry.

National Research

Carey, Finigan, and Pukstas (2008) found that courts that accepted pre-plea offenders and included misdemeanors as well as felonies had both lower investment and outcome costs. Courts that accepted non-drug-related charges also had lower outcome costs, though their investment costs were higher.

Those courts that expected 20 days or less from arrest to drug court entry had higher savings than those courts that had a longer time period between arrest and entry (Carey, Finigan, & Pukstas, 2008).

Other research found that drug courts that included a screen for suitability and excluded participants who were found unsuitable had the same outcomes (e.g., the same graduation rates) as drug courts that did not screen for suitability and did not exclude individuals based on suitability (Carey & Perkins, 2008).

Multnomah County Process

- Potential participants may be identified by the district attorney, public defender, court, and probation.
- The MCSC program eligibility requirements are written. All referring team agencies have copies of the eligibility criteria.
- The MCSC's specific target population consists of medium and high risk offenders convicted of specific felony property crimes that are on adult supervision.
- The Texas Christian University (TCU) Alcohol and Drug Assessment, Level of Service Inventory: Revised Screening Version, and Oregon Case Management System Risk Assessment are used to determine whether an offender is eligible for the program and to determine level of care.
- Participants are screened for co-occurring mental disorders, as well as suicidal ideation. Those found to have co-occurring disorders are required to have dual-diagnosis treatment. The MCSC has a psychiatric nurse practitioner on staff.
- Participants are assessed for risk (of not completing treatment or probation successfully) and this information is used to determine type or level of service.
- Participants are assessed for drug dependency/drug abuse. Offenders who are drug dependent and drug abusers are both allowed into the program.
- Offenders are not assessed for suitability before being allowed into the program.
- Participants do not have to be amenable to alcohol and drug treatment in order to be eligible for the program.

- Offenders are not excluded from the program if they have serious mental health issues, do not admit to having a drug problem, have current or prior violence charges, or if they are on narcotic replacement therapy.
- The MCSC does not have a window or back-out period when participants can try the program but decide not to participate.
- The estimated time between drug court referral and program entry is 0 to 7 days.
- The drug court's capacity is reported to be 200 participants. The program began operation in March 2010. As of September 21, 2010, the program had 88 active participants (there are about 110 current participants, but several have absconded), 0 participants had graduated, and 4 participants had been discharged unsuccessfully (terminated).

Suggestions/Recommendations

- **Swift enrollment commendation.** The program is commended for enrolling participants expeditiously. Thirty days or less from program referral to program entry is associated with better outcome including cost savings. The MCSC should continue to monitor their process to ensure that this time period does not increase.
- **Commendation for eligibility process.** Programs that do not have a back-out period tend to have better enrollment and outcomes that are similar or better than programs that do have a back-out period. In addition, programs that do not exclude participants based on prior violence or the use of agonist/antagonist medication for the treatment of drug dependence have outcomes that are the same or better than courts that do exclude these types of individuals.
- **Increase the number of participants in the program.** The program reports a capacity of 200 participants, but only about 110 current participants. This is mainly due to the fact that the program only began in March 2010 and it is still developing some of its processes, changes in eligibility requirements after the program began, the fact that many offenders (and potential participants) live outside the county, and the existence of specialized probation caseloads within the county (domestic violence, gang members, etc.) that divert potential participants. It is recommended that the team determine if there are barriers that are preventing the drug court from running at capacity—either all eligible individuals not being identified or referred to the program, or overly stringent eligibility criteria, or some other issue—and work toward resolving any problems in order to boost program enrollment. One team member suggestion was that the S.T.A.R.T. program could be better publicized (as many defense attorneys are not aware of the program) and fliers could be created and given to attorneys, judges, and probation officers. The MCSC has also started to allow presumptive prison offenders into the program (instead of just presumptive probation offenders). Other strategies that are already underway or under consideration include allowing appropriate post-prison supervision offenders and probationers who live in Multnomah County but were convicted of a crime committed in a neighboring county into the program, and having probation and parole officers do S.T.A.R.T. pre-screening before sentencing instead of after sentencing. Time is now needed to see how these strategies work. A related issue to boosting enrollment from present levels is the program's ability to serve the increased number of participants (requiring much more streamlined court sessions and more staff positions and time/resources, as current partici-

pant levels have many team members maxed out in terms of time commitments and caseload. These issues are discussed further in other recommendations).

- **Consider new screening tools.** The MCSC is required to use the TCU alcohol and drug assessment as part of its grant, but the team should consider asking to have the grant modified if it believes that other assessment tools would be more useful. We recommend that the MCSC team go to the GAINS Center Web site to get more information about mental health and substance abuse screens and assessments in general so that the most appropriate assessment tools can be identified. The website has a paper that provides a breakdown of the different screening and assessment tools available with the positive features and concerns for each one, as well as information on where each of the instrument can be found. The Web address for that paper is <http://www.gainscenter.samhsa.gov/pdfs/disorders/ScreeningAndAssessment.pdf>
- **Institute participant orientation.** Assess the process for informing prospective participants about the details of program participation. Consider implementing a structured information process (even if it is just a participant handbook or other materials) that includes an orientation to explain participants' legal rights, courtroom decorum, and program requirements.

KEY COMPONENT #4: DRUG COURTS PROVIDE ACCESS TO A CONTINUUM OF ALCOHOL, DRUG AND OTHER TREATMENT AND REHABILITATION SERVICES.

Assessment Question: Are diverse and specialized treatment services available?

The focus of this key component is on the drug court's ability to provide participants with a range of treatment services appropriate to participant needs. Success under this component is highly dependent on success under the first component (i.e., ability to integrate treatment services within the program). Compliance with Key Component #4 requires having a range of treatment modalities or types of service available. However, drug courts still have decisions about how wide a range of services to provide and which services are important for their target population.

National Research

Programs that have requirements for the frequency of group and individual treatment sessions (e.g., group sessions 3 times per week and individual sessions 1 time per week) have lower investment costs (Carey et al., 2005) and substantially higher graduation rates and improved recidivism costs (Carey, Finigan, & Pukstas, 2008). Clear requirements of this type may make compliance with program goals easier for program participants and also may make it easier for program staff to determine if participants have been compliant. They also ensure that participants are receiving the optimal dosage of treatment determined by the program as being associated with future success.

Clients who participate in group treatment sessions 2 or 3 times per week have better outcomes (Carey et al., 2005). Programs that require more than three treatment sessions per week may create a hardship for clients (such as with transportation, childcare, or employment), and may lead to clients having difficulty complying with program requirements and completing the program. Conversely, it appears that one or fewer sessions per week is too little service to demonstrate positive outcomes. Individual treatment sessions, used as needed, can augment group sessions and may contribute to better outcomes. In addition, drug courts that include a phase that

focuses on relapse prevention were shown to have higher graduation rates and lower recidivism than drug courts that did not (Carey et al., 2009).

The American University National Drug Court Survey (Cooper, 2000) showed that most drug courts have a single treatment provider agency. NPC, in a study of 18 drug courts in four different states (Carey, Finigan, & Pukstas, 2008), found that having a single provider or an agency that oversees all the providers is correlated with more positive participant outcomes, including lower recidivism and lower recidivism costs.

Discharge and transitional services planning is a core element of substance abuse treatment (SAMHSA/CSAT, 1994). According to Lurigio (2000), “The longer drug-abusing offenders remain in treatment and the greater the continuity of care following treatment, the greater their chance for success.”

Multnomah County Process

- InAct provides treatment services to all MCSC participants through a contract with the Multnomah County Department of Community Justice. InAct may refer out for other services, such as mental health services.
- The MCSC program consists of five phases. The number of group and individual treatment sessions per week (throughout the program) is specific to each participant. Participants are also required to attend self-help groups throughout the program.
- Services required for all participants are based on assessed level of care and include: outpatient individual and group treatment sessions, self-help meeting attendance, health education, and transportation services. Services required for some participants include: residential treatment, mental health counseling, psychiatric services, job training/vocational program, employment assistance, and prescription drugs for substance dependence. Services offered to participants but not required include: language-specific or culturally-specific programs, prenatal/perinatal program, GED/education assistance, housing/homelessness assistance, and health care. Detoxification, gender-specific treatment sessions, acupuncture, parenting classes, anger management, domestic relations counseling, child care for participants with small children, and dental care are not offered to participants.
- Probation and parole officers and InAct counselors perform case management. Probation and parole officers conduct home visits.
- The treatment provider communicates with the court verbally in team meetings and court sessions, through progress reports written by the counselors, and through email. Information from the treatment provider is always given to the court in a timely manner. All team members are able to read case information and email other team members on InAct’s web-based Court Link system.
- The MCSC has a phase when participants learn relapse prevention. There is an aftercare program for participants available after graduation.
- Culturally-specific treatment groups were identified by the treatment provider as a need, especially in terms of English-speaking Latino gang members. InAct has a Latino program, and they are currently trying to get a Latino treatment group together for START participants.

- The MCSC gives participants welcome letters, but there is no formal participant handbook.

Suggestions/Recommendations

- **Commendation on coordinating treatment through a single organization.** A single treatment providing agency is related to better program outcomes. The MCSC should be commended for following best practices in this area, by having one organization that coordinates an array of treatment services.
- **Make aftercare mandatory.** Aftercare is a clinical best practice, supporting individuals in their transition to a drug-free lifestyle. The program should consider requiring the aftercare component to start before graduation, to get participants into the habit of the kinds of sober activities they will continue to do after graduation, to support participants in their transition to the community and off of supervision and to enhance their ability to maintain the behavioral changes they have accomplished during participation in the MCSC. Monthly phone calls for the first 3 months after treatment completion could be implemented as an aftercare tool. Some courts have used alumni support groups as a cost-effective tool in aftercare planning.
- **Continue efforts toward formulating an alumni group.** Encouraging current participants who are well on their way to graduation to develop and take the lead on an alumni group will increase the options for support services for all participants (both current participants and graduates).
- **Create a participant handbook.** The evaluators would like to see treatment, drug testing, phase advancement, graduation, and other program requirements published in a Participant Handbook in order to ensure that participants are well informed about the program's expectations.
- **Consider adding anger management and family counseling as treatment options.** NPC's research shows that anger management and family counseling are a best practice for drug courts. Offering these types of treatment services will allow the program to serve and retain more participants. The MCSC should determine whether grant funds might be available for these groups or whether some current groups might focus on these topics.

KEY COMPONENT #5: ABSTINENCE IS MONITORED BY FREQUENT ALCOHOL AND OTHER DRUG TESTING.

Assessment Question: Compared to other drug courts, and to research findings on effective testing frequency, does this court test frequently?

The focus of this key component is on the use of alcohol and other drug testing as a part of the drug court program. Drug testing is important both for court supervision and for participant accountability. It is generally seen as a key practice in participants' treatment process. This component encourages frequent testing but does not define the term "frequent" so drug courts develop their own guidelines on the number of tests required. Related to this component, the drug court must assign responsibility for these tests and the method for collection.

National Research

Research on drug courts in California (Carey et al., 2005) found that drug testing that occurs randomly, at least 3 times per week, is the most effective model. If testing occurs more frequently

(that is, more than 3 times per week), the random component becomes less important as it is difficult to find time to use in between frequent tests.

Outcomes for programs that tested more frequently than 3 times per week were no better or worse than outcomes for those that tested 3 times per week. However, less frequent testing resulted in less positive outcomes.

In addition to frequency of testing, it is important to ensure that drug testing is random and fully observed during sample collection, as there are numerous ways for individuals to predict when testing will happen and therefore use in between tests or to submit a sample that is not their own. In focus groups with participants after they have left their programs, individuals have admitted many ways they were able to “get around” the drug testing process including sending their cousin to the testing agency and bringing their 12-year-old daughter’s urine to submit.

Multnomah County Process

- Drug testing is performed approximately once per week in phase one (occasionally twice a week) and once every two weeks in the last phase. Drug testing is both random and for cause (if a client appears to be under the influence). Participants are assigned a number and must call-in to a designated UA line daily to see if their number has come up to report for a UA.
- Drug testing is performed through instant and lab urinalysis (UAs), breath tests, oral swabs, and alcohol bracelets/tethers. Urine alcohol tests (EtG’s) are also used, as the team is finding that the drug of choice for many participants is alcohol.
- UAs are either 5-panel or 10-panel tests.
- Results for most drug tests are obtained within minutes and within 1-2 days for UAs sent to the lab.
- The MCSC covers the cost of drug testing for participants.
- All UAs are fully observed by same gender staff trained to safeguard the collection process. Drug tests are mainly conducted by the Department of Community Justice, but InAct also does some of the drug testing (especially on weekends). The Department of Community Justice has two full-time and one half-time Corrections Technicians that collect UAs (as well as assist in conducting case management and case reporting activities).

Suggestions/Recommendations

- **Commendation for using drug tests with quick results.** Drug Court programs that receive their test results within 48 hours have higher graduation rates and lower recidivism than programs that wait longer for results (Carey, Finigan, & Pukstas, 2008; Carey, Finigan & Mackin, in process).
- **Test participants randomly and more frequently, starting with a frequency of at least 2 times per week in Phase 1.** Research shows that drug courts that test randomly at least two times per week have significantly better outcomes (Carey, Finigan, & Pukstas, 2008). We recommend that the MCSC increase the frequency of its drug and alcohol tests to at least two times per week during phase 1, including the possibility of tests occurring on the weekend. National drug court researcher Doug Marlowe (2008) suggests that the frequency of drug testing be the last requirement that is ratcheted down as participants progress through program phases. As treatment sessions and court appearances are de-

creased, checking for drug use becomes increasingly important, to determine if the participant is doing well with less structure, more independence and less supervision. The MCSC should examine its timing of the decrease in the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. The team is already considering options and funding to increase the randomness and frequency of drug tests, including testing on weekends. The judge is also going to notify participants in court that they may be tested 7 days a week.

KEY COMPONENT #6: A COORDINATED STRATEGY GOVERNS DRUG COURT RESPONSES TO PARTICIPANTS' COMPLIANCE.

Assessment Questions: Do program staff work together as a team to determine sanctions and rewards? Are there standard or specific sanctions and rewards for particular behaviors? Is there a written policy on how sanctions and rewards work? How does this drug court's sanctions and rewards compare to what other drug courts are doing nationally?

The focus of this component is on how the drug court team responds to client behavior during program participation, including how the team works together to determine an effective, coordinated, response. Drug courts have established a system of rewards and sanctions that determine the program's response to acts of both non-compliance and compliance with program requirements. This system may be informal and implemented on a case-by-case basis, or this may be a formal system applied evenly to all clients, or a combination of both. The key staff involved in decisions about the appropriate response to participant behavior varies across courts. Drug court team members may meet and decide on responses, or the judge may decide on the response in court. Drug court participants may (or may not) be informed of the details on this system of rewards and sanctions so their ability to anticipate a response from their team may vary significantly across programs.

National Research

Nationally, the drug court judge generally makes the final decision regarding sanctions or rewards, based on input from the drug court team. In addition, all drug courts surveyed in the American University study confirmed they had established guidelines for their sanctions and rewards policies, and nearly two-thirds (64%) reported that their guidelines were written (Cooper, 2000).

Carey, Finigan, and Pukstas (2008) found that for a program to have positive outcomes, it is not necessary for the judge to be the sole provider of sanctions. Allowing team members to dispense sanctions makes it more likely that sanctions occur in a timely manner, more immediately after the noncompliant behavior. Immediacy of sanctions is related to improved graduation rates and lower recidivism. However, having the judge as the sole dispenser of rewards is related to greater cost savings.

In addition, research has also found that drug courts that had their guidelines for team responses to participant behavior written and provided to the team had higher graduation rates and higher cost savings due to lower recidivism (Carey, Pukstas, & Finigan, 2008; Carey, Waller, & Weller, 2010).

Multnomah County Process

- Initial decisions about sanctions and rewards are made during team meetings prior to drug court. The judge, however, makes the final decision about whether to impose the

rewards and sanctions suggested by the team, and those decisions may be different from the team's suggestions.

- Participants receive rewards on a case-by-case basis. Rewards are intangible (such as applause and encouragement) and tangible (such as bus passes and gift cards to local businesses). The judge gives out the majority of the rewards in court, but MCSC staff can also provide rewards outside of court sessions.
- Participants are not given a written list of possible rewards or a written list of the behaviors that lead to rewards. Participants also do not know what specific behaviors lead to rewards.
- Participants have been asked if the rewards they receive are meaningful to them. Participants responded that they feel the rewards are meaningful.
- There is a written list of guidelines for program/team response to participant behavior, but several team members said they had never seen it.
- Sanctions are sometimes standardized, but are always decided on a case-by-case basis.
- Sanctions are imposed immediately after the noncompliant behavior, or at the first court session after the non-compliant behavior. Sanctions may be imposed outside of court by team members other than the judge.
- Participants are not given a written list of possible sanctions or a written list of the behaviors that lead to sanctions, but they do know which behaviors lead to sanctions because of their time spent in court sessions.
- Sanctions are graduated so that the severity increases with more frequent or more serious infractions. Court responses to participant non-compliance include writing essays, sit sanctions (sit in court to watch), community service, residential treatment, more frequent UAs, more frequent court appearances, increased treatment sessions, and jail time. The team is considering returning participants to an earlier phase as a sanction, but it has not been formalized yet.
- Residential treatment, sit sanctions, increased court sessions, and the incentives were listed by the team as being particularly effective responses to participant behavior.
- Jail is rarely used as a sanction for a first positive drug test, but it is sometimes given for a second positive test and always given for a third positive test. Jail sanctions are generally 1 or 2 days, but can be two weeks or longer. The average length of a jail sanction in August 2010 was 4 days. Jail is sometimes used as an alternative for detoxification or residential when detoxification or residential treatment is not available.
- Incentives for participants to enter and graduate from the program include early termination of probation or conversion to inactive probation, and the avoidance of a prison sentence.
- MCSC participants are required to pay fees to the court, treatment provider, and probation as part of the program. The fees average \$1,500 per participant, and vary according to participants' ability to pay.
- Participants must be drug free for a minimum of 60 days (although some team members said it was 6 weeks) and have a minimum of 3 clean drug tests before they can graduate.

Other graduation requirements include having a job or being in school, having a sober housing environment, completing community service, writing a sobriety plan, and paying all drug court or treatment fees.

- Participants may be removed from the program (terminated) due to a new arrest (drug possession, trafficking, violent offenses, etc.), but a new arrest may not necessarily result in termination. Participants in technical violation of probation (non-compliance) may have their probation revoked and be sentenced up to 60 days in jail, followed by one year of probation and re-entry into the MCSC. Probation revocations for re-offenses result in longer jail sentences or prison, and participants are not likely to re-enter the MCSC. Participants who abscond are returned to the program once arrested.

Suggestions/Recommendations

- **Increase the length of clean time required before graduation to AT LEAST 90 days.** Research has shown that the longer clients are required to be clean before graduation, the more positive their outcomes (both in terms of lowered recidivism and lower costs) (Carey, et al., 2005). The MCSC team is planning on making the adjustment to 90 days if it hasn't already been done.
- **Increase the focus on rewards for participants who are doing well.** MCSC team members identified the need to provide more incentives to participants and to be more systematic in awarding them (rewards are most effective if they are given by the judge during court sessions). Incentives are key to shaping participant behavior, and it is important that the program find incentives that are meaningful to its participants. The MCSC could institute some new rewards that require little or no funding. Possible rewards that are being used in other drug courts include calling those participants who are doing well first during drug court sessions and letting them leave early, conducting a fishbowl drawing of all those who are doing well, or giving candy (such as a candy bar or M&Ms) to those being promoted. The fishbowl drawing is rewarding to participants in many ways. It allows the drug court to call out the names of all those in the bowl who are doing well so that the participants have the reward of recognition. Since only the participant whose name is drawn will get the tangible reward, this cuts down on cost. Finally, having their name in the bowl becomes added motivation for the participants to do well. For additional ideas and examples, please see Appendix B, which is a sample list of rewards and sanctions used by drug courts across the United States and Appendix C, which is a sample sanction and reward schedule developed by a high functioning mentor drug court. Other examples can be found at this BJA Web site:
http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html#ias.
- **Give guidelines on the use of sanctions and rewards to each team member.** Drug courts that have written guidelines for sanctions and rewards and that provide these guidelines to the team have double the graduation rates and three times the cost savings compared to drug courts that do not have written guidelines (Carey, Finigan & Pukstas, 2008; Carey, Waller & Weller, 2010). These guidelines should be considered a starting point for team discussion of rewards and sanctions during staffing meetings and not hard and fast rules. The guidelines assist the team in maintaining consistency across participants so that, when appropriate, similar behaviors results in similar sanctions. The guidelines also serve as a reminder of the various reward and sanction options available to the

team so that the team does not fall into habits of using the same type of sanctions (e.g., jail) so frequently that they become ineffective. In addition, following the guidelines will mean fewer contested sanctions and more streamlined team meetings and court sessions because there will be fewer questions and participants will know what the consequences of their behavior will be. It is recommended that the MCSC review and revise (as necessary) its current sanction and reward guideline document and make sure all team members have a copy, and that the basic written guidelines are also shared with participants. (See Appendix C for a sample of guidelines).

- **Continue to differentiate sanctions and treatment responses.** It is important that drug court programs differentiate treatment responses from sanctions. Sanctions are not effective at ending addiction, but can be effective at modifying behavior if combined with appropriate incentives. If a participant admits to use or is found to have used, increasing treatment supports is an appropriate therapeutic response, and the MCSC properly treats those who admit to use less harshly than those who have lied. Committing new crimes or missing appointments require gathering additional information to determine the circumstances, but likely warrant sanction-oriented responses, such as community service, sit sanctions or jail.
- **Explain the reasons for rewards and sanctions in court and be aware of the importance of appearing fair.** The MCSC team mentioned that it is having difficulty determining whether they should be consistent and treat participants equally (even if the individual circumstances may be different) versus treating participants on a case by case basis. We recommend that the MCSC impose rewards and sanctions on an individualized basis, but take into consideration the appearance of equal treatment for similar infractions and the importance and challenge of repeatedly communicating the rationale behind decisions regarding levied sanctions and rewards, which the judge is already consistently doing. Because the program attempts to individualize services delivered to participants, different consequences may be handed down for similar behaviors. The program is encouraged to explain this program element during orientation and to explain the reward or sanction decision in court both for the benefit of the participant before the judge and for the participants who are observing. Continuing to provide this information, and reminders, to participants regarding the sanctioning (and reward) process would be beneficial. In addition, sanctions are considered swift if the participant is notified of the sanction immediately, even if the actual sanction isn't imposed for a few days or it is suspended (to give the participant a chance to fully comply with all requirements in the hopes that the sanction will be withdrawn).
- **Do not applaud participants who are not doing well.** So that it is more meaningful to those who are in full compliance, applaud those who deserve a reward and abstain from giving applause to participants who are not doing well in the program.
- **Decide on rewards and sanctions before court sessions.** The team should agree on rewards and sanctions during the team meeting before court so that a unified front is shown to participants during the court session. This will help limit the amount of interjections by the district attorney and the amount of defenses given by the public defender. This will also help avoid time spent during the session when the district attorney, public defender, probation and parole officer, and treatment clinical supervisor weigh in with recommen-

dations and arguments in front of the judge and participants. The judge can tell participants that they talked as a team and all agreed with the sanction/reward given. During the drug court session, based on what the participant shares during court and on the team's recommendation in the team meeting, the judge reserves the right to make the final decision and impart that decision to the participant. However, if the judge's decision is different in court than was discussed in the meeting, it is recommended that the judge call the team up to the bench (or have a discussion during the break) to discuss a revised response before handing it down to the participant. It is important to remember to present a united team for the participants so that they cannot play one team member off against another.

- **Consider limiting the length of jail sanctions.** Jail sanctions used by the MCSC average 4 days, but may be 2 weeks or longer. NPC's latest research shows that 2 day jail sanctions are the most effective in terms of outcomes and cost savings, although occasional lengthier jail sanctions may be warranted. Courts that typically used jail sanctions of 2 weeks or longer had worse outcomes. Also, the program may want to consider its use of 60 day jail sentences for technical probation violations (after which participants may be returned to the program), as this adds significantly to program outcome costs and serves to further delay the treatment process. The team may want to consider telling such offenders that they could receive 60 days in jail, but if they fully comply with all program requirements, most of the jail sentence will be waived (as an incentive for compliance).

KEY COMPONENT #7: ONGOING JUDICIAL INTERACTION WITH EACH PARTICIPANT IS ESSENTIAL.

Assessment Question: Compared to other drug courts, and to effective research-based practice, do this court's participants have frequent contact with the judge? What is the nature of this contact?

The focus of this component is on the judge's role in drug court. The judge has an extremely important function for drug court in monitoring client progress and using the court's authority to promote positive outcomes. While this component encourages ongoing interaction, drug courts must still decide more specifically how to structure the judge's role. Courts need to determine the appropriate amount of courtroom interaction between the participant and the judge as well as how involved the judge is with the participant's case. Outside of the court sessions, depending on the program, the judge may or may not be involved in team discussions, progress reports and policy making. One of the key roles of the drug court judge is to provide the authority to ensure that appropriate treatment recommendations from trained treatment providers are followed.

National Research

From its national data, the American University Drug Court Survey (Cooper, 2000) reported that most drug court programs require weekly contact with the judge in Phase I, contact every 2 weeks in Phase II, and monthly contact in Phase III. The frequency of contact decreases for each advancement in phase. Although most drug courts follow the above model, a substantial percentage reports less court contact.

Research in California, Oregon, Michigan, Maryland, Missouri and Guam (Carey et al., 2005; Carey, Finigan, & Pukstas, 2008; Carey, Waller, & Weller, 2010) demonstrated that, on average, participants have the most positive outcomes if they attend approximately one court appearance every 2 weeks in the first phase of their involvement in the program. Marlowe et al. (2006) also demonstrated that more frequent court sessions (i.e., weekly) were effective only for higher risk

offenders while less frequent sessions (e.g., monthly) were more effective for lower risk offenders.

In addition, programs where judges remained with the program at least 2 years had the most positive participant outcomes. It is recommended that drug courts either avoid fixed terms, or require judges with fixed terms to serve 2 years or more, and that courts with fixed terms consider having judges rotate through the drug court more than once, as experience and longevity are correlated with more positive participant outcomes and cost savings (Carey et al., 2005; Finigan, Carey, & Cox, 2007).

Multnomah County Process

- MCSC participants are required to attend drug court sessions once per week in the first phase, with court attendance reducing over the phases so that participants appear once per month by the last phase.
- The judge is assigned to the drug court indefinitely, but as per the grant the judge is committed to at least two years.
- The judge has attended official drug court training sessions, observed other drug courts, attended professional drug court-related conferences, and has received training by previous drug court judges.
- The judge speaks directly to participants during their court appearances. Observations made during court appearances revealed that the judge was clear and direct with participants who were struggling about expectations and checked with participants about their progress. The judge made sure to ask participants why they missed a drug test or treatment session, but also asked them what lesson they learned and gave praise, advice, and encouragement.
- During a recent observation a court session lasted 200 minutes and 24 participants attended, for an average of 8.33 minutes per participant.

Suggestions/Recommendations

- **Commendation on judicial interaction.** The judge is to be commended for his interactions with participants. He genuinely cares about participants and gives a good amount of encouragement and advice. Supportive interactions such as praise and other rewards coming from an authority figure are a research-based best practice and can be powerful motivators for participants. The judge continues to be respectful of those that need sanctioning and provides clear explanations on the reason for the sanction. This leads to participant perceptions of fairness, which improves participant outcomes.
- **Work to streamline interactions in court and shorten the length of court sessions.** Because time is often a scarce resource for drug court team members, as well as participants, the team should continue to explore how interactions in the courtroom could be more streamlined, especially in regards to contested probation violations. Nationally, the optimal average for court interaction is an average 3 minutes for each participant. In these courts, drug court judges typically offer a synopsis of each participant's progress as gleaned from the team meeting. Furthermore, as the program's capacity goal is neared, there will be a greater need to streamline the court process. It is recommended that the MCSC team visit another drug court to observe interactions and time management strategies. The team may want to consider having the coordinator time each interaction so that

the length doesn't go over a certain limit, and also limit the amount of time each participant has to talk (especially participants who are argumentative or just giving excuses). The MCSC is also currently discussing the option of holding all contested probation violation hearings on Wednesdays so that they do not clog the docket on regular drug court session days. Many of the recommendations suggested here have already begun to be implemented by the MCSC.

- **Decrease the required frequency of participant court appearances.** Decreasing the frequency of required court sessions for each participant will also decrease the number of participants seen per session and will therefore further shorten the docket. It was observed during a court session that many participants were asked to come back to court later that week (which means the participants attend court more than once a week). Instead of having participants come back to court more than once in a week, the team may want to consider having participants check in with their probation and parole officer (and treatment) for a follow-up case management appointment. In addition, the MCSC should discuss having the Department of Community Justice handle some of the less serious probation violations so that they don't take up so much court time (probation and parole officers have the ability to give administrative sanctions of up to 5 days in jail). As research has shown that court appearances every 2 weeks can have better outcomes (Marlowe et al., 2006; Carey, Finigan, & Pukstas, 2008) (except in very high-risk populations), the MCSC should consider reducing the frequency of drug court appearances to once per week or every 2 weeks for participants in the first phase (unless the participant is very high risk and having issues becoming or remaining sober). If the MCSC is obligated to see participants once per week for the first 90 days due to the contract with the CJC, the team should determine if the contract can be modified.
- **Minimize participant distractions and other disrespectful behavior in court.** It was observed and reported by team members that participants talk to each other, go in and out of the courtroom for smoke breaks and conversation, argue with the judge and team members, and use inappropriate language when speaking to the judge and team. These distractions can slow court sessions, disrupt the participants' ability to hear and learn from the judge during court proceedings, and are not conducive to productive and efficient court sessions or the participants' ability to learn pro-social behavior. The judge and team should present a united front in expecting and enforcing appropriate behavior during court sessions. A written document of appropriate courtroom behavior should be created and given to the participants and the team. Before court sessions, one team member should talk to the participants in the courtroom, reminding them of appropriate behavior and the sanctions they can expect if the rules are not followed. The team is already working on making the courtroom behavior document.
- **Take full advantage of the court hearing as a learning experience for participants.** Because drug court hearings are a forum for educating all participants and impacting their behavior, it is recommended that the court require all participants (or at least those in Phase 1) to stay for the entire hearing both to observe consequences (both good and bad) and to see how some people who have as many challenges as they have are able to succeed and make positive, healthy choices and changes in their lives. This will be more feasible once the length of court sessions is reduced. As a part of the learning experience, the judge can offer a synopsis of each participant's progress as gleaned from the staffing meeting and provide rewards or sanctions as appropriate with explanation for each. The

team should continue to see successful participants earlier in the session. Also, the team should excuse participants early as an incentive for positive behavior they have demonstrated since the previous hearing.

- **Train a back-up judge.** Having a back-up judge who is familiar with the drug court model is suggested (possibly the STOP Court judge), in case of illness or vacation of the current judge. Also, if a new judge eventually replaces the current drug court judge, try to build in as much transition time as possible from the current to the incoming drug court judge, so that the replacement judge can learn the drug court model (and understand his/her role in the program). If possible, allow the incoming judge to observe drug court hearings and learn directly from the experience of the sitting judge, and try to arrange time for the current judge to be available for consultation or questions.

KEY COMPONENT #8: MONITORING AND EVALUATION MEASURE THE ACHIEVEMENT OF PROGRAM GOALS AND GAUGE EFFECTIVENESS.

Assessment Question: Are evaluation and monitoring integral to the program?

This component encourages drug court programs to monitor their progress towards their goals and evaluate the effectiveness of their practices. The purpose is to establish program accountability to funding agencies and policymakers as well as to themselves and their participants. Further, regular monitoring and evaluation provides programs with the feedback needed to make adjustments in program practices that will increase effectiveness. Finally, programs that collect data and are able to document success can use that information to gain additional funding and community support. Monitoring and evaluation require the collection of thorough and accurate records. Drug courts may record important information electronically, in paper files or both. Ideally, drug courts will partner with an independent evaluator to help assess their progress. Lastly, it is important to determine how receptive programs are to modifying their procedures in response to feedback.

National Research

Carey, Finigan, and Pukstas (2008) and Carey et al. (2009) found that programs with evaluation processes in place had better outcomes. Four types of evaluation processes were found to save the program money with a positive effect on outcome costs: 1) maintaining electronic records that are critical to participant case management and to an evaluation, 2) the use of program statistics by the program to make modifications in drug court operations, 3) the use of program evaluation results to make modification to drug court operations, and 4) the participation of the drug court in more than one evaluation by an independent evaluator.

Multnomah County Process

- The MCSC collects data electronically for participant tracking. These data include information provided by the treatment provider. Information collected on program participants is monitored to assess whether the program is moving toward its goals. For example, the program adjusted its intake screening process due to the monitoring.
- The MCSC has not yet completed an outside evaluation of the program (aside from this assessment) but is in the midst of a random assignment recidivism study being performed by the Criminal Justice Commission and the Department of Corrections that will be finished in 2013.

Suggestions/Recommendations

- **Commendation for collecting electronic data.** The drug court team should continue to accumulate and analyze data about the drug court participants and use it for program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program. A list of data important for participant case management, program self-monitoring and evaluation is included in Appendix D.
- **Share and discuss evaluation and assessment results with all team members.** The team should set aside time to discuss the overall findings and recommendations in this report and determine what program adjustments will be made. Appendix A contains a brief set of guidelines for how to review program feedback and next steps in making changes to the program. In addition, the assessment and evaluation results can be very beneficial to the program if they are looking to apply for grants to fund additional positions, etc., or for local funders/agencies to help them access resources. These results can document needs as well as show how well the program has done in some areas. Drug courts that made modifications to their program based on assessment and evaluation results have half the recidivism and double the savings.

KEY COMPONENT #9: CONTINUING INTERDISCIPLINARY EDUCATION PROMOTES EFFECTIVE DRUG COURT PLANNING, IMPLEMENTATION, AND OPERATIONS.

Assessment Question: Is this program continuing to advance its training and knowledge?

This component encourages ongoing professional development and training of drug court staff. Team members need to be updated on new procedures and maintain a high level of professionalism. Drug courts must decide who receives this training and how often. This can be a challenge during implementation as well as for courts with a long track record. Drug courts are encouraged to continue organizational learning and share lessons learned with new hires.

National Research

The Carey, Finigan, and Pukstas (2008) study found that drug court programs requiring all new hires to complete formal training or orientation and requiring *all* drug court team members be provided with regular training were associated with higher graduation rates and greater cost savings due to lower recidivism.

Multnomah County Process

- All MCSC team members (except for the coordinator) have had training specifically in the use of rewards and sanctions to modify the behavior of drug court participants.
- In addition to on-the-job training, the following MCSC team members have received training or education specifically on the drug court model: judge, district attorney, and public defender.
- MCSC team members have received training on strength-based philosophy and practices. Team member have also brought new information on drug court practices including drug addiction and treatment to staff meetings.
- New MCSC staff members are not trained on the drug court model before or soon after starting work.

- MCSC team members have not generally received trainings specific related to their roles on the drug court team. They also have not received training specifically about the target population of the court including age, gender, race/ethnicity and drugs of choice.

Suggestions/Recommendations

- **Train all team members in the drug court model.** The program should ensure that *all* drug court staff members, including treatment providers, receive training about the drug court model, their role in the drug court setting, addiction, and rewards and sanctions as well as education on the program's specific target population. All staff should have regular opportunities for refresher training and updated information to stay current in the field. We recommend that a training log be kept that includes each team member and that staff attend training (online, and/or at in-person training sessions or conferences) at least once per year. NPC's recent research findings showed that drug courts who obtained regular training for their team members had better participant outcomes including decreased recidivism and greater cost savings (Carey, Pukstas, & Finigan, 2007). The National Drug Court Institute (NDCI), an arm of the National Association of Drug Court Professionals, will often provide training or assistance at little or no cost for those programs that show the need (see http://www.ndci.org/technical_assistance.html). There are also training materials available on the NDCI website that may be useful as a reading assignment for all team members.
- **Arrange for formal role specific training for all team members.** The drug court model is a team approach. Participation from all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. It is important to keep team members engaged in the process through ensuring that they feel their roles and contributions are valued. All team members would benefit from formal role-specific training to ensure that they understand their roles as part of a drug court team and how those roles may be different from their typical roles outside of drug court. The National Drug Court Institute (NDCI) has role-specific training opportunities available. For more information go to <http://www.ndci.org>. Drug courts in which all team members received formal training had graduation rates that were 21% higher and double the cost savings compared to drug courts where all team members were not trained. MCSC team members would like a trainer to come to the S.T.A.R.T. Court and are also considering ways to ensure that all team members are able to rotate through attending the national drug court conference at least once every few years.

KEY COMPONENT #10: FORGING PARTNERSHIPS AMONG DRUG COURTS, PUBLIC AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS GENERATES LOCAL SUPPORT AND ENHANCES DRUG COURT PROGRAM EFFECTIVENESS.

Assessment Question: Compared to other drug courts, has this court developed effective partnerships across the community?

This component encourages drug courts to develop partnerships with other criminal justice and service agencies. For these collaborations to be true "partnerships," regular meetings and collaborations with these partners should occur. If successful, the drug court will benefit from the expertise that resides in all of the partner agencies and participants will enjoy greater access to a variety of services. Drug courts must still determine what partners are available and decide with whom to partner and how formal to make these partnerships. Other important factors to weigh

include who will be considered as part of the main drug court team; who will provide input primarily through policymaking; and what types of services will be available to clients through these partnerships.

National Research

Responses to American University's National Drug Court Survey (Cooper, 2000) show that most drug courts are working closely with community groups to provide support services for their drug court participants. Examples of community resources with which drug courts are connected include self-help groups such as AA and NA, medical providers, local education systems, employment services, faith communities, and Chambers of Commerce.

In addition, Carey et al. (2005) and Carey, Waller and Weller (2010) found that drug courts that had true formal partnerships with community agencies that provide services to drug court participants had better outcomes than drug courts that did not have these partnerships.

Multnomah County Process

- The MCSC has developed and maintained relationships with organizations that can provide services for participants in the community and refers participants to those services when appropriate. Some of these services include employment/skills building services, free and discounted bus passes, and educational services.
- The MCSC team does not include representatives from community agencies that work regularly with participants.
- The MCSC is funded through the county and a grant from the Oregon Criminal Justice Commission (funded by the American Recovery and Reinvestment Act of 2009, through the Edward Byrne Memorial Justice Assistance Grant).

Suggestions/Recommendations

- **Implement an advisory committee.** The MCSC should implement an advisory committee for the program, made up of a court administration representative, drug court team members, and representatives from other community agencies, the business community and other interested groups. This committee would be responsible for advising partner agencies on program design and ensuring that the program is meeting community needs. The inclusion of community members in this group could result in expanded understanding of and community support for the program, and may result in additional services and facilities for the program as well as more sustainable funding.
- **Develop and maintain a list of participants' needs.** The program is encouraged to assess and maintain a list of the most common or important that participants have and continue to work on connecting with other human service agencies to address those particular issues and meet the needs. It is difficult for any one program alone to meet all needs, so partnerships are key to leveraging resources. The drug court team should continue discussing possible community connections and resources, and ideas for generating outside support to enhance the program and to be responsive to changes in the environment and participant needs. Team members stated that housing services for participants would be a welcome addition. The advisory committee may be a good place to begin the search for an agency that can provide these services.

- **Invite influential figures to graduations.** The team should invite community members, staff from other agencies (particularly agency heads), as well as court staff, to drug court graduations. Graduations can provide powerful testimony for the effectiveness of drug courts. It is important to educate those not familiar with drug courts in how the drug court model works and its effectiveness. The more support the drug court has in the community, the easier it will be to find funding.
- **Create a press briefing book.** In order to grow community partnerships, we suggest that the MCSC create a press briefing book that describes the program and its benefits to the participants and the community as well as provide opportunities for community involvement through forums and informational meetings.

ADDITIONAL RESOURCES

The appendices at the end of this document contain resources to assist the program in making any changes based on the feedback and recommendation in this report. Appendix A provides a brief “how-to” guide for beginning the process of changing program structure and policies. Appendix B contains a list of incentives and sanctions used in drug court programs across the country for use in developing new ideas for court and treatment responses that will change participant behavior in more positive directions. Appendix C provides an example from a currently operating drug court of their reward and sanction guidelines. Appendix D provides a list of data elements that programs should collect for case management, self-monitoring and evaluation. Other important and useful resources for drug courts are available at this Web address:

http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html#ias

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APPENDIX A: GUIDE FOR USE OF NPC ASSESSMENT AND TECHNICAL ASSISTANCE REPORTS

Brief Guide for Use of NPC Assessment and Technical Assistance Reports

The 10 Key Component assessment results can be used for many purposes, including 1) improvement of program structure and practices for better participant outcomes (the primary purpose), 2) grant applications to demonstrate program needs or illustrate the program's capabilities, and 3) requesting resources from boards of county commissioners or other local groups.

When you receive the results:

- Distribute copies of the report** to all members of your team, advisory group, and other key individuals involved with your program.
- Set up a meeting** with your team and steering committee to discuss the report's findings and recommendations. Ask all members of the group to **read the report** prior to the meeting and **bring ideas and questions**. Identify who will **facilitate** the meeting (bring in a person from outside the core group if all group members would like to be actively involved in the discussion).
- Contact NPC Research** if you would like research staff to be available by phone to answer questions.
- During the meeting(s), **review each recommendation**, discuss any questions that arise from the group, and **summarize the discussion, any decisions, and next steps**. You can use the format below or develop your own:

Format for reviewing recommendations:

Recommendation: Copy the recommendations from the electronic version of report and provide to the group.

Responsible individual, group, or agency: Identify who is the focus of the recommendation, and who has the authority to make related changes.

Response to recommendation: Describe the status of action related to the recommendation (some changes or decisions may already have been made). Indicate the following:

- 1. This recommendation will be accepted. (see next steps below)
- 2. Part of this recommendation can be accepted (see next steps below and indicate here which parts are not feasible or desirable, and why)
- 3. This recommendation cannot be accepted. Describe barriers to making related changes (at a future time point, these barriers may no longer exist) or reason why the recommendation is not desirable or would have other negative impacts on the program overall.

Next steps: Identify which tasks have been assigned, to whom, and by what date they will be accomplished or progress reviewed. Assign tasks only to a **person who is present**. If the appropriate person is not present or not yet identified (because the task falls to an agency or to the community, for example), identify who from the group will take on the task of identifying and contacting the appropriate person.

- Person: (Name)
- Task: (make sure tasks are specific, measurable, and attainable)

- **Deadline or review date:** (e.g., June 10th) The dates for some tasks should be soon (next month, next 6-months, etc.); others (for longer-term goals for example) may be further in the future.
 - **Who will review:** (e.g., advisory board will review progress at their next meeting)
-
- **Contact NPC Research** after your meeting(s) to discuss any questions that the team has raised and not answered internally, or if you have requests for other resources or information.
 - **Contract NPC Research** if you would like to hold a conference call with or presentation to any key groups related to the study findings.
 - **Request technical assistance or training as needed** from NADCP/NDCI or other appropriate groups.
 - **Add task deadlines to the agendas of future steering committee meetings**, to ensure they will be reviewed, or select a date for a follow-up review (in 3 or 6 months, for example), to discuss progress and challenges, and to establish new next steps, task lists, and review dates.

**APPENDIX B: LIST OF POSSIBLE PROGRAM REWARDS
AND SANCTIONS**

Examples of Rewards and Sanctions Used By Other Drug Courts

Drug Court Responses to Participant Behavior (Rewards and Sanctions) Ideas and Examples

The purpose of rewards and sanctions in drug court programs is to help shape participant behavior in the direction of drug court goals and other positive behaviors. That is, to help guide offenders away from drug use and criminal activity and toward positive behaviors, including following through on program requirements. Drug court teams, when determining responses to participant behavior, should be thinking in terms of behavior change, not punishment. The questions should be, “What response from the team will lead participants to engage in positive, pro-social behaviors?”

Sanctions will assist drug court participants in what *not* to do, while rewards will help participants learn they *should* do. Rewards teach that it can be a pleasant experience to follow through on program requirements and in turn, to follow through on positive life activities. It is important to incorporate both rewards and sanctions.

Below are some examples of drug court team responses, rewards and sanctions that have been used in drug courts across the United States.

Rewards

No cost or low cost rewards

- Applause and words of encouragement from drug court judge and staff
- Have judge come off the bench and shake participant’s hand.
- Photo taken with Judge
- A “Quick List.” Participants who are doing well get called first during court sessions and are allowed to leave when done.
- A white board or magnetic board posted during drug court sessions where participants can put their names when they are doing well. There can be a board for each phase so when participants move from one phase to the next, they can move their names up a phase during the court session.
- Decrease frequency of program requirements as appropriate—fewer self-help (AA/NA) groups, less frequent court hearings, less frequent drug tests.
- Lottery or fishbowl drawing. Participants who are doing well have their names put in the lottery. The names of these participants are read out in court (as acknowledgement of success) and then the participant whose name is drawn receives a tangible reward (candy, tickets to movies or other appropriate events, etc.)
- Small tangible rewards such as bite size candies.
- Key chains, or other longer lasting tangible rewards to use as acknowledgements when participants move up in phase.
- More visitation with children

Higher cost (generally tangible) rewards

- ❑ Fruit (for staff that would like to model healthy diet!)
- ❑ Candy bars
- ❑ "The Basket" which is filled with candy bars—awarded drug court session when participant is doing *everything* "right"
- ❑ Coffee bucks
- ❑ Gift certificates for local stores.
- ❑ Scholarships to local schools.
- ❑ Tokens presented after specified number of clean days given to client by judge during court and judge announces name and number of clean days.
- ❑ Swimming pass to local pool

Responses to (and Sanctions for) Non-Compliant Behavior

- ❑ Require participants to write papers or paragraphs appropriate to their non-compliant behavior and problem solve on how they can avoid the non-compliant behavior in the future.
- ❑ "Showing the judge's back." During a court appearance, the judge turns around in his or her chair to show his/her back to the participants. The participant must stand there waiting for the judge to finish their interaction. (This appears to be a very minor sanction but can be very effective!)
- ❑ Being reprimanded by the judge
- ❑ "Sit sanctions." Participants are required to come to drug court hearings (on top of their own required hearings) to observe. Or participants are required to sit in regular court for drug offenders and observe how offenders are treated outside of drug court.
- ❑ Increasing frequency of drug court appearances
- ❑ Increasing frequency of self-help groups, (for example, 30 AA/NA meetings in 30 days or 90 AA/NA meetings in 90 days).
- ❑ Increasing frequency of treatment sessions
- ❑ One day or more in jail. (Be careful, this is an expensive sanction and is not always the most effective!)
- ❑ "Impose/suspend" sentence. The judge can tell a participant who has been non-compliant that he or she will receive a certain amount of time in jail (or some other sanction) if they do not comply with the program requirements and/or satisfy any additional requirements the staff requests by the next court session. If the participant does not comply by the next session, the judge imposes the sentence. If the participant does comply by the next session, the sentence is "suspended" and held over until the next court session, at which time, if the participant continues to do well, the sentence will continue to be suspended. If the participant is non-compliant at any time, the sentence is immediately imposed.
- ❑ Community service. The best use of community service is to have an array of community service options available. If participants can fit their skills to the type of service they are providing and if they can see the positive results of their work, they will have the opportunity to learn a positive lesson on what it can mean to give back to their communities. Examples of community service that other drug courts have used are: helping to build

houses for the homeless (e.g., Habitat for Humanity), delivering meals to hungry families, fixing bikes or other recycled items for charities, planting flowers or other plants, cleaning and painting in community recreation areas and parks. Cleaning up in a neighborhood where the participant had caused harm or damage in the past can be particularly meaningful to the participants.

- ❑ Rather than serve jail time, or do a week of community service, the participant works in the jail for a weekend.
- ❑ Residential treatment.

**APPENDIX C: SAMPLE OF DRUG COURT REWARD
AND SANCTION GUIDELINES**

SANCTIONS

I. Testing positive for a controlled substance

- Increased supervision
- Increased urinalysis
- Community service
- Remand with a written assignment
- Incarceration (1 to 10 days on first; 1 week on second)
- Discharge from the program

TREATMENT RESPONSE:

- Review treatment plan for appropriate treatment services
- Write an essay about your relapse and things you will do differently
- Write and present a list of why you want to stay clean and sober
- Write and present a list of temptations (people, objects, music, and locations) and what you plan to put in their place.
- Make a list of what stresses you and what you can do to reduce these stresses.
- Residential treatment for a specified period of time (for more than 2 positive tests)
- Additional individual sessions and/or group sessions
- Extension of participation in the program
- Repeat Program Phase

GOAL:

- Obtain/Maintain Sobriety

II. Failing or refusing to test

- Increased supervision
- Increased urinalysis
- Remand with a written assignment
- Increased court appearances (If in Phase II-IV)
- Incarceration (1 to 10 days on first; 1 week on second)
- Discharge from the program

TREATMENT RESPONSE:

- Review treatment plan for appropriate treatment services
- Residential treatment for a specified period of time
- Extension of participation in the program
- Repeat Program Phase

GOAL:

- Obtain/Maintain Sobriety and Cooperation to comply with testing requirements

III. Missing a court session without receiving prior approval for the absence

- Community service
- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program

GOAL:

- Responsible Behavior and Time Management

IV. Being late to court, particularly if consistently late with no prior approval from the Court or Case Manager

- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program

GOAL:

- Responsible Behavior

V. Failure to attend the required number of AA/NA meetings or support group meetings

- Increased supervision
- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program
- Written Assignment

TREATMENT RESPONSE:

- Review treatment plan for appropriate treatment services
- Written assignment on the value of support groups in recovery.
- Additional individual sessions and/or group sessions

GOAL:

- Improved Treatment Outcome

VI. Failure to attend and complete the assigned treatment program

- Increased supervision
- Community service
- Remand with a written assignment
- Extension of participation in the program
- Repeat Program Phase

TREATMENT RESPONSE:

- One or more weeks set back in previous Phase for additional support
- Attend Life Skills Group
- Residential treatment for a specified period of time (consist occurrence)
- Additional individual sessions and/or group sessions

GOAL:

- Improved Treatment Outcome

VII. Demonstrating a lack of response by failing to keep in contact and/or cooperate with the Case Manager or Counselor

- Community service
- "Jury-box duty"
- Remand with a written assignment
- Extension of participation in the program
- Repeat Program Phase

TREATMENT RESPONSE:

- Make up missed sessions
- Review treatment plan to ensure clients needs are being met
- Additional individual sessions and/or group sessions

GOAL:

- Demonstrate respect and responsibility

VIII. Convicted of a new crime

- Increased supervision
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program
- Repeat Program Phase
- Incarceration

- Discharge from the program

TREATMENT RESPONSE:

- Additional individual sessions and/or group sessions

GOAL:

- To promote a crime free lifestyle

IX. Violence or threats of violence directed at any treatment staff or other clients

- Discharge from the program

X. Lack of motivation to seek employment or continue education

- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program

TREATMENT RESPONSE:

- Additional individual sessions and/or group sessions

GOALS:

- Graduation and Job Preparedness

XI. Refusing to terminate association with individuals who are using

- Increased supervision
- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program
- Written Assignment

TREATMENT RESPONSE:

- Additional individual sessions and/or group sessions

GOALS:

- Develop a social network with clean and sober friends

XII. Failure to comply with court directives

- Increased supervision
- Community service
- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program
- Repeat Program Phase
- Remand into custody all free time
- Written assignment

GOALS:

- Develop a social network with clean and sober friends

XIII. Lack of motivation to seek safe housing

- Increased supervision
- Community service
- Written assignment

XIV. Forging documentation required by the court for proof of compliance

- Incarceration
- Discharge from the program

(If it appears to the prosecuting attorney, the court, or the probation department that the defendant if convicted of a misdemeanor that reflects the defendant's propensity for violence, or the defendant is convicted of a felony, or the defendant has engaged in criminal conduct rendering him or her unsuitable for participation in Drug Treatment Court, the prosecuting attorney, the court on its own, or the probation department may make a motion to terminate defendant's conditional release and participation in the Drug Treatment Court. After notice to the defendant, the court shall hold a hearing. If the court finds that the defendant has been convicted of a crime as indicated above, or that the defendant has engaged in criminal conduct rendering him or her unsuitable for continued participation in Drug Treatment Court, the court shall revoke the defendant's conditional release, and refer the case to the probation department for the preparation of a sentencing report.)

REWARDS

If the participant complies with the program, achieves program goals and exhibits drug -free behavior, he/she will be rewarded and encouraged by the court through a series of incentives. Participants will be able to accrue up to 50 points to become eligible to receive a reward. After accruing 50 points, the participant will S.T.A.R.T. over in point accrual until he/she reaches 50 points again. The points are awarded as follows:

Achievement	Points Awarded
• Step Walking (12 step)	3
• All required AA/NA Meetings Attended	1
• AA/NA Sheet turned in on time	1
• Attended all required treatment activities at the program	1
• Phase Change	5
• 3 Month Chip	2
• 6 Month Chip	4
• 9 Month Chip	6
• 1 year Chip	8
• Obtained a job (part time)	3
• Obtained a job (full time)	5
• Graduated from Vocational Training	5
• Obtained a GED	5
• Graduated from Junior College	5
• Obtained a Driver's License	4
• Bought a Car	4
• Obtained Safe Housing (Renting)	4
• Obtained Safe Housing (Buying)	5
• Taking Care of Health Needs	3
• Finding A Sponsor	3
• Helping to interpret	1
• Promotion/raise at work	3
• Obtaining MAP/Medi-Cal/Denti-Cal	3
• Parenting Certificate	2
• Judge's Discretion	1 to 5

Incentive items that are given to the participants (upon availability) include but are not limited to:

- Bus passes
- A donated bicycle that may be kept for the duration of time in Drug Court. After completion of drug court, the bicycle must be returned. (A terminated participant must return the bicycle forthwith.)
- Pencils, key chains: awarded for Phase changes
- Personal hygiene products
- Framing any certificate of completion from other programs, or certificates showing length of sobriety
- Haircuts
- Eye Wear
- Movie Passes
- Food Coupons

APPENDIX D: LIST OF DATA ELEMENTS FOR PROGRAM SELF-MONITORING

NPC Data Elements Worksheet

DRUG COURT PROGRAM DATA

	Variable/Data element	Where located/ who collects? (electronic/ written records?)	When agency began collecting or plans to begin?	Notes
	DEMOGRAPHICS & ID (collect from all possible sources)			
1a	Name			
2	SSN, state ID, FBI ID, DL#, DC case number, state TX number			
2a	○ Birth Date			
2b	○ Gender			
2c	○ Race/Ethnicity			
	CLIENT INFORMATION			
2d	○ Employment status at drug court entry			
2e	○ Employment status at drug court exit			
2f	○ Highest grade of school completed at time of drug court entry			
2g	○ Number and ages of children			
2h	○ Housing status at entry			
2i	○ Housing status at exit			
2j	○ Income at entry (if self-supporting)			

	Variable/Data element	Where located/ who collects? (electronic/ written records?)	When agency began collecting or plans to begin?	Notes
2k	o Income at exit (if self-supporting)			
2l	o Other demographics			
	DRUG COURT SPECIFIC DATA			
3	Drug court entry date			
4	Drug court exit date			
5	Date of drug court eligible arrest			
5a	Charge for DC arrest			
5b	Arresting agency			
6	Court case number for case leading to drug court participation			
7	Date of referral to drug court program and referral source			
8	Drug court status on exit (e.g., graduated, revoked, terminated, dropped out)			
9	If participation in drug court is revoked or terminated, reason			
10	Dates of entry into each phase			
11	Criminal/Juvenile justice status on exit (e.g., on probation, charge expunged, etc.)			

	Variable/Data element	Where located/ who collects? (electronic/ written records?)	When agency began collecting or plans to begin?	Notes
12	Dates of UAs			
13	Dates of positive UAs			
14	Dates of other drug tests			
15	Dates of other positive drug tests			
15a	Agency provided test results			
16	Drugs of choice (primary and secondary)			
17	Dates of drug court sessions			
18	Attitude toward treatment/readiness to change at entry			
19	Dates of services received with types of service received (see examples below) [Note: If dates not available, at least need different types of services rec'd and approximate time periods or the # of times the individual received a particular service].			
19a	○ Group A&D sessions			
19b	○ Individual A&D sessions			
19c	○ Mental health services			
19e	Agency providing TX			
20	Mental health or A&D diagnoses			

	Variable/Data element	Where located/ who collects? (electronic/ written records?)	When agency began collecting or plans to begin?	Notes
21	Aftercare services (dates and types), if applicable			
22	Dates of re-arrests/re-referrals during program participation			
23	Charge(s)/allegation(s) associated with re-arrests/re-referrals during program participation			
24	Outcome(s) of re-arrests/re-referrals (conviction, dismissed, etc.) during program participation			
25	Other noncompliant behavior (types, dates) during program participation			
26	Probation violations during program participation			
27	Rewards and sanctions (dates, types, and duration)			
27a	Detention/jail time as a sanction			