



State Capitol and Legislative Plaza in Spring, Nashville



Wears Valley near Great Smoky Mountains National Park  
between Pigeon Forge and Townsend

# 2004/2005 Tennessee Drug Court Annual Report



**Prepared by:**

Office of Criminal Justice Programs  
Tennessee Department of Finance &  
Administration  
312 8<sup>th</sup> Avenue North, Suite 1200  
William R. Snodgrass Tennessee Tower  
Nashville, Tennessee 37243-1700

# Table of Contents

	<u>Page</u>
Executive Summary.....	3
I. Introduction .....	6
II. Legislation.....	8
Overview of legislation	
Tracking New Legislation	
III. Drug Court Fee Collections.....	12
IV. Programs .....	15
Statewide Programs	
Mentor Courts	
V. Training and Technical Assistance.....	19
OCJP Website	
Drug Court Basic Training	
Performance Measurement Development and Training	
Sustainability Training	
VI. Data Collection/Evaluation.....	23
MIS Survey	
Performance Measures	
Tennessee Data	
VII. Collaboration.....	36
 <u>Appendices</u>	
Advisory Committee Info Sheet (Appendix A)	
Performance Measures Document (Appendix B)	
MIS Survey Results (Appendix C)	
Risk and Needs Assessment (Appendix D)	

## EXECUTIVE SUMMARY

In July 2003, Tennessee lawmakers passed the *Drug Court Treatment Act*, establishing the legitimacy of the drug courts statewide. This Act provides the opportunity for drug courts to share information, provide training, and facilitate collaboration between the State and local communities. The legislation also determines that drug courts in Tennessee are to follow the Ten Key Components for drug courts adopted by the Bureau of Justice, Justice Assistance Programs, discussed in detail in this report. Since the Act was passed in 2003, the number of drug courts has increased significantly. There are now fifty-five (55) counties covered by forty-one (41) operational drug courts. Six courts were in the planning stages in 2005. The Office of Criminal Justice Programs (OCJP), in fiscal year 2004/2005, had grants with fifteen (15) of these drug courts across the state. OCJP is working to leverage federal, state and local funds to further expand the drug court program statewide.

Since July of 2003 the Office of Criminal Justice programs has worked with organizations such as the National Center for State Courts, the National Drug Court Institute, the Treatment Accountability for Safer Communities (TASC) office, the Administrative Office of the Courts, and many local drug courts and agencies to provide training in areas such as “Drug Court Issues”, “Advanced Drug Court Issues”, “Management Information Systems”, regional “Performance Measures” workshops and “Sustainability” workshops. Additionally, OCJP and the Mentor Courts have continued to offer technical assistance to existing and planning courts.

The Office of Criminal Justice Programs has worked diligently to offer technical assistance to existing drug courts as well as those in the planning stage by devoting a section of the OCJP website to drug courts and by having informational materials available upon request. Additionally, OCJP has hired a Drug Court Coordinator dedicated to advance the cause of drug courts and to be available to courts in need of assistance.

The Office of Criminal Justice Programs has completed a statewide drug court risk and needs assessment to determine the strengths and challenges faced by drug courts. This has helped to determine the training, technical assistance and financial needs of drug courts across the state. Additionally, a Management Information Systems (MIS) survey to determine the status of current systems being used by drug courts statewide was completed. This survey will serve as a map to determine the infrastructure needs as it relates to information systems.

The legislated Drug Court Advisory Committee, with assistance from the National Center for State Courts, has developed and implemented performance measures to be used by drug courts statewide. Improvement of these performance measures and the reporting system continue with the assistance of advisory board members and members of the Tennessee Association of Drug Court professionals. For the first time, drug courts in Tennessee have reported performance data that can be used to improve programs and demonstrate effectiveness. Forty (40) of forty-one (41) drug court programs submitted data to OCJP to review and summarize. The data provides a baseline for future reporting on retention, recidivism, graduation rates, drug screening, and a wealth of other information. It will be useful information to the State and ultimately, the communities of Tennessee as we move toward sustaining Tennessee's invaluable drug courts.

OCJP has collaborated with federal and state agencies to bring drug court training to this state. Additionally OCJP has worked with federal and local agencies to develop the performance measures used by the drug courts in Tennessee. Further, the drug court advisory committee continues to assist OCJP in determining the proper uses of grant funds to local drug courts. These and other efforts at collaboration will be built upon to ensure the continuation of the drug court movement. Collaboration continues to be an integral piece of OCJP's plan for this movement.

# INTRODUCTION

The General Assembly passed Public Chapter 335, the *Drug Court Treatment Act of 2003* which was signed into law on June 13, 2003. The Drug Court Treatment Act establishes guidelines and funding provisions for drug courts created in Tennessee. The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs (OCJP) is charged with administering this program. The Office of Criminal Justice Programs is the State Administrative Agency for the U.S. Department of Justice and functions as a strategic planning office for state criminal justice system issues. Additionally, the OCJP administers approximately 450-500 criminal justice system grants each fiscal year, including the Residential Substance Abuse Treatment Program, drug task forces, and other substance abuse initiatives in addition to drug courts. The *Drug Court Treatment Act of 2003* provides the backbone to a continuously evolving drug court system that has become an integral part of Tennessee's multi-pronged response to substance abuse related criminal activity. The response includes collaboration between federal, state and local entities to ensure the sustained success of the drug court movement. The result of this collaboration has been the strengthening of not only the statewide program but additionally the local programs involved.

As administrators of the drug court treatment program, the OCJP is responsible for developing and implementing performance measures to be used by drug courts statewide. These measures will enable drug courts to identify their progress and help the state collect this information in a uniform manner. Additionally, OCJP is tasked with collecting and reporting on other drug court data from across the state in an effort to keep track of the status

of this initiative. OCJP is also charged with the support of the “Mentor Court Program” which serves to offer technical assistance to drug courts in need. Another requirement as administrator of the drug court program is to sponsor and coordinate training to ensure that drug court personnel have the tools to accomplish their mission. Finally, OCJP is responsible for the financial resources generated by the *Drug Court Treatment Act of 2003* and to award, administer and evaluate drug court grants. To this end the Office of Criminal Justice Programs has hired a State Drug Court Coordinator to manage all aspects of the statewide drug court program. Additional staff, including supervisory, lend support to the program through direct involvement in activities related to the program.

## LEGISLATION

The *Drug Court Treatment Act of 2003* established the Office of Criminal Justice programs as the administrator of the drug court treatment program providing the following functions in support of individual programs across the state:

- Defining, developing and gathering outcome measures for drug court treatment programs
- Collecting, reporting and disseminating drug court treatment data
- Supporting a state drug treatment court “mentor” program
- Sponsoring and coordinating state drug court treatment and training
- Awarding, administering and evaluating state drug court treatment grants

In addition, The Act established a fee of \$75.00 charged to all drug convictions beginning in July 2003. The intention of this fee is to provide local governments with a means to implement and maintain a drug court in their jurisdiction. Therefore, any county that has an operational drug court treatment program may retain the fee to support the program. If there is not an operational drug treatment court in that county during the fiscal year then the fee is to be remitted to the state of Tennessee to be granted out in support of other drug court initiatives around the state. Counties with an operational drug court are asked to report the amount of the fee collected to OCJP. This information lets the State know if the fee is meeting its intended purpose of supporting drug court programs. A summary of fees collected can be found later in this chapter under the section titled, “Issues and Concerns.”

The Act also established the State Drug Court Advisory Committee. The committee is comprised of drug court professionals from Tennessee (See Appendix A) and its express purpose is to review all program criteria established by the OCJP and advise the Commissioner of Finance and Administration on the allocation of granted funds. As the advising body on drug courts in Tennessee, the committee is to make sure that the general principles established by the National Association of Drug Court Professionals, Drug Court Advisory Committee, are followed. This includes the **10 Key Components** recognized by the federal Department of Justice and developed in collaboration with the National Association of Drug Court Professionals; all discussed in more detail later in this report, but are as follows and are outlined in the *Drug Court Treatment Act of 2003*,

- ✓ Drug courts integrate alcohol and other drug treatment services with the justice system case processing;
- ✓ Drug courts use a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
- ✓ Drug courts identify eligible participants early and promptly place them in the drug court treatment program;
- ✓ Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
- ✓ Drug courts monitor abstinence by frequent alcohol and other drug testing;
- ✓ Drug courts use a coordinated strategy to govern responses to participants' compliance;
- ✓ Drug courts use ongoing judicial interaction with each drug court participant as an essential component of the program;
- ✓ Drug courts utilize monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;

- ✓ Drug courts employ continuing interdisciplinary education to promote effective drug court planning, implementation, and operations; and
- ✓ Drug courts forge partnerships among the court, public agencies, and community-based organizations to generate local support and enhance drug court effectiveness.

The Drug Court Advisory Committee has played a key role in the drug court movement in Tennessee. First meeting in December of 2003, the dedicated and knowledgeable professionals of this committee have moved forward on the requirements and objectives of the Act of 2003 and have provided direction for the OCJP. The committee has been closely involved in developing and implementing training initiatives, performance measures, and a strategic plan for drug courts in the state, and has met very regularly since inception.

This advisory committee continues to play a key role in the identification of issues and concerns related to the drug court statute. Of particular concern is that there is no entity designated with the responsibility to oversee compliance with the criteria and standards for drug courts as set forth in the Drug Court Treatment Act of 2003. Additionally, there is concern that the statute lacks specific detail as to which entity is charged with ensuring remittance of the drug court fee and ramifications for failing to do so when appropriate.

In 2005, there was no legislation passed that would directly impact the drug courts though there was proposed legislation that was eventually withdrawn. OCJP continues to work with the advisory committee to identify new legislation that will directly or indirectly impact the drug courts. The Tennessee Association of Drug Court Professionals was incorporated in March 2005 and is a body of professionals in Tennessee dedicated to promote

the goals of the drug court initiative through education and advocacy. This association also plays a vital role in monitoring and adapting legislation to support and sustain Tennessee's drug court programs.

The Act has been an effective tool to provide the state with a central location for drug court coordination and information. Planning drug courts tend to be motivated to contact the OCJP or other courts to ask for help. As the drug court system in Tennessee expands, it will become increasingly necessary to provide an appropriate infrastructure for technical assistance and monitoring oversight, issues The Act may address with some revision.

## DRUG COURT FEES

The purpose of the drug court fee assessed on drug cases is to support funding of drug courts locally. In counties where no drug court operates the fees collected come to the state office to redistribute to assist in the support of drug courts across the state. The Office of Criminal Justice Programs has, over the past two years, worked diligently to inform the courts and county governments of their obligations related to these fees. Despite these efforts collection and remittance of these fees to OCJP still remains a problem in some areas.

In fiscal year 2004, the first year of the fee collection, forty-three (43) counties without operational drug treatment courts remitted fees totaling \$155,227.73. Six (6) counties without a drug court (Sevier, Meigs, Polk, McNairy, Sequatchie, and Hancock) did not remit fees. Sequatchie and Hancock counties did turn in the requested form claiming they collected no fees for the year. Thirty-five (35) counties with operational drug courts reported revenues totaling \$177,161.59 in the same year. Eleven (11) counties with drug courts did not report on the fees collected.

In fiscal year 2005, revenues received from twenty-six (26) counties without operational drug court programs totaled \$170,083.88 as of November 30, 2005. Thirteen (13) counties without a drug court did not remit fees (Hancock, Jefferson, Sevier, Meigs, Morgan, Rhea, Sequatchie, Clay, Benton, Decatur, Henry, McNairy, and Crockett). Ten (10) of those counties remitted fees for fiscal year 2004 so it is anticipated they will do so for 2005 too. The remaining three (3) counties did not remit fees for 2004 either. Operational drug courts in (26) counties reported \$411,325.23 in collected revenues. That

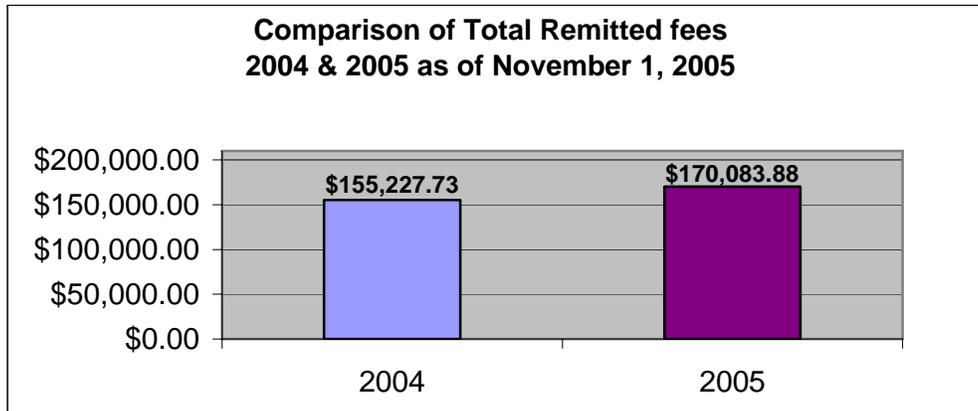
is revenue total from all reporting counties of \$581,409.11 for 2005. Thirty (30) counties with drug courts did not report on the amount of collected fees.

These revenues continue to fall short of the original projection of one million dollars (\$1,000,000.00) annually. Chart 1.0 below illustrates the number of counties remitting or failing to remit fees and the amounts of fees by fiscal year. In Chart 1.1, note that overall, the amount collected from non-operational counties has increased in the second year. The 2005 figure excludes the thirteen (13) counties still expected to remit fees, so the amount should increase further.

**Chart 1.0**

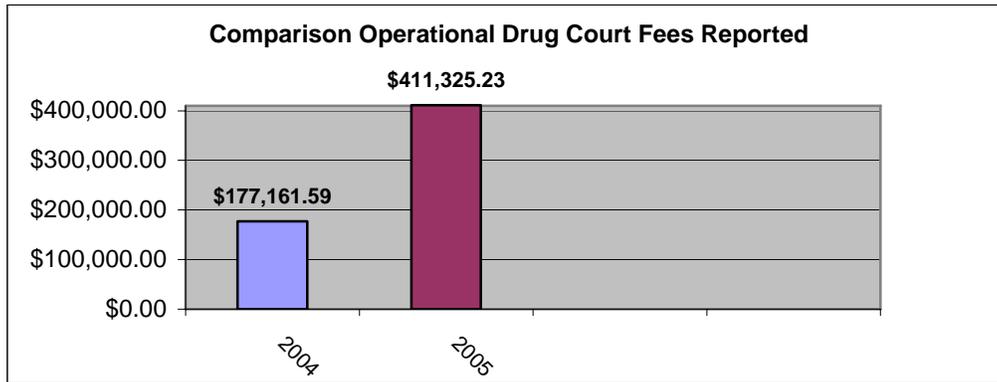
	<b>Remitted Fees 2004</b>	<b>Remitted Fees 2005</b>	<b>Not Remitting Fees 2004</b>	<b>Not Remitting Fees 2005</b>	<b>Retaining Fees 2004</b>	<b>Retaining Fees 2005</b>	<b>Drug Court Counties not Reporting 2004</b>	<b>Drug Court Counties not Reporting 2005</b>
<b># of Counties</b>	43	26	6	13	35	26	11	30
<b>Dollars Collected</b>	\$155,227	\$170,084	NA	NA	\$177,162	\$411,325	NA	NA

**Chart 1.1**



Even more dramatic is the chart below (1.2) showing the amount of revenues reported by those counties with operational drug courts has more than doubled since the previous year.

**Chart 1.2**



The OCJP is continuing to collaborate with the State Comptrollers Office, the County Technical Assistance Service (CTAS) and the State Administrative Office of the Courts to educate county officials about the drug court fee to ensure that all counties are assessing, collecting and distributing it according to the Act. At the end of each fiscal year the OCJP sends out a notice to all counties identified as not having an operational drug court program. This notice gives information on where and how to remit the drug court fee to the state.

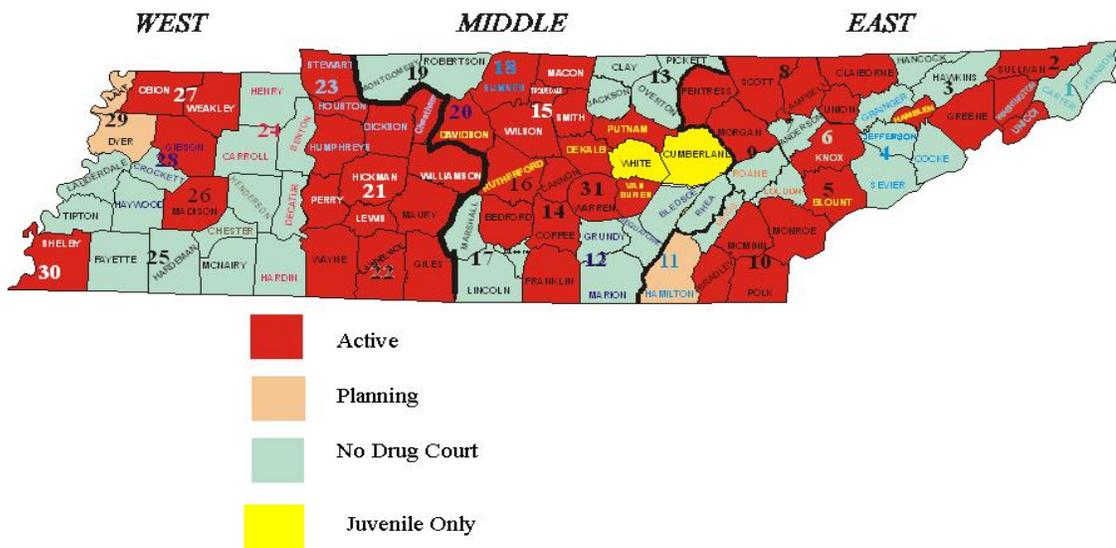
Future changes to legislation would provide better infrastructure by specifying who is empowered and responsible to make sure counties remit fees, drug courts meet standards, and the drug court treatment programs in Tennessee are all providing quality programs for our communities. While OCJP does not lobby for legislative changes, because of our collaborative partnership with drug courts in the state and with the Drug Court Advisory Committee, we are well aware of these issues.

# PROGRAMS

## Drug Court Treatment Programs Statewide

Currently in Tennessee there are forty-one (41) operational drug court treatment programs. This represents twenty (20) judicial districts and fifty-five (55) counties. General Sessions Courts represent fifteen (15) of the courts and of these, eleven (11) also target multiple DUI offenders. Twelve (12) drug treatment courts serve the criminal/circuit level offender, eleven (11) serve the juvenile offender and one of the juvenile courts also provides a family drug court component. This represents over 1500 treatment slots for the drug-addicted offender in the state of Tennessee. In addition, there were six programs in the planning stage.

## TENNESSEE DRUG COURTS



Drug Court Map 11/17/05  
Produced by OCJP

NOTE: County Names in yellow text represent Juvenile Drug Courts.

Drug treatment courts may vary in many ways. For example, the Davidson County Residential Drug Court Program provides the only residential drug treatment, as well as outpatient treatment. Depending on the resources available to the county, some drug courts, like the newly implemented Coffee County Drug Court, offer the drug treatment portion through a private treatment provider, while other programs can do drug treatment through their own program. Each program design is unique in its offering of treatment progression, sanctions and incentives, eligibility criteria, and the roles of each drug court team member.



Drug treatment courts that receive funding from the OCJP must agree to follow the guidelines for best practices using the Department of Justice's Defining Drug Courts: Ten Key Components. These best practices were created by a committee sponsored

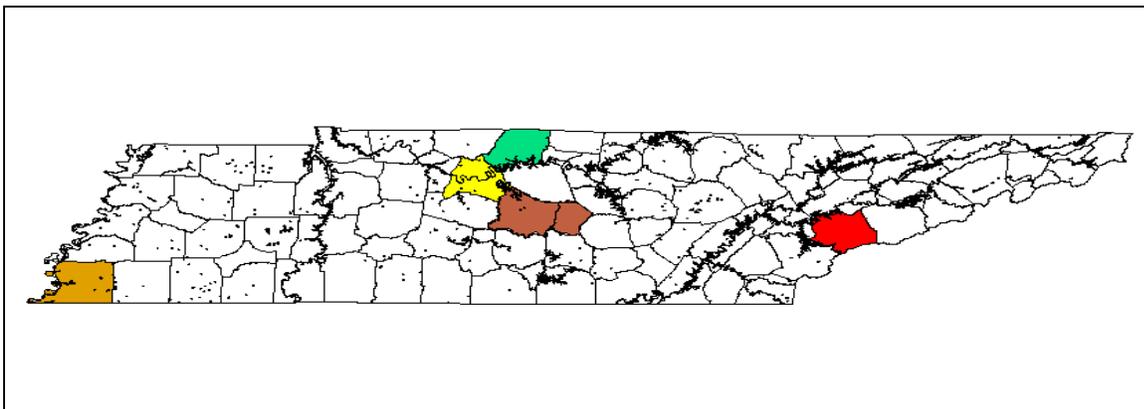
by the National Association of Drug Court Professionals in an effort to create benchmarks for drug court personnel as they implement programs. The Department of Justice has embraced these as appropriate standards for drug treatment courts throughout the country. Many states with regulatory capabilities require their drug courts follow the Ten Key Components. OCJP funded drug court programs are monitored regularly against these ten components, as well as other firmly established criteria to make sure that federal and state funds are spent appropriately. **NOTE:** (Drug treatment courts that do not receive discretionary federal funding or funding from OCJP are provided no state or federal oversight, and there is currently nothing requiring them to comply with the Ten Key Components.) Best practices are

not established to make drug courts “cookie cutter,” but rather to promote models that experienced drug court professionals have determined are effective. The Ten Key Components can be followed without losing creativity in a drug court program, and there is value in knowing that every drug-addicted offender has the opportunity to get the same quality of treatment throughout Tennessee. That is the reason OCJP is committed to continue supporting drug treatment courts old and new by providing training and technical assistance, and promoting the best practices established in the Ten Key Components.

### **State Mentor Drug Court Program**

The OCJP has also developed a drug court mentor program. This program assists counties and districts in the development of their drug court treatment program by connecting them with an established and proven drug court willing to offer guidance. Through a request for proposals in October 2004 the following five drug court mentor sites were selected:

- Davidson County Criminal Drug Treatment Court
- 16<sup>th</sup> Judicial District General Sessions/Criminal Drug Treatment Court
- Sumner County General Sessions /Criminal Drug Treatment Court
- Blount County General Sessions /Criminal Drug Treatment Court
- Shelby County General Sessions /DUI Drug Treatment Court



These mentor courts have agreed to offer assistance and guidance to drug courts working through the planning and implementation phases of their respective programs

Drug courts in the planning stages that access a mentor court are asked to notify the OCJP of their intention and provide post-visit impressions, through a survey form, so that new programs can maintain support and so the OCJP may track data on the training needs of drug courts in the state for statewide training initiatives. Information on the Mentor Court Program can be found at our website, [www.state.tn.us/finance/rds/drugcourts.html](http://www.state.tn.us/finance/rds/drugcourts.html).

## TRAINING AND TECHNICAL ASSISTANCE

The Office of Criminal Justice programs uses input from the Drug Court Advisory Committee as well as from practitioners in the field to help in determining the training and assistance needs for drug courts statewide. While the advisory committee gives regular feedback to OCJP, the field is also surveyed as to training and technical needs. In 2004 and 2005 OCJP surveys were sent to drug court practitioners in determining both training and technical assistance needs. These surveys, to be discussed in detail later, were the Management Information Systems (MIS) Survey and the Risk and Needs Assessment.

### **OCJP Website**

The Office of Justice Programs has a dedicated website for access to information regarding all funding opportunities available through the OCJP as well as other resources such as important announcements, grant administration and other resource information. Within that existing framework, the Tennessee Drug Court Program has its own link (<http://www.state.tn.us/finance/rds/drugcourts.html>) for interested parties that provides information on state drug court activities and drug court programs. The website also enables drug practitioners to see the latest information from national drug court initiatives and from other states. Performance measurement, mentor court, and training information are provided here and regularly updated.

## **Drug Court Basic Training**

In August of 2003, and again in September of 2004, the OCJP collaborated with the National Drug Court Institute (NDCI) to develop and present statewide trainings for drug court programs in Tennessee. Need for these trainings was based on input from the state Drug Court Advisory Committee and the number of programs in the planning and development stages. In 2003, the two-day training discussed information pertinent to drug courts such as treatment methods and evidenced-based approaches, drug testing, co-occurring disorders, case management, and strategic planning. In 2004, the training provided basic implementation information such as team building, core competencies, target populations, developing eligibility criteria, ethics and confidentiality, and sanctions and incentives. In 2004, Twenty-four (24) drug court treatment programs were represented with over one hundred thirty drug court professionals in attendance over the two-day event.

## **State Performance Measurement Development and Training**

In February of 2004, the Drug Court Advisory Committee undertook a significant task developing statewide performance measures for drug court



programs. The OCJP collaborated with the National Center for State Courts (NCSC) to provide technical assistance to Tennessee for performance measures development. The advisory committee gathered for a two-day planning session with the NCSC

representative, OCJP and other drug court professionals and created standardized performance measures that Tennessee collected from each operational drug court program beginning this fiscal year 2005.

Training on these performance measures was provided in three regional trainings (west, east and middle Tennessee) in the spring of 2004 and all operational drug court programs were invited to attend. The programs that attended received valuable information on how the measures were chosen, and had an opportunity to discuss the implementation of these measures. The OCJP requested that each program begin tracking the performance measures data beginning July 1, 2004. In a survey of the participants that attended the training, most reported that they learned new ideas and strategies, and would be able to integrate this information into their program. This report reflects the first round of data collection from this effort.

### **Sustainability Training**

In the spring of 2005 the OCJP initiated a training workshop on “Ensuring the Sustainability of Drug Court Programs”. The Bureau of Justice Assistance in collaboration with the NDCI developed the workshop curriculum.



The intent of this workshop curriculum was to assist drug courts across the state with the development of individual long term, independent sustainability plans. This workshop was in accordance with the goals stated

in the State *Drug Court Treatment Act of 2003* , which charged OCJP with the responsibility of sponsoring and coordinating drug court training programs. The workshop was presented in West Tennessee in April 2005 and eighteen (18) drug court professionals attended, representing five drug court programs. In June 2005 the workshop was presented in Southeast and Northeast Tennessee. In the Southeast, fifteen (15) drug court professionals attended, representing four drug court treatment programs and in the Northeast, twenty-three (23) drug court professionals attended, representing five drug court treatment programs. At the Middle Tennessee workshop held in July, thirty-one (31) drug court professionals attended, representing eight drug court treatment programs.

Ensuring the sustainability of drug court programs was the top need identified from the April 2005 Risk and Needs Survey. At this time, every drug court treatment program in the state has had the opportunity to attend a workshop specifically addressing this issue. This workshop will continue to be presented based on need for drug court treatment programs across the state.

# EVALUATION

The legislation of 2003 charges the Office of Criminal Justice Programs with evaluating state drug court treatment grants as well as collecting, reporting, and disseminating drug court data so that drug court programs may evaluate their own program's effectiveness. Through a partnership with the Drug Court Advisory Committee and the Tennessee Association of Drug Court Professionals, the OCJP has developed performance standards, definitions, and a reporting process to move toward that goal. More will be done in the coming years to achieve success in helping drug court programs evaluate their individual programs, and the OCJP will continue to improve evaluation levels statewide. As it stands, the OCJP constantly evaluates the changing needs of the drug courts in Tennessee by regularly asking for feedback on current barriers and issues for individual courts. Often, this feedback is obtained with a simple survey that can be taken online, emailed, or faxed to the OCJP for review.

## **Management Information Systems Survey**

In the fall of 2004, the OCJP developed a survey to determine the need for a Management Information System (MIS) for drug court programs across the state. The survey asked questions about the program's current computer system and its capacity, available software programs, and Internet access. The survey also asked for an explanation of barriers the programs face in collecting the performance measures implemented for drug courts. Over fifty responses were received and thirteen programs reported not having adequate computer equipment to support an MIS. Fifteen (15) reported they did not have any system to track their drug court data. This need will be taken into consideration for any future funding initiatives from OCJP.

## **Risk and Needs Assessment**

In April of 2005, the OCJP developed a risk and needs assessment survey with the assistance of Performance Vistas Inc. (PVI). The survey was designed to determine where the strengths and challenges were among Tennessee's drug court treatment programs. It was developed based upon the criteria set forth in the guiding document, Defining Drug Courts: The Ten Key Components, published by the U.S. Department of Justice, Office of Justice Programs, Drug Courts Program Office, in collaboration with the National Association of Drug Court Professionals in 1997. Twenty (20) Drug Court Treatment Programs responded to the survey. Of the courts that responded, the greatest need identified was training on sustainability. Ninety-five percent (95%) of the respondents indicated that they need training on effective strategies for sustaining the drug court program. The second greatest need was the utilization of performance data. Ninety percent (90%) of the respondents identified they needed additional training in how to best utilize their performance data. The third greatest need was ensuring that documentation of drug court activities was being accomplished. Four (4) respondents reported not having written procedures for collection, analysis and reporting of drug tests, ten (10) respondents indicated they did not have written guidelines for placement levels, four (4) respondents reported not having written progress reports.

All of the twenty (20) respondents stated they had a written mission statement and program goals. Nineteen (19) reported they had written eligibility criteria and operating procedures.

The self-reported survey results show how drug court treatment programs are in compliance with the standards set forth in Defining Drug Courts: The Ten Key Components. This information will allow OCJP to continue to target areas of need and focus on identified challenges presented to drug court

treatment programs with regard to implementing their projects in accordance with the *Drug Court Treatment Act of 2003*.

## **2004/2005 Tennessee Drug Court Performance Measures Data**

### **Overview**

Tennessee implemented performance measures for all drug court programs in fiscal year 2004 (Appendix B). Training was made available to all drug courts, and operational programs were asked to begin collecting the necessary data to report on the chosen measures beginning in July 2004. In July of 2005, forty (40) of the forty-one (41) drug courts in Tennessee responded to the request for the very first report of performance data for drug court programs to the Office of Criminal Justice Programs. This data will be helpful for drug court programs and the OCJP to improve individual programs, determine training and technical assistance needs, provide useful data for funding opportunities, and improve the overall drug court system in Tennessee.

Of the forty (40) courts that submitted the first annual report, ten (10) reported a program inception in the 2004/2005 fiscal year. Fifteen (15) courts reported starting in the 2002/2003 fiscal year. This reflects how new most of the drug courts are in Tennessee. Chart 2.0 shows the self-reported inception dates for the drug courts that submitted a report.

Chart 2.0

TN Drug Courts - Start Dates	
1997-98	1
1998-99	2
1999-00	0
2000-01	2
2001-02	3
2002-03	15
2003-04	7
2004-05	10

Drug courts were asked to submit data for capacity, enrolled participants, attending participants, drug screens, retention, recidivism, and graduation in two different ways; providing data for the fiscal year 2004/2005 only, and then the same set of data from program inception to June 30, 2005. Because each drug court inception date is different, sometimes substantially, the data is difficult to use for comparison purposes. This information was requested because some of the performance measures formulas were developed using inception-to-date data, something that will be discussed later in this chapter. As much as possible, this report will focus on summarizing the 2004/2005 fiscal year data.

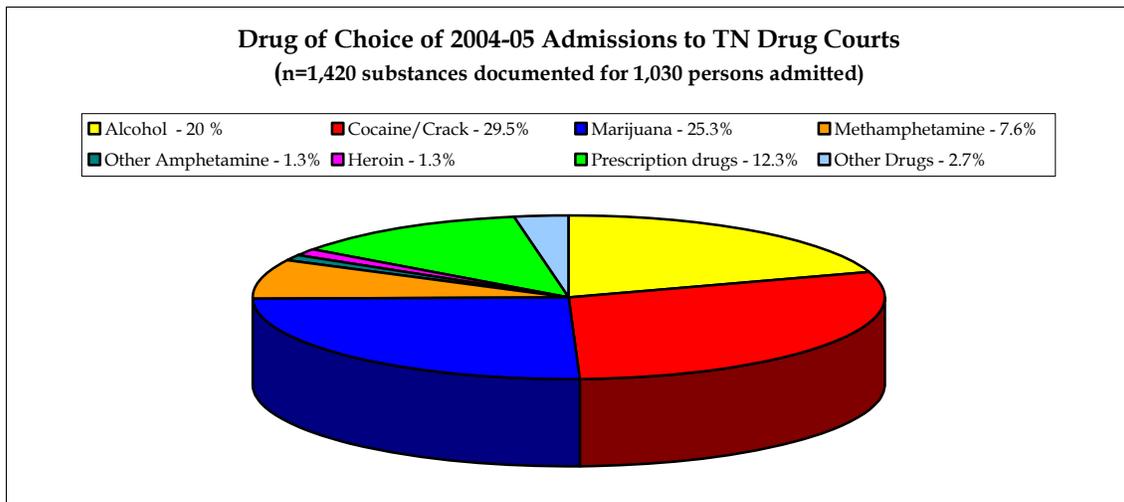
Two of the drug courts reporting did not submit data on the capacity of their programs, but from the drug courts that did submit data there was a total program capacity of 1,564 as of June 30, 2005 in Tennessee for drug court participants. Courts reported a range in capacity from two (2) to one hundred seventy (170), with an average capacity of drug courts for thirty-nine (39) participants. In fiscal year 2004/2005, drug courts reported that they were at a 66% capacity (1030 participants). Programs reported a total capacity from inception to June 30, 2005 of 62%. Nine hundred seventy (970) participants were enrolled during 2004/2005, and three hundred ninety-four of them were

terminated for various reasons. Of the 43,010 drug screens that were reported for the fiscal year, 1,626 of them, or 3.8%, were positive.

### Drug of Choice

Programs were also asked to report the drug of choice for each of the 1,030 participants admitted during 2004/2005. Some participants reported more than one drug of choice. The pie chart demonstrates the types of drugs reported and the frequency they were reported. As indicated below in Chart 2.1, cocaine/crack was the most frequently reported drug of choice at 29.5%, followed by marijuana at 25.3%, alcohol 20%, prescription drugs 12.3%, Methamphetamine 7.6%, Other drugs 2.7%, and heroin and other amphetamines both with 1.3%.

Chart 2.1



### Retention, recidivism, and graduation

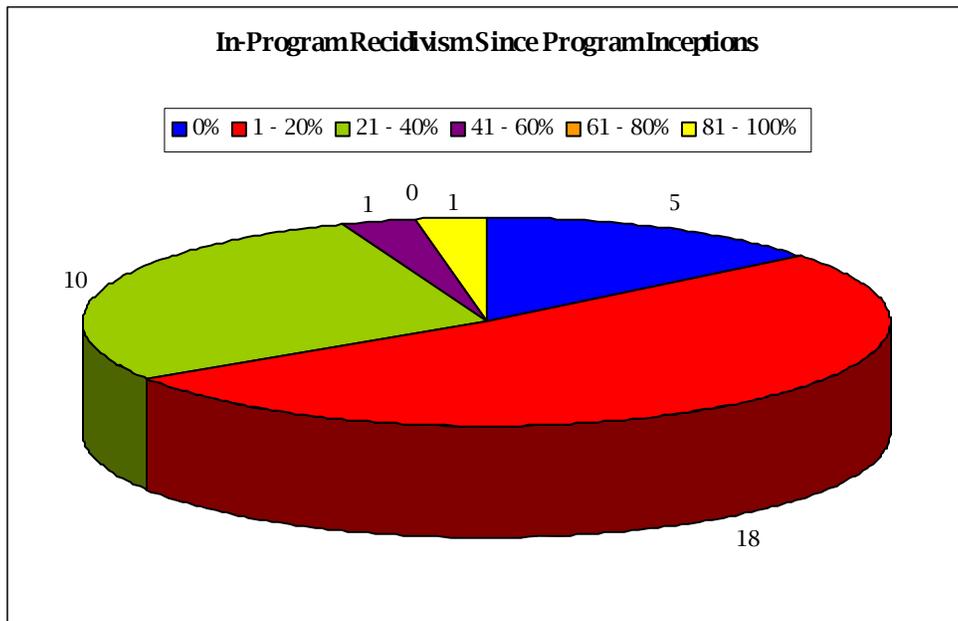
Drug courts were also asked to report retention, recidivism, and graduation data. As previously stated, standardized formulas were developed with the performance measures in 2004 so that programs would calculate retention and recidivism in the same way when reporting that data. The retention formula only accounted for rates calculated since program inception and did not include 2004/2005 fiscal year data only. Retention rate is the number of

participants that remain in a program during a given period of time. The retention rate for this report was determined by the total number of graduates since program inception, plus the number of participants currently enrolled, divided by the total number of admissions to the program since program inception (Total # graduates since inception + # participants enrolled/Total # admits since inception). Of the 40 courts that reported, 15 courts did not report on the number or percentage of participants that have graduated in 2004/2005, and 13 courts did not report on the number or percentage of participants that have graduated from program inception to 6/30/05. This may be explained partially because of the length of stay required to complete the program (most are over one year). Given that some programs have been implemented in the last one or two years, they have not had the opportunity to graduate any of their participants as of June 30, 2005. Of the twenty-five (25) courts that did report for 2004/2005, program graduations ranged from one (1) to forty-six (46). There were two hundred ninety-one (291) participants that graduated from drug courts in Tennessee in 2004/2005. Of the twenty-seven (27) courts that reported program inception to 6/30/05 graduation data, the range was from one (1) to sixty (60). Using the formula for retention rate from the performance measures for Tennessee drug courts, the average retention rate for drug courts from program inception to 6/30/05 is 48%.

All forty (40) drug courts that submitted data reported in-program recidivism rates using the standardized formula (Number arrested/Number admitted) for 2004/2005. Thirty (30) courts reported a 0 to 25% in-program recidivism, eight (8) reported 26% to 50% recidivism, zero (0) courts reported 51% to 75% in-program recidivism, and one (1) court reported 100% in-program recidivism (Note: The program that reported 100% recidivism had a total of four (4) participants for the year). An average of 14% of participants in Tennessee drug courts recidivated during the reporting period.

Thirty-five (35) drug courts reported in-program recidivism rates using the formula given for program inception to 6/30/05. For this period, five (5) courts reported 0% in-program recidivism, eighteen (18) courts reported between 1 and 20% in-program recidivism, ten (10) courts reported between 21 and 40% in-program recidivism, one (1) court reported between 41 and 60% in-program recidivism, and one (1) court reported 100% in-program recidivism (the same court as mentioned before that had a total of four (4) participants)(Chart 2.2).

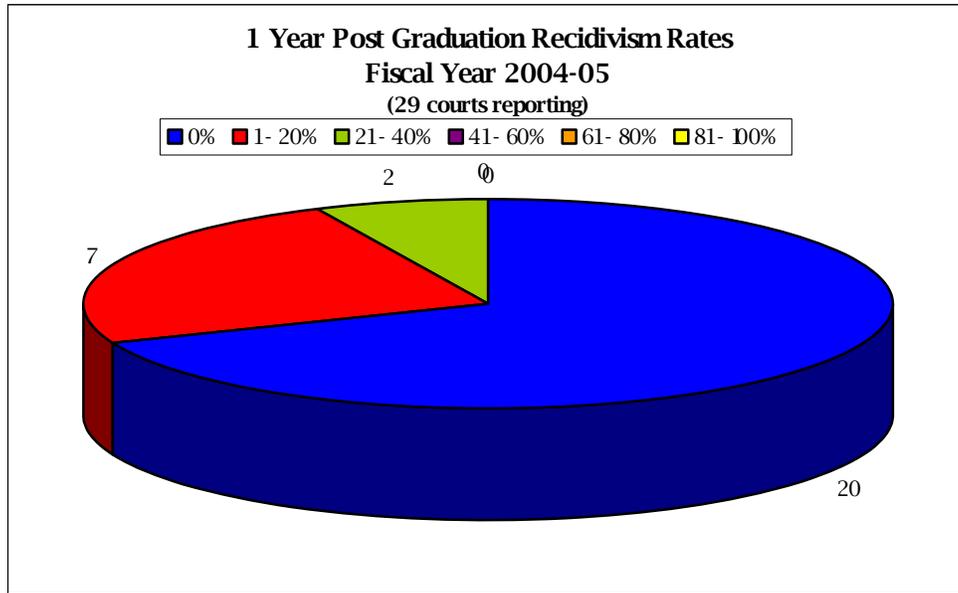
Chart 2.2



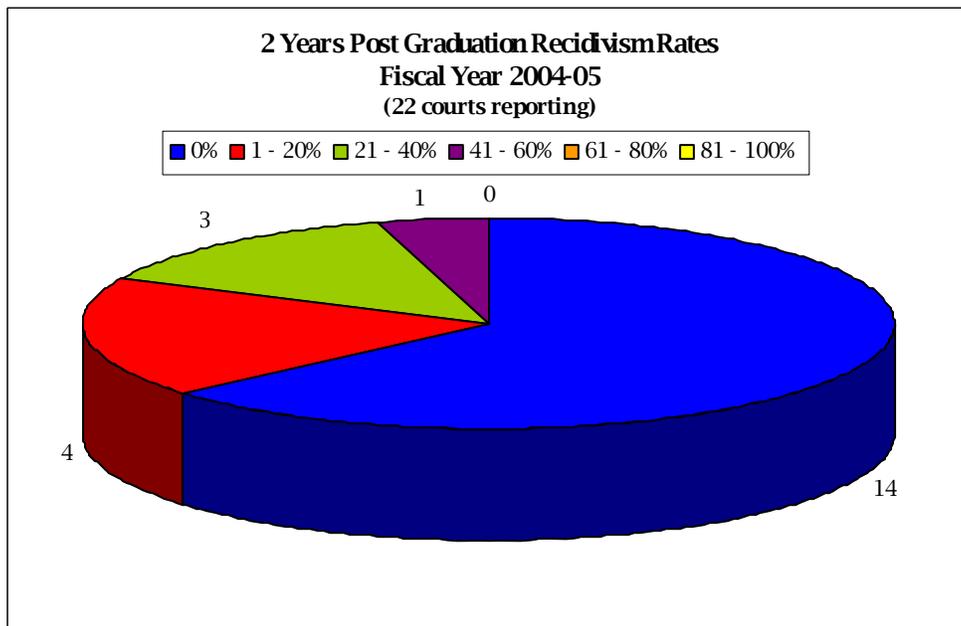
Twenty-nine (29) of forty (40) courts reported recidivism data for participants one year after graduation. Twenty (20) reported recidivism within one year of graduation at 0%, four (4) reported 1 to 20%, three (3) reported 21 to 40%, and one (1) drug court reported recidivism within one year of graduation between 41 and 60% (Chart 2.3).

Twenty-two (22) drug courts reported recidivism data for participants two years after graduation. Fourteen (14) courts reported recidivism within two years of graduation at 0%, four (4) reported 1 to 20%, three (3) reported 21 to 40%, and one (1) reported recidivism within two years between 41% and 60% (Chart 2.4)

**Chart 2.3**



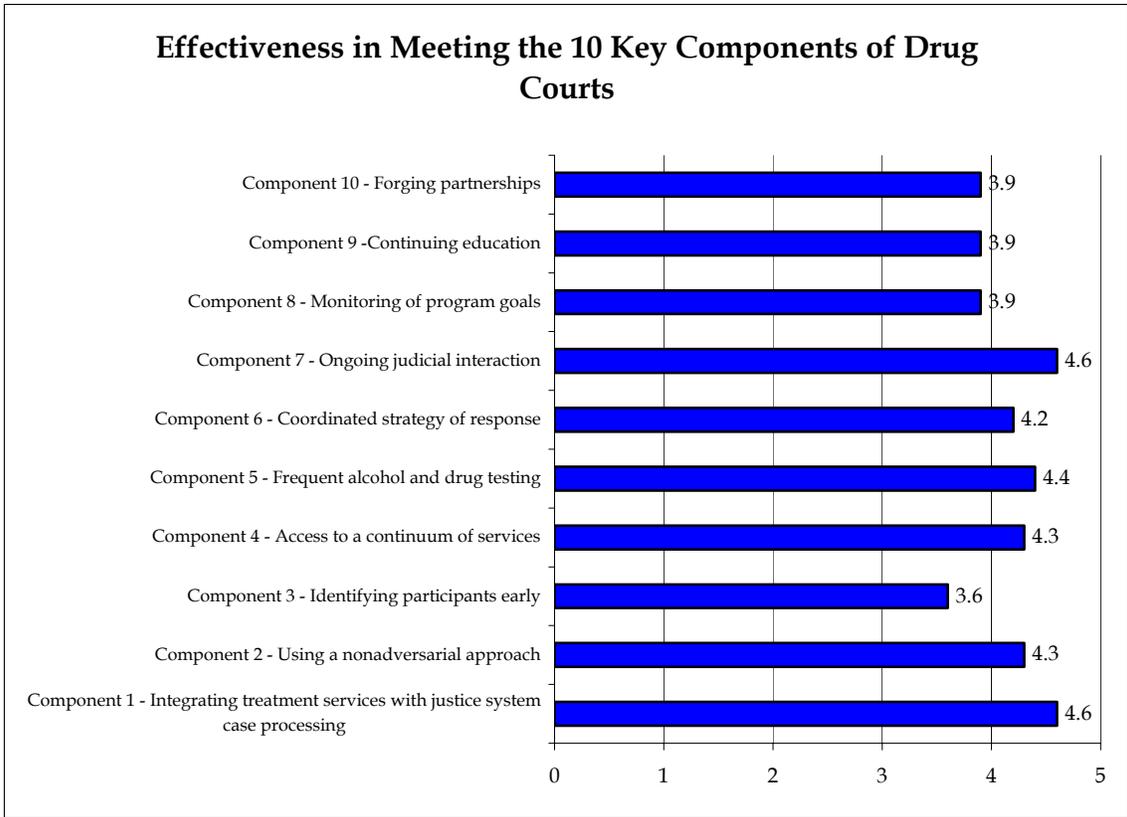
**Chart 2.4**



The Drug Court Annual Report did not ask for raw numbers for recidivism by participants that have graduated. Courts were asked to report recidivism **percentages only** for participants for one year and two years after graduation. For example, a court that has had no recidivism in 10 of 10 (0%) graduates cannot truly be compared with a drug court that has had no recidivism in 900 out of 1000 (10%) participants. This means that the current information cannot be compared, because there is no basis for a comparison. There is also a concern that recidivism is not being defined in the same way by all courts. The Drug Court Advisory Committee will consider these issues during the next fiscal year as it begins to also discuss how to implement collection and reporting of the rest of the performance measures data not reported in fiscal year 2004/2005.

### **Ten Key Components**

In order to gather information on the effectiveness of implementing the Ten Key Components, drug courts were asked to assess how effective they believe their drug court was in meeting each of the Ten Key Components. They reported this using a five-point Lieckert scale by answering if they believed the drug court was very effective, somewhat effective, neutral, somewhat ineffective, or very ineffective meeting the ten components. Drug courts also responded to open-ended questions regarding successes and difficulties relating to the ten components.



Overall, programs believed they were the most effective in integrating treatment services with justice system case processing (Component #1), and ongoing judicial interaction (Component #7). Most courts also believed they were effective in using a non-adversarial approach (Component #2), providing access to a continuum of services (Component #4), frequent alcohol and drug testing (Component #5), and a coordinated strategy of response (Component #6). Courts felt less effective in forging partnerships (Component #10), offering continuing education (Component #9), and monitoring program goals (Component #8). Courts felt the least effective in Component #3, identifying participants early. The answers provided by drug courts in the two open-ended questions about the components reflect these responses as well. Judicial supervision, drug testing, case management, and integrating treatment services were frequently identified as successes. Retention, transportation for participants, training for probation services, evaluation and MIS issues were frequent problems or needs identified. Assessing the effectiveness of the Ten Key Components provides the opportunity for drug

courts to do a self-assessment of specific needs and to compare those trends with other drug court programs in the state. It also helps the OCJP when planning training opportunities to see which components they struggle with the most.

Drug courts were asked to report on a variety of other issues as well. This information was provided in an open-ended format. Planning courts were asked to describe any difficulties related to the planning and/or implementation of the drug court treatment program during this reporting period. Issues most identified were finding treatment services, transportation for participants, developing policies and procedures, lack of access to 12 Step meetings in a given area, screening protocols for potential participants, and judicial knowledge.

When asked to share the agencies, individuals, and organizations that have collaborated with the drug court program this reporting period, the list was substantial. That list included entities such as other courts, treatment providers, the Department of Human Services, housing programs, restaurants, schools, employment programs and career centers, 12 Step programs and the recovery community, churches and other faith-based organizations, the American Red Cross, Goodwill, mental health programs, hospitals, the media, law enforcement, and many other types of social services organizations.

When asked to provide the primary reasons for termination for those participants terminated from the drug court program during this reporting period, drug courts reported a short but consistent list: positive drug screens, new charges, absconding, or noncompliance with program requirements. A few programs had participants that required more mental health supervision than they were able to provide. Juvenile drug courts reported a short,

consistent, but somewhat different list that included participants going in to state custody, being transferred to the adult system, transferred to another state, and noncompliance with program rules.

In the next fiscal year, drug courts will be asked to report on one of the standard measures developed in 2004 with technical assistance and training provided by the National Center for State Courts. In an effort to gain a better understanding of the types of information courts are collecting that may be useful for reporting on this measure, courts were asked to describe any outcomes related to increasing the personal, familial, and societal accountability of offenders. Drug courts providing this information reported a variety of data ranging from education gains, to births of drug-free babies. This data will be useful when the Drug Court Advisory Committee begins to discuss how to implement the next wave of measures.

### **Reporting for Fiscal Year 2005/2006**

The current information collected and reported by drug courts will provide a baseline for future data collection and analysis. There will be several issues addressed and positive changes made for the next reporting period that The Office of Criminal Justice Programs and the Drug Court Advisory Committee will discuss. In reviewing the reports, it became evident that standardizing some definitions is necessary. The example given earlier about recidivism and what to include as an arrest will be discussed and the committee will make a decision that does not impede the program or require too much from the program. Not all drug courts have sophisticated data management systems to collect or separate data such as types of arrests. The formulas for retention and recidivism will need to be revisited. There may be a more concise and clear way to calculate this type of data other than with the current formulas. The OCJP will solicit expert advice on data collection and present those suggestions to the advisory committee for discussion. Lastly,

when Tennessee's drug court performance measures were developed, it was suggested by the National Center for State Courts, the organization providing technical assistance and training for that initiative, that drug courts begin collecting those measures in two waves. The first wave was the information collected and reported for fiscal year 2004/2005. The goal is to include the next wave of performance measures to begin collecting in the fiscal year 2005/2006. The Advisory Committee will be the key to determine the measures to be added and the most appropriate way to train all drug court personnel to begin collecting. The goal is to provide solid data analysis for Tennessee's drug courts to demonstrate effectiveness to their stakeholders. This is an important step toward institutionalizing the Drug Court Model in Tennessee.

## COLLABORATION

The OCJP has collaborated with the District Attorney Generals Conference, Public Defenders Conference, State Administrative Office of the Courts, and the State Court Clerks Association in doing presentations about the Drug Court Treatment Program. In efforts to get drug court information out to certain groups, the County Technical Assistance Service and State Administrative Office of the Courts have been extremely helpful.

The OCJP has worked with the National Drug Court Institute, National Center for State Courts, State Administrative Office of the Courts, The Tennessee Association of Drug Court Professionals, the Drug Court Advisory Committee and local drug court programs to plan and implement the trainings offered through the program over the last 2 1/2 years.

The “Drug Court Sustainability Workshop” would not have been possible with out the commitment from the Blount County Drug Court and the 23<sup>rd</sup> Judicial District Drug Court. Both of these programs provided staff to present at the workshop and each was able to bring their expertise and perspective has to how they had been able to sustain their programs. The delivery of this training was made possible through collaboration with the Bureau of Justice Assistance and the National Drug Court Institute who not only developed the training curriculum but also trained the above-mentioned facilitators as well as OCJP staff.

With the overall depletion of funds to combat substance abuse in the U.S. it has become imperative that collaborative efforts are built that will work towards leveraging federal, state and local resources to further expand the

drug court program statewide. OCJP has, over the past 2 years, made every effort to do just that. Federal funds for planning, implementation and training have been identified and tapped into whenever possible. The State funds generated by the fees collected are being used to supplement the budgets of local drug courts to ensure the best programs possible. The Drug Court Advisory Committee is essential and has been instrumental in ensuring the proper use of these funds.

The OCJP will continue to work with the above-mentioned agencies as well as other state agencies such as the Departments of Health and Mental Health to ensure that the drug court movement in Tennessee will be institutionalized. Tennessee is still in the growing and development stages of this movement, but many strides have been made and goals have been achieved with regards to this effort. The OCJP intends to make the most effective use of resources by leveraging the various funding sources to maximize available moneys. The drug court movement will continue to grow and sustain with the assistance of the above-mentioned collaborators and many more to be identified in the future.