



**Southwest Community Adult Drug Court
(SCDC)
Evaluation**

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*Fostering healthy lives in a rigorous,
supportive, and
accountable environment.*

In an interview Judge Jeffrey S. Tauber, speaks to the theme that runs through this evaluation and the critique it offers in the hope that this evaluation will contribute to enhancing the work of these dedicated teams.

"A Level of Teamwork Not Often Seen": Judge Jeffrey S. Tauber. Are drug courts leading a broader movement - away from purely punitive, incarcerative approaches back toward what used to be called rehabilitation?

“I think clearly there is a larger movement of programs that address rehabilitation issues, and drug courts are the initial wave. I have every expectation that the drug court model will be duplicated and is being duplicated in domestic violence court, in juvenile drug court, in family drug courts and other courts that are using comprehensive treatment, supervision and judicial monitoring.”

“For the vast majority of people who get in trouble with the criminal justice system, instead of incarceration, we do far better by taking the needs of those individuals very seriously - the rehabilitation, educational, and treatment needs - and dealing with them in a systematic and comprehensive way, rather than simply putting them through the traditional criminal justice system and putting them back on the street without any significant intervention.”

National Legal Aid and Defender Association
Indigent Defense **“Defenders in Drug Courts”**
November/December 1997

“That’s drug court”

“It’s like jumping out of a second story window; you don’t want to jump, you may hate to jump, but when the place is on fire you do what you don’t want to, to save your life. That’s drug court.”

A Participant Served by SCDC

THANK YOU

To the people who work in the Southwest Community Adult Drug Court;

Please accept my sincere thanks for the work you do in the SCDC. You are, indeed, the unsung heroes of the effort to assist individuals in their real-life struggles. Your mission statement tells us what you are about, “Fostering healthy lives in a rigorous, supportive, and accountable environment.” Not only do you work to guide those who participate in your Court, you are the pioneers in reconstituting how we assure public safety and counter the dangers of substance abuse. Being first to tell others there is a better way is not easy, and will not be understood, but you have to know you are bringing a more ethical, imaginative, transparent, humane approach that is based on disciplined thought and practical wisdom.

I thank you.

Bill Wagner

To the participants of the Southwest Community Adult Drug Court;

Thank you for hard work you do in getting sober and building a life that contributes stability, support and contentment to you, your families and the community. I am impressed with what you do to complete this program. You teach me much about patience and persistence, about, little by little, giving up more dangerous behavior and embracing a better path. Thank you for opening up my eyes to the struggle in which you are involved.

Thank you

Bill Wagner

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EXECUTING SUMMARY

*Fostering healthy lives in a rigorous,
supportive, and accountable environment.*

IN CHAPTER 1

Time to Get Serious about Substance Abuse

Time to get serious

It is time that we get serious about confronting the issues related to drug-involved individuals and recognize that what we have been doing to protect our communities from the scourges of substance abuse is more ritualistic than productive. “Getting serious” demands that we consider the research findings that tell us to move away from approaches that cost too much and give us far too little benefit for our communities. To accept “business-as-usual” rather than to focus on an ever improving process of employing the best practices available to us is to ignore the evidence. In this assessment we find voice for replacing processes that have become ritualized and are not effective with the promise and positive experience seen in the application of the drug court model by The Southwest Community Drug Court.

The Purpose of this Evaluation

Put simply, this evaluation is designed to give guidance to the two SCDC teams; its purpose is to provide an objective assessment for those who strive to apply the drug court model in communities that are not accustomed to a model which uses a combination of accountability and treatment to compel and support drug-using offenders to change their lives. The work here is meant to foster the collaboration between Lincoln, Lyon and Redwood (LLR) counties and Cansa’yapi (Lower Sioux Indian Community.)

A Little History

“In 2007, Judge Leland Bush approached the Lyon County Board about the idea of establishing an adult drug court for offenders in the county. Bill DuBois and BC Franson, professors at Southwest State University also voiced their strong support. In a follow up newspaper article, Judge Bush was quoted as saying: *In the end, society would get a better citizen through drug court instead of a better criminal through jail or prison.*

Mission Statement

The mission of the Southwest Community Drug Court is to improve public safety and reduce direct and indirect costs to the community associated with substance abuse and related criminal activity. Through a multi-cultural approach this post-plea court will involve offenders in a rigorous and supportive program that includes intensive treatment and personal accountability designed to break the cycle of substance abuse and to improve offender’s lives.

Fostering healthy lives in a rigorous, supportive, and accountable environment.

SCDC serves the southwestern Minnesota communities of Lincoln, Lyon and Redwood Counties and Cansa’yapi (The Lower Sioux Indian Community) located in Redwood County.

Data Sources and Samples

Data for this evaluation were gathered from a number of sources made available by the two teams of the SCDC. The evaluation examines about 44 SCDC cases, 21 from the Redwood Court and 23 from the Marshall Court. Comparison data was drawn from the Minnesota Statewide Drug Court Evaluation Report. The SCDC cases represented all participants for which data were available. An on-line survey was used to assess perceptions on the functioning of the SCDC teams and the degree to which the benchmarks associated with each of the 10 Key Components of the drug court model were achieved. A 20 to 30 minute face-to-face, audio recorded, interview was conducted with members of both teams. Participants from both courts were interviewed and completed a paper and pencil survey on their perceptions of various elements of the SCDC. A one hour focus group session was conducted for each court with four participants in each session. Observations were made of the weekly staffings and the status hearings. The offense history of participants was obtained by going to the MN courts website and then to the court case record finder.

Three models of cost benefit analysis are offered. The methodology for the cost-benefit analysis proved to be the most challenging. What started out as a rather simple matter of adding

and subtracting quickly devolved into a complex set of immeasurable considerations. The analysis, in part, rests on the research and logic of economists who support the economic benefits of Drug Courts even when they acknowledge so many of the costs and benefits are “obvious” but specified only by informed estimates. The use of “functional status” as a reasonable indication of cost benefit is developed as a promising approach for arguing for the positive cost benefit of SCDC.

IN CHAPTER 2

Obstacles to Overcome

Chapter 2 sets out issues that are hindering the operation of the SCDC. We refer to them as obstacles to realizing the full potential of Drug Courts. This Chapter puts a spotlight on these issues and creates awareness of problematic matters to keep in mind as you read through the evaluation report.

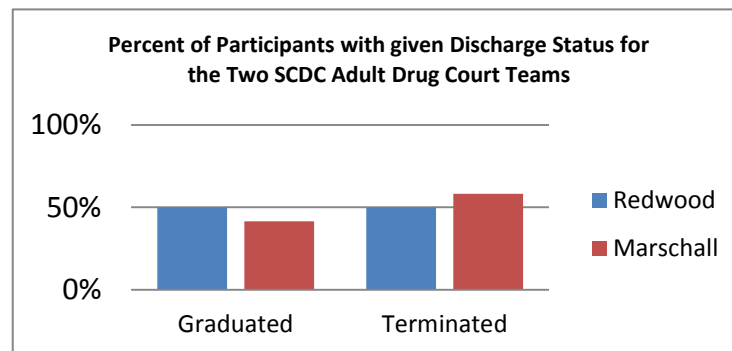
The way drug courts achieve their success is to create strong teams. The drug court is not just a “wrap-around” program with individuals from different sectors of the criminal justice and treatment systems getting together to surround the participant with services. Drug Court demands a team in the fullest sense of that concept. Turnover and lack of effective team building have worked against the Marshall Team; turnover has hindered the Redwood Team. Stability for participants is another area of concern that is related to turnover and to less than faithful adherence to the teams’ written policies. Related to the deficiency in stability and careful record keeping we find reason to ask for more focus on “follow through.” Here accountability on the part of the team to do what they say they will do and to expect participants to do what is asked. Record keeping needs to be formalized and consistent. The issue of “follow through” cannot be addressed without sound record keeping. Reliable and valid data is also necessary for formative evaluation. Careful consideration needs to be given to the manner in which decisions are made in the Marshall Court. One of the most serious obstacles to the operation of both of these teams is the lack of full participation in the philosophy and spirit of the drug court model. The absence of a defense council in the Marshall Court should be taken seriously and remedied.

IN CHAPTER 3

Analysis of Quantitative Data

Chapter 3 presents an analysis of quantitative data. First the positive discharge status or graduation rate for the SCDC is 48.3%. This compares with an average of 46% for all the drug courts in Minnesota combined. Of those who are discharged, the Redwood Team graduated 50% and the Marshall Team graduated 41.6%.

Data on new offenses for SCDC participants compare well with statewide evaluation data. While our data is not equivalent to that collected for the State evaluation, we argue that our data allow support for a level of crime reduction at least as strong as the results from the statewide evaluation. Seventy-nine percent of drug court participants, for whom we have data, had no new criminal charges since entering the SCDC. Twenty-eight percent of the statewide Drug Court cohort had a new offense within a year. A comparison of the seriousness of charged offenses in the year prior to entering the Drug Court with the seriousness after entering the Court reveals a significant lowering of the level of seriousness of offenses for this group of participants.



The Drug Courts did demonstrate success in fostering sobriety. 80% of SCDC participants completed treatment. This percentage compares well with national data for treatment completion in 2012, of 46.25 percent of whites, 45.6 percent of Latinos, and 37.5 percent of African-Americans. The 13 participants from the Marshall Court and the 10 from the Redwood Court had an average of 281 and 294 days sober. These participants, for whom we have data, are completers, non-completers and active members of the Court.

The data on incentives and sanctions reveals some concern that these teams may be overly punitive. The evidence available does not support the notion that these Courts rely on incentives, encouragement, and positive motivators rather than sanctions to assist participants. Neither of the teams seems to be over incentivizing the participants in the Court. Jail sanctions

may be imposed too often and in a manner inconsistent with “graduated sanctions.”

Given that the Judge’s relationship with the clients is considered key to the success of the court, the amount of time spent in conversation during the status hearings could be increased for the Marshall Court. While the Redwood Court saw interaction between the Judge and the client that consistently remained on the high side of the three-minute suggested standard, the Marshall never met this standard once while being observed by this evaluator.

Suggestions are made about the “tone” of these teams/courts. It is noted that moving away from the traditional demeanor of the criminal court is more consistent with the Drug Court model. Five variations on how different courts “set the tone” for status hearings are offered to foster reflection on the tone of these two teams/courts.

The data that is available suggests that drug tests are being administered in a timely fashion. The average number of UAs per week recorded for these participants is 2.15 for the Redwood Team and 1.85 for the Marshall Team. Assuring that a strict drug testing protocol is being followed should be a priority. Knock n chats were conducted by the Redwood Team at a rate of about 2 per week for each participant. For the Marshall Team the average was .06 per week. Some concern for the reporting of the knock n chats seems warranted. These interactions can be positive influences on the participants and on the understanding of a participant by the team.

Data on employment status and housing situations support the notion that the SCDC does lead to improvement in the proportion of participants who hold full time jobs and are housed in more permanent situations.

There are tracking sheet data that indicate the number of days in jail before and after acceptance in the Court for each participant. These data show a rather significant decrease of 384 days for the Redwood Team and 418 days for the Marshall Team. If one were to assume that without the intervention of the Drug Court these (384 and 418) days of incarceration would have been served, it is reasonable to believe the SCDC has contributed to lowering the cost and the effort it takes to hold individuals in jail.

Best practice recommendations for drug courts emphasize the importance of timely processes that allow drug court intervention as quickly as possible. Considering the number of days from acceptance to first drug court status hearing for the two SCDC teams, our data indicates that both teams out performed the State average of 13 days with a mean of 7.94 days

for the Redwood Team and 5.55 for the Marshall Team. The Statewide evaluation found that 77% of participants appear before a drug court judge within two weeks.

IN CHAPTER 4

Interviews: Team Members and Participants

Chapter 4 presents the voice of the team members and the participants. The tone of the Redwood Court is reflected in this quote by the Redwood Judge; “I am not just making judgments on my own; I am part of a team; I am advised by professionals who share my concern for people who just need some help to get out of their addiction and into the life of responsible citizens of our communities.”

Given the importance of serving Cansa’yapi (The Lower Sioux Indian Community) cultural sensitivity is important. “This Court is a huge asset; the Indian community can see the difference, treatment rather than jail. The successful graduates show the (Native) community this program works; that addiction can be treated. We create a role model for the Indian Community.”

A series of statements about what works in this Court and where team members find success helps give us a sense of what is to be encouraged and what may need changing. “We see success...graduation, clean time...behavioral change. For some we thought would never make it, their behavior and mindset has changes dramatically, now they are willing to be a parent.” Team members that are tied to the treatment aspect of the Court indicated how the Court helped them provide effective treatment. “I Love being on the team, Very excited about it ...excited about something that works and to be able to work with it. We can’t do it all with counseling. This is so important to this community. We need to do more, more have to know about it. Trying to get it known. People still relapse but...difference between those in the Drug Court and those who are not. A client relapsed 50 days ago, support of the team and structure makes it work from him. Now his biggest struggle is the financial part. He makes me smile...” The response of one person indicated what is being accomplished. “It is working on two levels: First we are providing the community a service that we just cannot do without. I cannot provide the services that (a participant) is getting on my own, but as a team I can. I don’t have the skills, or ability, or authority to do what this person needs; not the authority or the resources. We can do as a team what we cannot do individually.

“Of course it is important to this community....we are taking a population that would go to prison and providing services that together as a team we can offer that individually we cannot. Second it has made the agencies work together more effectively in any matters, not just drug court business, and that makes the community work better.”

Success was summed up by a team member; “It’s very fulfilling to see them working through the issues... really fulfilling. You get to know these people and it is nice to get to know them. A graduate and a sober person...a huge success.” Another member found success in the collaboration; “Treatment sees the benefit of being involved with others, with a supportive probation agent, with a court that gets it. Collaboration is huge. It is a more efficient coordinated effort. Time is focused time.”

The level of trust and respect on the Redwood Team is reported as being very high. “Respect...Yes they do. A nine! Do we have an equal voice? That’s a ten. All feel they are valued members. We have fun, we laugh. We treat each other with respect.” In line with the level of respect and trust, the decision making process is seen as including everyone on the team. When asked how many team members contribute the following response was given; “Treatment, representatives from the Lower Sioux Community, law enforcement, the Prosecution and Defense, the Judge, everyone voices their opinion. We reach consensus...we as the team decides. I can’t imagine ever taking a vote.”

Team members were asked about things they would like to see changed. Bring a mental health professional on the team as a permanent, active member and rework the referral process were the most often mentioned needs. A grant application that was in the works during this evaluation has now provided resources to support the mental health professional as a fully active team member. Team members speak of making the “referral process more transparent and less dependent on individuals; should be a team process.” Several issues were tied to the need for training; for understanding and “buy-in.” There was also a call for closer ties with the Tribal Court and stronger bonds with community agencies and businesses. Another suggestion was to “spend more time shooting the breeze, creating rapport with participants.”

The face-to-face interviews with the Marshall Team revealed many things that are going ok, but some concerns emerged that are in need of careful consideration and modification. It was encouraging to hear the understanding about problems and a strong willingness to use this evaluation as a mechanism to assist in making the Team more effective. “We may not be doing

this as well as possible, but we know we are moving in the right direction, and we will keep getting better. That's what this evaluation is about. Right?" Success is seen in the lives of participants. "Seeing participants, hold jobs when they never had one, when they get apartments for the first time, when they get a license when they have never had one for a long time. When they are honest with us and it does not matter if they are telling us good things or bad things..." Another team member spoke of the Court countering frustration; "I was always frustrated and now I have grown to see people succeed. Get to see then succeed; can cheer them on." Breaking down old animosities is seen as success; "When our clients change their attitude toward law enforcement and law enforcement changes their attitude toward our clients we have a win, win situation." The change it makes in Law Enforcement is mentioned; "Out there they have a misconception. Some thought (the Drug Court) was just a way to avoid incarceration, a prison sentence, until they are involved. Initially in law enforcement we heard skepticism, at first. But there is a shift in attitude. The benefit to me is it gives me a positive view of people who, frankly, we (law enforcement) did not view positively. It is uplifting for me to see the success. And now I can teach fellow officers about these people. Teach my fellow officers to not look at these participants as negative persons."

Trust and respect on the Marshall Team is seen as needing some work. "It is frustrating; this team has such potential, but lacks trust. Drug Courts are the best things that have come along, but we can't seem to work together smoothly. In other courts people have fun together, they brag about what a good job another team member is doing, and they are proud of being part of a drug court. In this court there is not much of that. In this court team members will be embarrassed, or devalued, or reprimanded by other team members in the pre-meetings. We are not a well-functioning team." Not everyone on the Marshall reflects this degree of frustration. "Overall, all are open and honest. There is a separation but, we usually come together as a team. Sides...? to me a few who nitpick too much but, differences are good."

Respect on the Team is assessed in the same manner. "...sometimes I feel everyone is respected, but at other times not so much." You get different perceptions; "Everyone has an equal voice. Everyone is valued." ... some who are "...intimidated about voting against others." The encouraging part of Team members' perceptions on these issues is that they all see the potential in seeking the changes to enhance the trust and respect. In a response to the question about the level of respect that characterizes the team, a hopeful note could be heard in the

following statement. “Respect? Sometimes, but not always.” Does everyone have an equal voice? “No. I think we could work some things out that are causing these issues; we have an intelligent group of team members. We could do a lot of really positive things. If we worked more appropriately together, if we worked to find out what is causing some of these issues we could become more effective.... I think we can turn it around. But we need to make a commitment to change these issues.”

Drug testing is a perennial problem for Drug Courts and the Marshall Team is no exception. With a jail staff that “volunteers” to monitor drug tests and a treatment setting that makes strict compliance with protocol very difficult, issues will emerge. “UAs how good?” The answer, “You would like to think so. People have been getting by with things and they keep using then it catches up with them.” “One thing for sure is that we have to be more careful about drug tests; whether jail or treatment.” “Have to make sure the tests are reliable and valid.” “One thing I would change? Not anything big. Weekend drug testing; increase the four hour window for Saturday and Sunday....”

Incentives and sanctions are seen as out of balance. “Our sanctions are harsher than they need to be. But at the same time they are sanctions that the team thinks are appropriate. If anything we will have our hard liners or prosecutor and the cops think they are not harsh.” “We need someone who is qualified to defend the idea that we shouldn’t send them to jail and say we will see you next week. It’s a small victory when we sent someone for 2 days.” “We have had people write papers. One of the most therapeutic things we have is to have them meet with treatment specialist...he has some insight that helps people. Writing papers has been a farce they repeat the same thing four or five times.” Another respondent tied a problem with sanctions and incentives to a lack of understanding the Drug Court model. “I don’t think, as a team, we can understand what the drug court model really calls for, we are way too punitive and not rehabilitative enough.” The tendency to terminate participants too early was also mentioned; “People talk about agreement on the drug court model. Agreement, yes, but not everyone understands what that means when it comes to action. Our drug court team terminates way too quickly. We will give them one, but the second or third relapse will most likely result in a vote to terminate. ‘We have given you resources; there is nothing more we can do.’ We send people to prison for relapsing; some courts keep working until they get it right. They try to never terminate. We could be much better on that score.”

The lack of a defense council is seen as a real problem. It is an issue that emerges in a number of ways throughout this evaluation. A response to this issue was met with; “We should have an advocate that could speak for the participants.”

Team members put their finger on issues that will help improve the efficiency and effectiveness of the team in their responses to a query about what they would change about the court, if they could. The list was informative. “Have more resources.” “Probation agent would monitor just drug court cases.” The need for training; “We could benefit more by seeing how other teams function. Watching other courts would be helpful. Learn how they deal with the issue of an individual positive for drugs...we are reinventing the wheel every time; I hear that some do a peer review and have a sanctions grid.” Development of more support from law enforcement and from the community was mentioned as a real need. Suggestions about “...connecting with participants. To make them feel invested and want to change. We should carry on a conversation to build a relationship.” Another response added, “Get to know them on a personal level...we don’t know anything about these people. Should spend 3...maybe a minute... there is no 3 minutes there. They will trust us more if we know them better.” Can you suggest to the Judge that he could spend more time engaging the participants? “No, never.”

A few team members called for more careful protocol for drug tests. The issue of trust emerged as the one thing to change. “The trust level among the team needs to be there.” Others indicated, “Need a better referral process.” The need to focus on building a “real” team was part of many responses. “We need more instructions on how to handle difficult situations, how to disagree respectfully.” “Team building, that’s what this team needs, some good old fashioned team building.”

The voice of Participants: Redwood

The perceptions of the participants in the Redwood Falls Court were gathered by means of a focus group session. After an introduction and an assurance to the participants that they did not have to participate in this session, I explained who I am and what these data are going to be used for. I asked if it was acceptable to record the session. Each participant indicated that they understood and that it was fine to record their responses. My impression was that these people welcomed the chance to provide their perceptions and were hopeful that this would help the team better understand what it is like for them.

Participants were asked; “What works for you?” “When they treat everyone the same, when things are fair. The motivation really helps. Usually the judge is shaking the gavel at you, sending you to jail or not, but here you see him in a different light. He actually seems like he cares and is compassionate about your recovery, trying to give you chances to do better things.” The Participants in the Redwood Court acknowledged they need help and that the Court is helping to make “...my life different.” One can get a feel for the love-hate relationship the participants have with the Court in this statement; “Don’t get me wrong, when I say I am glad to be in drug court...there are times when I don’t like it at all. It’s like jumping out of a second story window; you don’t want to jump, you may hate to jump, but when the place is on fire you do what you don’t want to, to save your life. That’s drug court. Parts of it are ok. The encouragement I get is nice.”

Participants indicate that sanctions do help them, but they feel that they are not always imposed fairly. “... they do help, but they always go back on things, there should be a set sanction for each thing we do. They treat us all different, I can get a sanction, 6 hours community service, and they might throw someone else in jail. It is different; I mean they should treat us all equal.” The issue of paying the fees is troublesome. There is a sense that an inability to pay the fee is used to hold people back; “I couldn’t afford to move forward I couldn’t pay anything so I felt like I was stuck. I was just standing still they kept adding on money, adding on money, and I said this isn’t helping me and then they sent me to jail and then to treatment. I felt like I took 10 steps forward and they put me 20 steps back. But luckily I got out.”

Participants feel as if they can’t voice their concerns; that it would make it worse for them. “It seems like they don’t like it when we voice our concerns, or talk about the things that are hard for us to do. They just tell us what to do and they expect us to do it. And if we can’t, it’s our problem; we’re the ones that are messing up.”

What would you change if you could? “Just let us go through like they said, like it says in their books. Now we are going to have a new person and he or she will probably change something.” “I’ve been through three judges already; I’m on my third one, now this is our third coordinator. The only one who has stuck around is our probation officer.” So who do you trust? “Myself? I trust Dwight and Brandie. The CD counselors; they love their job.”

Participants indicated that they had no hope that they would be listened to; “I don’t think we could say anything that would change what they think. If we say anything they will say, ‘Oh

we are being defiant, we are trying to manipulate the system.’ So no one really does say anything, because it will come back and make it worse for ourselves.” (To this there was general agreement)

The Voice of Participants: Marshall

As with the Redwood Team, some of the participants served by the Marshall Team expressed positive feelings about the Court. “Drug court is an amazing process for me, I learned a lot. If it was not for the drug court program would you still be using...most said no...but for me I said yes. I was tired of my life.” “I need this because without it I would be dead.”

“Probation officer; I like him really accommodating with my schedule. I get along with him. Treatment councilor...met with him and got to know him well...shared his experiences. I think, my experience is different than most people. I am treated good. I am doing what they tell me to do. That’s different than people who get into trouble. They do it there way and get a bad attitude toward the program.” “...it provided structure, a different structure, I needed a new structure.” “A good program, I enjoyed.. I can’t really say I enjoyed it, not really enjoyed, but a good program. Definitely a life style changing program. I don’t have any problem with law enforcement anymore.”

Participants who were asked, “What works for you,” responded, “When I was using I did not look forward to life, now I wake up and I am ready for the day. Only three outcomes if I go back to using, dead, mental institution or prison. Sometimes I think about it, isn’t it crazy I don’t want any of these, but I think about it.” “The seriousness of it; to be in front of a judge each week, keeps reminding me that it is serious enough for me to stay on top of my addiction because if I don’t I know there will be consequences. The consequences for not doing what I am supposed to motivates me to work a strong NA or AA program.” “I feel good each day. I like the person I have become, and how things are working for me. Drug court that is about two years long allows me to have the time to work on the things I need to, ...two years...one year down and I have developed tools and I will learn more.”

There is a fear among the participants; “We can’t voice how we really feel in court.” Why? “I don’t know we just can’t.” Do you guys (focus group participants) feel the same? “Yes.” “Stuff they do put in the journal is a week behind. It goes in one ear and out the other. They pretty much just tell us what to do and that is all.” What would you tell them if you felt you could be honest with them? ”...honestly, I hate drug court, but I am doing what I have to do

to stay sober. ...it just does not make you happy to do it.” “The first drug court I knew about... that court was awesome, this one is a joke.” What was different? “They were more involved with you; they weren’t so hard on you like these people are for stupid stuff. Here is one thing, I am sure they all want the best for us, I can’t say all, I am sure there are a few in there that want the best for us and for us to do good in court. “...we are not approached; there is no assistance unless we are throwing ourselves out there, and for lack of a better word, begging for it.”

“This Court takes a lot of patience and tolerance. It should be like your job, if you hate your job you do it because you have to make money, but if you hate it will make you miserable the rest of your life. This should be the same idea for this Court. Too many absolutely hate it, I think even some on the panel hate it; it does not have to be this way.”

IN CHAPTER 5

Team Survey Results

Chapter 5 includes team perceptions of the operation and effectiveness of the SCDC Teams. An on-line survey asked Team members to give their assessment of 80 items concerning their Court. The instrument has been employed in a number of other courts and has been found useful in directing effort at improving the functioning of Drug courts. These data should not be interpreted as an objective measure of success or failure. The average score for all items for the Redwood Team is 1.76; a score that falls between “strongly agree” and “agree.” The average for all items for the Marshall Team is 2.41, a score that falls between “agree” and “neutral.” Four average scores for the “team survey” are presented as a means of allowing comparisons. The other teams are in many ways not equivalent to these two teams team, but they are drug court teams with much the same mandate to conform to the Ten Key Components that define this court. The average scores for the four comparison courts are 1.91, 2.04, 1.26 and 1.38. On average the Redwood team compares well to other teams’ assessment of their courts on this measure. The Marshall team has an average notably more negative than what is found for these other courts.

IN CHAPTER 6

Performance Benchmarks: Fulfilling the Requirements of the 10 Key Components

Chapter 6 provides an assessment of the degree to which these teams fulfill the performance benchmarks for the 10 Key Components of the Drug Court model. This work allows direction in planning for these Teams as well as providing a measuring rod to assess how closely they adhere to the process guidelines by asking team members to complete an on-line survey. The survey items are stated in the form of a statement to which the respondent is asked to indicate whether they “1. strongly agree,” “2. agree,” “3. neutral,” “4. disagree,” or “5. strongly disagree.” Low average scores indicate the teams’ perception of more success in reaching the benchmarks. While these averages cannot be taken to indicate success or failure, they should be indicative of possible concerns to direct program enhancements. Findings from other parts of the evaluation are used to inform a need to shore up activity that might increase the level of fulfillment for these benchmarks.

Key Component #1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.

The responses offered by team members for the two parts of the SCDC reflect what is found in the rest of the evaluation. The Marshall Team needs to consider the level of shared planning and the degree to which decision making follows the consensus model described in the policy manual and the one that guides the Drug Court model.

Key Component #2 Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.

Both teams need more commitment from prosecutor and defense council. Much of what these team members can and should do is left undone. On the Marshall team the prosecutor is fully engaged and attends staffings and court status hearings on a regular basis. The Redwood Team needs to have more consistent participation by the prosecutor at staffings and at the court status hearings. The absence of defense council on the Marshall is a serious problem that should be rectified. Serious questions of due process emerge in this court when jail sanctions are imposed and terminations are made without a termination hearing at which defense council is present. Here, also, the issue of the referral process emerges as a problem. How do you get a prospective participant into the drug court with full knowledge of his/her constitutional/due process rights without defense council? Defense council is essential.

Key Component # 3. Eligible participants are identified early and promptly placed in the drug court program.

The time it takes these Courts to get the Drug Court process and the treatment services under way for participants are appropriate to the demands of this drug court component. Both teams should consider whether or not inpatient treatment is needed for the number of participants who are sent to this type of treatment. Some discussion about this issue would be advised. The Redwood participants from the Lower Sioux Community are not involved in inpatient treatment because of a requirement that they do outpatient treatment.

Key Component # 4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Some concern was raised during interviews that call for a team discussion about whether or not consensus is being reached on treatment planning for participants. The team survey results also indicate that a discussion about these issues would be warranted.

Key Component # 5 Abstinence is monitored by frequent alcohol and other drug testing.

The drug testing procedure must be certain. While most drug courts have problems with making sure that drug tests are reliable and valid, there are concerns in both these courts with the drug testing procedures. Strict protocols must be followed to assure the Court that participants are staying sober. Reliance on “voluntary” assistance with drug testing makes it difficult to demand exact adherence to testing standards. Work on this issue is crucial to an effective drug court.

Key Component # 6. A coordinated strategy governs drug court responses to participants’ compliance.

A system of graduated sanctions needs to be written and included in policy documents. The pattern of sanctions and incentives should be communicated to participants at the time that they are being considered for drug court and adhered to.

Key Component # 7. Ongoing judicial interaction with each drug court participant is essential.

While the interaction between the Judge and participants in the Redwood Court is extensive and engaging; the interaction between the Judge and the participants lasts, on average, over 6 minutes. The Judge uses these “conversations” to empathize, encourage and instruct the participant he is addressing as well as the other participants in the Court. The interaction

between the Judge and participants in the Marshall Court does not meet drug court expectations. Time spent interacting with participants in Court falls significantly below the 3 minute standard. Participant interviews indicate no meaningful two-way communication between the Judge and participants with journaling.

Key Component # 8 Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Redwood and Marshall will use this formative evaluation and the recommendations included to direct a process of reflection and adjustment. The degree to which the teams conform to this Component will depend on the response to this evaluation. The evaluation points to a number of elements in the operation of the teams that could be enhanced.

.Key Component # 9 Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Redwood and Marshall need training to assure that all team members have “buy-in” on the goals and philosophy of Drug Courts. New members to the teams need training.

Key Component #10 Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Both teams can do more in the area of forging partnerships and relationships with the community. First and foremost is a need to get the two teams that make up SCDC operating in concert with each other.

In CHAPTER 7

Cost Benefit Analysis

It is time for us to get serious about using resources to support programs and approaches that have real promise. It is time for those who hold the purse strings to use the empirical evidence available to them to move their communities to an understanding that “accountability” in the guise of incarceration is a failed approach and a tremendous waste of limited tax money when there are more effective alternatives available. To move away from “business as usual” when it comes to drug involved individuals is prudent, ethical, based on disciplined thought and

supported by empirical research. The way we presently respond to crime and substance abuse is ineffective in fostering public safety and sobriety. Some hang on to the desire to punish individuals for deviant behavior, but the cost of “hanging on” to this failed approach is far too high and far too unproductive to be rationally defended.

While the SCDC is not running as well as it could be and is not as cost effective as some other drug courts, it is a much more effective use of tax dollars than the alternative. There is no doubt that SCDC saves tax dollars while offering more to the effort of providing public safety and fostering sobriety than simple probation and/or incarceration. The savings are primarily due to reductions in criminal charges, arrests, case processing, sitting jail time, and the cost of victimization. For individuals who successfully complete the SCDC program instead of serving time in prison, the savings to tax paying citizens is even more significant.

IN CHAPTER 8

Recommendations

Chapter 8 includes a number of recommendations for steps to take to enhance the effectiveness of SCDC. Many of the issues that emerge as needing some adjustment are tied to basic acceptance of the values and philosophy of the Drug Court model. Training on what these courts are about and the logic behind them will help. When everyone, team members and participants, know what is expected and “buy-in” to the reasonableness of Drug Courts the resulting culture guides behavior. There may be too many recommendations, but the team should consider them and prioritize what they will work on first. Recommendations include: Become a smooth running team first: Team building training. Team buy-in, assure 100%. Learn and apply conflict resolution skills. Include active defense council on team. Follow decision making policy. Assure reliable and valid data collection. Reflect on the tone of your court. Enhance the referral process.

CHAPTER 1: TIME TO GET SERIOUS ABOUT SUBSTANCE ABUSE

The Purpose of this Evaluation

Seeing is Believing

A Little History

Mission Statement

Geography and Population: Collaboration to Make it Work

Methodology

Data sources and samples

Three models for Cost Benefit Analysis

TIME TO GET SERIOUS ABOUT SUBSTANCE ABUSE

It is time that we get serious about confronting the issues related to drug-involved individuals and recognize that what we have been doing to protect our communities from the scourges of substance abuse is more ritualistic than productive. “Getting serious” demands that we consider the research findings that tell us to move away from approaches that cost too much and give us far too little benefit for our communities. To accept “business-as-usual” rather than to focus on an ever improving process of employing the best practices available to us is to ignore the evidence. In this assessment we found voice for replacing processes that have become ritualized and are not effective with the promise and positive experience encased in the methods proposed by the drug court model.

The discourse with which these courts are discussed gives credence to how they differ from “business-as-usual” in the criminal justice and the drug and alcohol treatment industry. At the NADCP 19th Annual Training Conference in Washington, DC, the pioneering effort of this work was emphasized.

“It’s an exploration of a new way of thinking. It’s important to understand that pioneering is not only what you do. It’s how you think. It’s a state of mind more than action” (Bertrand Piccard)¹.

The argument presented in this evaluation is “pioneering” as well. The sense of what the people in these courts accomplish cannot be fully understood by considering change rates, graduation rates, relapse episodes, the number of UAs and “Knock N Chats”, the number of sober days, mental health and substance abuse sessions or the number of minutes a judge spends in interaction with participants in court hearings. We consider these numbers, but it is the assessment of what is going on under these numbers that gives this evaluation a credibility that is valid and reliable.

THE PURPOSE OF THIS EVALUATION

Put simply, this evaluation is designed to give guidance to the two SCDC teams; its purpose is to provide an objective assessment for those who strive to apply the drug court model in communities that are not accustomed to a model which uses a combination of accountability

¹ Bertrand Piccard. *Change Attitude*. <http://bertrandpiccard.com/exploration-in-brief?width=1366#1>

and treatment to compel and support drug-using offenders to change their lives. Being at the forefront of initiating Drug Courts is difficult because not only are the people on these teams learning a “new way” themselves, but they have to constantly defend the approach to those who do not “get it.” Drug Courts have rightly been seen as the shining example of what works in the justice system with over 2,734 drug courts in operation in the United States. Patience, commitment and constant reflection on what is working and what is not working will contribute to the realization of effective Drug Court Teams. It is the wisdom in the eighth Key Component of the Drug Court model; “Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.”² Probably the most important aspect of this evaluation is to assist and encourage these courts in focusing on a constant process of revising and renewing processes to enhance their effectiveness.

Evaluating the work of these two teams has to take into account what they are trying to do and with what they are working. Graduation rates are far too crude a measure for what is to be taken as a success or a failure. Judges talk convincingly of drug court models as the exemplars of the future in the criminal justice system and indicate concern for the various levels of commitment to these new models. They speak of resistance to the change in philosophy within and outside the various systems that have to come together to make it work. Drug treatment relies on enticing addicts to change; the justice system has used the threat and the imposition of punishment as the tool for change. We know that the imposition of power, the use of force, is immature and ineffective.

To add complexity, these “systems” have conducted their business under the assumption that mental health issues are confounding factors that make success more elusive, but can’t effectively be taken into account. A drug court judge put it bluntly, “there are three kinds of people I deal with in drug court, people I can help, people who are criminals that this court can’t help and then there are people with mental health issues; I don’t have any idea what to do with them.”

To determine whether or not the drug court teams under consideration are accomplishing what drug courts are designed to accomplish, and to provide guidance, it is necessary to first

² Defining Drug Courts: U.S. Department of Justice Office of Justice Programs, Bureau of Justice Assistance In collaboration with National Association of Drug Court Professionals THE KEY COMPONENTS <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>

document that these teams are actually drug courts. There are instances in which courts are “drug courts” in name only. In the evaluation literature we are taught to ask the process questions first; “Does the program follow the design and philosophy set out in the 10 Key Components?”³

These two SCDC teams have as their goal to reduce criminal behavior and the abuse of drugs and alcohol, but in a larger sense their mission is to transform individuals; to assist individuals who are drug or alcohol involved to gain a level of functional status shared by the majority of law-abiding citizens. The drug court model asks us to not only assist the transformation of those who are seriously drug involved, it asks us to transform ourselves. Michel Foucault explains that it is only when one can no longer think things as one formerly thought them that transformation is possible and when we loosen our grip on past practices and accept a new understanding then transformation becomes likely.

SEEING IS BELIEVING

After observation in the courts, in the staffings and in the hallways there are undeniable factors that emerge which say more than our numbers are capable of saying. To reject or discount findings of this kind is a serious mistake for rural courts that will never have large enough numbers to satisfy the assumptions of statistical analysis. I am sympathetic with the effort of individuals like Dr. Douglas Marlowe, Chief of Science, Law and Policy for the National Association of Drug Court Professionals, who has employed scientifically rigorous methods to document the effectiveness of the drug court model in an ever expanding number of applications including Adult Drug Courts, Family Dependency Treatment Courts, Veterans Courts, Mental Health Courts, and now, Reentry Courts. The work he and other researchers have completed gives us confidence that the drug court model, when appropriately applied, is our best hope in dealing with the struggles drug-involved individuals face and the struggle faced by our criminal justice and substance treatment systems in mitigating the harm drug-involved individuals can cause in our communities.

The benefits of engaging drug-involved individuals in these courts, according to Marlowe, are overwhelming and obvious.

The implementation of direct observation, collection of data from drug court records, survey analysis, face-to-face interviews with team members and participants, comparing “business-

³THE KEY COMPONENTS <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>

as-usual” processes and outcomes allows an understanding of how these teams are being effective and what may help to make them more effective. The promise in these courts far exceeds any competing attempt to foster enhanced quality of life for the community, the teams, and the individuals suffering the effects of substance abuse.

A LITTLE HISTORY

“The Southwest Community Drug Court (SCDC) is a collaboration between the counties of Lincoln, Lyon, Redwood and Cansa’yapi (the Lower Sioux Indian Community) whose tribal land is located in Redwood County. There are two teams: one in Marshall serving Lincoln and Lyon County participants; and one in Redwood Falls serving Redwood County participants and individuals living within 10 miles of the Lower Sioux reservation. There is one coordinator who travels between the two sites and one evaluator. The model is a partial traveling criminal justice group.”⁴

“In 2007, Judge Leland Bush approached the Lyon County Board about the idea of establishing an adult drug court for offenders in the county. Bill DuBois and BC Franson, professors at Southwest State University also voiced their strong support. In a follow up newspaper article, Judge Bush was quoted as saying: *In the end, society would get a better citizen through drug court instead of a better criminal through jail or prison.*

After planning and training an implementation grant was awarded to fund the SCDC from 2009 through 2012.

MISSION STATEMENT

The mission of the Southwest Community Drug Court is to improve public safety and reduce direct and indirect costs to the community associated with substance abuse and related criminal activity. Through a multi-cultural approach this post-plea court will involve offenders in a rigorous and supportive program that includes intensive treatment and personal accountability designed to break the cycle of substance abuse and to improve offender’s lives.

Fostering healthy lives in a rigorous, supportive, and accountable environment

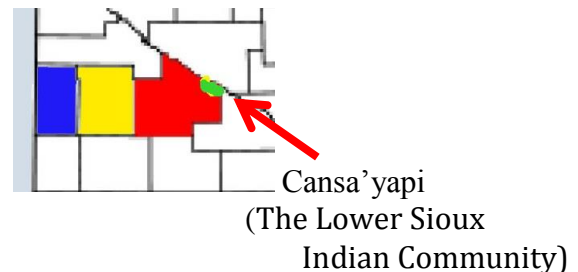
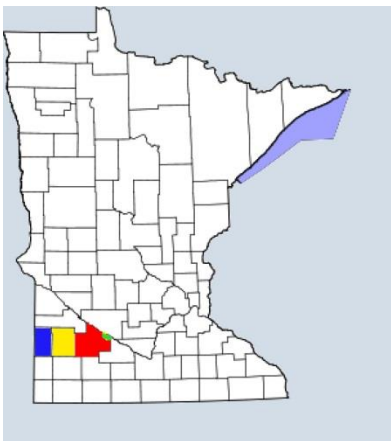
⁴ Guidelines: Southwest Community Drug Court (SCDC) Lincoln-Lyon-Redwood Counties and The Lower Sioux Indian Community. Updated 1-25-2012

Geography and Population: Collaboration to Make it Work

The Redwood Court is located in Redwood Falls, Minnesota. Redwood County has a population of 16,059 as to the 2010 census. With a population density of 19 people per square mile, Redwood County falls is considered a rural area. The County lies west of Brown County on the western side of the Minnesota River. (In red on map) The Redwood court also serves Cansa'yapi (The Lower Sioux Indian Community) which is a federally recognized Indian tribe located in Redwood County. Approximately 145 families of the Mdewakanton Band of Dakota live on 1,743 acres of tribal land. A total tribal population of 982 resides throughout a 10-mile service area and beyond.⁵ The 2000 census registers 335 residence. (In green on map)

Lincoln-Lyon (Marshall Court) Court is located in Marshall, Minnesota in Lyon County. Lyon County is a rural area that has a population of 25,857 as of the 2010 census and has a population density of 36 people per square mile, far below the Census Bureau designation of 1,000 people per square mile for an urban area. It lies west of Redwood county and East of Lincoln county. (In yellow on map)

Lincoln County lies on the western boarder of Minnesota it has a population of 5,896. This rural county has a population density of 12 people per square mile. The inclusion of this county with Lincoln and Redwood County created an area with a large enough population to justify Federal grant support to fund the initiation of an Adult Drug Court. (In blue on map)



⁵ The Lower Sioux Community: About Us. http://www.lowerSioux.com/about_us.html

METHODOLOGY

The application of traditional evaluation research methods leaves much to be desired when one becomes intimate with the complexity, the gravity and the potential of these Adult Drug Courts. No one can deny the great service rigorous empirical evaluation has made in providing a foundation for the credibility of drug courts. These methods are employed in this evaluation where possible and are useful, but a sense of what's going that is to be encouraged or might need some change in these courts arises out of observation of a myriad of "case studies," sometimes small events that arise in the interaction between team members, between participants and team members and between the judge and participants in court status hearings. The evaluation tools handed to us in graduate school focus on the measurable aspects of our processes and outcomes. These tools are meant for larger samples, and the quantification and simplification of complex benefits or disadvantages emerging out of programs. There are tacit understandings that are often ignored while being no less real than those supported by a positive correlation. In situations like ours, when the numbers are not large enough to employ, with any reliability or validity, more "rigorous" methods, we go through the menu of suggested approaches only to conclude that we don't have the numbers to say a difference is statistically significant. This should not lower our expectations when our goal is to determine, as best we can, what the data do suggest and how our observations might lead to improvement in these courts.

DATA SOURCES AND SAMPLES

Data for this evaluation were gathered from a number of sources made available by the two teams of the SCDC. The evaluation examines about 44 SCDC cases, 21 from the Redwood Court and 23 from the Marshall Court. Comparison data was drawn from the Minnesota Statewide Drug Court Evaluation Report⁶. The SCDC cases represented all participants for which data were available. Data relating to graduation, termination, days sober, days in the court, number of UAs, number of Knock N Chats, number of incentives and sanctions were drawn from SCDC Tracking Sheets and from Weekly Progress Reports. Some data had to be

⁶ Statewide Drug Court Evaluation Minnesota 2012
http://www.mncourts.gov/Documents/0/Public/Drug_Court/2012%20Statewide%20Evaluation/MN_Statewide_Drug_Court_Evaluation_Report_-_Final_Public.pdf

hand counted from the weekly progress reports. The number of cases used for analysis of variables varies due to data limitations.

An on-line survey was used to assess perceptions on the functioning of the SCDC teams. The responses to survey items are compared with other responses to the same survey items by members of the “other” SCDC team. The overall averages for these items are compared to average ratings on a statewide evaluation of drug courts.

In like manner, team members were surveyed concerning their perception on whether or not their Drug Court Team is reaching the benchmarks associated with each of the 10 Key Components of the drug court model.

A 20 to 30 minute face-to-face, audio recorded, interview was conducted with members of both teams. The interviews were guided by an interview schedule with pre-defined questions and an open-ended item to invite unanticipated input on the operation of the courts or to allow comments of special concern to team members. A total of 12 team members from the Redwood Court and 10 members of the Marshall Court were interviewed.

Participants from both courts were interviewed and completed a paper and pencil survey on their perceptions of various elements of the SCDC. These interviews followed a set series of questions and set time for open-ended reflections on the function of the courts. A one hour focus group session was conducted for each court with four participants in each session.

Over a period of time, observations were made of the weekly staffings and the status hearings. Two staffings and two Court Status Hearings were observed for both Courts. In addition numerous informal conversations informed the evaluation. Observations of other courts, drug courts, were used for comparative purposes.

The offense history of participants was obtained by going to the MN courts website and then to the court case record finder. This database is a public access, public information database where anyone can look up court records for anyone who was charged/convicted/processed in the State of Minnesota. A search under the "Criminal/Traffic/Petty Case Records" option allows the entering of an individual's name and birth date to bring up any and all public convictions/charges /processing that the individual has gone through in the state. A count of how many total charges the person received since the date of entry into the Drug Court and prior to their entering. Some records were not found due to their; 1, not being in the system; 2, having private case records for some reason; or 3, their name/birthdate or all of the above were wrong.

All quantifiable data were entered into an SPSS file and were analyzed using this software. Face-to-face interviews were audio recorded and transcribed for accuracy. Observation notes were kept for each staffing and status hearing.

Three models of cost benefit analysis are offered. The methodology for the cost-benefit analysis proved to be the most challenging. What started out as a rather simple matter of adding and subtracting quickly devolved into a complex set of immeasurable considerations. The analysis, in part, rests on the research and logic of economists who support the economic benefits of Drug Courts even when they acknowledge so many of the costs and benefits are “obvious” but specified only by informed estimates. The use of “functional status” as a reasonable indication of cost benefit is developed as a promising approach for arguing for the positive cost benefit of SCDC. Consideration of factors that have not been part of cost benefit analysis models emerged as obvious variables in determining what these courts mean to local budgets. The short-term economic considerations were found to be elusive, but to find solid dollar figures for the long-term cost benefits (probably more important) proved to be more than problematic. The method employed here rests on a process of deduction, using data from research on the impact of substance abuse on local budgets to estimate economic bearing on the budgets Lincoln, Lyon and Redwood Counties. A second approach rests on assessing what it means financially for a community when individuals radically increase their functional status by embracing and maintaining sobriety. Here an assessment of the economic impact of “days sober” is developed. The third cost benefit model employed conforms as closely as possible to the conventional models suggested by FDTC researchers. The application of this type of analysis opens up an understanding of the difficulty of the approach. The use of this approach calls for a fair amount of estimation and inference.

CHAPTER 2: OBSTACLES TO OVERCOME

Have a Strong Team First: Turnover and Building a Team

Stability for Participants

Follow Through

Policy Conformance

Record Keeping

Decision making

The need of Defense Council

OBSTACLES TO OVERCOME

Some recognition of the obstacles the two teams of the SCDC have overcome is warranted. Stability in the membership of a Drug Court Team is important for several reasons. Most important is the building of a fully functioning team. “According to HR Bible, one of the most popular myths about teamwork is that the skills of team members are more important than their energy, interest and drive for the tasks. Another popular myth is that members are not individually responsible for the successes or failures of their teams. The truth is that individuals are the smallest units within their teams and that their personal abilities affect various outcomes in their teams.” Teamwork not only benefits your team members but also significantly affects the results of your efforts.⁷

HAVE A STRONG TEAM FIRST: TURNOVER AND BUILDING A TEAM

Turnover has had an effect on the continuity of both of these teams and has made the development of a strong team difficult. The abrupt loss of a long-term coordinator, under less than favorable conditions, left a mess for both teams. The replacement for this coordinator had good experiences in drug courts and was assessed by one team as “just what we needed.” Difficulty melding with one of the courts resulted in her resignation which again left the teams without the guidance of a manager. Without the benefits of a strongly bonded team much of the responsibility for team tasks was left for her under the assumption that “she was the only one being paid on this team.” Cooperating on tasks reduces workloads for all members enabling them to share responsibilities and reduce the work pressure on every team member. Drug Court teams provide members the opportunity to bond with one another and often to feel valued by the successful completion of team goals. Without stable membership, and an inability to resolve conflicts amicably, the work can lose the quality of “teamwork.” Teamwork enhances cohesion among members, increases trust and fosters respect. When teams are working well, team members do not want to let each other down and hence do their best to contribute to the successes of their teams. Working together is a great opportunity for cross training, to acquire

⁷ Importance of Teamwork in Organizations
by Bob Kelly, Demand Media
<http://everydaylife.globalpost.com/importance-teamwork-organizations-12033.html>

skills that a team member never had beforehand. It is understandable why a drug court judge, in another county, is constantly reminding folks; “We have to have a strong team first.”

STABILITY FOR PARTICIPANTS

Along with the turnover has come changes in how the two teams operate and while it adversely impacts the quality of the team it also has negative effects on the struggle of participants in developing the life they are working toward. As one participant explained; “Just let us go through like they said, like it says in their books. Now we are going to have a new person and he or she will probably change something. I’ve been through three judges already; I’m on my third one, now this is our third coordinator. The only one who has stuck around is our probation officer.”

FOLLOW THROUGH

Another issue that arises without stability is the lack of dependable “follow through.” Decisions that are made in staffing meetings “fall through the cracks,” and are not initiated or are not supported by an accountability process. Both team members and participants speak of decisions that are made one week and forgotten by the next. A participant mentioned that she was surprised that “they forgot about what they told me I had to do. Now if I can’t get something done (I really try to get it all done) I won’t say anything until it is mentioned because they just might have forgotten they told me to do it.”

POLICY CONFORMANCE

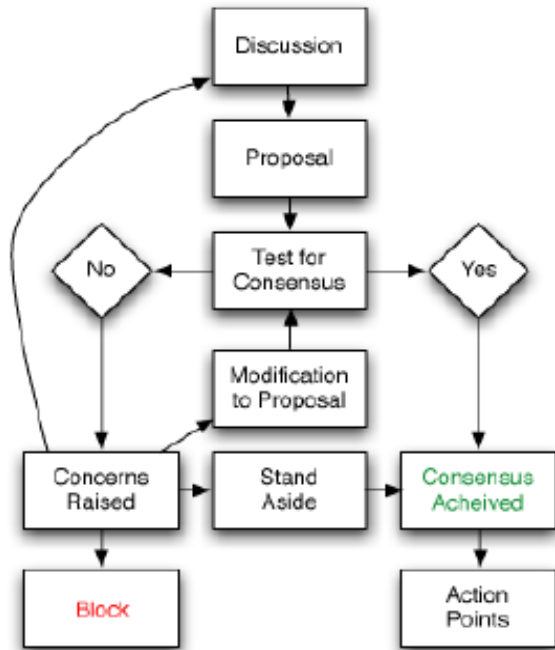
It is also important to follow the policies as they are set out in the policy manual. Any change (and there will be changes) should be explained to participants and give them the option of signing on to the new policy or staying with “what we signed up for.”

RECORD KEEPING

Record keeping loses its reliability and validity with instability in personnel. When analyzing data tables for this evaluation I obtained results that looked questionable. The Tracking Sheet assignment of participants to one or another of the teams did not correspond to information I gained through interviews and by considering the Weekly Progress Reports. By cross checking other data on the Tracking Sheets with other sources of data I was able to obtain data that is reliable and valid, but not complete. By determining on what day of the week

participants first attended a status hearing, a Monday or a Thursday, I was able to make the proper Court assignment.

DECISION MAKING



The policy decisions made about decision making in the SCDC needs to be enforced.

The decision making process rests on sharing of a common vision and common goals. An agreement to share resources, authority and responsibility for all team actions was made at the initiation of the Court. The policy states that team members will share ownership of the teams’ successes and failures. The policy calls on teams to strive for consensus of the “collective agreement” of the group even with the possibility of a high degree of variation. Genuine consensus typically requires more focus on developing the

relationships on the team so that they work together to achieve agreement. Consensus is not a democratic vote. The individuals keep talking and listening until an understanding is reached. Each team member agrees to follow up team decisions with needed action. If there are instances in which consensus cannot be reached and decisions is required, the judge will make the final decision on the course of action to be taken. The decision making process described in the policy manual works if the team is a solid team first. Developing all the qualities that characterize well-functioning teams should be the top priority for SCDC.

THE NEED OF DEFENSE COUNCIL

The lack of participation by defense council should be a real concern for the Marshall Court. Without defense council it is hard to argue that this part of the SCDC is a full Drug Court. It is naive to assume that the rights of participants are being represented without a defense attorney. The policy guide states that; “Each team includes, at a minimum: a judge, prosecutor, volunteer defense attorney, probation representative, human services and law enforcement.” As is stated above all the members of the team are individually responsible for

the success and failures of the team. The lack of defense council makes the agreed upon “intake/admission process” impossible to follow. The reviews demanded by the process cannot be completed with the required intent to protect the prospective participant’s rights by an attorney whose role is to defend against and prosecutorial violations of constitutional rights. The privileged communication between an attorney and a client cannot be assured without defense council. Being advised of the relinquishing of one’s rights and of the alternative courses of action outside of drug court is crucial to a full functioning drug court. Also, it is important that the participant can work with defense council to complete referral forms and to consider signing consent forms for the release of information that could not be shared without specific authorization by the participant. The essential part the defense council plays at the beginning of a participant’s experience with Drug Courts is set out below.

Step 2: The Defense Counsel:

- reviews the arrest warrant, affidavits, charging document and other relevant information and reviews all program documents (e.g., waivers, written agreements)
- meets with and advises the defendant as to the nature and purpose of the Drug Court, the consequences of abiding or failing to abide by the rules and how participating or not participating in drug court will affect his or her interests
- explains all of the rights that the defendant will temporarily or permanently relinquish
- gives advice on alternative courses of action, including legal and treatment alternatives available outside the drug court program, and discusses with the defendant the long-term benefits of sobriety and a drug-free life
- completes a drug court referral form (if needed) and has the defendant sign consent for release of information forms. All documents are forwarded to the county attorney or coordinator who notifies probation and law enforcement.

The defense council is responsible for consistent vigilance in guarding participants’ constitutional rights while maintaining full involvement in the goals of the team.⁸

⁸ Critical Issues for Defenders in the Design and Operation of a Drug Court By Michael P. Judge

CHAPTER 3: ANALYSIS OF QUANTITATIVE DATA

Discharge Status: Graduation Rate

Enhancing Public Safety: Criminal Recidivism

Substance Use: Sobriety

Incentives and Sanctions

Judges' Interaction with Participants

Setting the Tone for Status Hearings: Engaging Participants

Drug Testing and Knock N Chats

Employment Status

Housing Situation

Jail Time

Timeliness of Process

DISCHARGE STATUS: GRADUATION RATE

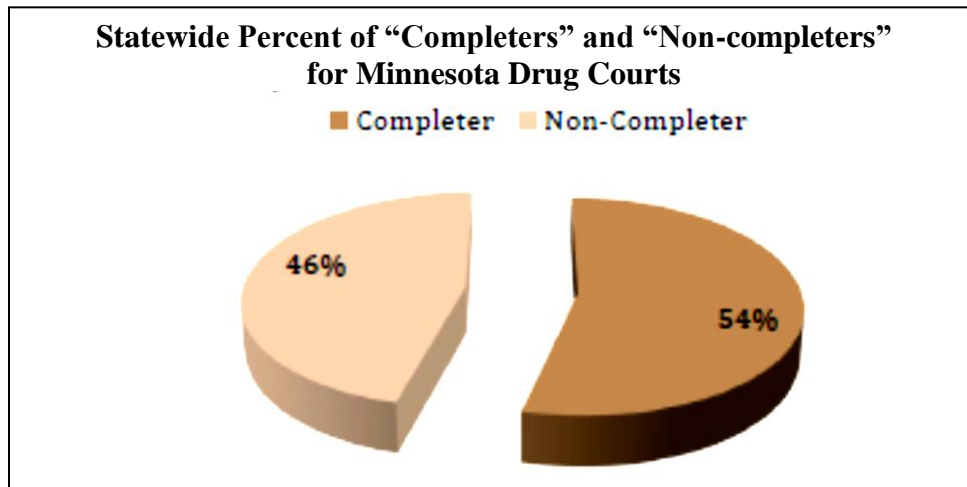
Of the 45 participants included in this evaluation 14 completed the program successfully, 15 were terminated and 16 are still active in the program. Taking just those 29 discharged participants, whether by successful graduation or termination, we are left with a successful

Table 3-1
Court Status of Participants of the SCDC

	Frequency	Percent
Graduated	14	31.1
Terminated	15	33.3
Active	16	35.6
Total	45	100.0

completion of 48.3%. To give some perspective we can compare this outcome with the state average for “completers” (graduates) for all adult drug courts in the state.⁹ Figure 3-1 shows the statewide average for “completers” to be 54%.

Figure 3-1



⁹Minnesota Statewide Adult Drug Court Evaluation. State Court Administrator’s Office. Minnesota Judicial Branch. June 2012
http://www.mncourts.gov/Documents/0/Public/Drug_Court/2012%20Statewide%20Evaluation/MN_Statewide_Drug_Court_Evaluation_Report_-_Final_Public.pdf Courts with very small numbers were excluded from analysis in the Statewide Drug Court Evaluation.

Figure 3-2 Comparison of Completion Rates for Minnesota State's Adult Drug Courts with completion Rates for SCDC and the Two SCDC Teams

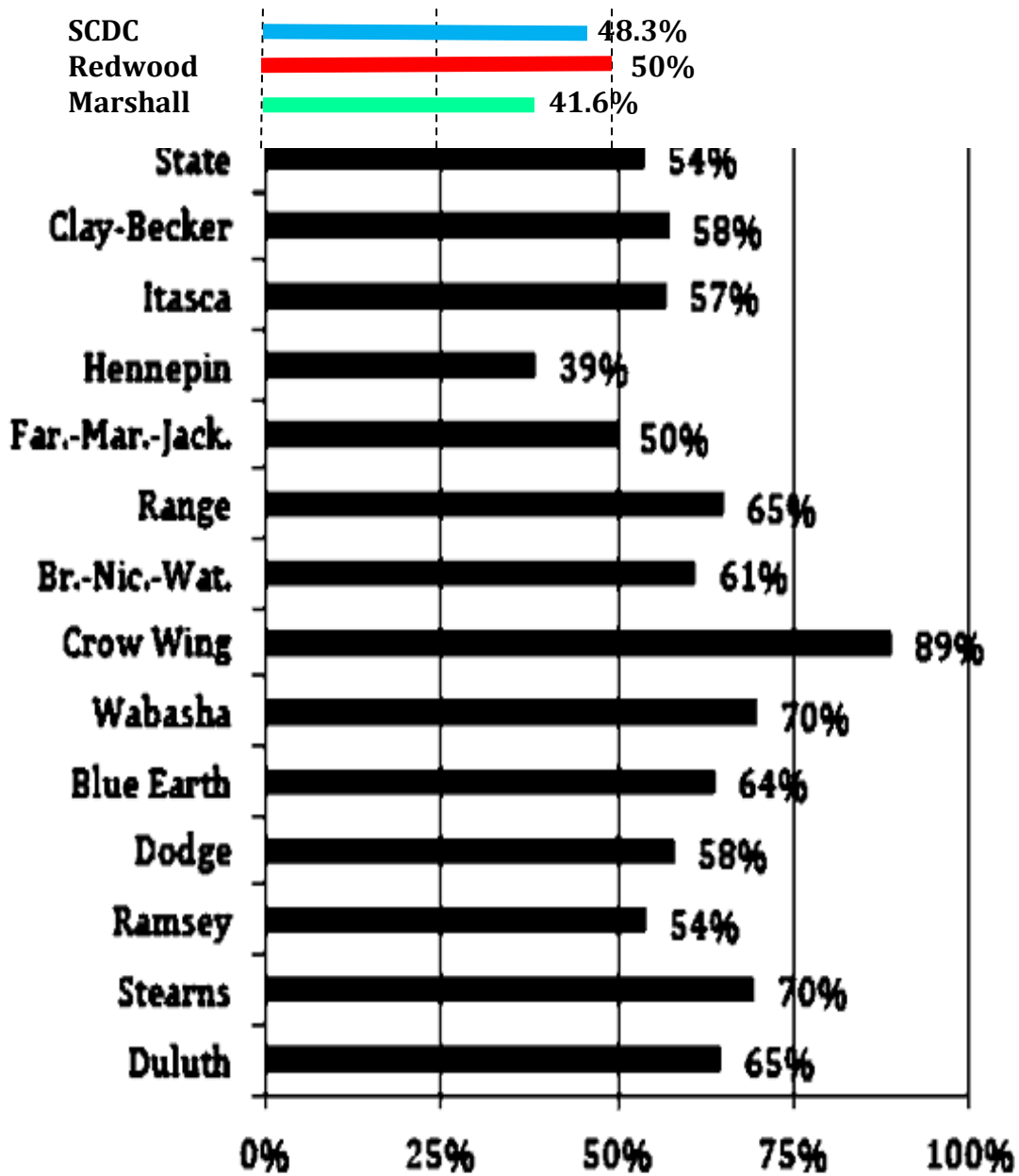


Figure 3-2 presents the percent of “completers for the various adult drug courts in Minnesota. The comparison here allows an estimate of the relative success of the SCDC in terms of graduation rate. If the SCDC were included in the statewide analysis the bars

representing the Court’s graduation percentage would appear as set out in the blue, red and green bars. SCDC achieved a graduation percent of 48.3 with the Redwood Team having 50% of their participants completing the program while the Marshall Team saw the completion of the program for 41.6% of the participants they served. The National Average for successful completion in adult drug courts was reported to be 53%.¹⁰

Table 3-2 includes data reflecting the court status for 44 participants of the SDCD by the drug court team that served these participants. One graduate could not be assigned to one or another of the teams due to incomplete data. Given the number of active participants it is possible that the graduation rate for these teams could increase significantly, but these data place the graduation rate at 50% for the Redwood Team and 41.6% for the team in Marshall. If,

Table 3-2 Court Status for Participants of SCDC by Given Service Team			
Court Status	SCDC		Total
	Redwood	Marshall	
Graduated	8	5	13
	38.1%	21.7%	29.5%
Terminated	8	7	15
	38.1%	30.4%	34.1%
Active	5	11	16
	23.8%	47.8%	36.4%
Total	21	23	44
	100.0%	100.0%	100.0%

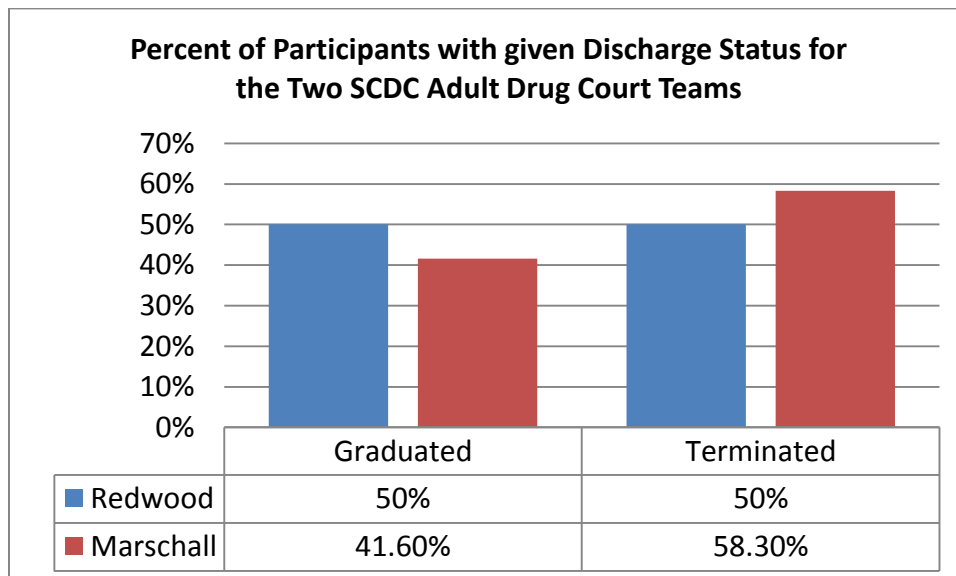
the factors that influence the completion rate reflected in Table 3-2 are not altered one would expect that those participants being served presently by these teams would reflect a graduation rate very close to that revealed in these data. As mentioned below, the reaction to these data should be to use them as a base line for determining the efficacy of policy and program modifications that will contribute to a higher level of participant completions.

¹⁰ Huddleston, West and Marlow, Douglas, JD., Ph.D. Painting the current Picture: A National Report on Drug Courts and Other Problem-Solving Court Programs in the United States (2011). National Association of Drug court Professionals.

The bar graph below presents the completion data for the two SCDC teams found in Table 3-3. The Redwood team has managed to witness the graduation of as many participants as have been unable to complete the program. The Marshall Team saw more non-completions than completions for the participants for whom data were available. While the reliability and validity

Discharged	SCDC		Total
	Redwood	Marshall	
Graduated	8 50%	5 41.6%	13 29.5%
Terminated	8 50%	7 58.3%	15 34.1%
Total	16 100.0%	12 100.0%	28 100.0%

Figure 3-3



of these data allow one to question the exact numbers in this graph, the distribution should be used as strong motivation to consider program and policy changes that would enhance the program and increase the rate of completion.

ENHANCING PUBLIC SAFETY: CRIMINAL RECIDIVISM

Data on new offenses for SCDC participants compare well with statewide evaluation data. While our data is not equivalent to that collected for the State evaluation, we argue that our data allow support for a level of crime reduction at least as strong as the results from the statewide evaluation. Seventy-nine percent of drug court participants, for whom we have data, had no new criminal charges since entering the SCDC. Twenty-eight percent of the statewide Drug Court cohort had a new offense within a year.

While the proportion of completions is probably less than the two teams would desire, there is more positive indications of program influence when considering the data on reduction of criminal behavior. The measure used, number of charged offenses recorded in the State’s Criminal History website, is the most reliable and valid measure available to us. Here we see a rather dramatic difference between the number of charged offenses prior to entering SCDC and after entering. Given the age distribution of participants, (21 to 62) the length of time “prior” to being served by the Court can extend over many years making a before-after comparison questionable. The number of prior charged offenses does give a sense of the criminal history of those served by the Court, but a comparison of the number of charged offenses in the year prior to entry into the Court gives a better indication of the program’s bearing on recidivism.

Number of Charged Offenses	Frequency	Cumulative Percent
1	1	5.3
6	2	15.8
8	2	26.3
9	1	31.6
10	2	42.1
13	1	47.4
16	1	52.6
17	3	68.4
18	1	73.7
22	1	78.9
24	1	84.2
28	1	89.5
47	1	94.7
86	1	100.0
Total	19	

Table 3-4 sets out the number of charged offenses for the participants served by SCDC. As can be seen in the Table, the 19 participants for whom data were available had been involved

with a considerable number of law violations prior to entry into SCDC. The mean number of charged offenses for this group is 19. Table 3-5 sets out the highest level of seriousness for

Level of Seriousness for Charged Offenses	Frequency	Percent
1st degree drugs/violent crime	5	26.3
2nd degree drugs / property / possession	6	31.6
5th degree drugs	3	15.8
DWI / traffic	5	26.3
Total	19	100.0

offenses charged to participants served by SCDC. When considering the number and level of seriousness of charged offenses a significant reduction would, indeed, be considered of substantive significance in the effort to reduce criminal recidivism. Table 3-6 points to the

Number of charged offenses since entry into drug court	Number of charged offenses 1 year prior to entry into drug court						Total
	0	1	5	6	7	9	
0	3	3	2	4	2	1	15
	50.0%	75.0%	100.0 %	100.0 %	100.0 %	100.0 %	78.9%
1	1	0	0	0	0	0	1
	16.7%	.0%	.0%	.0%	.0%	.0%	5.3%
2	1	1	0	0	0	0	2
	16.7%	25.0%	.0%	.0%	.0%	.0%	10.5%
3	1	0	0	0	0	0	1
	16.7%	.0%	.0%	.0%	.0%	.0%	5.3%
Total	6	4	2	4	2	1	19

Reduction in charged offenses for 12 of the SCDC participants. The green shaded cells in Table 3-6 include the number of participants with reductions in charged offenses for the periods one year prior to entry into SCDC and after entering the Court. The reduction in charged offenses is pronounced with one participant having no charged offenses after entering SCDC, but 9 such offenses in the year prior to entry. As can be seen in Table 3-6 two participants went from seven

to zero, four went from six to zero, two moved from five to zero and three reduced charged offenses from one to zero. The pink shaded areas highlight participants who reflected an increase in charged offenses. One participant with no charged offenses in the year prior to entry into SCDC was charged with one offense, another went from zero to two offenses and a third with no offenses in the year prior was charged with three offenses after entry into SCDC. A single individual had one recorded charge in the year prior to being in the drug court and two charged offenses while he/she was in the program. Along with the reduction in the number of charged offenses, the data reflect much lower levels of seriousness. A comparison of Table 3-5 and Table 3-7 reveals a significant lowering of the level of seriousness of offenses for this group of participants. Two of the four offenses reflected in Table 3-7 were charged within

Level of Seriousness for Charged Offenses	Frequency	Percent
1st degree drugs/violent crime	0	0.0
2nd degree drugs / property / possession	0	0.0
5th degree drugs	0	0.0
DWI / traffic	4	21.0
No Charged Offenses	15	79.0
Total	19	100.0

the first month after entry into the court, but the other two charged offenses did not occur for eight months in one case and 27 months in the other.

The reduction in charged offenses and the seriousness of the offenses holds for both SCDC teams. Table 3-8 presents the data for the entire SCDC split between the two teams. While each team serves participants with considerable criminal histories, the Marshall Team served participants with a higher average number of prior charged offenses than is evident for the Redwood Team. Participants in the Marshall Court had an average of 23 charged offenses and the Redwood participants were found to have an average of 12. Both teams deal with individuals, who have considerable criminal histories, but it would be instructive to determine factors in the

Number of charged offenses prior to entry in drug court	Redwood	Marshall
1	0	1
6	2	0
8	1	1
9	1	0
10	0	2
13	0	1
16	0	1
17	2	1
18	0	1
22	1	0
24	0	1
28	0	1
47	0	1
86	0	1
Total	7	12

referral and acceptance practices of these two teams that would help explain these differences.

A more useful comparison for these two teams is that between the number of charged offenses in the year prior to entry into the Court and the number since entry. Table 3-9 reveals

Number of offenses	SCDC		Total
	Redwood	Marshall	
0	3	3	6
	42.9%	25.0%	31.6%
1	0	4	4
	.0%	33.3%	21.1%
5	0	2	2
	.0%	16.7%	10.5%
6	3	1	4
	42.9%	8.3%	21.1%
7	0	2	2
	.0%	16.7%	10.5%
9	1	0	1
	14.3%	.0%	5.3%
Total	7	12	19

the consistent pattern of criminality into the year prior to entry into the Court that would be

predicted from the more long-term offense history seen in Table 3-8.

Table 3-10 reinforces the assumption that the Marshall team may be dealing with more serious offenders, however, the risk scores for the two team's leads one to question that assumption. As can be seen in Table 3-10, indicating the most serious charged offenses, participants served by the Marshall team have more of a history of being charged with 1st degree drug and violent crime offenses as well as with 2nd degree drug / property / and possession charges. The Redwood participants were most often charged with DWI / traffic offenses as the most serious criminal acts for which they were charged in the year prior to entry into the court.

Most serious offense prior to entry into drug court	SCDC		Total
	Redwood	Marshall	
1st degree drugs/violent crime	0	5	5
	.0%	41.7%	26.3%
2nd degree drugs / property / possession	1	5	6
	14.3%	41.7%	31.6%
5th degree drugs	2	1	3
	28.6%	8.3%	15.8%
DWI / traffic	4	1	5
	57.1%	8.3%	26.3%
Total	7	12	19

The cross tabulation of charged offenses in the year prior to entry and after entry, for participants of the two teams, paints the same picture for both teams that is reflected in the cross tabulation for the two teams combined (Table 3-6). The next two tables (Table 3-11 and Table 3-12) present data to support the notion that both the number and the seriousness of criminal charges

Most serious charged offense	SCDC		Total
	Redwood	Marshall	
No Charged Offense	5	10	15
	71.4%	83.3%	78.9%
DWI / traffic	2	2	4
	28.6%	16.7%	21.1%
Total	7	12	19

were reduced for participants served by both teams.

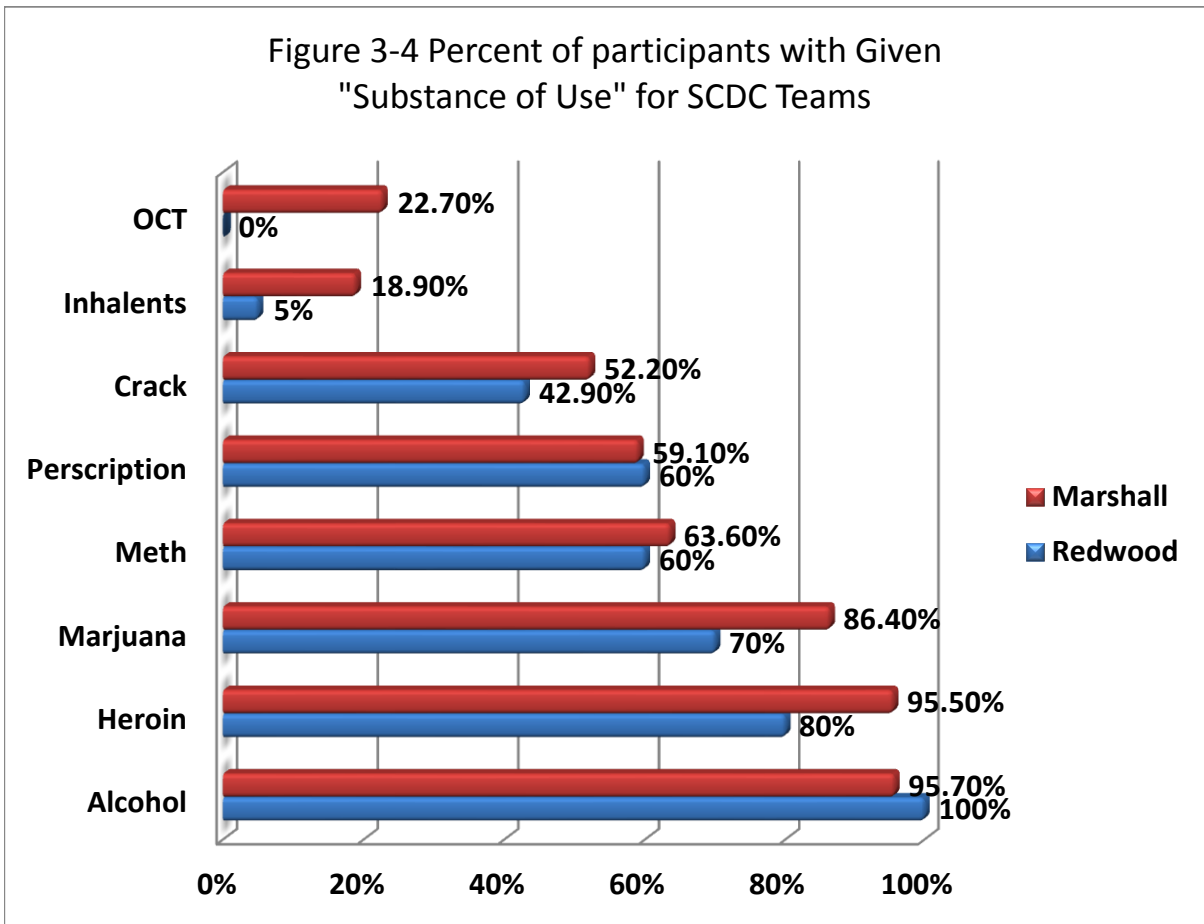
The second table, Table 3-12 mirrors Table 3-6 in that it presents data for the shift in the number of charged offenses for participants from the year prior to entry into the Court and after.

Table 3-12
Number and Percent of Charged Offenses for Participants in the SCDC,
One Year Prior to Entry and After Entry by the SCDC Teams.

Redwood		Number of charged offenses 1yr prior to entry in drug court					Total
Number of charged offenses since entry into drug court	0	1	5	6	7	9	
0	1			3		1	5
	33.3%			100.0%		100.0%	71.4%
1	1			0		0	1
	33.3%			.0%		.0%	14.3%
2	1			0		0	1
	33.3%			.0%		.0%	14.3%
Total	3			3		1	7
	100.0%			100.0%		100.0%	100.0%
Marshall		Number of charged offenses 1yr prior to entry in drug court					Total
Number of charged offenses since entry into drug court	0	1	5	6	7	9	
0	2	3	2	1	2		10
	66.7%	75.0%	100.0%	100.0%	100.0%		83.3%
2	0	1	0	0	0		1
	.0%	25.0%	.0%	.0%	.0%		8.3%
3	1	0	0	0	0		1
	33.3%	.0%	.0%	.0%	.0%		8.3%
Total	3	4	2	1	2		12
	100.0%	100.0%	100.0%	100.0%	100.0%		100.0%

entry for both the Redwood and the Marshall teams. The reduction in charged offenses is evident in these data. For the Redwood team, three participants who had six charged offenses the year before they became participants in the Court and no charged offenses after and another participant went from nine to none. The Marshall saw participants go from 1 to none, 5 to none, and seven to none. (Cells with green shading) The pink shading highlights four participants; two from each team that had more charged offense after joining the Court than they had in the year prior.

SUBSTANCE USE: SOBRIETY



Substance of use for participants of both SCDC teams follows the same pattern. As indicated by team members during one-on-one interviews heroin has returned to prominence as the most dangerous substance threatening the lives of participants.

One measure of the impact of the Court on sobriety is the percent of participants who successfully complete treatment. Overall, in 2012, 46.25 percent of whites, 45.6 percent of Latinos,

Compliance with Treatment	Frequency	Percent
Yes	21	80.8
No	5	19.2
Total	26	100.0

and 37.5 percent of African-Americans completed substance abuse treatment programs in the

U. S.¹¹ A completion rate of 80% is almost twice as high as would be expected for treatment with these participants if not tied to this drug court. Completion of substance abuse treatment is equally likely for both SCDC teams. The Table below presents the compliance data for SCDC for each team. For both teams the rate of compliance with treatment is very solid.

Table 3-14	SCDC		Total
Compliance with Treatment	Redwood	Marshall	
Yes	10	10	20
	76.9%	83.3%	80.0%
No	3	2	5
	23.1%	16.7%	20.0%
Total	13	12	25
	100.0%	100.0%	100.0%

Compliance with treatment gives some indication of the impact the Court has on sobriety, but the actual days sober, with consistent monitoring, offers more compelling support for effectiveness in reducing substance abuse. Table 3-15 includes data on the number of days participants have been sober. Given that all these participants have been Rule 25 assessed as substance dependent, it would be unreasonable to expect that these individuals could average 287 days sober without effective supportive services. When one considers that these “days sober” do not take into account the, often considerable, number of sober of days prior to the most recent relapse that are not included in the “official” number of “sober days.” For example, in Table 3-15 the individual included with 79 sober days had accumulated 348 sober days prior to a relapse with alcohol. In reality this individual has had 427 sober days and ONE day with alcohol use. A second example involves the person listed as having 32 days sober. This individual had 643 days sober prior to using non-prescribed, prescription drugs and moving her number of “days sober” to zero. This person, a substance dependent individual, has been able to stay sober for a total of 675 days with one episode of the use of a prescription drug that was not prescribed. While the data used to assess sobriety is not complete, it should be taken as a reliable estimate of the level of sobriety associated with the work of these teams.

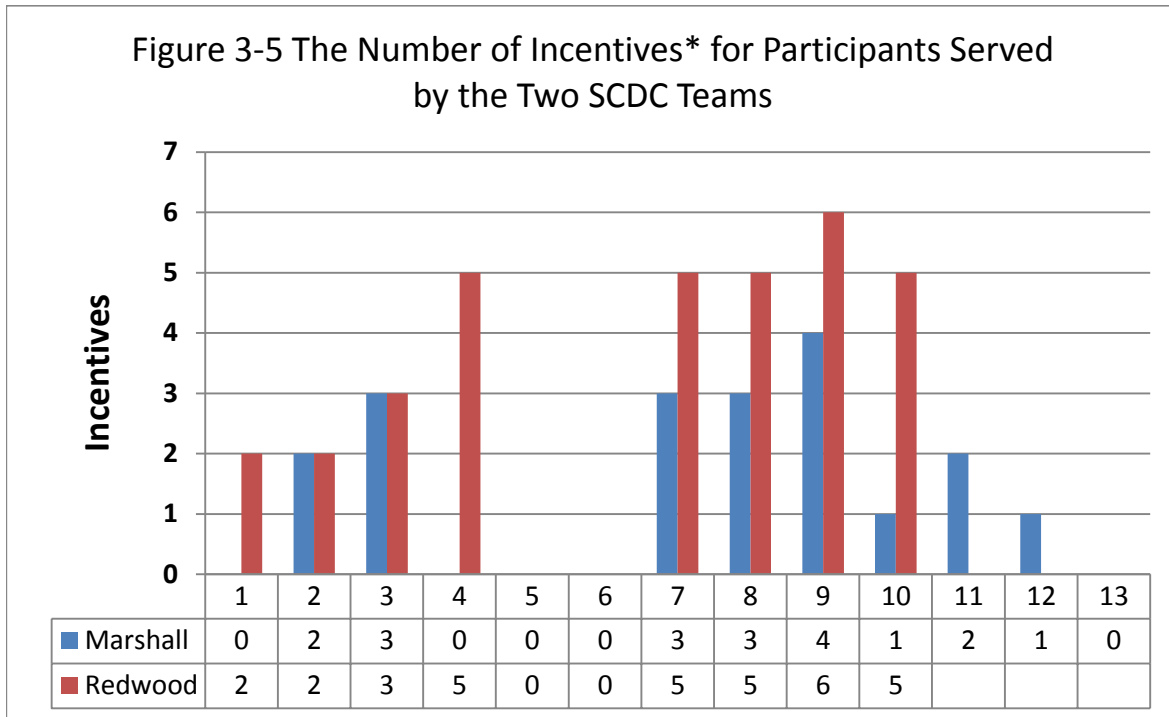
¹¹ Stephan Arndt Laura Acion, Kristin White “How the states stack up: Disparities in substance abuse outpatient treatment completion rates for minorities.” Drug and Alcohol Dependence. Volume 132, Issue 3, 1 October 2013, Pages 547–554.

Table 3-15 Number of Days Sober for Participants of SCDC Teams		Legend
Marshall	Redwood	
8	32	Active
24	46	
54	79	Terminated
63	92	
77	129	Graduated
88	376	
97	460	
318	470	
373	611	
515	646	
582		
673		
779		
X= 281 Days	X= 294 Days	

INCENTIVES AND SANCTIONS

Responses to acceptable and non- acceptable behavior are an important part of the drug court program. The National Association of Drug Court Professionals support the notion that The Drug Court places as much emphasis on incentivizing productive behaviors as it does on reducing crime, substance abuse, and other infractions.¹² Figure 3-5 presents data on the number of incentives recorded for those participants for which data were available. While these data may not provide a complete picture of the number of incentives used to motivate participants, they should be taken as the best indication we have of the incentivizing practices of the two SCDC teams. A serious flaw in these data is the lack of any reference to verbal praise for more routine positive activities and the encouragement that the Judge adds to that praise. Also, the more formal instances of recognition in Court like a handshake from the Judge or a round of applause for accomplishments are not recorded as incentives in these data. A discussion of the use of these kinds of incentives is included in the section of this report dedicated to

¹² Adult Drug court Best Practices Standards: Volume I: National Association of Drug court Professionals ALEXANDRIA VIRGINIA, 2013
<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

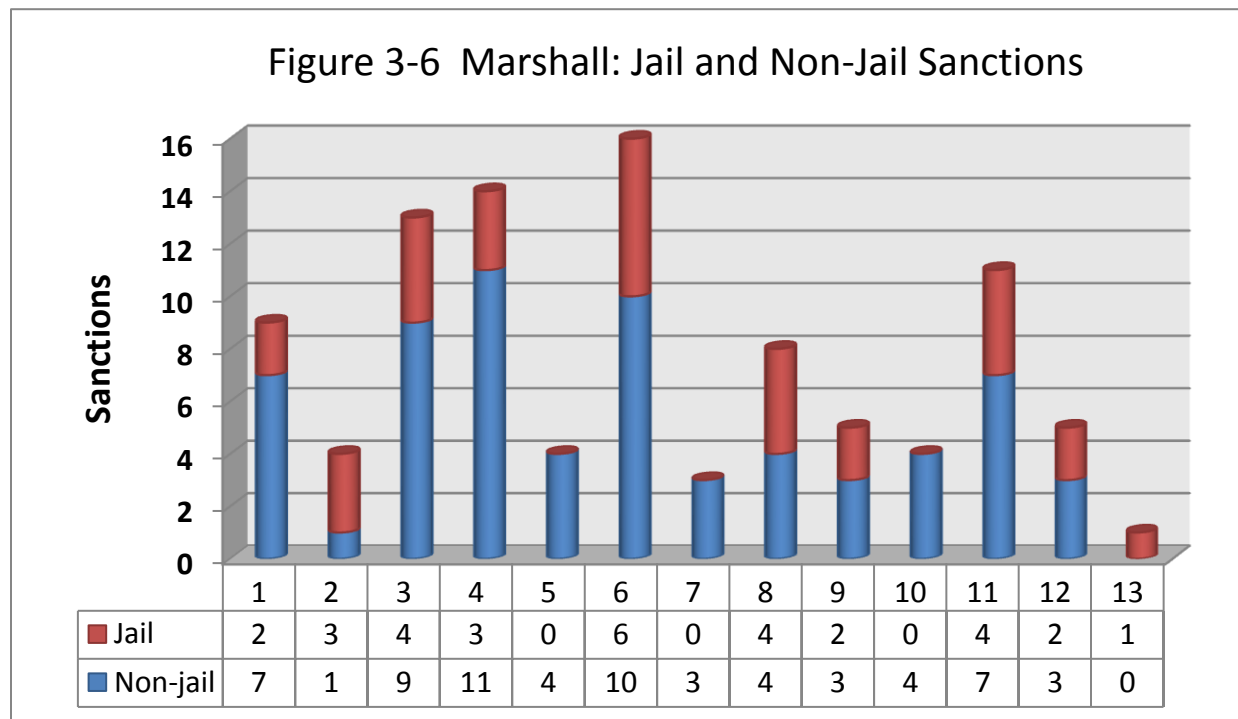


observations of the status hearings and the staffing meetings. The types of incentives that are included are gift cards for gas or for local department stores for \$5, 00 to \$30.00. Participants of the Redwood Team indicated that they received money off their fees and or fines. (Some concern was registered about whether or not these incentives were registered with the County Clerk.) Observation of the Status Hearings in Redwood revealed consistent praise and congratulations from the bench for positive behavior. Some positive comments were also noted in the Marshall Court.

Figure 3-5 displays the trends in incentivizing appropriate behavior for the two teams in SCDC. The data for the Redwood Team indicated a significantly higher number of incentives given to participants. Two participants in this part of the Court have no recorded incentives. It is hard to believe that these data are a reflection of a total absence of incentives of the type that are recorded on the Weekly Progress Reports. Whether it is a result of the absence of incentives or a failure to record incentives, it leaves one with a sense that the importance of incentives is not emphasized as fully as the best practices recommends. The number of incentives recorded for the Marshall Team makes one wonder how important these are to the team. Five of the thirteen participants for which data is available have no recorded incentives at all. These data should not be taken as the complete picture of how these teams incentivize good participant behavior, but

given that the record keeping followed the same procedures and was accomplished by the same team member, it should be taken as an acceptable indicator of the difference in tone of these two teams.

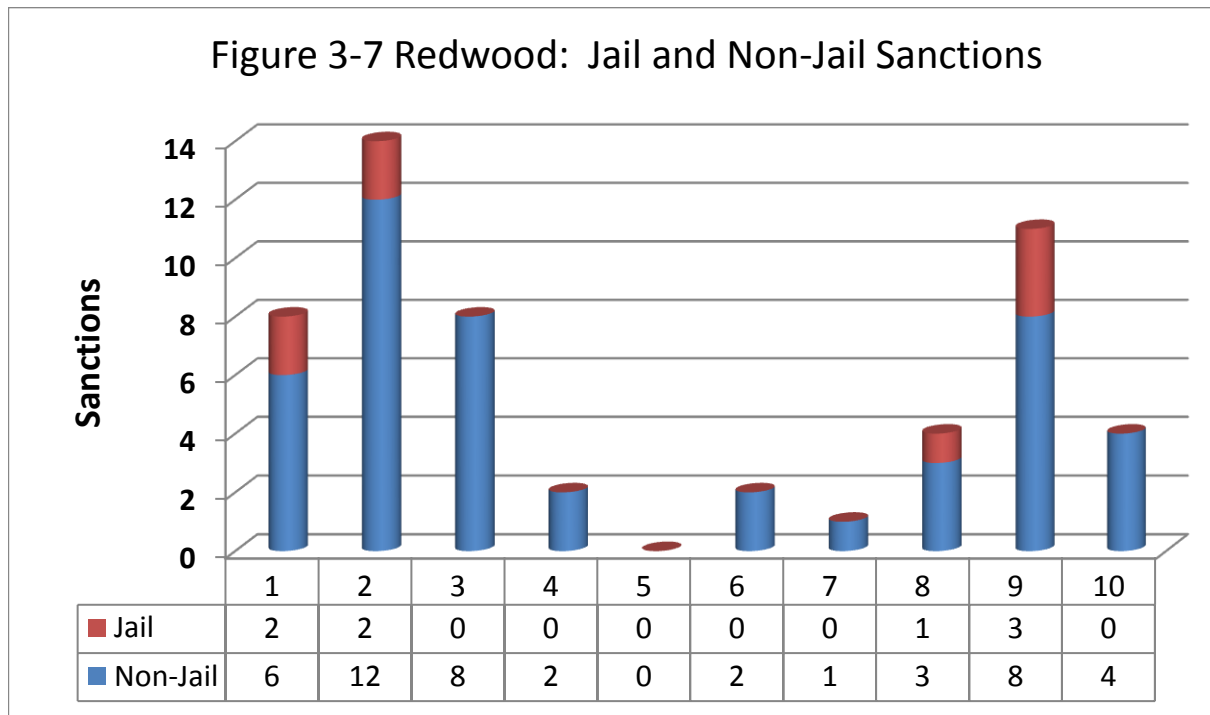
Sanctions are more often the official response to the behavior of participants of the SCDC. While some experts associated with drug courts argue that there should be a 4 to 1 ratio for incentives to sanctions, others hold that there is nothing sacred about this ratio. However, there is general agreement that the tone of these courts should not be punitive. The traditional system has tried to turn “criminals” into “law abiding citizens” with punishment to no avail. While the sentiment of some drug court participants is tied to the desire to avoid punishment the goal these courts are seeking is reflected in a comment made the first Drug Court Participant I interviewed in Judge Joanne Smith’s, Ramsey County Adult Drug Court, “When I leave this Court I think, I can’t let these people down.” The imposition of sanctions is a delicate and complicated matter. Figures 3-6 and 3-7 present the data on sanctions as it is recorded in the available Weekly Progress Reports. These data are for sure a snapshot of what happens for participants served by



these two teams, but it is enough to characterize the patterns that are applied to participants. As can be seen in these two graphs below the Marshall Team imposes more sanctions of all types and far more jail sanctions than the Redwood Team does. The Redwood Team imposed an average of

5.4 sanctions, for the participants for whom data is available, and an average of .08 jail sanctions. The Marshall Team required participants to suffer an average of 7.5 sanctions of which an average of 2.4 was a jail sanction.

The 13 participants represented in this graph have been given different levels of sanctions, in all but three of the cases participants were given jail sanctions. Figure 3-7, the graph for sanctions imposed by the Redwood Team, indicates that fewer sanctions were given to the participants for whom we have data. Both the jail and the non-jail sanctions are fewer in



number than what is recorded for the Marshall participants. Thirty-one jail sanctions were imposed on the 13 participants being served by the Marshall Team with an average of 2.6 days per jail sanction. Five of the 31 sanctions involved six or seven day incarcerations. The “offences” for which jail time was given varied from instances of relapse to “failure to follow recommendations.” The number of jail days for relapse included sitting jail for two days, three days, four days, six days and seven days. Having a diluted UA resulted in a four day stay; missing a UA meant a two day stay for two participants. A sanction of two days in jail was imposed for entering a bar, not having a full-time sponsor and for lying about attending a GED class. A single day in jail was handed down for missing treatment, not abiding with curfew, drug testing later than scheduled, a missed Knock N Chat and a no show for a court status hearing.

While some of these sanctions seem overly punitive, it would be important to understand the context in which they were given. Never the less, these data call for careful scrutiny of the pattern of reactions to participant behavior in light of the goal of creating healthy, pro-social relationships with the participants served by the drug court team.

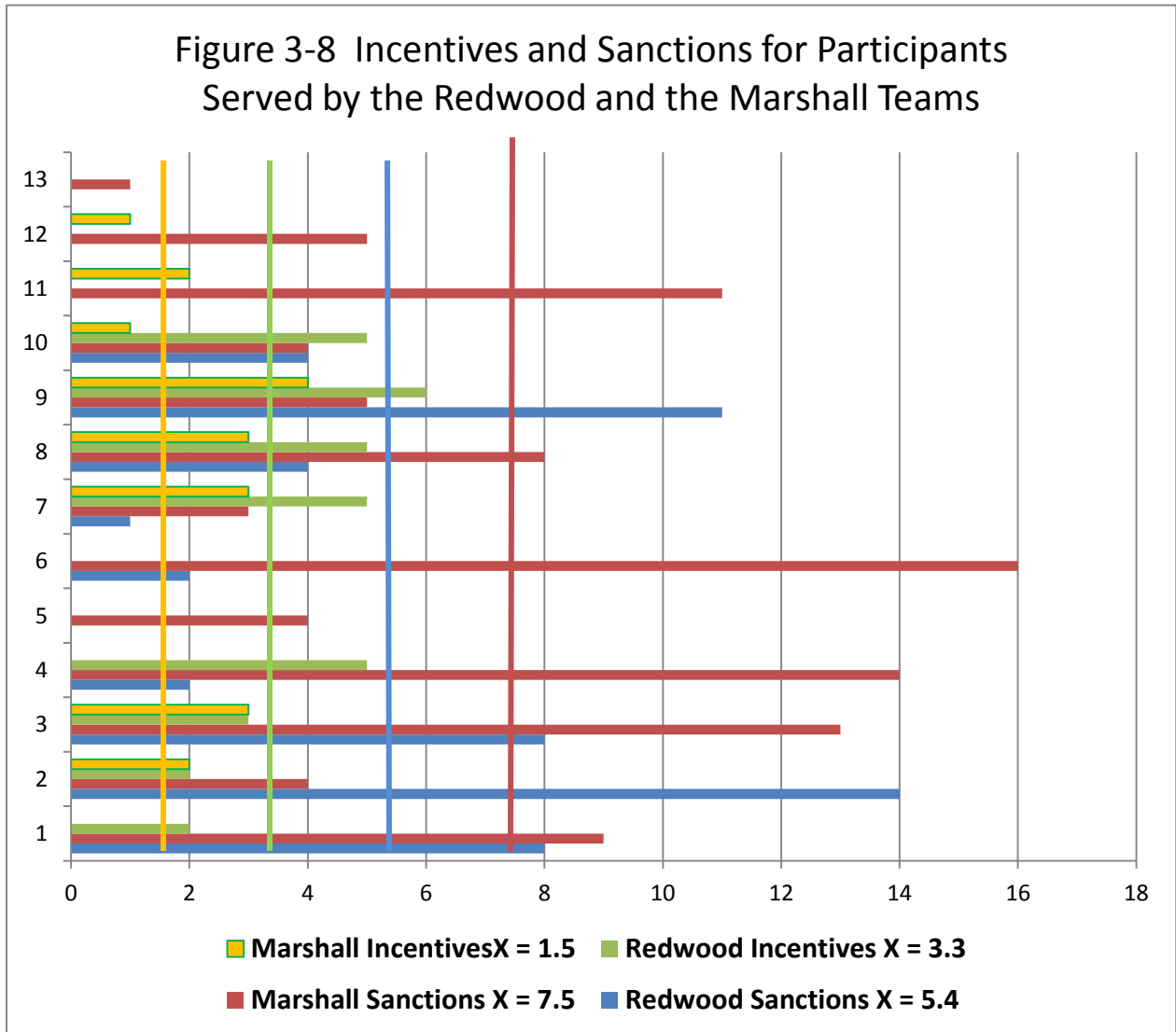
The team in Redwood sent the participants they served, for whom we have data, to jail 8 times for an average of 0.8 times for the ten participants included in this analysis. While the 31 jail sanctions imposed on the Marshall participants involved a total of 82 days of incarceration, the Redwood Team sent fewer, on average, to jail, but the length of the incarcerations were longer with an average stay of 6.6 days. Four of the jail sanctions lasted between 10 and 12 days.

Ten day jail sanctions were imposed by the Redwood Team for “relapse for alcohol,” “for use,” and for a positive drug test.” Twelve days were imposed for a person eloping and missing treatment and drug court. A four day stay and two, 2 day stays were ordered for positive UAs. A three day sanction was assigned for a participant being positive for K-2. With the exception of the sanction for eloping, all the jail stays were imposed for drug use (positive drug tests). While the length of time a participant sat jail was longer for the three instances of relapse/use, the Redwood Team did not use jail as a sanction for less serious infractions. Best practice recommendations for jail sanctions suggest they “...are imposed judiciously and sparingly. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. Jail sanctions are definite in duration and typically last no more than three to five days. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed because a significant liberty interest is at stake.”¹³

Figure 3-8 allows an understanding of the comparative use of incentives and sanctions by the two teams that make up the SCDC. Neither of the teams seems to be over incentivizing the participants in the Court. The gold vertical line represents the average for incentives given by the Marshall Team and the red vertical line indicates the average number of sanctions. Ideally the gold line, representing the average number of incentives, would be to the

¹³ Adult Drug court Best Practices Standards: Volume I: National Association of Drug court Professionals
ALEXANDRIA VIRGINIA, 2013
<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

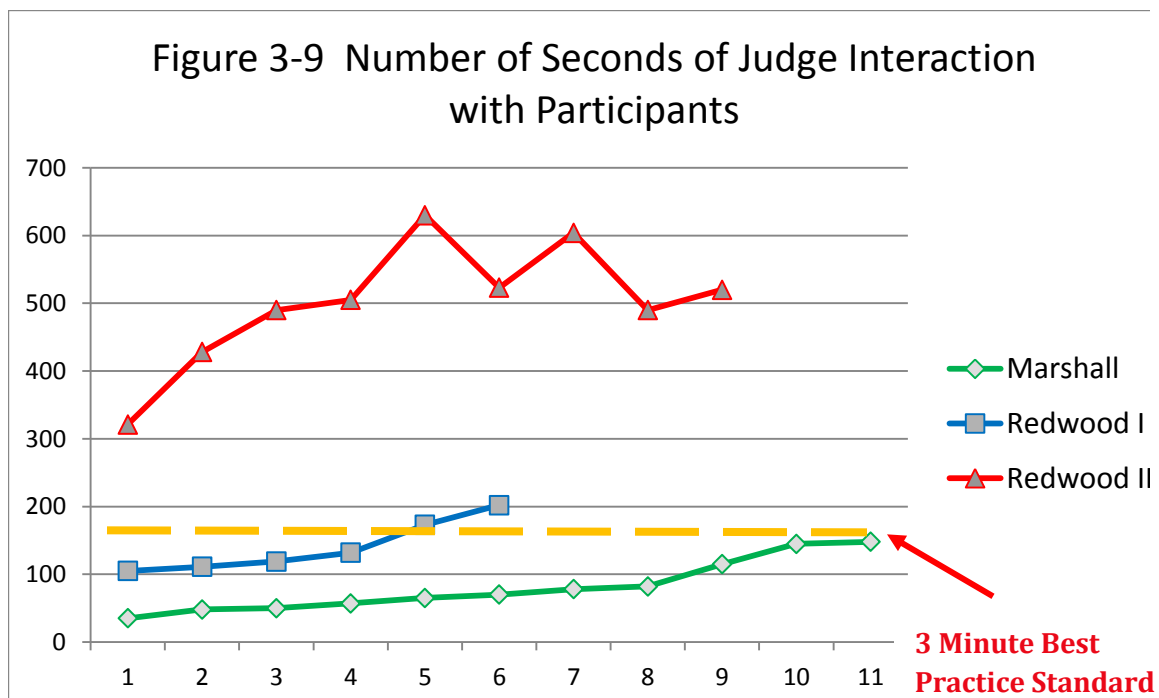
right of the red line. For the Redwood Team, we see the green vertical line, specifying the average number of incentives, is to the left of the vertical blue that shows the average number of sanctions.



The distribution of incentives and sanctions displayed in Figure 3-8 should call for these teams to reconsider the extent to which they are following best practice recommendations to: 1.” Assure that Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members; 2. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement,

graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. The Drug Court team reserves a reasonable degree of discretion to modify a presumptive consequence in light of the circumstances presented in each case; 3. Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment interventions. Under such circumstances, the appropriate course of action may be to reassess the individual and adjust the treatment plan accordingly. Therapeutic adjustments in treatment plans are based on the recommendations of duly trained treatment professionals.”¹⁴

JUDGES’ INTERACTION WITH PARTICIPANTS



The data upon which Figure 3-9 is based came from timing the length of time a participant was in front of the judge during four Drug Court Status Hearings, two in Marshall and two in Redwood Falls. In Redwood Falls the former and the present Judge was observed. As the graph indicates there is a stark difference in the length of time each participant was involved in an interaction with the Court. In the Marshall Court participants were called up, but they did

¹⁴ Adult Drug court Best Practices Standards: Volume I: National Association of Drug court Professionals Alexandria, Virginia. 2013
<http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

not approach the bench; they stood and were addressed. The interactions seemed short, impersonal and routine. The following dialogue characterizes the tone of the interaction. The Judge would ask, “How are you doing?” Participant response, “Good.” Judge, “Do you need anything?” Response, “No.” Judge, “It looks like you are doing well. Good Week. Does any of the team have anything to say?” (Maybe) “Good job this week.”

The pattern of interaction in the Redwood Court (with the present Judge) was characterized by a very different atmosphere and vitality. Participants were asked to come up and sit between the coordinator and the probation agent at a table in front of the bench. A typical interaction lasted from five to nine minutes and included sharing of insights on issues not directly related to Drug Court, friendly conversation, concern, advice, and offer of assistance. Both praise and encouragement was integrated into the conversation. When a sanction was imposed there was an explanation for why it was given and what it was intended to do.

While the “3 minute” interaction has been fostered, the thinking is that asking Judges to spend at least 3 minutes will help develop the interactions between the judge and the participants that have been found to have significant influence on reaching the goals in Drug courts. We know the primary mechanism by which drug courts reduce substance use and crime is through the judge. The Best Practices Recommendations include; 1. Judge should exhibit a “positive judicial demeanor.” (e.g., respectful, fair, attentive, enthusiastic, consistent/predictable, caring, and knowledgeable); 2. Judges should spend an average of 3 or more minutes per participant in each court hearing; and 3. Judges should employ use of “*judicial praise*.”¹⁵

SETTING THE TONE FOR STATUS HEARINGS: ENGAGING PARTICIPANTS

The tone and style of interactions between the judge and the participant is set with the ritualized opening of the interaction at the status hearings. No two courts are the same.

¹⁵ DRUG COURT REVIEW Volume VIII, Issue 1: BEST PRACTICES IN DRUG COURTS National Drug

Court Institute, Douglas B. Marlowe, JD, PhD (2012)

Best Practices in Drug Courts Dr. Mike Finigan PhD. National Association of Drug Court Professionals “*Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes and Costs*”; NPC Research Shannon M. Carey, Ph.D. Senior Research Associate, Michael W. Finigan, Ph.D. President, Kimberly Pukstas, Ph.D. Research Associate, (2008)

Observation of various courts allows a comparison. The characterizations are just that, “characterizations” that do not reflect all the variations that do exist.

Court 1:

Judge: Mr. Smith would you come down?

Mr. Smith leaves the jury box and presents himself at the podium in front of the judge.

Judge: First, your test today was negative and that means you are clean and sober. Congratulations.

At this point the judge leads in general applause by all in the court to congratulate Mr. Smith on being “clean and sober.”

Judge: The staff reports were good this week....

COURT 2:

Judge: John Smith

Coordinator: Your Honor, John is compliant with Sober City Drug Court rules and regulations (or is in the box *for some violation*) and has 67 days since his last sanction and 243 days of clean time.

As John moves out of the back seats, or out of the jury box, (if he is “in the box” for some infraction of SCDC rules) there is applause from everyone in the court. He presents himself at the podium in front of the judge.

Judge: How are you doing? I understand that....in the meeting we talked about....

COURT 3

Judge: John, come up here, we have some things to talk about. (or some variation like, “I have some questions for you.)

The participant comes out of the jury box and presents himself in front of the judge and if he is more than a few feet from the bench the judge says, “Come closer so we can talk,” or something to that effect.

Judge: “John, tell me about your job situation”, or about Jillian (his daughter)...or about any other things going on in John’s life.

Interaction: Judge and John talk.

Judge: At the end of the interaction, “John has 243 days sober. Let’s give him a round of applause.

COURT 4:

Judge: “John, how are things going?”

John, seated in the jury box, stands up in place and converses with the judge. At the end of the conversation the judge offers to trade journals.

Judge: Holds up John’s journal and says, “Here I will trade you journals.” John brings his journal to the bench and trades it for the one the judge has read and shakes John’s hand as the coordinator indicates that John has 243 days sober. Everyone in the court joins the judge in applause to congratulate John. One aspect of this ritual that is striking is the respect that is demonstrated by the judge in waiting at the end of the conversation for John to leave the jury box, walk down to the bench for the trade of the journal, walk over to the table to check in with the coordinator and any other team member that has business for John (maybe takes a minute or two) and then walk back to his seat in the jury box and sit down. At that point the judge calls the next participant.

Court 5:

Participants sit in the jury box and are called up by their first name. The participant moves up to sit at a table in front of the Judge.

Judge: I here you are painting your house. I did that three years ago and I hope it is going to last at least 10 years. What color?

Participant and Judge Carry on conversation in which a discussion about how treatment is going, how things are going, offers of support, and maybe sanctions are imposed.

Each of these courts has a different feel to them; each has a different tone. Research into the effect of the different approaches has not been undertaken so that we can say exactly how tone or style is related to successful outcomes for Drug Courts. However, it is instructive to consider how the different approaches place emphasis on distinctive elements of the Drug Court model. The decision about what tone to take should be an intentional one. It should be a team decision. There are some comparisons drawn on the “rituals” used to open a status hearing.

1. Compare calling Mr. Smith to the podium by saying, “Mr. Smith, you are next,” with saying, “John come up here we have some things to talk about.” Obviously the choice is between more or less formal approaches. The one is more respectful of the traditional decorum in the court. It gives the process more weight. It says, “This is a court of law.” We should expect in the early stages of a participant’s Drug Court experience that he or she will feel nervous in this encounter. The second option announces that the interaction is going to be a conversation. It starts out with the expectation that there will be give and take. This approach gives up some of the weight of the court, it takes more of a “relationship building” tone.

2. Compare approaches used to congratulate participants on their sobriety. In the first court; a UA was taken before the court hearing. Here the judge announces that “Your test was negative and that means you are clean and sober.” In the second court the announcement comes from the coordinator, presenting the participant to the judge as having so many days without a sanction and with a number of days of “clean time”. A third approach places the statement about sobriety at the end of the conversation; “...243 days sober. Give him a hand”. Some Courts don’t announce “days sober” except after a significant number of days. There is no right or wrong answers as to which approach makes the most sense, but each one creates a different tone to the status hearing. In the first court there is an advantage in the logistics of getting participants to court and getting them tested. However, the image of the individual in front of the judge having just “peed in a cup” may be a little off putting for some. Participants have expressed some embarrassment at the whole UA process. The announcement that an individual is “clean and sober” means he or she is “clean and sober” today. The approach leaves out the sense of building “clean time” that is more obvious with the announcement of days of “clean time,” or days sober. The celebration of 30, 60, 90, etc. days of sobriety may be as effective. We might consider whether or not it is helpful to place the emphasis on being “clean and sober” or on days of “clean time” at the beginning of the interaction between the judge and the participant. Some hold that the first few days of sobriety may, indeed, be the ones that deserve the highest praise and most recognition.

The willingness to innovate and try different approaches can do nothing but open up the possibility of making the court more effective. Some innovations will prove ineffective or impractical, but that is the cost of developing excellence. Daniel Chambliss in his research on how to achieve excellence finds that excellence emerges out of doing the small things well

consistently, making qualitative changes instead of quantitative changes and doing these things with “heart.” The qualitative changes that may develop out of considerations brought by this evaluation suggest an example of what Chambliss’ research supports.¹⁶

DRUG TESTING AND KNOCK N CHATS

Drug testing and Knock N Chats are essential parts of motivating participants to avoid substance abuse. The data available on the number of drug tests and the degree to which these teams follow recommendations for conducting these tests is not complete. The data that is available suggests that drug tests are being administered in a timely fashion. The average number of UAs per week recorded for these participants is 2.15 for the Redwood Team and 1.85 for the Marshall Team. A more extensive discussion of drug testing is included in the section of this report devoted to face-to-face interviews of participants and team members. While these averages do reflect an appropriate level of drug testing there are more complex issues associated with this aspect of drug courts that will be discussed later and in the recommendations.

Knock N Chats function to allow the monitoring of behavior and the development of relationships between participants and team members (most often law enforcement). As with drug testing these encounters are designed to motivate participants to embrace sobriety and to develop patterns of behavior that are pro-social. The opportunity for informal, non-confrontational interaction was taken by the Redwood Team, on average for participants with recorded number of these interactions, 2.02 times per week. For the Marshall Team the average per week was 0.6.

EMPLOYMENT STATUS

A key measure of the effectiveness of Drug Courts is the increase in employment for participants. In the 2012 Minnesota Statewide Drug Court Evaluation the percent of participants employed went from 35% at entry to 65% at discharge.¹⁷

¹⁶ Daniel F. Chambliss, “The Mundanity of Excellence.” *Sociological Theory*, Vol. 7, No. 1 (Spring, 1989), 70-86.

¹⁷ Minnesota Statewide Adult Drug Court Evaluation. State Court Administrator’s Office. Minnesota Judicial Branch. June 2012
http://www.mncourts.gov/Documents/0/Public/Drug_Court/2012%20Statewide%20Evaluation/MN_Statewide_Drug_Court_Evaluation_Report_-_Final_Public.pdf

Table 3-16 Number and Percent of Participants With Given Employment Status On Entering SCDC and After Discharge by Teams				
Redwood	Employment Status After			Total
Employment Status On Entering	Full time	Part time	Unemployed	
Full time	3	0	0	3
	42.9%	.0%	.0%	30.0%
Unemployed	4	2	1	7
	57.1%	100.0%	100.0%	70.0%
Total	7	2	1	10
	100.0%	100.0%	100.0%	100.0%
Marshall				
Employment Status On Entering	Employment Status After			Total
Full time	Full time	Part time	Unemployed	
Full time	6	0	0	6
	75.0%	.0%	.0%	66.7%
Unemployed	2	1		3
	25.0%	100.0%	.0%	33.3%
Total	8	1	0	9
	100.0%	100.0%		100.0%

Table 3-16 reveals the number and percent of participants with their employment status before they entered the SCDC and after they were discharged. While the number of participants for whom we have data on employment is small, there is some support for a positive shift before and after participation in the SCDC. The Redwood Team had three participants who were working full time at the beginning of their involvement with the Court and seven who were unemployed. At discharge four participants who entered unemployed had full time employment and two, unemployed at the start help part time jobs. Of the ten participants, for whom we have data, only one person was unemployed at discharge. The table below highlights the shift in the number of full time employed with green shading. The change in the number of unemployed from start to discharge is highlighted in yellow. The bottom half of Table 3-16 presents employment data for participants served by the Marshall Team. Of the nine participants, for whom we have data, none were unemployed at discharge. This Team started with six participants who were employed when they entered the Court and three who were without employment. At discharge all nine participants were employed, eight with full time status and one with part time. These data would compare well with the statewide evaluation results for the Redwood Team full time employment went from 30% at entry to 70% at discharge. For the Marshall Team full time employment went from 66.6% at entry to 88.9% at discharge and

Unemployment went from 33.3% at entry to .0.0% at discharge. Of the 3 unemployed participants who entered the court, two secured full time employment and one held a part time position

HOUSING SITUATION

In the statewide evaluation 49% of entering participants either rented or owned a residence, at discharge that percentage increased to 66%. While the numbers for this evaluation

Redwood	Housing Situation After Discharge				Total
Housing Situation on Entering SCDC	Own	Rent	Temp/Trans	Facility	
Own	2	0	0	0	2
	100.0%	.0%	.0%	.0%	20.0%
Rent	0	5	0	0	5
	.0%	71.4%	.0%	.0%	50.0%
Temp/Trans	0	1	0	1	2
	.0%	14.3%	.0%	100.0%	20.0%
Facility	0	1	0	0	1
	.0%	14.3%	.0%	.0%	10.0%
Total	2	7	0	1	10
	100.0%	100.0%		100.0%	100.0%
Marshall	Housing Situation After Discharge				Total
Housing Situation on Entering SCDC	Own	Rent	Temp/Trans	Facility	
Own	0	0	0	0	0
	.0%	.0%	.0%	.0%	.0%
Rent	0	1	0	0	1
	.0%	25.0%	.0%	.0%	16.7%
Temp/Trans	1	1	1	0	3
	100.0%	25.0%	100.0%	.0%	50.0%
Facility	0	2	0	0	2
	.0%	50.0%	.0%	.0%	33.3%
Total	1	4	1	0	6
	100.0%	100.0%	100.0%		100.0%

are small they are the best we have and here we find, for Redwood, 70% of entering participants had a residence they rented or owned and 90% were so housed at discharge. For Marshall 16.7% rented or owned their residence when they joined the Court and 83.3% had secured housing they rented or owned.

Table 3-17 reveals the number of participants with the type of housing situation they were in when they entered the SCDC and what that situation was as discharge. As can be seen in Table 3-17 both teams had more participants with better housing situations after discharge than they held at entry. For the Redwood Team, two participants with “temporary/transitional” housing at entry had secured a rental residence by the time they were discharged. For the Marshall Team, no one owned a residence at entry, but one participant gained housing they owned while in the Court. Only one person was renting at entry; this number increased to 4 by the time of discharge. Two of the three participants with temporary/transitional housing had found more permanent housing before discharge, and both participants who were housed in a facility as entry secured a better housing situation by discharge. The shading of cells highlights shifts in housing situations. The green shading points out an increase from before to after and the yellow and blue shading emphasizes a decrease from before to after.

JAIL TIME

We do not have the data necessary to determine the exact impact of the SCDC on a decrease in the number of days of incarceration in jail. There are tracking sheet data (used in the table below) that indicate the number of days in jail before and after acceptance in the Court for each participant. These data show a rather significant decrease of 384 days for the Redwood Team and 418 days for the Marshall Team. If one were to assume that without the intervention of the Drug Court these days of incarceration would have been served, it is reasonable to believe the SCDC has contributed to lowering the cost and the effort it takes to hold individuals in jail. In Table 3-18 the cells that are shaded green point to fewer days after entering the court than the participant served before entering the court. The gold shaded cells highlight the reverse.

Table 3-18 Number of Days in Jail Before and After Entry into SCDC for Participants Served by the Redwood and the Marshall Teams.														
Redwood	Days in Jail After Acceptance													Total
Days in Jail Before Acceptance	0	1	2	4	5	7	11	14	23	35	60	83	120	
0				1										+4
1	1													-1
2													1	+118
6	1													-6
30												1		+53
40	1													-40
45					1				1					-62
60			1											-58
75								1						-61
366										1				-331
Total														-384

Marshall	Days in Jail After Acceptance													Total
Days in Jail Before Acceptance	0	1	2	4	5	7	11	14	23	35	60	83	120	
0						1					1			+67
1	1				1									+4
2	1													-2
30				1										-26
36								1						-22
42	1													-42
71							1							-60
75		1												-74
270						1								263
Total														-418

TIMELINESS OF PROCESS

Best practice recommendations for drug courts emphasize the importance of timely processes that allow drug court intervention as quickly as possible after decisions are made. One measure of effectiveness considers the number of days between the acceptance of participants and their appearance in front of the Drug Court Judge. Table 3-19 presents the number of days from acceptance to first drug court status hearing for the two SCDC teams. Both Teams out

performed the State average of 13 days ¹⁸ with a mean of 7.94 days for the Redwood Team and 5.55 for the Marshall Team. The Statewide evaluation found that 77% of participants appear before a drug court judge within two weeks.

Table 3-19 Number and Cumulative Percent of Participants by Number of Days Between Acceptance and Appearance in Court.		
Redwood		
Number of days between acceptance and appearance	Frequency	Cumulative Percent
0	5	27.8
3	3	44.4
6	2	55.6
7	3	72.2
8	1	77.8
21	2	88.9
24	1	94.4
27	1	100.0
Total	18	.
Mean = 7.94		
Median = 6.00		
Mode = .0		
Marshall		
Number of days between acceptance and appearance	Frequency	Cumulative Percent
0	10	50.0
3	1	55.0
5	1	60.0
6	4	80.0
9	1	85.0
14	2	95.0
42	1	100.0
Total	20	
Mean = 5.55		
Median = 1.50		
Mode = 0		

¹⁸ Minnesota Statewide Adult Drug Court Evaluation. State Court Administrator's Office. Minnesota Judicial Branch. June 2012
http://www.mncourts.gov/Documents/0/Public/Drug_Court/2012%20Statewide%20Evaluation/MN_Statewide_Drug_Court_Evaluation_Report_-_Final_Public.pdf

Table 3-20 includes the percent of participants who have been processed in within various time frames. More than anything else these data should be considered to determine whether or not the processes could be tightened up to make it possible to more quickly engage participants in the program. Getting started quickly is important to program success.

Table 3-20	Percent of participants with given number of days between referral and acceptance	Percent of participants with given number of days between referral and 1st appearance	Percent of participants with given number of days between treatment referral and 1st treatment	Percent of participants with given number of days between chemical assessment and 1st treatment.
Redwood				
Number of days				
0 - 7 days			27%	06%
8 - 14 days	29%		53%	25%
14 – 21 days	67%	35%	67%	
22 – 31 days	86%	55%	87%	56%
32 – 60 days		90%		
Mean	20.19	38.75	26.47	42.38
Median	17.00	28.50	11.00	29.00
N	21	20	15	16
Marshall				
Number of days				
0 - 7 days			17%	08%
8 - 14 days	25%			15%
14 – 21 days	43%	24%	42%	23%
22 – 31 days	61%	52%	58%	46%
32 – 60 days		81%	67%	54%
Mean	30.17	42.71	50.50	71.23
Median	24.00	29.00	29.50	36.00
N	23	21	12	13

CHAPTER 4: INTERVIEWS: TEAM MEMBERS AND PARTICIPANTS

Redwood Court Team

Importance and success of the Redwood County Adult Drug Court

Cultural sensitivity

What works for you in this Court?

Trust in the Team

Respect on the Redwood Team

What Would Like to Change About This Court?

The voice of Participants: Redwood

What works for you?

Any one on the team to talk to?

Do sanctions help?

What would you change if you could?

Marshall Court Team

The Importance and Success of the Lincoln-Lyon Drug Court

Some Caution.

Trust in the Team

Respect on the Team

Drug Testing; How valid and reliable?

Balance Between Incentives and Sanctions.

Does the Court Foster a Non-adversarial Process?

Are You Thanked Enough?

What Would You Like To See Changed?

The Voice of Participants: Marshall

Overall Assessment of Drug court Experience

What works for you?

IMPORTANCE AND SUCCESS OF THE REDWOOD COUNTY ADULT DRUG COURT

“My best hour of the week.” This is the way the Judge in Redwood Falls described his assessment of the Drug Court. When asked why, the Judge responded, “I am not just making judgments on my own; I am part of a team; I am advised by professionals who share my concern for people who just need some help to get out of their addiction and into the life of responsible citizens of our communities. At long last we are using an approach that brings a lot of variables into the picture. It’s not easy, but it works and it is rewarding for me, the Team, the community and for the participant.”

“My best hour of the week.”
It’s not easy, but it works and it
is rewarding for me, the Team,
the community and for the
participants.”

CULTURAL SENSITIVITY

The large population of Native Americans in the court’s jurisdiction demands a special focus. Statements about the cultural sensitivity of this court indicate openness to cultural differences, a readiness to accept input from the Native Community and the seeking of ways to make the Court more helpful to the Native Community. To assure affective assistance to individuals in the Lower Sioux Community, the Court includes three members of the Native community on its team. One of the Native team members expressed it in this way;

“...the Court works for Native Americans it is sensitive and open-minded about cultural differences; there is a real respect for cultural differences.”

“It is nice to be on the same page. We have a good working relationship that runs through the Lower Sioux community, our Drug Court and Social Services, the Court works for Native Americans it is sensitive and open-minded about cultural differences; there is a real respect for cultural differences.”

“What works for me is that I see a growing relationship between the community (the Native Community) and the court. Nice to see drug cases (parents) in the drug court rather than in jail. There is a serious drug problem on the res. We have had about 20 funerals... half were overdoses; 13-14 year old suicide. Judge from tribal court talked about it as an epidemic of

hopelessness. Half of the Drug Court participants are Native and we are moving toward actually doing something about this problem. It will take time, I have hope.”

“This Court is a huge asset; the Indian community can see the difference, treatment rather than jail. The successful graduates show the (Native) community this program works; that addiction can be treated. We create a role model for the Indian Community.”

“This Court is a huge asset; the Indian community can see the difference, treatment rather than jail.”

“Relationship between Lower Sioux and the Court to combat heron use makes sense. This is a great opportunity for collaboration...especially when we have a number of participants who are members (of the LS Community).

“It took me about 6 months to get integrated, but by that time I could see the benefit of this approach. The Lower Sioux community supports this Drug Court. Part of the success comes with the longevity of the program... longevity of the program helps recovery. (We need training for Lower Sioux Community.)

I represent the Lower Sioux community on the Drug Court, but I’m not native. My colleague is part of the team and is native. We have three members of Lower Sioux Community on the team. I could see how important it is to do the Knock N Chats, and the consistent drug testing is very

“We have three members of Lower Sioux Community on the team.”

important. We were getting tired of sending people to court for alcohol and they would end up going to prison for 2-3 years. It caused more problems, made things harder for them, and disrupted any good parts of their lives. We are dealing with three perfectly nice individuals who were sent to prison, (never hurt anybody) could just not stop using...drug court is perfect for them.”

WHAT WORKS FOR YOU IN THIS COURT?

A series of statements about what works in this Court and where team members find success helps to give us a sense of what is to be encouraged and what may need changing.

“We see success...graduation, clean time...behavioral change. For some we thought would never make it, their behavior and mindset has changes dramatically, now they are willing to be a parent.”

When asked what works in this court one team member responded, “Everybody is on the same page. This team is cohesive when it comes to things about participants. We don’t all think

alike, but none of us would even want that.” “It all works pretty well, it is one hundred times better than ‘business as usual.’ Before all we knew was jail time and a lot would go to jail when they needed treatment. It’s like doing inpatient for a year. These people (participants) are me. I have been in treatment. Been involved with child protection, and treatment, I know, drug court changes the thinking.”

“...one hundred times better than ‘business as usual.’ Before...a lot would go to jail when they needed treatment. ... drug court changes the thinking.”

Team members that are tied to the treatment aspect of the Court indicated how the Court helped them provide effective treatment. “I Love being on the team, Very excited about it ...excited about something that works and to be able to work with it. We can’t do it all with counseling. This is so important to this community. We need to do more, more have to know about it. Trying to get it known. People still relapse but...difference between those in the Drug

“...extraordinarily important. ...an alternative that allows them to attack their addiction and to learn how to live as responsible citizens”

Court and those who are not. A client relapsed 50 days ago, support of the team and structure makes it work from him. Now his biggest struggle is the financial part. He makes me smile, because he is doing so well. The Court supports more services

and more restrictions. It helps me be successful in treatment. My Drug Court participants are doing better, because of the structure the Drug Court offers. Simply, this Drug Court makes treatment work better.”

A team member who has participated in the work of the Lyon County and the Redwood County courts speaks of... ”Different atmosphere in these two courts. In Marshall (a team member is) very smart and wants to do things (his/her) way. In Redwood there is a much different tone, the judge here sets the tone of collaboration in the sense that the Judge asks for and is guided by the advice of the professionals on the team. The Judge has been on the team in another role for a long time. The prior Judge was similar to what we have now.”

“...tremendous benefit.... ...out of home placements... were much, much higher.... ... that directly saves money. ...it has been very successful.”

The Judge’s assessment of the importance of this court is expressed as “extraordinarily important. Not for everyone but for addicted individuals, without a violent history, that would normally be looking at a prison sentence. This is an

alternative that allows them to attack their addiction and to learn how to live as responsible citizens in a community; to do what's expected of normal people; day-to-day, getting up, going to work, paying your bills, and taking care of your kids. ”

“We have seen some tremendous benefit to the program particularly on the CHIPS side. If you look at the numbers of our out of home placements back in 2009-10, the numbers were much, much higher than they are now. In looking at a couple of our graduates and participants now, if they had been sent to prison or in our jail, their children would be in placement now.

One of the tangible things, and that directly saves attacking an old issue. We it has been very

‘It was tough... when I was a prosecutor... to give up control. Here it is a team that makes decisions.’”

people think about saving money money. A different way of got into it and if it works fine, and successful.”

‘It was tough for me when I was a prosecutor; you have to give up control. As prosecutor we know if it is a 1st degree we do this...with drug court you are listening to treatment, mental health. You have to say, ‘I am going to let you be included in my decision making process. Here it is a team that makes decisions.’”

A team member gave reasons for the importance of this Court to the community. “It’s really important for two reasons: We are taking this population from going to prison and offering them services that they would not get otherwise. Secondly, it is getting the agencies in this community to work together. Different agencies work together better because of the Court. We have a lot of big personalities, people who are used to being in charge and we are working collaboratively.”

The response of one person indicated what is being accomplished. “It is working on two

“We can do as a team what we cannot do individually.”

levels: First we are providing the community a service that we just cannot do without. I cannot provide the services that (a participant) is getting on my own, but as a team I can. I don’t have the skills, or ability, or authority to do what this person needs; not the authority or the resources. We can do as a team what we cannot do individually.”

“We take sobriety as a success. Just think about it; drug court or prison. Just think about it, we can get sobriety in prison or sobriety to a better life. We aim to help get that good life; we do succeed.”

A team member responded to the question, “Do you see success?” “Yes, the biggest success is showing people that there is a better way, another way. To watch the change in people, 367 days sober, whole family has been addicts, no one in the family ever held a job, she has a job, is sober...just the change, it’s

“Just think about it; drug court or prison. ...we can get sobriety in prison or sobriety to a better life.”

wonderful. She would probably have gotten 3-5 years and become more stuck in a mired life. To watch them grow and change that’s exciting. At the beginning, the Knock N Chats...she was so defensive, now she is leading groups, AA meetings.”

The follow up question, “What happened to bring this about?” “The Judge helps. He goes right to the point with these people, he’s fair and he’s kind, and judge (the former judge) was too, they’re kind. These people did not expect that, that a judge would be kind to them... ask them how their day was and tell them what a good job they did, they did not expect that, they

“..., that a judge would be kind to them... This team follows his lead. It takes anger, strong dislike of the criminal justice system out of our clients.”

expected the judge to be pointing the finger at them and telling them to do this and do that. This team follows his lead. It takes the anger and the strong dislike of the criminal justice system out of our clients. That’s what happened.”

In speaking about the benefits of the Court a team member who has only been with the Court for a few months said, “It’s very fulfilling to see them working through the issues... really fulfilling. You get to know these people and it is nice to get to know them. A graduate and a sober person...a huge success.

The last three graduates; great successes. We hear about those who do not do well, but there are a number who live stable lives. When you live in a small town like this you hear more, the definitions and labels are harder to break here and together we do it.”

Another respondent spoke of success as enhanced efficiency. “Treatment sees the benefit of being involved with others, with a supportive probation agent,

“Collaboration is huge. Much more efficient; it makes me better at my job.”

with a court that gets it. Collaboration is huge. It is a more efficient coordinated effort. Time is focused time. I can dink around for hours making phone calls and getting information; being on this team helps a great deal, to be talking with all the others. I used to spend more time monitoring these cases than I do now, but I have more information, because the cops are

checking three times a week, treatment sessions...and I get the reports AND I see them every week at drug court. Much more efficient; it makes me better at my job.”

In speaking of success a team member indicated that success was tied to the change the Court makes from what is usually done. The biggest change is in the Police and Sheriff’s Department. It changes us more than anything

“Before I came on I was not a fan, but now I am really sold on it. Before I agreed with law enforcement that it is a waste of time, but I have come around.”

else. It changes us, then it changes our attitude, and it changes us to make us a better drug court

“The success rate is not where we want it to be, but the successes are better successes because it changes lives,....

team and it makes it possible for us to recognize what is going on with these people and we can have some empathy for them; not that we are going to give you a break, you are still going to have to sit in jail, but we understand how that can happen and we are not going to kick you out because of that. We are going to give you another chance.”

This change is recognized by those on the team. “This court is pretty important; it has made changes that are positive. It is an option other than prison, that’s what we did before we had this program, we still do send some. We know to throw them in prison does not work, but sometimes there is nothing else. We have to face the reality that drugs are a problem in Redwood County; people die from overdose. Before I came on I was not a fan, but now I am really sold on it. Before I agreed with law enforcement that it is a waste of time, but I have come around. The relations between the prosecution and defense; agree on the outcome and the goals. Now our roles are different. The success rate is not where we want it to be, but the successes are better successes because it changes lives, also makes them realize and then in dealing with children they just take better care of their children.”

“I see success. (Participants) see... (team) are human...and care....go in thinking the judge is a jerk...see he’s not a jerk, that he is proud of you.”

“I see success. Biggest is the structure it gives to these people who have never liked anyone in the criminal justice system. They see these people (those who work on the team) are human and not only that, but they care about me. When a judge says I’m really proud of you, you are doing a good job. You can go in there thinking the judge is a jerk and you see he’s not a jerk,

“Of course it is important to this community. ...made agencies work together more effectively... makes community work better.”

that he is proud of you. The Judge holds a person accountable; I know you can do better. You know I know you and I know you can do better.”

Team members spoke to the importance of the Court to the community. “HUGE, it’s huge. It’s great for the participants to find a place to fit in the community and for the community to know they can get better. Problem is that it is not hugely known.”

“Important to these communities and beneficial to our patience... it helps to build structure in their lives and gives them back to the community as contributing members.”

“Of course it is important to this community....we are taking a population that would go to prison and providing services that together as a team we can offer that individually we cannot. Second it has made the agencies work together more effectively in any matters, not just drug court business, and that makes the community work better.”

TRUST IN THE TEAM

“...we take a lot of stock in what others say. Everyone gets respect, it does not matter who you are, and when someone talks everybody listens. I like that.”

In interviews, team members were asked to rate the level of trust on the team from 1 to 10, with 10 being high. A rating of 7-8 is as low as anyone rates the trust level on this team. The consistent assessment of trust between members

of this team can be characterized with the following quote, “...we take a lot of stock in what others say. Everyone gets respect, it does not matter who you are, and when someone talks everybody listens. I like that.”

A team member rated the level of trust as 8 or 9. “We all trust each other. We all have working relationships outside the Court and I don’t think there is any mistrust. Some on the team may be more or less punitive, but I have not seen the slightest disrespect.”

“Our new coordinator repaired some trust we lost... her personality, credibility and trust in us.... We do trust her...”

In the following quotes you can hear the consistent claim of strong trust between the members of this team.

“Trust 9-10. Trust and respect; it does not matter who you are everybody has a voice. Our new coordinator repaired some trust we lost in the old coordinator. It was a reflection of her personality, credibility and trust in us that helped to bring us back. We do trust her and like her as well.”

Rate Trust? “Whatever is highest!”

“Trust on the team? Between an 8 and 9... 9.5 for myself. We work well together.”

The court administrator is a full and active member of the team that assesses the trust level this way, “Trust; appears there is good trust.... Yes. They do listen. I have a good rapport with the participants and so when I say, ‘how about this,’ the team listens. Very open to what I have to say...the team. The first meeting I said nothing and the team asked me what I think and it has gone from there.”

Rate trust 1-10. “Whatever is highest! We trust that what we say here will stay here, and that what each other says, they are going to do. What they say, they will do, and that we respect others’ opinions even if we don’t agree.”

“...Judge...It’s his leadership that we trust and he trusts us.”

“Judge (the former judge) did a great job, but now with Judge (present judge)... he has been on the team before. He was in another role and he is

really on top of things. It’s his leadership that we trust and he trusts us. Trust is an 8 or 9.”

RESPECT ON THE REDWOOD TEAM

Respect for fellow team members fosters the interdisciplinary decision making that is called for in the ninth Key Component of drug courts. The “education” that takes place in these courts comes from the mutual sharing of expertise and knowledge. Without high levels of respect this “educating” cannot take place. “Interdisciplinary education exposes criminal justice professionals to treatment issues and treatment professionals to criminal justice issues. It also develops a shared understanding of the values, goals and operating procedures of both the criminal justice and treatment components.”¹⁹ The responses to questions of respect mirror those that relate to trust. The procedure followed in

¹⁹ Defining Drug Courts: The Ten Key Components. National Association of Drug Court Professionals Drug Court Standards Committee. Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice. <http://www.nadcp.org/sites/default/files/nadcp/KeyComponents.pdf>

the court hearings says a lot about the level of respect on this team. It is not only the respect

“Now the participants come up to council table so it is more one-on-one. The Judge really cares about these participants, and he is so respectful toward them.”

shown to team members; the same level of respect is given to participants. “Now the participants come up to council table so it is more one-on-one. The Judge really cares about these participants, and he is so respectful toward them.”

“Respect...Yes they do. A nine. Do we have an equal voice? That’s a ten. All feel they are valued members. We have fun, we laugh. We treat each other with respect.”

Does everyone on the team have an equal voice in making decisions? “I really do think everyone has an equal voice. There are some big personalities in that room, a judge, chief of police, county attorney, defense attorney, but when a counselor, or a social worker speaks everyone listens. They have an equal chance of being heard and being listened to.”

“Respect 8-9. Equal voice ...yes... because I am younger and new I feel that I don’t pipe up as much, but feel free and they do ask my opinion if I am not saying anything. I would rate equal voice 5 – 6 for me because there are times when I don’t pipe up.”

“A lot of the respect comes from mutual agreement on mission and values.”

Does the team think they are valued? “Yes they are. A lot of the respect comes from mutual agreement on mission and values. Our new coordinator keeps us on track on what are agenda is. We work together well. We come to reasonable conclusions.”

“We are collaborative.”

What is the level of respect on the team? “I respect what they do. I am the new guy on the block. I sit there and listen to them. You have a team and it’s all individuals that have their own agendas. I don’t see how that can work because all you are doing is pushing and pulling that participant in different ways and it is just going to screw them up. It’s not my job... to be the road block, I easily could that, but that would be stupid. What’s the point of being that guy? We are collaborative.”

“...the coordinator...she told me you are a valued member of this team we are excited to have you on the team and your opinion matters. They have used some of my ideas. I feel respected and valued.”

“Respect...level 8 to 9, and an equal voice if you are willing to speak up. I came in here and felt valued, the coordinator does an amazing job, she

told me you are a valued member of this team we are excited to have you on the team and your opinion matters. They have used some of my ideas. I feel respected and valued.”

“You will see everyone is willing to voice their opinion in that room (the staffing meeting). This team is like a family, we don’t always get along, but we work together pretty well. What we came through, we could have been done for, we acted very quickly. Yet everyone came in, nobody bailed, everybody came in and asked what do we have to do?”

How many team members contribute? “Treatment, representatives from the Lower Sioux Community, law enforcement, the Prosecution and Defense, the Judge, everyone voices their opinion. We reach consensus...we as the team decides. I can’t imagine ever taking a vote. Ours (Redwood Drug Court) is running really good.”

“If there is a weak point in the respect it is with law enforcement. I think law

“We reach consensus...we as the team decides. I can’t imagine ever taking a vote.”

enforcement here is on board with drug court... at first they were reluctant. This has gotten better over time; it has gotten better.”

WHAT WOULD LIKE TO CHANGE ABOUT THIS COURT?

Team members were asked what one thing they would change about the Court if they could. A number of suggestions that would make the Court stronger and more effective were offered. It is surprising the level of unanimity in what the members of this team think needs changing. The three most desired changes would; 1. Bring mental health services and a mental health professional on the team; 2. Rework the referral process more effective; and 3. Receive more training.

“Bring a mental health professional on to the team.”

“A team member in mental health who is consistent. That’s really going to help.”

“Bring in a mental health professional.”

“First, mental health services is lacking... a new grant may bring us a team member that works with mental

health. We are lacking in mental health screening, and knowledge of medications, how to proceed. We need a better hold on that. A team member in mental health who is consistent. That’s really going to help.”

“Change one thing... Right now I don’t think anything needs change. Oh, more mental health evaluations, diagnose mental health conditions.”

“We need mental health services; Western Mental Health not involved in our community. We need someone involved in the court and the community.”

“One thing to change? Have more resources to offer clients. We need a Sober House, mental health services, the wait is long to get to see therapist, we need recreational resources... more things we can offer to our clients. Finding psychiatrists out here is very difficult, so medical doctors are writing prescriptions.”

Create a better referral process.

“Change one thing? The process of referrals... a lot of people out there that could benefit.”

“Screening process not well developed. It is done on prosecutorial whim. ‘Well this person worked with the task force so we should put them in drug court.’ We can do better.”

“Someone needs to say, ‘This is what we are going to do. Screen them through this process (a redesigned process) and let the team decide, rather than one person with an agenda.’”

Other than those two areas (need for mental health and referral process) team works wonderfully.”

“...would change how someone would get to be referred. All referrals come through me. Political Vito power over 1st and 2nd degree offenses; depends on seriousness for probation violations. Would help to set policy everyone can support so we take the perception of personalities or biases (in favor or against an offender) out of the decision.”

“Someone needs to say, ‘This is what we are going to do. Screen them through this process (a redesigned process) and let the team decide, rather than one person with an agenda.’”

“Referrals; could use more. At the beginning we took people who were not as appropriate as we thought they were. It goes in cycles with busts. We are still learning. The referral that the judge brought in today was a surprise. We should all be thinking of making referrals. Treatment has brought in referrals.”

“Referrals...like to see more referrals. I would like to see more. The team should discuss referrals. “

“Prosecutor having veto power; maybe not. Some he is not in favor of, but would go with the group. He could be more of a fan of the court, but I have to congratulate him, he is much more in favor than he was a year ago. He sees the success and the community is seeing positive things out of this Court. I think we could use more referrals.”

“...for referrals the county attorney is the gate keeper. Once we are in the meeting there is an equality, but as for getting people into the court the playing field needs to be evened out.

“...for referrals the county attorney is the gate keeper. Once we are in the meeting there is an equality, but as for getting people into the court the playing field needs to be evened out. We can fix that.

We can fix that. The county attorney needs to go to training and buy into treatment. With referrals...not as well set.”

“The change in the prosecutor changed the number of referrals. For a while some concern that the court was not going to make it. Going well at first and then with change in the prosecutor we got

lower numbers...glad to see the referral come through the judge... he brought that to the table today. He initiated it and that was a surprised me. And I thought it was good, I liked it.”
The need for more training.

“Training, need more... should be on top of things,...just need more training.”

“Team has come a long way. When new coordinator came in here and brought knowledge for us, and brought information about the legal aspects of what we are doing we begin to see the importance of regular training. She is wonderful, all around and she knows what training we need. She is the change we need.”

“Could use more training.”

“Could use more training.”

“Need training on reason for Knock N Chats and how to do them. There is some problem with Knock N Chats. But I know it takes time to get it rolling and develop buy-in.”

Work more closely with the Lower Sioux Community.

“Work more closely with the Tribal Court Judge”

“Work more closely with the Tribal Court Judge. We need training for Lower Sioux community. Also invite teens into the system. So they could watch adults becoming healthy.”

Get together more often to talk about how to do this better.

“Work on referrals...we say one thing one week then something else the next, we need consistency. We do a poor job of trying to solve problems an hour before court. Takes more time.”

“Meet on Thursday... important to come together as a team other than on the court date. Get together more often and talk about how to do this better.”

Agencies with more of a vested interest in the Court.

“Agencies that would have more of a vested interest. It is a mixed bag. Law enforcement is not typically on board with a referral to drug court and they kind of see it as a means of getting out of punishment. But when I talk to the guys on the drug task force or the guys that do the arrests, they want people to go to prison it’s a fine line that I’m

“With more of a vested interest by law enforcement we could get better referrals. Law enforcement training... to get rid of misconceptions like they are getting prizes...and no consequences. We need to be a little bit more open minded with law enforcement and show them that this is a better way.”

looking at. We have used the veto power on the 1st and 2nd degrees because some people are not a fit; to even consider them would be ridiculous. And in 1st and 2nd degree arrest, it is a long term investigation and those officers don’t want those people coming to the drug court. There are success stories. I took a lot of heat for letting (a former criminal justice employee) in the drug court. But, a real success. Some people for whom prison is not appropriate. They were drug addicts not criminals.

Educate the community on what we do.

“The communities know about the drug courts, but not near enough. Yes we need to do a little more.”

Alumni programming.

“We need to work on our alumni, the aftercare piece of the court. Graduates on probation...Meet once every three months with all alumni. We should assure they have to continue to attend AA meetings and alumni meetings. They should keep their same agent they had during the drug court. Send the message, ‘You are graduates, but we are still interested in you and concerned.’”

“Find a court that does the relapse prevention part well and use their ideas to make this one work.”

“If I can have more than one thing,... we need more shooting the breeze and gaining rapport with them (participants.) I might need training to never cross the line.”

“Find a court that does the relapse prevention part well and use their ideas to make this one work.”

Attendance by the team at court.

“Right now attendance is the number one thing. We know from the research and from the 10 key components that team members should be

present at the status hearings. A small thing to change, but it is important. Consistent team meeting attendance should be emphasized; encouragement will help.”

Participants should be expected to show more respect and pay their drug court fees.

“One thing I would like to see changed is.... Participants don’t show the respect that they should. ‘We have giving you a chance to redeem yourself, and we are giving you a chance we don’t give others.’ ...the participants don’t give us the respect they should. The way they have to accept responsibility, I know I did wrong, I accept the responsibility, and I appreciate it, so act like it.

“Have to work on the paying, or not paying of the drug court fee. They have got to pay something. Same discussion every week...same as everything else...there has got to be a consequence. Sometimes the punishment is not immediate.”

Work harder on building trusting relationships with participants.

“A thank you, like for participants, feels good and helps to motivate. We should start seriously thanking the cops who work with us.”

“Have more of an introduction so we get to know each other. ... and this is the team and an introduction initiation to the court team. Now the introductory thing can

be clumsy. Recognize what we do in a meeting so they know what the team does and what each of us does. Everyone show some appreciation for participant’s efforts.”

“If I can have more than one thing, I would add we need more shooting the breeze and gaining rapport with them (participants.) I might need training to never cross the line.”

This team needs to be thanked more for what they do.

“Members of the team are the unsung heroes. Our team appreciates them; the general public does not see them. A thank you, like for participants, feels good and helps to motivate. We should start seriously thanking the cops who work with us.”

One team member would like to have an open discussion about initiating a new approach in treatment.

“Suboxone program. For our clients a useful tool, had to be on it before they come here, agree to be off it or getting off it at 6 months, sign a release to the doctor and let us know the dosage. And for us as a drug court, it would give us the ability to keep them in treatment, and allow the treatment to work. The Suboxone would help them stay involved in treatment long enough for the positive effects of treatment to have a benefit and by the time they are off the

Suboxone we would have another 12 to 18 months to provide transition services which most places could not do, but we could do it here. They would have a job, have stabilized their financial situation and we could provide those services and help to ease them into a different life style. Our Team agreed to do it, but Marshall did not agree.”

THE IMPORTANCE AND SUCCESS OF THE LINCOLN-LYON DRUG COURT

Interviews with members of the Drug Court Team revealed information about the importance of the court to participants, the community, and to the team members. There is a sense that the “Drug Court Movement” is in its early stages and it will just continue to contribute to the transformation of how we react to individuals trapped in addiction. As one team member said, “We know the old “war on drugs” approach that filled our jails and prisons with good people, who have real problems, is a thing of the past. We may not be doing this as well as possible, but we know we are moving in the right direction, and we will keep getting better. That’s what this evaluation is about. Right?” The notion that the Court is a positive thing for the community, for the participants and for the team members comes across. There is no doubt that there are significant issues that must be addressed, but the dedication to the court and the conviction that the drug court model is worth the effort is expressed in each interview.

“...we are moving in the right direction, and we will keep getting better. That’s what this evaluation is about. Right?”

The success of the Drug Court is seen in the lives of the participants. “Seeing participants, hold jobs when they never had one, when they get apartments for the first time, when they get a license when they have never had one for a long time. When they are honest with us and it does not matter if they are telling us good things or bad things and when they say things that are insightful, when they ‘get it’...that’s a success.”

“I was always frustrated and now I have grown to see people succeed. ... can cheer them on.”

“To put it simply the people in drug court are getting jobs, licenses, taking care of the children,” said a team member when speaking about success.

For one team member the Drug Court countered the frustration of the failures experienced with the traditional system. “I think that part of it is that the cases are mine. I was always frustrated and now I have grown to see people succeed. Get to see then succeed; can cheer them on.”

The following story was offered as a statement of success. “Currently I have a client who has a history of abuse and anger issues. This person was tested and some thought he was using and wanted me to test him again. After court we tested him again and it was negative. Then he went to treatment and told his counselor that he had used prescription drugs for back pain. He came forward and told us the truth even when the test was negative. That is a success in my eyes. I give him a lot of credit, he admitted he did something wrong. Test negative and then says I still have a problem and addressed it. Do you think that would have happened without our court? Not in a million years.”

“...told us the truth even when the test was negative. ...would have happened without our court? Not in a million years.”

The positive impact of the Court is seen in helping to assist participants realizing a “different way of life.” “A success? When we have participants who are successful. Even people who are terminated have some success. Most of our participants have almost no success

in life generally; they live a life of drug use and abuse. The prospect of having 200 days of sobriety can be seen as a ‘life jacket,’ they see the possibility of a different way of life that is a positive.”

When reflecting on the success of the Court, one team member related how important it is to participants and to her. “It is very important to participants. For them it is life or death. Improving their lives is the result. How long for them to get it depends; some see it right away. Benefits of being on team for me is that it keeps me in balance, seeing the other side, being realistic, not be manipulating or enabling them.”

Success was characterized as “broad, hard to answer. For participants, it sounds like a small thing knowing we helped them, made their day; their graduation is a big success and a success for me. Those graduates for sure still sober; a success all around.”

Success is realized in the development of better relationships between law enforcement and participants.

change their enforcement and changes their

“When our clients change their attitude toward law enforcement and law enforcement changes their attitude toward our clients we have a win, win situation.”

“When our clients attitude toward law law enforcement attitude toward our

clients we have a win, win situation. They develop a better attitude because they see them in Knock & Chats. Most of the time they (participants) are doing great, and they can carry on

decent conversations. You hear from officers and even the offenders get a different attitude toward cops. Some are a little tougher, but there is progress.”

Success was seen by a person on the team as spreading beyond the good of the client. “Success for individual clients, but also for family, parents, children, friends, they can see the difference in these participants. And I don’t have to chase them around for drug crimes. It’s a win-win situation.”

One team member saw success comparing what happened in the past and what he sees now. “All drug offenders come back to this community so if we send them to prison they will come back with a new set of skills related to drug dealing or use. Our graduates don’t use and contribute to the community; visiting their children, taking care of their children, paying taxes, within limits, so all in all, it is positive.”

To help participants develop trust is a sign of success for a member of the team.

“Participants get to know the team and what they do. As far as trust goes, some do and some don’t. They struggle with trust, but after an initial time then there develops trust. I can see it when we offer encouragement and positive reinforcement and showing them that we are here to help. They develop trust.”

“Success for individual clients, but also for family, parents, children, friends, they can see the difference in these participants.”

“It is good, they learn to trust. On this team they come to (the coordinator) or treatment or to me (probation agent.) Normally people with their kind of trouble won’t come to you. When we show that we can help they seek us out.”

For another person on the team, the move from “business as usual” is positive. “Nice step change from incarceration. Gives participant a way out of their problems and it holds them

‘This is a first, I was just in court with a judge and now I’m eating cake with him.’”

accountable.” The Court is “important; very important. We have success and failures, but for those who are willing to go through a tough program it has paid off.”

The change in fortune for a participant was cited by a team member as evidence of success. “A participant, at his one year celebration, told me; ‘This is a first, I was just in court with a judge and now I’m eating cake with him.’”

The relationship between the court and the community was a measure of success. “We are tied into the business community that helps get people jobs through the businesses. We also

have some connections with landlords, and employers. Our people get places to live and jobs through those connections. Those things don't happen without the team."

The court is having success in turning around misconceptions according to one member. "Out there they have a misconception. Some

"The benefit to me is it gives me a positive view of people who, frankly, we (law enforcement) did not view positively. It is uplifting for me to see the success"

thought (the Drug Court) was just a way to avoid incarceration, a prison sentence until they are involved. Initially in law enforcement we heard skepticism, at first. But there is a shift in attitude. The benefit to me is it gives me a positive view of people who, frankly, we (law enforcement) did not view positively. It is uplifting for me to see the success. And now I can teach fellow officers about these people. Teach my fellow officers to not look at these participants as negative persons."

SOME CAUTION

During interviews there was an indication that some of the old stereotypes have not been totally undone. The perception that participants are immature and simply self-seeking slips out in some conversations. These kinds of statements betray the tenor of the drug court model that puts the focus on changing how we treat participants rather than how they treat us; it's about us.

"It is just like kids and parents, they try to divided and conquer."

"They need to be willing to give up their criminal way of thinking and for some of them it's just another game to play, to get by with what I can and do the minimal, and they aren't ready to change and be honest."

"There are wild horses and we have to break them."

"...response from some team members that, 'Oh right, they are just manipulating you, you can't believe them. Lying is all they know.' How can we help with that kind of attitude?"

"No matter what I say about how well someone is doing, I get the response from some team members that, 'Oh right, they are just manipulating you, you can't believe them. Lying is all they know.' How can we help with that kind of attitude?"

Trust in the Team

A smooth running drug court team must have a high level of trust between team members. There is good reason to believe that in order to function as efficiently as possible it is necessary to have trust. The first key component of the drug court model emphasizes the importance of a coordinated, team approach to the realization of drug court goals. “Drug Court integrates alcohol and other drug treatment services with justice system case processing. Drug court promotes recovery through a coordinated response to offenders dependent on alcohol and other drugs. Realization of these goals requires a team approach including cooperation and collaboration among judges, prosecutors, defense counsel, probation authorities, law enforcement, treatment providers and other community agencies.” This notion of working as a team is also an important part of the 2nd key component. “... work together as a team. “ Again reference is made to “...the team’s focus.” Without trust, “team” is impossible.

Drug court promotes recovery through a coordinated response.... Without trust, “team” is impossible.

In interviews team members were asked to rate the level of trust on the team from 1 to 10, with 10 being high. The following quotes from team members give a sense that trust and the effective team work associated with strong trust between team members needs to be enhanced. You can hear in the voices of team members a willingness to trust some but not all of the team members. There is a strong indication that there are different factions within the team and then some who negotiate between the factions. Trust is necessary in any drug court, but in discussing issues for this court one team member claimed this “court has less structure than it could have, has a lack of communication, trust and formal policy. This combination leads to problems for everybody.”

It may have been best summarized in the statement from a team member. “It is frustrating; this team has such potential, but lacks trust. Drug Courts are the best things that have

“It is frustrating; this team has such potential, but lacks trust. We are not a well-functioning team.”

come along, but we can’t seem to work together smoothly. In other courts people have fun together, they brag about what a good job another team member is doing, and they are proud of

being part of a drug court. In this court there is not much of that. In this court team members will be embarrassed, or devalued, or reprimanded by other team members in the pre-meetings. We are not a well-functioning team.”

And then; “We have had a couple of notable situations, a coordinator was removed for cause and a team member was asked to leave and not come back. It is easy for some to put all the problems of this court on these two issues, but our problems go much deeper than that. It’s just kind of an uncomfortable experience being on this court, and yet it allows me to do some good things for our participants.”

It’s just kind of an uncomfortable experience being on this court, and yet it allows me to do some good things for our participants.”

When asked to rate the trust level, another respondent said; “1 and 10...hard to generalize like that there are some on the team I would give a ten and a few I would give a one, brought on by certain peoples’ lack of confidentiality and inappropriate boundaries with the participants, so those are the ones I would give the one to. The tens I would give to the ones that show the integrity and bring the things to the team and make team decisions.”

“We can only have trust if we are all pulling on our oar with a common idea of where we are going.”

Cracks in the team are mentioned by another individual. “We need to work together as a team, there are cracks and if we fixed them we would be a good team. We need team building and relationship building and doing something about the respect for each other’s roles and expertise. Leadership is about relationships, we need to work on relationships, trusting relationships.”

Another team member assessed the level of trust in this way. ‘Trust? Considering the instance last week involving confidentiality? One bad person, with (that person) I give it a rating or two without (that person) an eight.”

The trust level is about a 6-7. Trust is hard; people that should have gone to training did not. Some team members do not understand their role or the role of others. We can only have trust if we are all pulling on our oar with a common idea of where we are going. Relationship building and common purpose is what would help. Even so respect... fairly high.... In Marshall there is, respect is there.”

The question of trust level was handled differently in a third interview. “The team. Trust? Probably a seven. Last week something came to light over an offender getting the boot.

“Overall, all are open and honest. There is a separation but, we usually come together as a team.”

Someone heard about it and another person on the team called the person out during the staffing meeting; a real dysfunctional situation. Person probably did something wrong. Overall, all are open and honest. There is a separation but, we usually come together as a team.

Sides...? to me a few who nitpick too much but, differences are good. I see offenders day to day and might give them a little leeway. Others think we have to be more demanding.”

A few team members indicated a perception that the level of trust on the team depended on whether or not one member of the team was considered on or off the team. There is an indication that lack of trust was evident from the time the team was forming. “The member of the team...”historically has been a source of irritation; completely not trusted by police, completely mistrusted by the prosecutor’s office, county attorney’s office.” The reason why the person was allowed on the team was explained; “...we would let (this person) be a team member so we could keep an eye on (this person). Can at least watch (this person). (This person) is “...reliable for completely bazar comments. I would look around and people would shake their heads. “

One team member assessed the trust level as, “Pretty high a seven or eight. “

“...for others on the team it may not be a trust issue; it may be a camaraderie issue.”

Another commented; “Trust on the team? There are almost sides. I don’t know how that happened; more often than not there are sides.”

In another interview the response to the question about the level of trust was; “Trust 1 to 10?... define trust. Give me an issue and I will tell you where people stand on the issue. We know who will support what. We trust in the sense that you can trust that they will hold a certain position. But, generally I don’t think people get along, because the judge is ever looming; you can say something and if he doesn’t like it he will... (say) ‘Well I totally disagree with you.’ For me it’s not a problem, but for others on the team it may not be a trust issue, it may be a camaraderie issue.”

A comparison between the two parts of the court was used by one informant. “Marshall, trust 6-7. The difference...?” Redwood “... court bought in to the model right away. People on Redwood team went to training. In Marshall, people that should have gone to training did not.”

The lack of trust on the team has not only made it difficult to function as a team, this issue has spilled over and become a concern for participants and relationships between team members and participants. “There is a mistrust of team members who might offer a sympathetic ear to a participant after he or she does not receive the response they want, and there is a certain participant who has spoken negatively about certain members of the drug court team and that has further eroded some trust.”

“There is a mistrust of team members who might offer a sympathetic ear to a participant...”

“Participants, if they don’t get the answer they want they will seek out other members of the team that they think that they might get that answer from and certain participants have found a sympathetic ear in one or two of our team members and if they don’t get the answer from the probation agent who sits on the team they will continue to lobby these other members of the team until they get what they want. And in my opinion, these other people should not be making these decisions or giving certain representations to participants that they have authority to make these decisions. When we make a decision in here we might disagree but when we go out there we have to be united and that hasn’t always been the case.”

RESPECT ON THE TEAM

The face-to-face interviews revealed differences of perception on the level of respect between team members. Assessments varied from “considerable respect” to a rating of 3-4 on a scale of 1 – 10, with 10 as high. A number of statements about respect were conditional; “Except for...,” or “sometimes I feel everyone is respected, but at other times not so much.”

While the general assessment indicates a lower level of respect than we would like to see, there were factors mentioned as possibly influencing the respect level like turnover and having experiences that result in losing team members. “It could be the turnover on the team and that could be part of it, it is a good time for some training, so like when we leave here (the staffing meetings) we are united.” The open conflict; “It definitely erodes the respect.”

“sometimes I feel everyone is respected, but at other times not so much.”

More positive assessments were given; “Everyone has an equal voice.” “Everyone is valued. Everyone participates and says their piece.”

In speaking of respect between the team members one respondent felt that a lack of respectful tone in discussions diminished the level of overall respect. “They may not be excited about speaking their minds knowing or fearing what could be said is “I couldn’t disagree with you more.” We are supposed to be considering different points of view, weighing the pros and

“Everyone has an equal voice.” “Everyone is valued.” ... some who are “intimidated about voting against others.”

cons of issues; not discounting people and their ideas and just keep moving to a vote.”

Another team member indicated; “Respect for each other 3 or 4.” Certain members seem to think some members are young and or

inexperienced that they don’t know the best practices or... what they are talking about. Some think for them to speak up is “a waste of their breath.”

To the question; “Are all the team members equally valued for their expertise?” The answer was a clear, “No. There is nothing specific; overall there are 3 or 4 who are the go to people or the ones who are making the decisions and the rest go along. If others disagree or have another idea it is not respected.” There are some who are “intimidated about voting against others.”

For another team member the issue of respect for expertise was important. “Each member has an expertise, a very specific set of skills they have been trained for...very specific things each can do, there are areas of expertise each brings to the table, things I can bring and other things I can’t, same with the treatment providers, the judge, we all have our areas of expertise. There are limitations and positive things that come with that. Sometimes it is not clearly understood or respected.”

“Each member has an expertise.... Sometimes it is not clearly understood or respected.”

In another interview, when asked about respect among team members, a sense of being discounted was expressed. “My role is to make recommendations...and I work to make a well-reasoned recommendation and I’m hoping that that is what the team is going to accept and not that another member is asked if he/she agrees with the recommendation or is that the recommendation he/she would make at that point in time and he/she said no he/she would have recommended something else, he/she just said no... Ouch, that hurts. No discussion

on why the disagreement, no professional discussion on why I made my recommendation. Just, no.” When asked; “Does that happen a lot?” The answer was, “Yes.” “So, respect sometimes but not always.”

In still another interview a team member speculated that the “lack of respect” is due to a lack of understanding and respecting the various roles on the team. “...but maybe the lack of respect is for what our role is. There is a feeling that being younger and being female contributes to a sense of not being taken seriously or relied upon for the expertise these young women have.

“...for the participants too. They know who makes the decisions, and it’s not the team.”

They lose respect, I feel. That is happening for the participants too. They know the team members and what they do, so some are trusted more than others. They feel differently about each team member and it makes it easier

for them to play us against each other. They know who makes the decisions, and it’s not the team.”

A response to the question about respect among team members included reference to a time when one team member “spoke inappropriately right to another member of the team; called (him/her) on the carpet and really downgraded everything (he/she) had to say because, as (he/she) says, (he/she) has personal experience, (he/she) knows this and that, therefore this is what we are going to do, and that (the member being addressed) has no standing because (he/she) lacks the experience.” It was indicated that resolving this issue was difficult, and”...did not know what to do because she had a (team member) reaming out a member of her team and there is no way to fix that.”

When asked about the level of respect a member of the team explained that there have been instances that stand out, but that generally felt the level of respect is “fairly high.” “All team members are valued. Yes, overall most people; there might be one or two who might, well probably, have differences with one or two people. Most feel that everyone does a good job, even one who is off the team now; (that person) stands up for what (he/she) thinks is right ... (he/she) knows (his/her) stuff.”

“...we have an intelligent group of team members.... We could do a lot of really positive things.... If we worked more appropriately together... we need to make a commitment to change these issues.”

Mutual respect was seen as a problem by a team member who indicated; “If you clash with the Judge or the treatment provider you are going to

have a much more difficult time.”

In a response to the question about the level of respect that characterizes the team, a hopeful note could be heard in the following statement. “Respect? Sometimes, but not always.” Does everyone have an equal voice? “No. I think we could work some things out that are causing these issues; we have an intelligent group of team members. We could do a lot of really positive things. If we worked more appropriately together, if we worked to find out what is causing some of these issues we could become more effective.... I think we can turn it around. But we need to make a commitment to change these issues.”

Do team members feel valued? “For the most part. I am, but I don’t know whether all the team members are valued. Some feel as if they are not valued by the judge. And let’s face it he is the most powerful voice on this team.”

DRUG TESTING; HOW VALID AND RELIABLE?

The Lincoln/Lyon County Drug Court shares many of the issues concerning the validity and reliability of drug testing. While there is a sense that some team members see drug testing as a way to catch those who relapse or continue to use. Some focus on drug testing as a motivator to foster sobriety and to give the addict a ready reason to refuse the offer of drugs or alcohol from old “friends” because, “I will be tested.”

Some focus on drug testing as a motivator to foster sobriety and to give the addict a ready reason to refuse the offer of drugs or alcohol from “old friends” because, “I will be tested.”

The problem of assuring adherence to strict protocol for testing is a constant struggle. “We don’t have the capability of doing in depth testing. At this point it is applying the education piece and getting the jail on board and believing in the program. Right now they are clear about not having to do this, that we (the jail staff) are doing you a favor. So how far do I go in making

“Pretty stringent at Law Enforcement Center. Treatment may not be as stringent.” “It is pretty rare that they are not supervised.”

them comply with a very strict protocol before they say we are doing you a favor and we can’t do it anymore? Every so often we want them to do something more visual...this results in a problem. Then I will teach the jail staff, to make sure the

participants are not getting away with using, every test gets tested, and for us it is very convenient. For us we have the dip test, we can’t afford more than that. We do the best we can.”

Another assessment about conducting UAs was; “Pretty stringent at Law Enforcement Center. Treatment may not be as stringent. Random, but if we get the word about someone we will test them.”

“UAs how good?” The answer, “You would like to think so. People have been getting by with things and they keep using then it catches up with them. Drug test after ETG testing have been able to pick up a few people.”

“How strict is the procedure? I think we are pretty strict. If positive, we pick them up and send it out. Stick to drug court procedures pretty closely. We are pretty good. Once in a while send someone in without being observed. It is pretty rare that they are not supervised. We have caught them with mechanisms on them, paints wet...”

BALANCE BETWEEN INCENTIVES AND SANCTIONS.

The sixth key component of the drug court model speaks to the effective use of incentives and sanctions: “Drug court must reward cooperation as well as response to non-compliance. Small rewards, such as praise from the Drug Court Commissioner, increased privileges, and lessened restrictions, an important effect on a participant’s sense of purpose and accomplishment.” Team members assessed the balance between incentives and sanctions as leaning too far toward the sanctions side. Some hold that a well-functioning drug court should have a ratio of 4-to-1 (four incentives to one sanction.) This is not a hard and fast rule, but leaning toward more rewards and encouragement with fewer punishments is more often the case.

Team members assessed the balance between incentives and sanctions as leaning too far toward the sanctions side.

An interview with one team member revealed a sense that this court tends to employ more harsh sanctions. “Our sanctions are harsher than they need to be. But at the same time they are sanctions that the team thinks are appropriate. If anything we will have our hard liners or prosecutor and the cops think they are not harsh.”

“Develop therapeutic sanctions? Yes, we would need some help there. Help in the sense that we would like to see what other courts are doing and keep in mind that they are in recovery And I have been preaching to them

“We need someone who is qualified to defend the idea that we shouldn’t send them to jail.... It’s a small victory when we sent someone for 2 days.”

that these people are in recovery.” “Does it help to keep people in jail more than six days? No, more than six days is counterproductive.” “We need someone who is qualified to defend the

idea that we shouldn't send them to jail and say we will see you next week. It's a small victory when we sent someone for 2 days. We have had people write papers. One of the most therapeutic things we have is to have them meet with treatment specialist...he has some insight that helps people. Writing papers has been a farce they repeat the same thing four or five times."

It was reported that "the incentive for 100 days of sobriety is \$10.00 off fees and for a phase shift they get \$25.00 for each move. If they are behind in their payments they have to pay fees to get a phase change so in a way it is a double edged sword."

"We don't consistently congratulate anyone, or foster meaningful communication between the Judge and the participant."

We had applause for the one guy. I wondered and talked to the judge about that, celebrating sobriety days is important in that it reminds them of the number of days; it does mean a lot. The Judge indicated it was too much clapping in his court room. The Fish Bowl?

Participants were not on board with it so we made some changes. We changed from junk food to a lot that they can use. Some old ones that have not participated still don't participate. We don't consistently congratulate anyone, or foster meaningful communication between the Judge and the participant."

One informant indicated that, "During staffings there is nothing positive. It is important to give them more positives than negatives. We learned that we are supposed to always come out with at least one positive thing about each person; we don't do that. We need help on therapeutic sanctions. It seems as if it is sanction heavy. I would like to know how we compare to other courts."

The sense of being overly punitive was shared by another team member. "I don't think, as a team, we can understand what the drug court model really calls for, we are way too punitive and not rehabilitative enough."

"We are just not doing anything that tells them that they are doing well,..."

Another response told of a problem with graduated sanctions. "Discussing a sanction, we look it up, and there is some suggestion that we give something less than jail, but the argument is 'we tried that, we did that,' so a weekend in jail."

The attempt to provide meaningful incentives is perceived as a problem by one of the interviewees. "I have said, the incentives are not any good. Now we have done practical incentives and they have not gone over well. At least two or three people don't take the

incentives because they don't mean anything to them. We could ask participants what kind of incentives would mean something to them. We are just not doing anything that tells them that they are doing well, they are doing so great and then we could give them something that would tell them how much we appreciate the good job they are doing. And maybe we could write a 'thank you' or an appreciation note and tell them 'we are so proud that you are a success.'

“Our drug court team terminates way too quickly.... We send people to prison for relapsing; some courts keep working until they get it right. They try to never terminate. We could be much better on that score.”

No applause for days sober sends the wrong message.”

There were reports that it is not uncommon to have an incentive or sanction disagreement. When asked how are they resolved the response was, “Probably with the two or three people who run this drug court; they make that decision.” Are there a fair amount of incentives? “Applause today...I was surprised because that does not regularly happen. Good job. Outside of today every 100 days...could do a better job.... When someone explained the announcement of the number of days sober and then applause, I thought that would be good for us. I would be interested in how others do it. We can do a much better job if we could visit other courts... I would like to do that.”

“People talk about agreement on the drug court model. Agreement, yes, but not everyone understands what that means when it comes to action. Our drug court team terminates way too quickly. We will give them one, but the second or third relapse will most likely result in a vote to terminate. ‘We have given you resources; there is nothing more we can do.’ We send people to prison for relapsing; some courts keep working until they get it right. They try to never terminate. We could be much better on that score.”

DOES THE COURT FOSTER A NON-ADVERSARIAL PROCESS?

“Consensus is the rule in most drug courts, because everyone has a say and the decisions are considered team decisions. It is hard to say here, we always come to a decision, but it is my belief that it is not a consensus.” There are some who go around the team to be an advocate, not a team decision, but

“It is hard to say here, we always come to a decision, but it is my belief that it is not a consensus.”

are off on their own. The team is centered around the judge. The judge is looked at as the leader. He should hear all different sides of the story and not hear just those he trusts and disregard

others for whatever reasons. That is why our team is so split, and that is happening in Lyon County, the people he does not trust, those professionals, they know who they are. They bring those issues to me and I feel I should bring them to the judge, but every time I bring the issues to the judge I get shut down. I feel it is my job to make things better, but I am caught in a tough place because the judge does not want to hear these issues.”

One of the members of the team indicated that in a non-adversarial process the clients should have an advocate. “We should have an advocate that could speak for the participant. We should be in their homes. We should be able to be in their homes. Use motivational interviewing. You would get, ‘I know I owe the money and I will pay.’ They all have treatment people they communicate with. You miss a lot if I can’t meet with them. POs have large case load and it’s hard to make it work. Not getting what they are signed up for. Not getting that close supervision. We should have someone in the home to say things are going well. They feel good about the things they are complimented for.

ARE YOU THANKED ENOUGH?

When asked whether or not team members are thanked enough? There were responses that indicated that “we have gotten better with that.” Another team member stated, “Are team thanked? I don’t think so. I don’t think I have ever been thanked or thanked for giving my input or my side of an issue.” In one interview the response was, “Thanks? Might say that, but does he mean it.? That’s the real question.” “We are too busy for that, I guess,” was a team member’s answer. And, then he added, “I guess that’s no excuse for not recognizing someone’s effort; is it?”

WHAT WOULD YOU LIKE TO SEE CHANGED?

Team members put their finger on issues that will help improve the efficiency and effectiveness of the team in their responses to a query about what they would change about the court, if they could. The lack of resources was mentioned as a major factor

“Have more resources.”
“Probation agent would monitor just drug court cases.” “Lighter caseloads for probation agent.”

in what needs to be changed. “Have more resources.” “Probation agent would monitor just drug court cases.” “Lighter caseloads for probation agent.”

The need for training was also included in what should be changed. “We need a more seasoned team and more training for abuse assessors.” “We could benefit more by seeing how other teams

“Development of more support from law enforcement... Law enforcement training...”

function. Watching other courts would be helpful. Learn how they deal with the issue of an individual positive for drugs...we are reinventing the wheel every time; I hear that some do a peer review and have a sanctions grid.

Policy changes were also suggested. One member of the team would like to see the response to a positive drug test result in immediately picking up the individual and sending him/her to jail and then the team can sort it out. It would give us time to think.

“We could benefit more by seeing how other teams function. Watching other courts would be helpful.”

Development of more support from law enforcement and from the community was mentioned

as a real need. Law enforcement training and creating a speakers bureau were considered needed to enhance support.

It was suggested that the team should do more to “connect” with participants. “Not many (team members) have comments during court. The Judge asks, but usually there is nothing. There should be more comments so that we can connect with participants. To make them feel invested and want to change. We should carry on a conversation to build a relationship. The participants are in the habit of just saying, ‘it’s been a good week I went to three meetings and I worked 40 hours.’ How’s it really going for them? We don’t know. Maybe we should give him (the Judge) a few bullet points to inform the judge. All team members should bring in some aspect of a person’s life. Make it a humane event.”

“Get to know them on a personal level...we don’t know anything about these people.”

In line with the above suggestion another team member indicated, “Get to know them on a personal level...we don’t know anything about these people. Things about you, who are you that was not recovery based. To know them more would be useful.

Mark...we don’t know him, we don’t know anything about them day to day, what their hobbies are, what they do day to day. Should spend 3...maybe a minute... there is no 3 minutes there.

They will trust us more if we know them better. Can you suggest to the Judge that he could spend more time engaging the participants?

“No, never.”

“Coordinator did a really good job keeping up with whether or not the participants completed requirements...just keeping track of what was done and what was not done. One thing to change? The way things are decided among the team members and feel like everyone had an equal voice...it is male dominated. “

“One thing I would change?
Weekend drug testing,...”
“...be more careful about
drug tests,...”

A few team members called for more careful protocol for drug tests. “One thing for sure is that we have to be more careful about drug tests; whether jail or

treatment.” “Have to make sure the tests are reliable and valid.” “One thing I would change?

“The trust level among the
team needs to be there.”

Not anything big. Weekend drug testing; increase the four hour window for Saturday and Sunday. The way it is now there is a smaller window and part of that time

the jail staff is too busy so participants end up sitting there waiting. I am not in favor of making things difficult.”

One thing you could change? “The trust level among the team needs to be there.” Change one thing? “Understand we are in the early stages, I can see this growing much larger. Need a better referral process. We should get serious about issues of where they are coming from, who is blocking people we can help, are personal biases hindering our potential?”

“Change one thing...The understanding of the roles and the respect of the roles... I think that is difficult when you have a judge present and a coordinator and attorneys used to be in charge and you become a team that is difficult. I don’t think he would advocate for another

“Need a better referral process.
We should get serious about
issues of where they are coming
from, who is blocking people
we can help, are personal biases
hindering our potential?”

treatment center. I have a lot of hope. New referrals. Terminating people sometimes it is a battle. Last week it was close. Negative talk about these people. What about the positives? Not here! She has a house, a boyfriend, respectful in court, so much better than when she first came into the court. Coordinator will try to bring in the positives, upset that she is leaving. I don’t believe the , as a whole, feels like they should be giving the positive incentives. 4 to 1? I’m

surprised. Honest with you. If I would shoot positive out in court then the team would feel or think that the participants are manipulating me. I am told the participants are manipulating you. I have case managing processes that other team members look at and think the people I am

“Change one thing...The understanding of the roles and the respect of the roles...”

working with are just manipulating me. My role on the team is to assess and advocate for participants’ recovery, that’s my role on this team. Wow someone cares about me enough to talk to me to support me...and they see the cracks in the foundation of this team, the participants are not stupid, they can see who thinks what; they know.

“We need more instructions on how to handle difficult situations, how to disagree respectfully.”

“Team building, that’s what this team needs, some good old fashioned team building.”

“We need more instructions on how to... disagree respectfully.”

“One thing we are really lacking is a better sense of how we give sanctions and how we can encourage...some options for sanctions and what to do in certain situations.”

“One person from mental health on our team. We have had psychologists, but they don’t last”.

THE VOICE OF PARTICIPANTS: REDWOOD

The perceptions of the participants in the Redwood Falls Court were gathered by means of a focus group session. After an introduction and an assurance to the participants that they did not have to participate in this session, I explained who I am and what these data are going to be used for. I asked if it was acceptable to record the session. Each participant indicated that they understood and that it was fine to record their responses. My impression was that these people welcomed the chance to provide their perceptions and were hopeful that this would help the team better understand what it is like for them. Participants responded to a series of questions about issues included in previous drug court evaluations. The evaluation literature provided guidance.

...these people welcomed the chance to provide their perceptions and were hopeful that this would help the team better understand what it is like for them.

WHAT WORKS FOR YOU?

“When they treat everyone the same, when things are fair. The motivation really helps.

“They help me;... I need help; I can’t do it on my own.”

Usually the judge is shaking the gavel at you, sending you to jail or not, but here you see him in a different light. He actually seems like he cares and is compassionate about your recovery, trying to give you chances to do better things.”

“I don’t know, I just like drug court, I am not the kind of person who cut bad people out of my life, I rely on drug court for that. They help me; I know their intentions are good. I know they are trying to make my life better. I need help; I can’t do it on my own.”

“I like drug court as an alternative; it is better than going to prison. I am learning something here. It is making my life different.”

“It’s like jumping out of a second story window; you don’t want to jump, you may hate to jump, but when the place is on fire you do what you don’t want to, to save your life. That’s drug court.”

“I was glad to get into drug court so I didn’t go to prison. I like the NA and AA meetings. And I like that they do check you for UAs; I don’t mind that because I know I am clean and they know it too.”

“Don’t get me wrong, when I say I am glad to be in drug court...there are times when I don’t like it at all. It’s like jumping out of a second story window; you don’t want to jump, you

may hate to jump, but when the place is on fire you do what you don't want to, to save your life. That's drug court. Parts of it are ok. The encouragement I get is nice."

I have to agree with the motivation; that helps. And it actually feels like they want to see you succeed. It pushes you to change."

DO SANCTIONS HELP?

"Yes they do help, but they always go back on things, there should be a set sanction for each thing we do. They treat us all different, I can get a sanction, 6 hours community service, and they might throw someone else in jail. It is different; I mean they should treat us all equal."

You think it's not fair?

"Yes. This new judge seems like he is more fair. I have not had a sanction with him but in the past that has been how it is the whole time I have been on drug court. It's hard sitting there watching someone come in and do something and then I do it and it is way worse. I don't like that part."

"I felt like I took 10 steps forward and they put me 20 steps back. But luckily I got out."

"They push you to do so much, like the agreement we signed, the contract, it is 40 hours per week and if you are not working you have to do 40 hours of community service on top of meetings, on top of treatment, I mean that's a lot to fill, now they are not pushing that so much, but when I relapsed they wouldn't let me move phases because I couldn't afford to move forward I couldn't pay anything so I felt like I was stuck. I was just standing still they kept adding on money, adding on money, and I said this isn't helping me and then they sent me to jail and then to treatment. I felt like I took 10 steps forward and they put me 20 steps back. But luckily I got out."

"But I had nothing, I worked my butt off for that whole year and they had me stuck to this house and I'm working and doing everything I can, but they are still holding me back because I can't give them any money, I'm paying my bills, paying my family and stuff that I have to pay. Then relapse. I get community service, on top of 30 or 40 hours a week, getting sanctions, not being able to move forward,

"...stress, after stress, after stress, to the point that I felt like I was standing still; I gave up."

like stress, after stress, after stress, to the point that I felt like I was standing still; I gave up.”

ANY ONE ON THE TEAM YOU CAN TALK TO?

“Talked to probation officer... Just said we are not pushing you beyond what we think you can handle, so how do you know? You are not dealing with this disease, how would you know?”

What if you had the chance to talk to the whole team? Would that help?

“I don’t think it would. It would make things worse. All around.”

“It seems like they don’t like it when we voice our concerns, or talk about the things that are hard for us to do. They just tell us what to do and they expect us to do it. And if we can’t, it’s our problem; we’re the ones that are messing up.”

“It seems like they don’t like it when we voice our concerns,”

“They say they deduct \$25.00 or \$10.00 off, have you guys ever seen that? (asked other participants in the focus group)

No. I haven’t either. We are felons, we did mess up, I get that, but it’s hard to get a job. I’m working a minimum wage job; I’m working out of this two bedroom tiny house and I can barely scrape by with that.”

“Like the agreement... the coordinator, at that time, came while I was in jail and the coordinator said my felony won’t be on there the whole time I am on drug court and then come to find out it’s on there and everywhere I go, I try to get a place to live or a job, it shows up. It’s expunged or whatever after you graduate but you have to still go back to court and get it and do the hearing and you only get one shot at it, is my understanding, to get your felony removed.”

“So what they told us in jail was just to get us on this program.... And you get off probation, right...right... well there are three graduates who are still on probation. 5 or 10 years, (a graduate) is still on. Still on the website. They treat us like we are stupid and we are supposed to have a defense attorney watching out for our rights.”

“Cops? Some are dicks. When I was young I got thrown around by the cops. And then a

“So how am I going to trust them; I was angry for a long time.”

couple of months ago I’m at work and a cop came into my work and said, ‘Oh, you work now?’ So I am like ‘yeah,’ and I’m sweeping up, and he says ‘Oh they taught you how to sweep; I didn’t know you knew how to do that.’ And then I am mopping and he said, ‘They really domesticated you,’ like I’m some animal. I was floored and then he started talking about my uncle who passed away and how he had a problem with alcohol and I’m

supposed to feel safe around you guys, you are supposed to protect me while you are standing around belittling me? So how am I going to trust them, I was angry for a long time.”

“There are probably recording us. That is what it seems like. They don’t ever want us to say anything, like they don’t want us to have a voice, they want to know what we think about drug court, what we are going to tell people about drug court.”

What would you tell people about drug court?

“I have a lot to say about drug court, but I can’t say anything about the bad stuff, they made that clear to me...”

“I have a lot to say about drug court, but I can’t say anything about the bad stuff, they made that clear to me, you know.”

How did they do that?

“Well the judge (former Judge) wrote in my journal and said that they can’t talk about it, and I can’t talk about it.”

This judge?

“No, the other one.”

“It has been hard for me to just act like nothing happened.”

Is that the stuff that happened with the former coordinator and that?

“Yes. And going through something like that and I have to come here. Like I have to go through that and why do I have to put up with you guys? I mean, I’m better now, but when all that happened, I was annoyed. It’s kind of scary for someone who is supposed to be watching out for your greater good and he turns out to be a creep.”

Another participant, “Right.”

“And then it makes you look at everybody and it makes you wonder what they are capable of. It has been hard for me to just act like nothing happened. If I say anything, I’m wrong. They told us not to talk about it.”

Have they apologized to you or talked how they would help you with how it hurt you?

“Nothing really maybe (the probation officer) apologized, I don’t know, but no one else.”

WHAT WOULD YOU CHANGE IF YOU COULD?

“The curfew thing, on the agreement we signed there is no curfew in phase four, and now they changed that. They change everything, look at me, I missed a call-in and they set me back 90 days. And it was never like that. They change whatever they want. I could have been out of here, but they held me back because I did this or that.”

“Just let us go through like they said, like it says in their books. Now we are going to have a new person and he or she will probably change something.”

“I’ve been through three judges already; I’m on my third one, now this is our third coordinator. The only one who has stuck around is our probation officer.”

“I’ve been through three judges already; I’m on my third one, now this is our third coordinator. The only one who has stuck around is our probation officer.”

How is he?

“Ok if you get him on a good day its ok; if you get him on a bad day it’s bad.

Who do you trust on this team?

“Myself? I trust Dwight and Brandie. The CD counselors. They love their job.”

“I trust Dwight and Brandie. The CD counselors. They love their job.”

“First time I met my probation officer I was in jail and he said, ‘If it were up to me you would go to prison. You have about an 80% chance of going to prison and a 20% chance of doing treatment and the whole thing. I will send in the coordinator to talk with you. Yeah, we’ll have a meeting about it.’” How do you think I am going to trust him after that? Would you ever think he really cares about you?”

“I don’t think we could say anything that would change what they think. If we say anything they will say, ‘Oh we are being defiant, we are trying to manipulate the system.’ So no one really does say anything, because it will come back and make it worse for ourselves.” (To

“Me and another participant ask if we could speak with the judge, one-on-one, and they said no.

this there was general agreement)

Would you talk to the judge like this?

“Me and another participant ask if we could speak with the judge, one-on-one, and they said no. I don’t know if they ever got the message. So how do we even try, we have to go through one of them.”

“He doesn’t see us except in court.”

THE VOICE OF PARTICIPANTS: MARSHALL
OVERALL ASSESSMENT OF DRUG COURT
EXPERIENCE

“Drug court is an amazing process for me, I learned a lot.” “I need this because without it I would be dead.”

“Drug court is an amazing process for me, I learned a lot. If it was not for the drug court program would you still be using...most said no...but for me I said yes. I was tired of my life.”

“I need this because without it I would be dead.”

“Have had no trouble. I think it is going good. I get along with them. I trust them. Almost two years and they have not messed me up yet.”

“Biggest help is I don’t want to do it (the drug scene) again.”

“Probation officer; I like him really accommodating with my schedule. I get along with him. Treatment councilor...met with him and got to know him well...shared his experiences. I think, my experience is different than most people. I am treated good. I am doing what they tell me to do. That’s different than people who get into trouble. They do it there way and get a bad attitude toward the program.”

“Generally participants treated fairly... some need more discipline than others. This guy needs more discipline. It does not look fair, but some need more than others.”

“Normally when I am on probation it has not gone well...Drug Court is an extreme form of probation. This last time I was sick and tired of being sick and tired. Two years of this, it gave me relative freedom much better than 5 to 7 years in prison. I can stay around my family. Marshall is my home town it helped me widen my horizons; I started school last year. Going differently, it provided structure, a different structure, I needed a new structure.”

“... it provided structure, a different structure, I needed a new structure.”

“The ability to change my rules. Definitely gave me structure, following the rules and the ability to change. At the beginning it seems like the team is against you, but they are really there to support you. It took me some time, 6 months, before I found some people on the team that I could trust and talk to. And they really don’t want us to go back to jail. A good program, I enjoyed.. I can’t really say I enjoyed it, not really enjoyed, but a good program. Definitely a life style changing program. I don’t have any problem with law enforcement anymore.”

“When I was using I did not look forward to life, now I wake up and I am ready for the day.”

What works for you? “The meetings, NA meetings, drug court meetings on Wednesday and the Court hearing.”

“When I was using I did not look forward to life, now I wake up and I am ready for the day. Only three outcomes if I go back to using, dead, mental institution or prison. Sometimes I think about it, isn’t it crazy I don’t want any of these, but I think about it.”

“I take my recovery seriously, helped me get into NA meetings.” How do NA meeting go for you? “Stick with the meetings, one person I know has stuck with it.” Alumni? How will

you stick with it? “So far it is working for me if I can stay going to my meetings. Kind of like a family. I do have a sponsor and I am working through recovery with my sponsor. Most have sponsor. I know three who don’t have a sponsor.”

“The seriousness of it; to be in front of a judge each week. It is serious enough to be in front of a judge. Keeps reminding me that it is serious enough for me to stay on top of my addiction because if I

“Keeps reminding me that it is serious enough for me to stay on top of my addiction because if I don’t I know there will be consequences.”

don’t I know there will be consequences. The consequences for me the accountability...the consequences for not doing what I am supposed to motivates me to work a strong NA or AA program.”

What happens when it is over, you graduate? “I been clean for a year now, it has been a long time since I have been clean for a year and a lot of good things have happened in this year.

“In drug court I am learning things I should have learned as a kid, but I am learning them now and that is ok.”

I feel good each day, I like the person I have become, and how things are working for me. Drug court that is about two years long allows me to have the time to work on the things I need to, and gives me the time for my brain to

work right, to realize this is good. I can work through problems and not use. The two years; it gives me the time to know I can work through problems... time to build the tools up to deal with life on life’s terms. It’s not just putting a cork in a bottle... I can work on relationships ...I used to have a problem with someone and I could not handle it and I would drink or go to drugs. But, now I am working through things and each time I work through things I get better at it. This isn’t so hard. I realize the way we are brought up was a source of many of my problems. In drug court I am learning things I should have learned as a kid, but I am learning them now and that is ok. I know how far I have come, and how good I feel. Two years...one year down and I have developed tools and I will learn more.”

“It is us doing the work, and some don’t get that. Some get it; not all, not all. Counselors that come in here and they are quick to tell us what we need to do to change and they have

“We can’t voice how we really feel in court.” Why? “I don’t know we just can’t.”

never understood where we have been. They don’t have children; they have never drunk nor did drugs. We can’t say anything, we can write it in a journal, but no one else sees it. We can’t voice how we really feel in court.” Why? “I don’t know we just can’t.” Do you guys feel the

same? “Yes.” “Stuff they do put in the journal is a week behind. It goes in one ear and out the other. They pretty much just tell us what to do and that is all.”

WHAT WORKS FOR YOU?

“...they expect us to be happy and to be stress free, almost like they are setting you up for failure sometimes, they push you, push, push you...”

Hard to say for me. I am at a stressful part of my life. I am just constantly irritated nothing is falling into place. A lot of requirements. Maybe just me, but I could be just whining, but I have been through a series of ridiculous sanctions for missing an appointment, not completely going the step by step plan process to get housing. Sanctions, in

my eyes. To tack on Community service hours when I have so much to do, full-time job, required meetings, and I just lucked out on Sunday to find a meeting, it seems ridiculous to expected people to do that, and they expect us to be happy, and to be stress free, almost like they are setting you up for failure sometimes, they push you, push, push you to see what happens, in my eyes sometimes I interpret that as, it is like a game, like it is unnecessary, you don't need to do that to get reactions out of people, there has to be better ways to do that. I missed an appointment (a class) and they put me in jail for two days. This is not truancy court, I have a full-time job and I have kids and I miss a day of class and you are going to put me in jail for two days? It's ridiculous sometimes. Everything in my life is tough, but not as tough as the requirements of drug court for me. Asked another person how he/she feels; the answer;”...honestly, I hate drug court, but I am doing what I have to do to stay sober. ...it just does not make you happy to do it.”

“...honestly, I hate drug court, but I am doing what I have to do to stay sober.”

“The first drug court I knew about, (a friend) when through it in Marshal Town Iowa. That court was awesome, this one is a joke.” What was different? “They were more involved with you, they weren't so hard on you like these people are for stupid stuff. Here is one thing, I am sure they all want the best for us, I can't say all, I am sure there are a few in there that want the best for us and for us to do good in court. They say they're concerned about something that happened in our life, something that happened throughout the week, they use the words, and 'We're worried or concerned about this.' Actually if you are worried or concerned and you would like to talk about it maybe we should be approached, but actually it is our responsibility to go and talk to them to discuss our issues or whatever but if there are concerns from them, we

don't hear it, we are not approached, there is no assistance unless we are throwing ourselves out there, and for lack of a better word, begging for it.”

“This Court takes a lot of patience and tolerance. It should be like your job, if you hate your job you do it because you have to make money, but if you hate it will make you miserable the rest of your life. This should be the same idea for this Court. Too many absolutely hate it, I think even some on the panel hate it; it does not have to be this way.”

Too many absolutely hate it, I think even some on the panel hate it; it does not have to be this way.”

CHAPTER 5: TEAM SURVEY RESULTS

Team Perceptions of the Operation and Effectiveness of the SCDC Teams.

Team Survey Results: Redwood Falls Team

Team Survey Results: Marshall Team

TEAM PERCEPTIONS OF THE OPERATION AND EFFECTIVENESS OF THE SCDC TEAMS.

The team survey responses are helpful in directing your team toward issues that might enhance the work of your Court. These data should not be interpreted as an objective measure of success or failure. The average scores in the tables below are based on 12 responses for the Redwood Team and 10 for the Marshall Team. The average score for all items for the Redwood Team is 1.76; a score that falls between “strongly agree” and “agree.” The average for all items for the Marshall Team is 2.41, a score that falls between “agree” and “neutral.” Four average scores for the “team survey” are presented as a means of allowing comparisons with your team’s responses. The other teams are in many ways not equivalent to your team, but they are drug court teams with much the same mandate to conform to the Ten Key Components that define your court. The average scores for these courts are 1.91, 2.04, 1.26 and 1.38. On average the Redwood team compares well to other teams’ assessment of their courts on this measure. The Marshall team has an average notably more negative than what is found for these other courts.

The graphs and tables below are included to allow your team to respond to issues that might be addressed to enhance the effectiveness of your team. In order to make these data useful the team might choose to prioritize topics starting with those with more negative average scores (higher averages) and proceeding through the list. The average scores do not always allow for recognition of possible important differences in team member’s assessments. A rating of 1.00 indicates that all respondents “strongly agree” with the given statement and a score of 5.00 would result from every response being “strongly disagree.” Team members were asked, “please indicate your level of agreement or disagreement with the following statements using a five point scale with: 1= Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree.

Average scores are often difficult to interpret. It is easy to claim that the higher the mean (for these data) the more concern there should be about the issue. This is not a bad rule to follow. But along with the average it is good to consider the variation in the scores that contribute to the average. In Table 5-1 the examples show how different distributions should lead to different concerns about the item even when averages may be very similar. The two distributions, 4 and 5 (shaded in yellow) have averages that are very similar, but the distribution of responses calls for a different approach when discussing these results. Example 5 includes 4 “disagree” responses while there are none for example 4. Comparing examples 7, 8, and 9

highlights the same issue. Here all three have an average of 3.0, but each distribution suggests a different “back story.” It is important for teams to seek out what is behind these distributions.

Table 5-1	Demonstration of the importance of considering averages and distribution of team responses.									
Example Distributions	1	2	3	4	5	6	7	8	9	10
Strongly Agree	4	4	3	0	6	1	1	2	0	0
Agree	6	4	5	7	0	1	1	2	0	1
Neutral	0	1	0	3	0	7	5	2	10	2
Disagree	0	1	1	0	2	1	3	2	0	3
Strongly Disagree	0	0	1	0	2	0	0	2	0	4
Average	1.6	1.9	2.2	2.3	2.4	2.8	3.0	3.0	3.0	4.0

The following four figures include line graphs plotting the average ratings for each item in the Team Survey for both teams in SCDC. Items with the higher averages should be of most concern for focused remediation. Each of the Team Survey items along with a pie chart, a table and the average score is included to make it possible for the teams to conduct a focused discussion on specific issues to enhance the quality of your court.

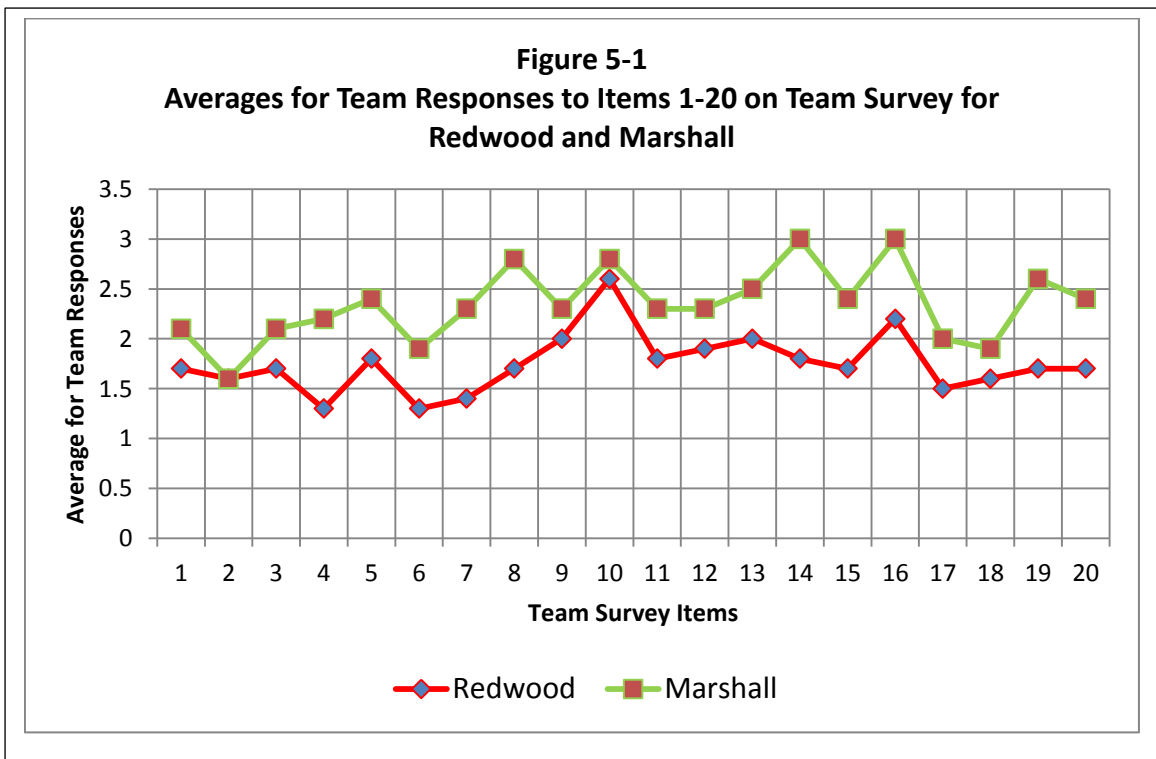


Figure 5-2 Averages for Team Responses to Items 21-40 on Team Survey for Redwood and Marshall

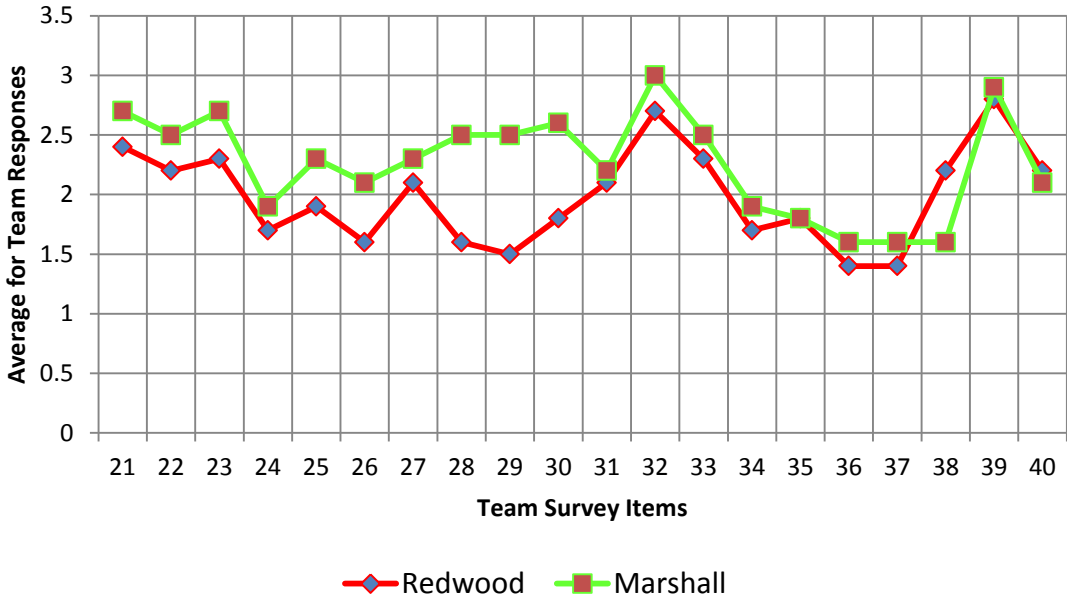
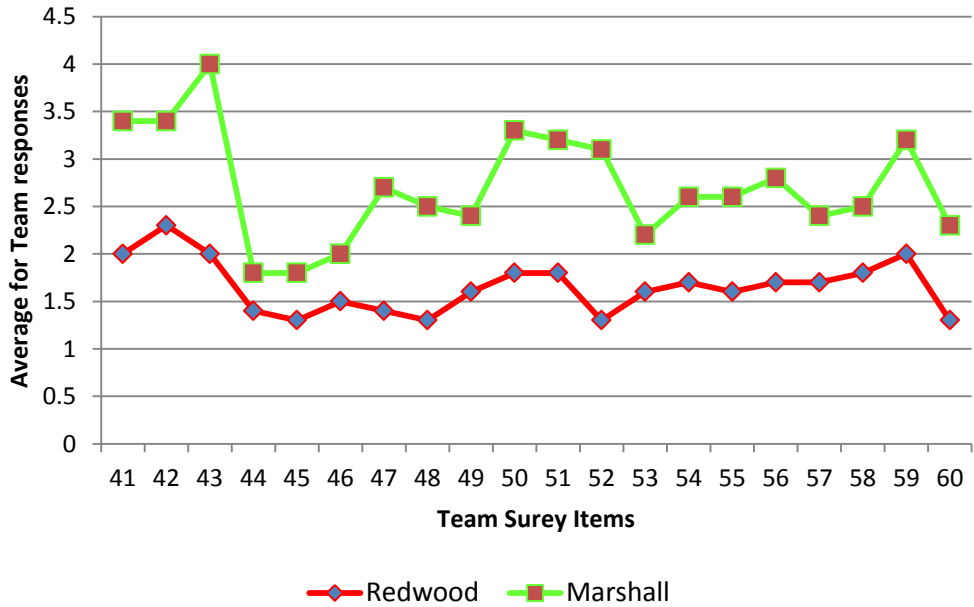
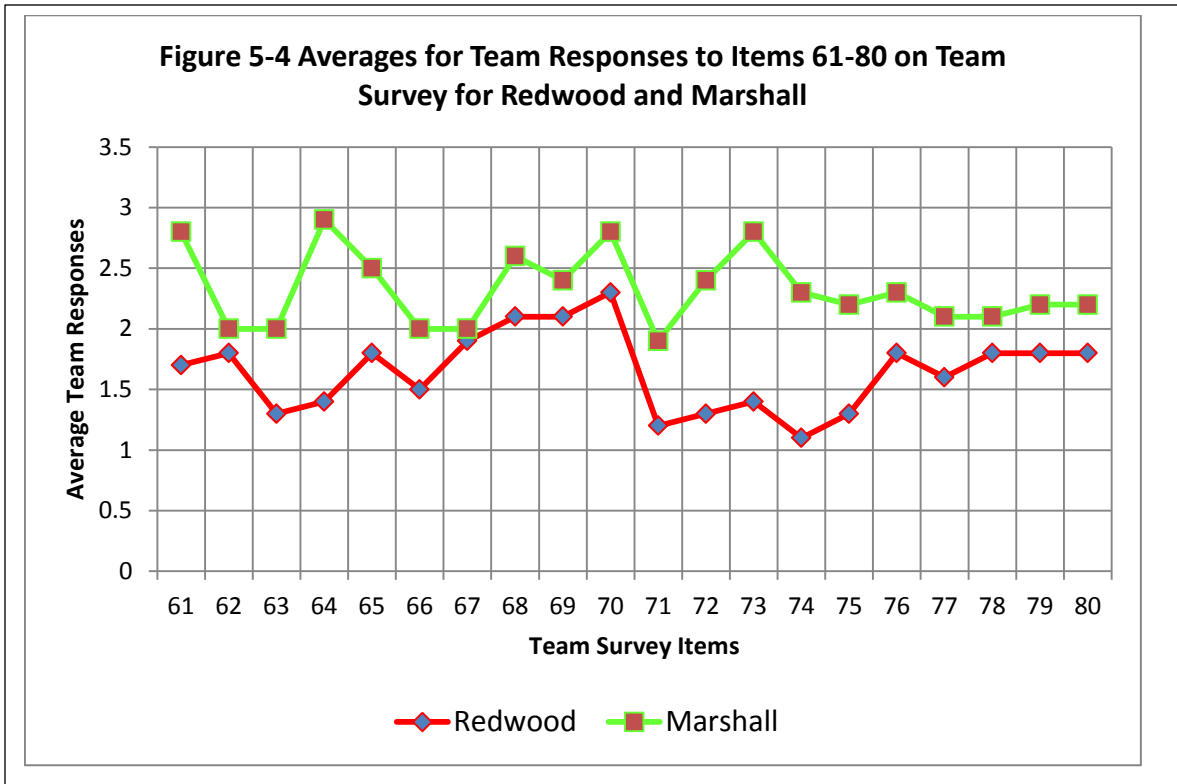


Figure 5-3 Averages for Team Responses to Items 41-60 on Team Survey for Redwood and Marshall





The results seen in the charts and tables that follow are consistent with what is revealed by the face-to-face interviews. The line graphs in Figures 5-1, 5-2, 5-3, and 5-4 are a visual indication of the difference between the two teams of the SCDC. As the former Coordinator put it, “It’s the tale of two cities.” The energy and positivity evident in the Redwood Court is absent in the Marshall Court. Team members on both teams indicate a strong belief that the drug court model is full of promise and is a far superior way to provide “justice” for the participants they deal with. The vast majority on both teams see the benefits that emerge out of the court for themselves, the participants, and for the community.

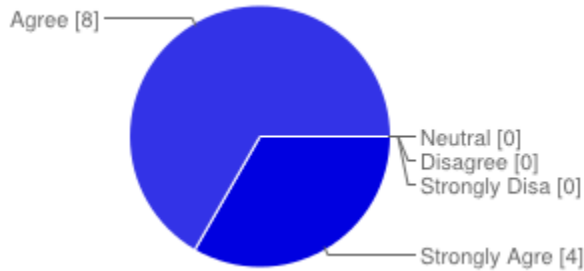
Both teams have suffered from turnover, but the Redwood team seems to have worked together to hold things together and move forward. The Marshall team has a hard time working together. The level of trust and respect is dramatically different in the two teams. It is reasonable to argue that these factors contribute to the data in the charts and tables that follows.

TEAM SURVEY RESULTS: REDWOOD FALLS TEAM

Please indicate your level of agreement or disagreement with the following statements using a five point scale with: 1= Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree

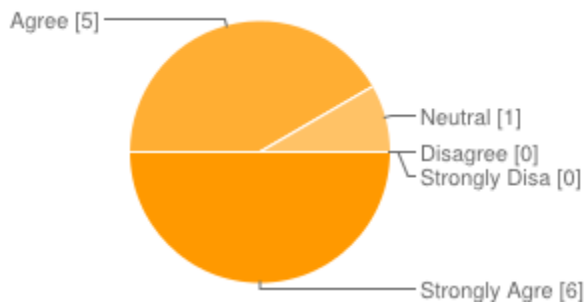
Part I The following statements pertain to participants' rights and knowledge of the program.

1. Participants' due process rights are protected in the Drug Court Process.



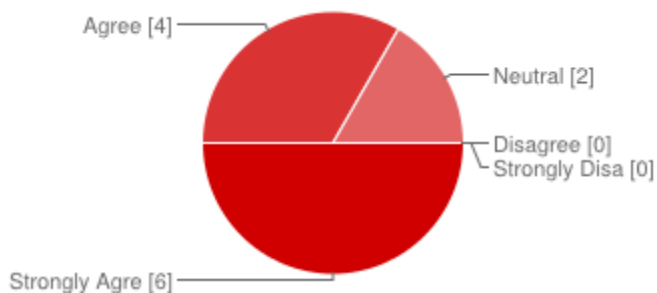
Strongly Agree	4	33%
Agree	8	67%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

2. Eligible participants are promptly advised about program requirements and relative merits of participating.



Strongly Agree	6	50%
Agree	5	42%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

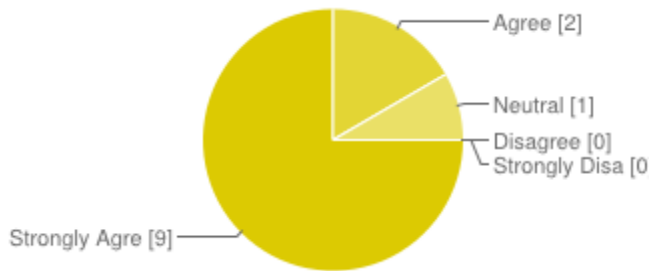
3. Consequences for program compliance/non-compliance are clearly explained to participants.



Strongly Agree	6	50%
Agree	4	33%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

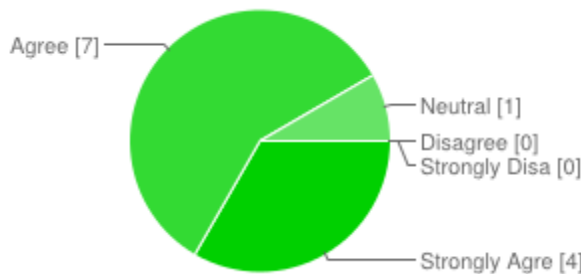
Part II The following statements pertain to how the program operates.

4. Representatives from the court, community, treatment, health, and criminal justice agencies meet regularly to provide guidance and direction to the drug court program.



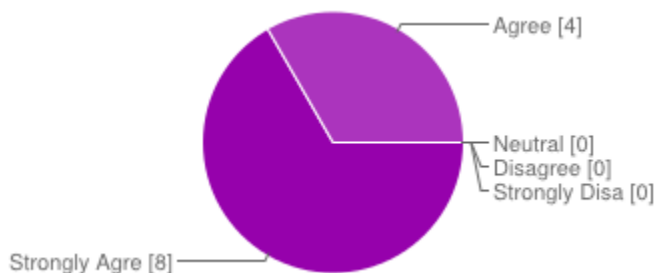
Strongly Agree	9	75%
Agree	2	17%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

5. Drug Court Policies and procedures are developed collaboratively..



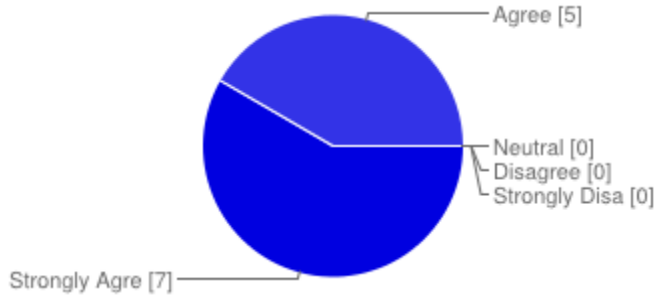
Strongly Agree	4	33%
Agree	7	58%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

6. Drug court services are sensitive to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



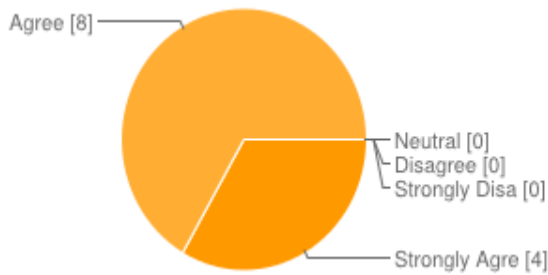
Strongly Agree	8	67%
Agree	4	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

7. Treatment services are sensitive to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



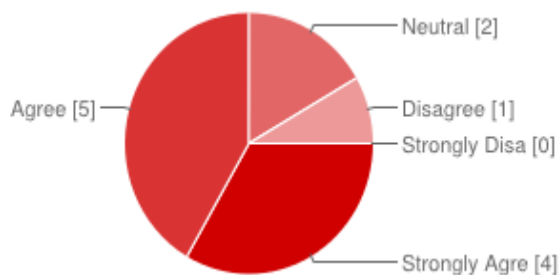
Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

8. Services are designed to address the particular issues of women and other special populations.



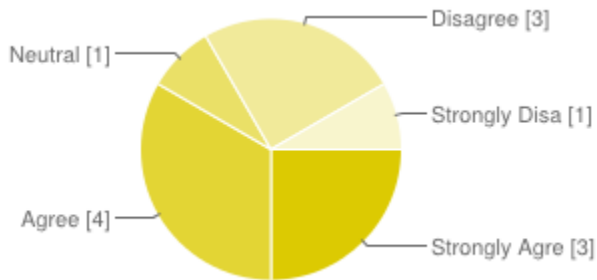
Strongly Agree	4	33%
Agree	8	67%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

9. A wide range of supportive services are available to meet participants' needs.



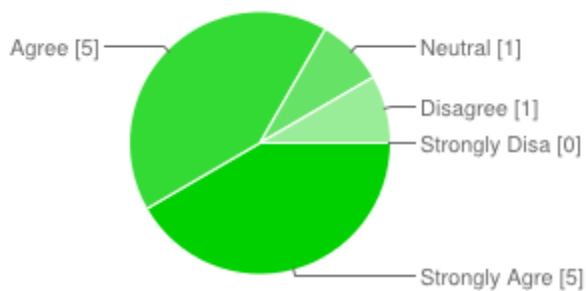
Strongly Agree	4	33%
Agree	5	42%
Neutral	2	17%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.0

10. Mental health services are provided to participants in a timely manner.



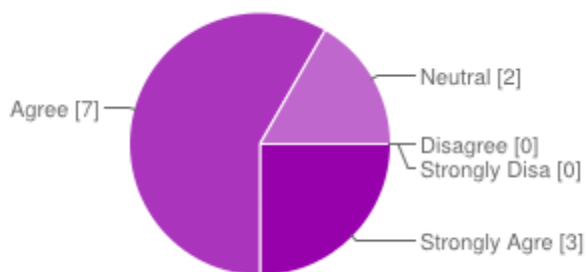
Strongly Agree	3	25%
Agree	4	33%
Neutral	1	8%
Disagree	3	25%
Strongly Disagree	1	8%
Average		2.6

11. Case management services are used to assess participant progress and needs and to coordinate referrals.



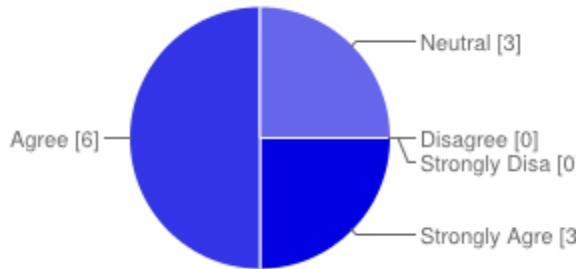
Strongly Agree	5	42%
Agree	5	42%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		1.8

12. Service accommodations are made for persons with physical disabilities.



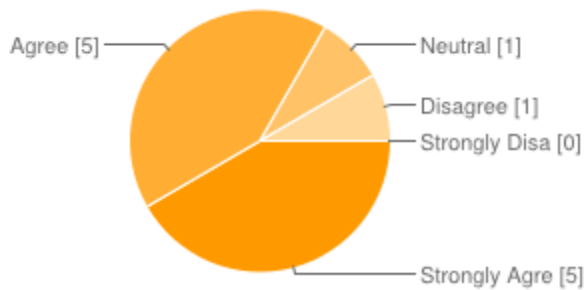
Strongly Agree	3	25%
Agree	7	58%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.9

13. Service accommodations are made for persons with limited literacy and/or not fluent in English.



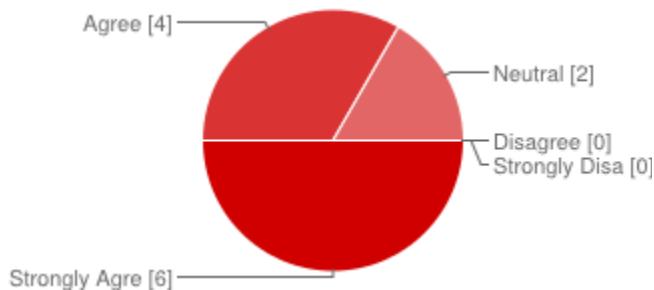
Strongly Agree	3	25%
Agree	6	50%
Neutral	3	25%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.0

14. Service accommodations are made for persons who need child care.



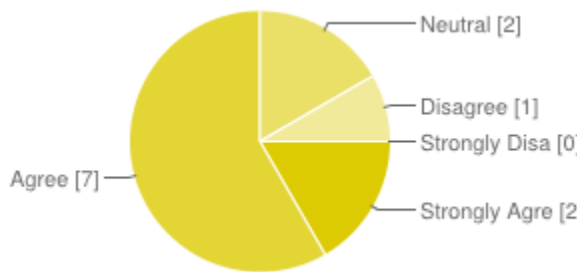
Strongly Agree	5	42%
Agree	5	42%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		1.8

15. Participants are periodically assessed to ensure proper participant/treatment matching.



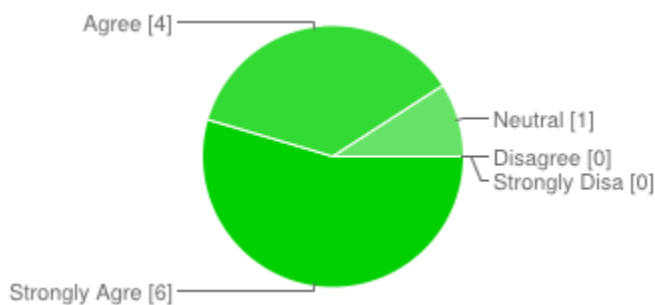
Strongly Agree	6	50%
Agree	4	33%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

16. The court requires systematic, comprehensive and formalized relapse prevention plans.



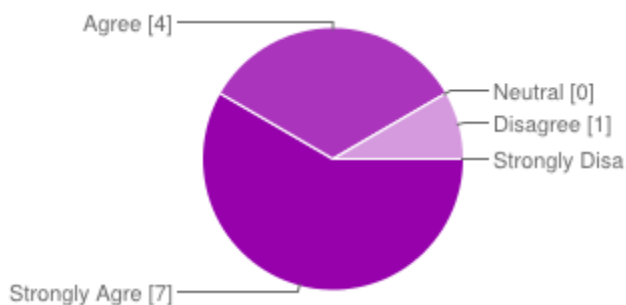
Strongly Agree	2	17%
Agree	7	58%
Neutral	2	17%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.2

17. AOD testing policies and procedures are based on established and tested guidelines (best practices)



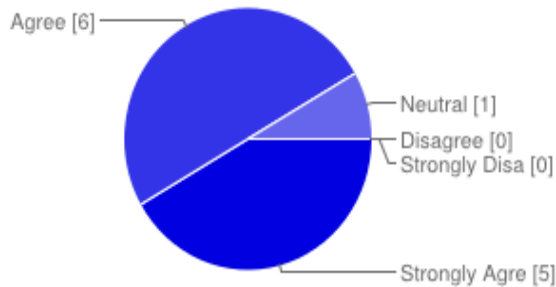
Strongly Agree	6	55%
Agree	4	36%
Neutral	1	9%
Disagree	0	0%
Strongly Disagree	0	0%
Average	11	1.5

18. The court is immediately notified when a participant has tested positive, failed to submit a test or falsified test results.



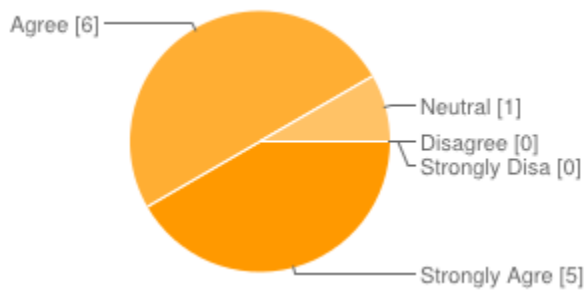
Strongly Agree	7	58%
Agree	4	33%
Neutral	0	0%
Disagree	1	8%
Strongly Disagree	0	0%
Average		1.6

19. The court applies appropriate sanctions and incentives to match participant progress.



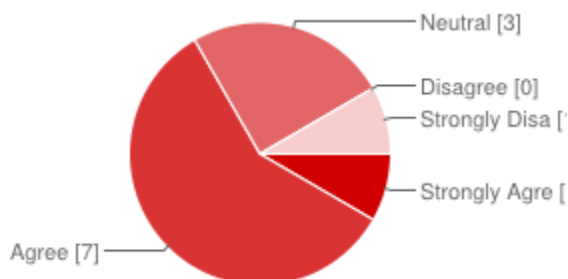
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

20. The drug court is in compliance with the Drug Court Standards.



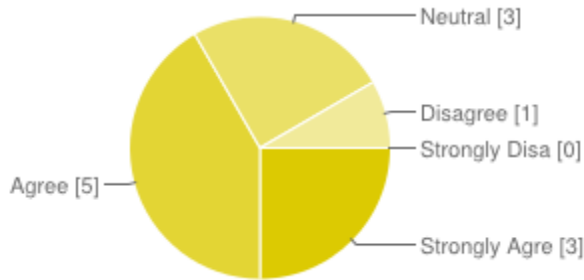
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

21. The team members are aware of the 10 key components of Drug Courts.



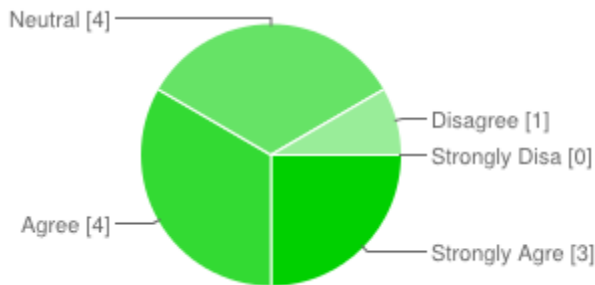
Strongly Agree	1	8%
Agree	7	58%
Neutral	3	25%
Disagree	0	0%
Strongly Disagree	1	8%
Average		2.4

22. The coordinator reviews monitoring and outcome data periodically to analyze program effectiveness and shares the analysis with the team.



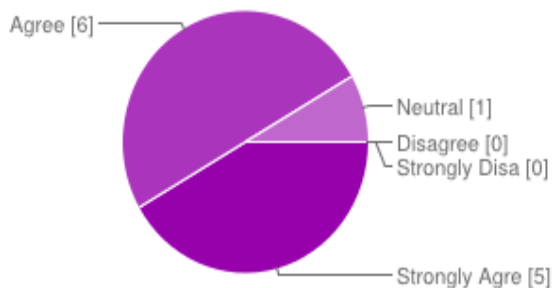
Strongly Agree	3	25%
Agree	5	42%
Neutral	3	25%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.2

23. Evaluation data and analysis is used to confirm or modify aspects of the program.



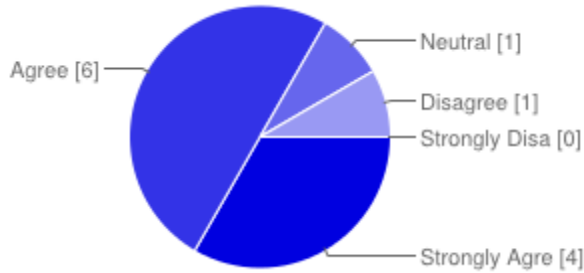
Strongly Agree	3	25%
Agree	4	33%
Neutral	4	33%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.3

24. Needs of public safety are being served through the Drug Court processes of screening, case management and procedures.



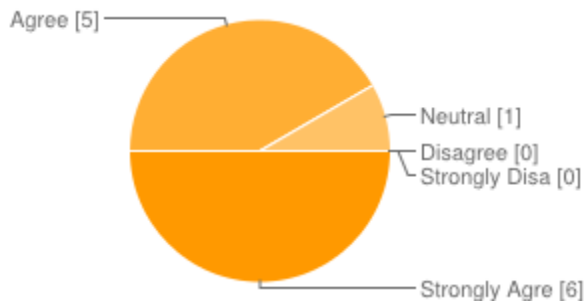
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

25. Drug Court has a good screening process.



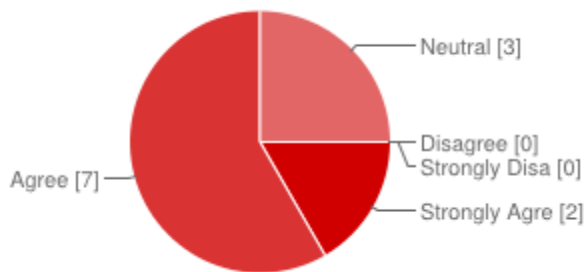
Strongly Agree	4	33%
Agree	6	50%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		1.9

26. The "Phase System" of Drug Court works well.



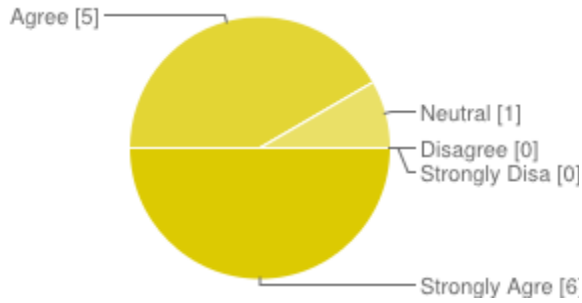
Strongly Agree	6	50%
Agree	5	42%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

27. Appropriate participants are being admitted to Drug Court.



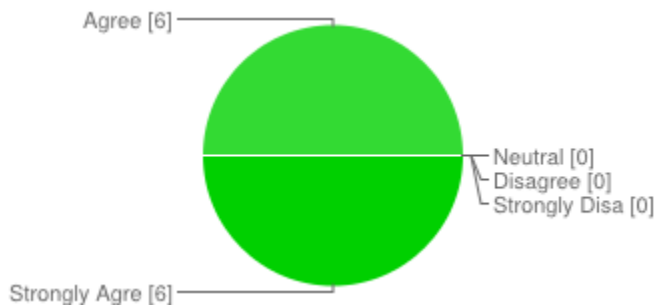
Strongly Agree	2	17%
Agree	7	58%
Neutral	3	25%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.1

28. The procedures of the Drug Court sessions work well.



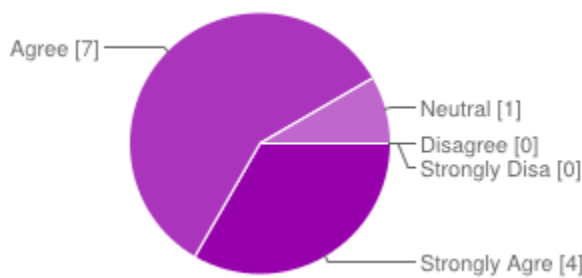
Strongly Agree	6	50%
Agree	5	42%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

29. Drug Court is having a positive impact on its participants.



Strongly Agree	6	50%
Agree	6	50%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.5

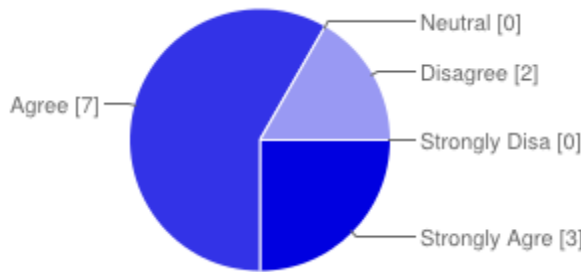
30. Procedures are used to protect confidentiality and prevent unauthorized disclosure of personal information.



Strongly Agree	4	33%
Agree	7	58%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

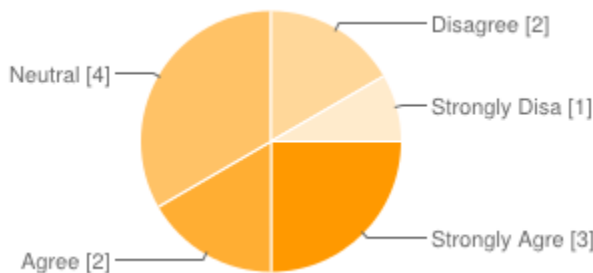
Part III The following statements pertain to mental health treatment services

31. The Drug Court supports mental health treatment for participants in a timely manner.



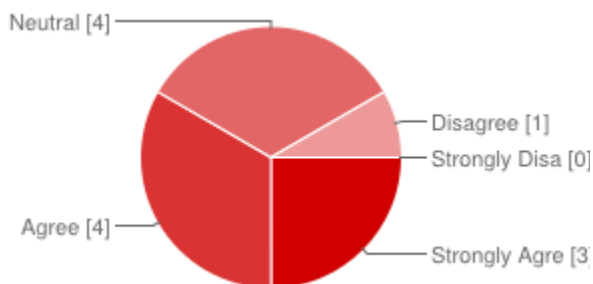
Strongly Agree	3	25%
Agree	7	58%
Neutral	0	0%
Disagree	2	17%
Strongly Disagree	0	0%
Average		2.1

32. The mental health treatment providers work well with the Drug Court team (e.g. sharing information, coordinating services.)



Strongly Agree	3	25%
Agree	2	17%
Neutral	4	33%
Disagree	2	17%
Strongly Disagree	1	8%
Average		2.7

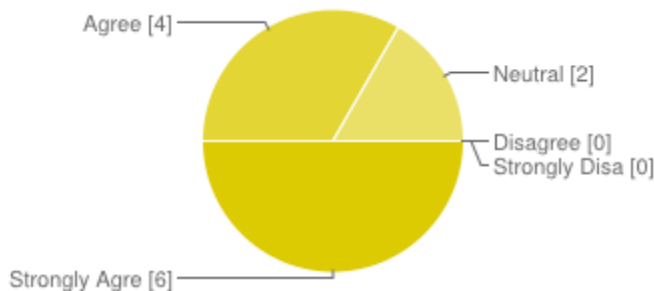
33. The mental health treatment providers have a good report with program participants.



Strongly Agree	3	25%
Agree	4	33%
Neutral	4	33%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.2

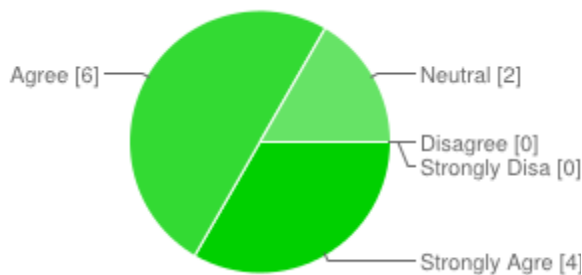
Part IV The following statements pertain to the supervising agent.

34. The supervising agent understands the participants' needs.



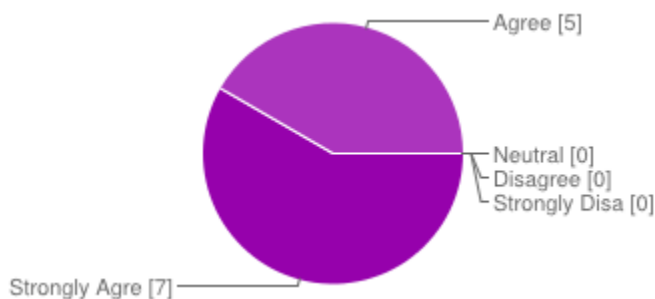
Strongly Agree	6	50%
Agree	4	33%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

35. The supervising agent gives participants appropriate service referrals.



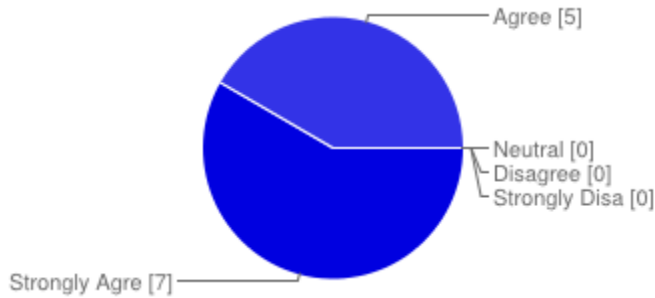
Strongly Agree	4	33%
Agree	6	50%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

36. The supervising agent works well with the team (e.g. sharing information, coordinating services).



Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

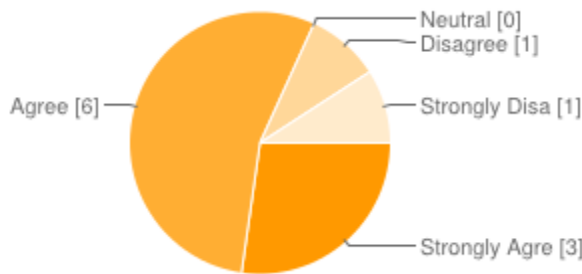
37. The supervising agent has a good report with program participants.



Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

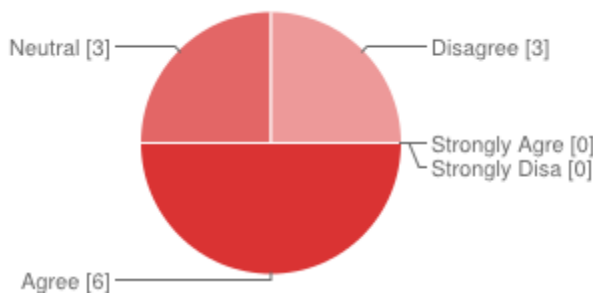
Part V: The following statements pertain to the prosecutor

38. The prosecuting attorney is a full partner in the drug court process.



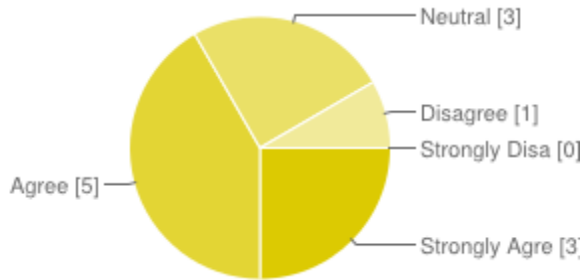
Strongly Agree	3	27%
Agree	6	55%
Neutral	0	0%
Disagree	1	9%
Strongly Disagree	1	9%
Average	11	2.2

39. The prosecuting attorney has a good rapport with the program participants.



Strongly Agree	0	0%
Agree	6	50%
Neutral	3	25%
Disagree	3	25%
Strongly Disagree	0	0%
Average		2.8

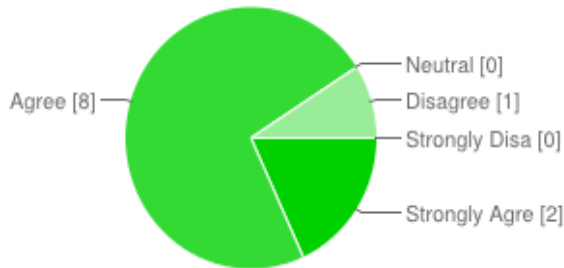
40. The prosecuting attorney works well with the team (e.g., sharing information, contributing perspectives).



Strongly Agree	3	25%
Agree	5	42%
Neutral	3	25%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.2

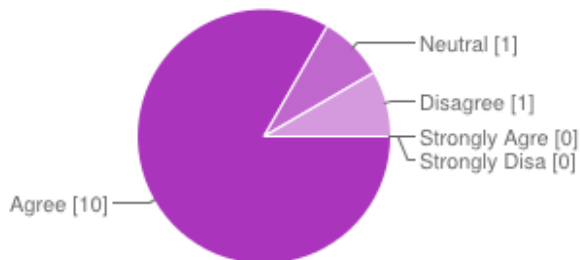
Part VI: The following statements pertain to the defense attorney

41. The defense attorney is a full partner in the drug court process.



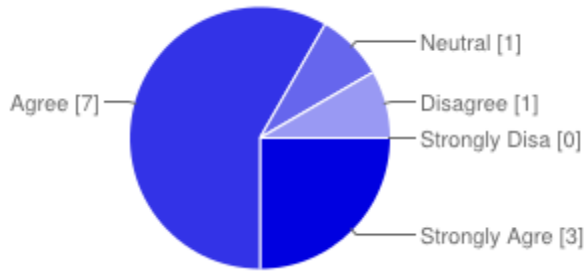
Strongly Agree	2	18%
Agree	8	73%
Neutral	0	0%
Disagree	1	9%
Strongly Disagree	0	0%
Average		2.0

42. The defense attorney has a good rapport with the program participants.



Strongly Agree	0	0%
Agree	10	83%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.2

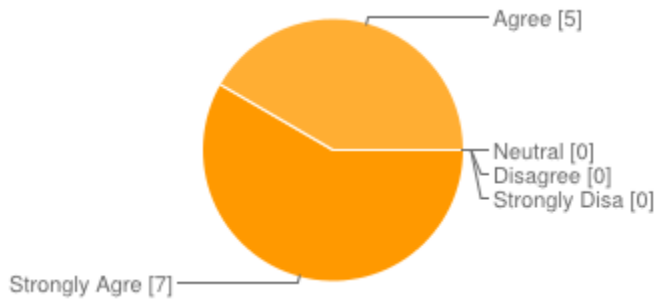
43. The defense attorney works well with the team (e.g., sharing information, contributing perspectives).



Strongly Agree	3	25%
Agree	7	58%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.0

Part VII: The following statements pertain to treatment services.

44. Treatment agencies give the court accurate and timely information about a participants' progress.



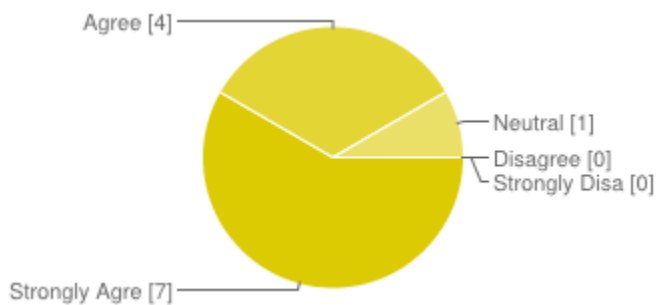
Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

45. Treatment providers deliver quality services to participants.



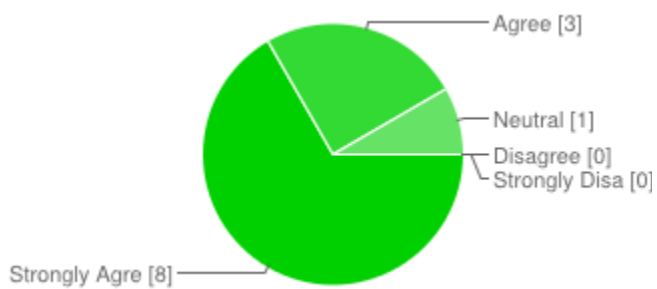
Strongly Agree	9	75%
Agree	2	17%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

46. Funding for treatment is adequate and stable.



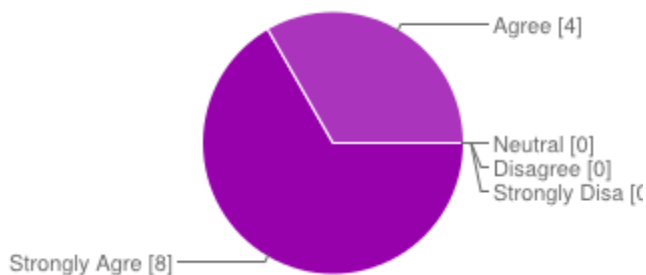
Strongly Agree	7	58%
Agree	4	33%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.5

47. A wide range of treatment services are available to meet participants' needs.



Strongly Agree	8	67%
Agree	3	25%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

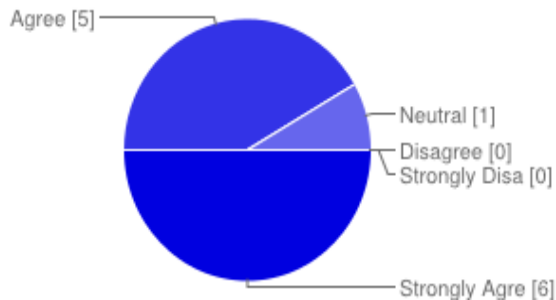
48. Appropriate treatment services are available for all participants.



Strongly Agree	8	67%
Agree	4	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

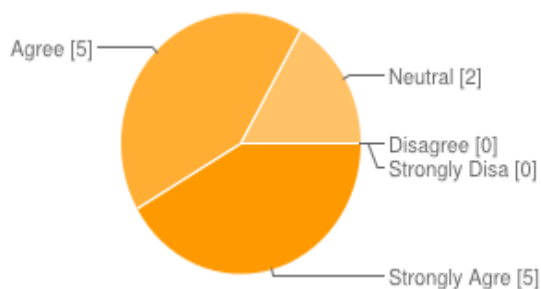
Part VIII: The following statements pertain to how the team functions as a group.

49. There is frequent communication across drug court team members.



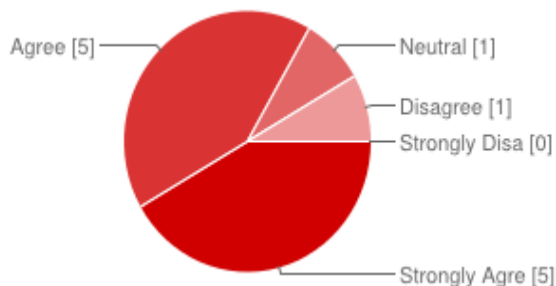
Strongly Agree	6	50%
Agree	5	42%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

50. Members of this team trust each other.



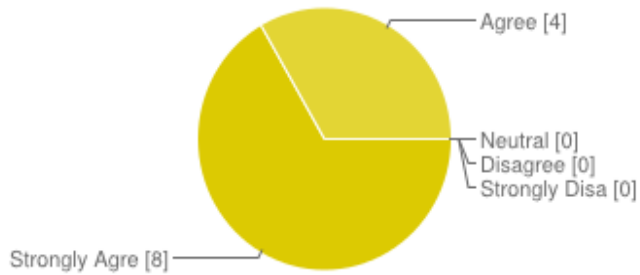
Strongly Agree	5	42%
Agree	5	42%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

51. Conflicts among drug court team members are addressed and resolved.



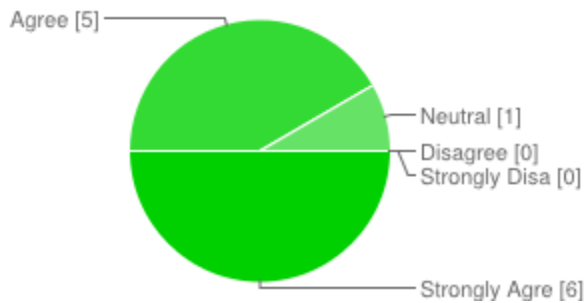
Strongly Agree	5	42%
Agree	5	42%
Neutral	1	8%
Disagree	1	8%
Strongly Disagree	0	0%
Average		1.8

52. Everyone on the team has an equal voice in making decisions in this drug court.



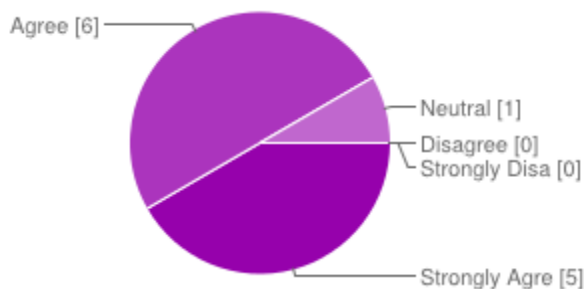
Strongly Agree	8	67%
Agree	4	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

53. Appropriate information about every client is presented as the staffings.



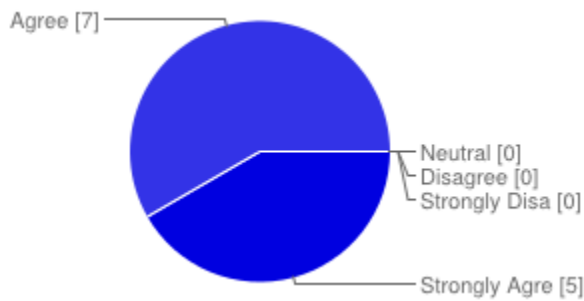
Strongly Agree	6	50%
Agree	5	42%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

54. Everyone participates at staffings.



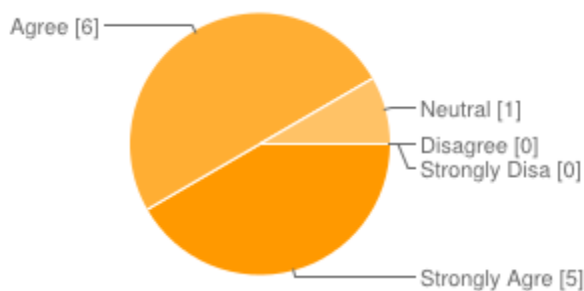
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

55. Time is used wisely at the staffings.



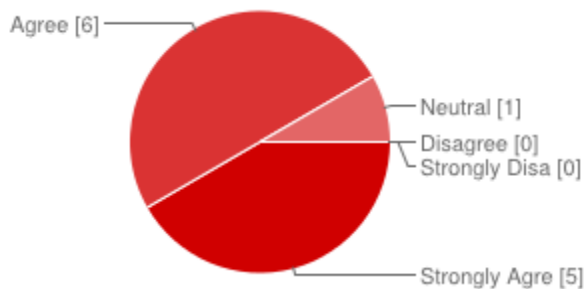
Strongly Agree	5	42%
Agree	7	58%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

56. Conflicts during the staffings are handled well.



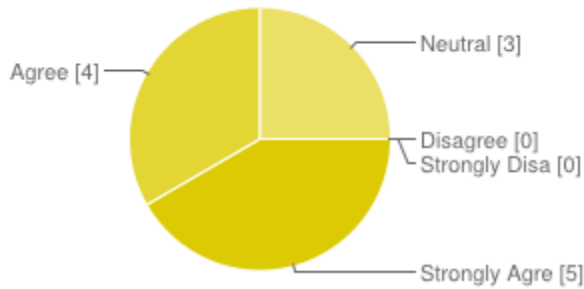
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

57. Appropriate case management plans are agreed upon at staffings.



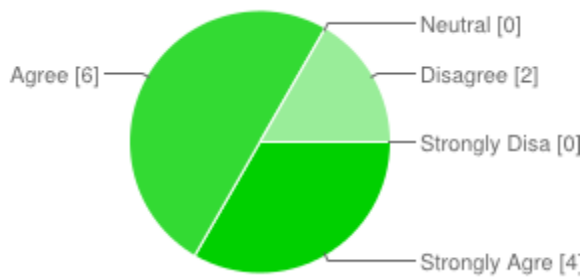
Strongly Agree	5	42%
Agree	6	50%
Neutral	1	8%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.7

58. I see myself being a member of the Drug Court team one year from now.



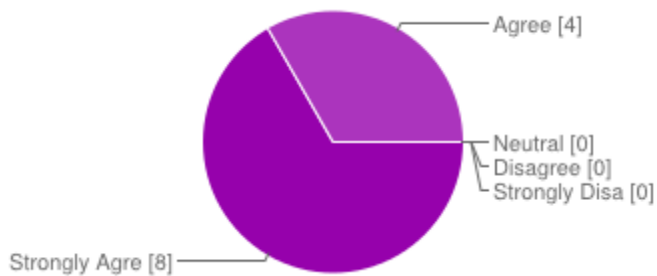
Strongly Agree	5	42%
Agree	4	33%
Neutral	3	25%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

59. Everyone on the Drug Court team is doing their job.



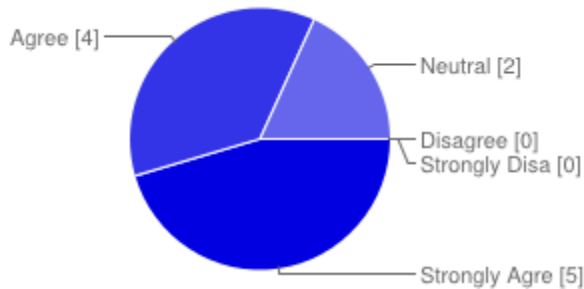
Strongly Agree	4	33%
Agree	6	50%
Neutral	0	0%
Disagree	2	17%
Strongly Disagree	0	0%
Average		2.0

60. I am proud that I work as a member of this drug court.



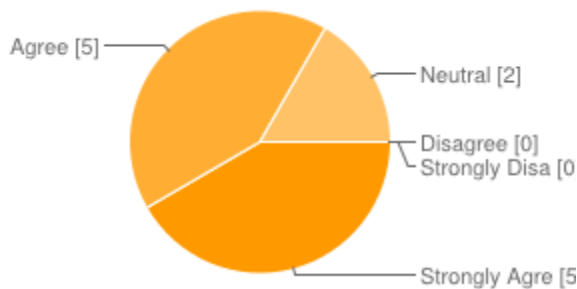
Strongly Agree	8	67%
Agree	4	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

61. This team has good morale.



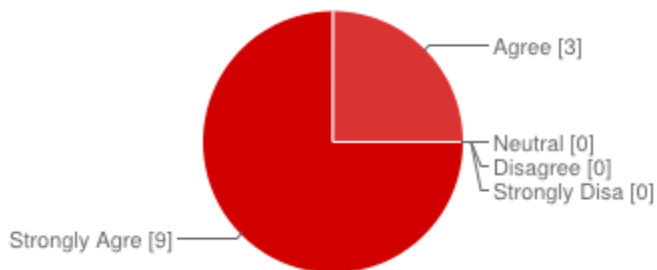
Strongly Agree	5	45%
Agree	4	36%
Neutral	2	18%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

62. My participation in the Drug Court is essential.



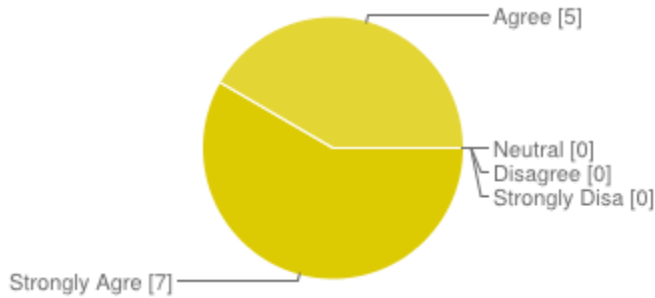
Strongly Agree	5	42%
Agree	5	42%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

63. My supervisor supports the continuance of Drug Court.



Strongly Agree	9	75%
Agree	3	25%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.2

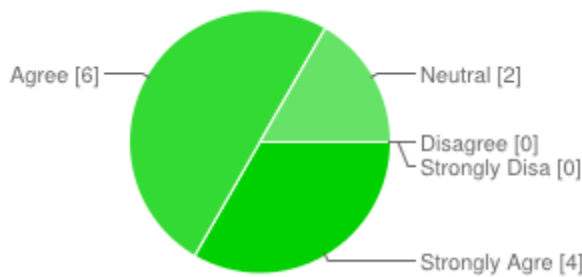
64. This team presents a united front before participants.



Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

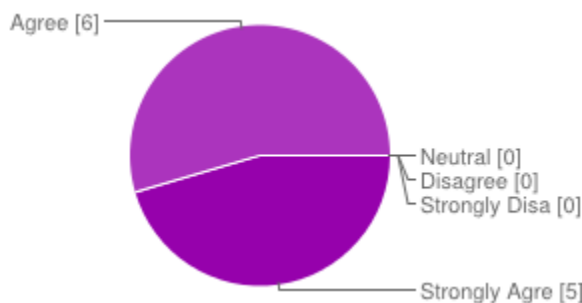
Part IX: The following statements pertain to the law enforcement officer

65. The law enforcement officer understands the participants' needs.



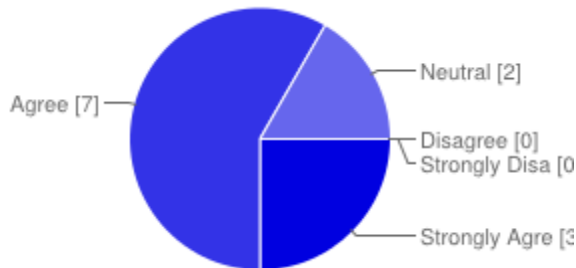
Strongly Agree	4	33%
Agree	6	50%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

66. The law enforcement officer works well with the team (e.g. sharing information, coordinating services).



Strongly Agree	5	45%
Agree	6	55%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.5

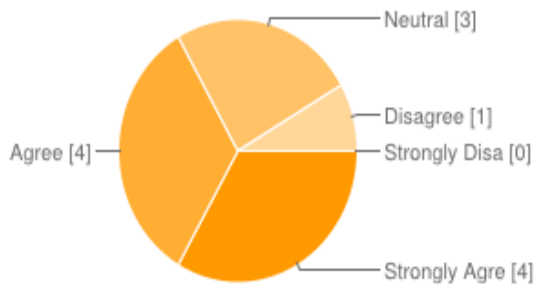
67. The law enforcement officer has a good report with program participants.



Strongly Agree	3	25%
Agree	7	58%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.9

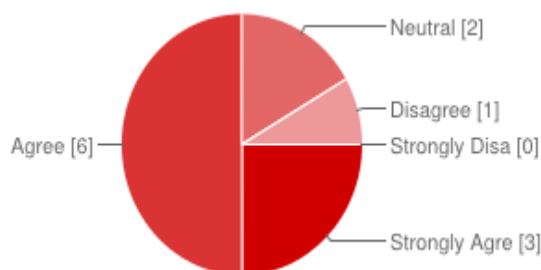
Part X: The following statements pertain to training.

68. I have received training relevant to drug court within the past year.



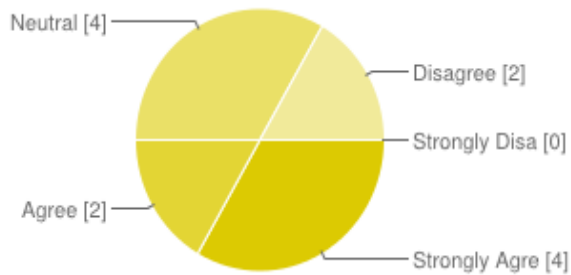
Strongly Agree	4	33%
Agree	4	33%
Neutral	3	25%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.1

69. The training I received was beneficial.



Strongly Agree	3	25%
Agree	6	50%
Neutral	2	17%
Disagree	1	8%
Strongly Disagree	0	0%
Average		2.1

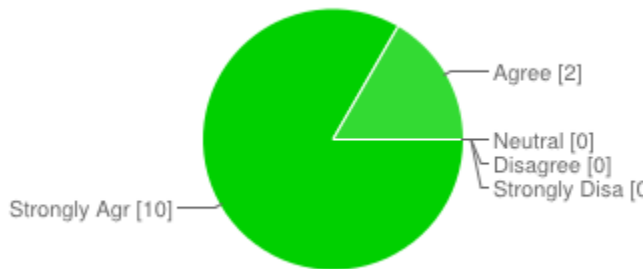
70. The training information I received has been incorporated into Drug Court policy manual or operating procedures.



Strongly Agree	4	33%
Agree	2	17%
Neutral	4	33%
Disagree	2	17%
Strongly Disagree	0	0%
Average		2.3

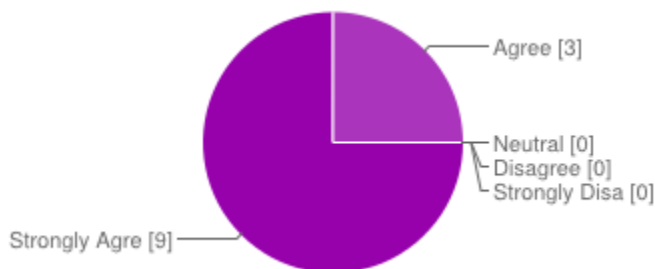
Part XI: The following statements pertain to the judge(s)

71. The judge is knowledgeable about participant's progress in the program.



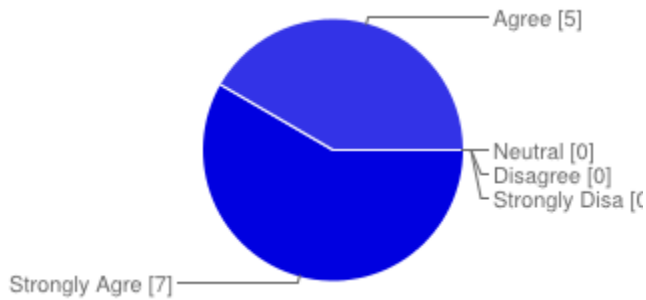
Strongly Agree	10	83%
Agree	2	17%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.2

72. Participants' relationships with the judge promote motivation and accountability.



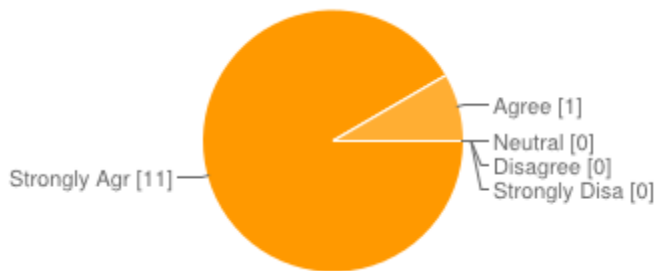
Strongly Agree	9	75%
Agree	3	25%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.2

73. The Judge exhibits a “positive judicial demeanor.” (e.g., respectful, fair, attentive, enthusiastic, consistent/predictable, caring, and knowledgeable).



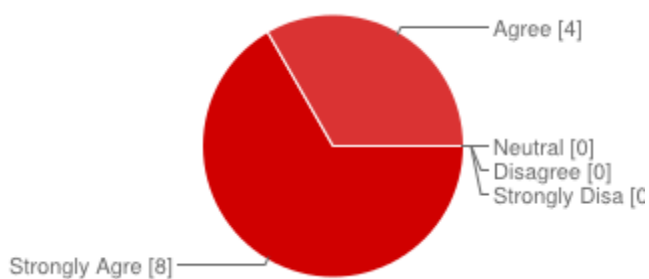
Strongly Agree	7	58%
Agree	5	42%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.4

74. The Judges spends an average of 3 or more minutes per participant in each court hearing.



Strongly Agree	11	92%
Agree	1	8%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.1

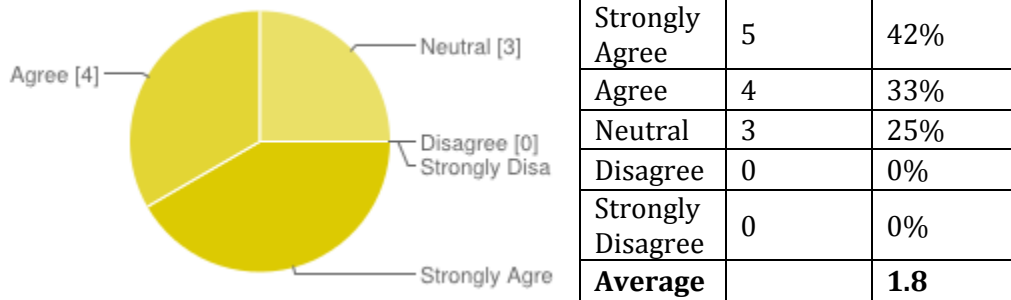
75. The judge seems genuinely interested in the participants.



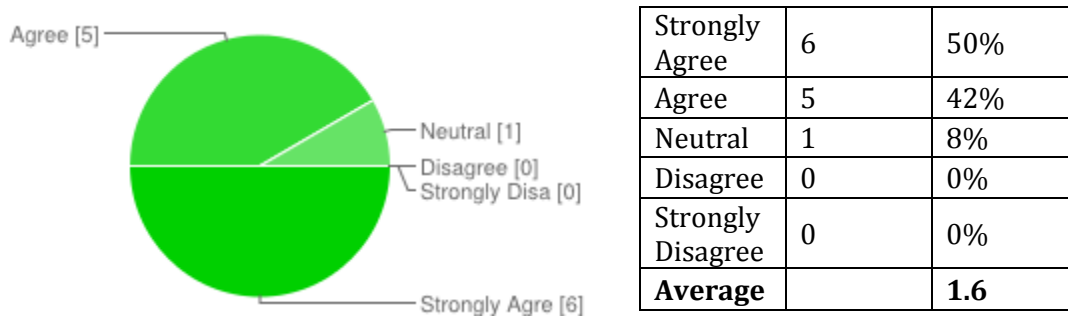
Strongly Agree	8	67%
Agree	4	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.3

Part XII: The following statements pertain to the coordinator.

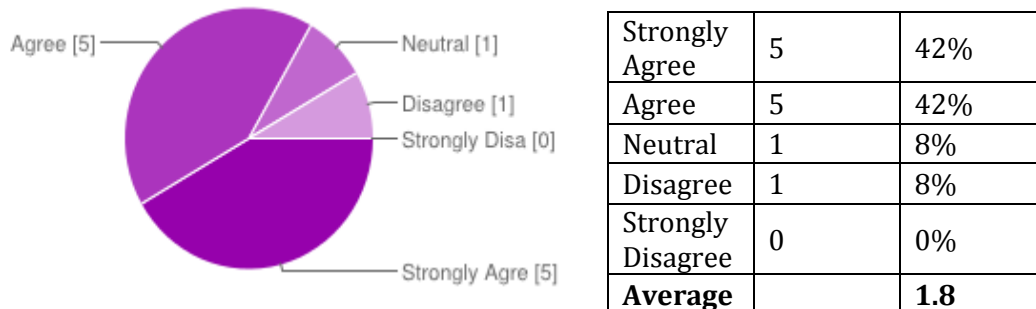
76. The coordinator assures effective communication between team members.



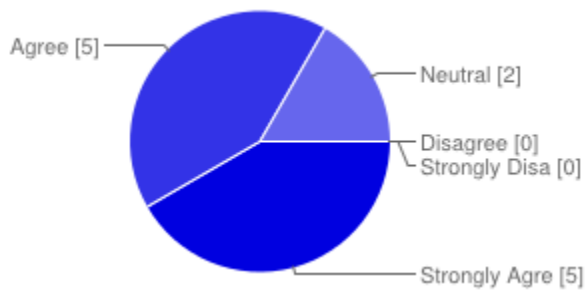
77. The coordinator works well with the team (e.g., sharing information, coordinating services.)



78. The coordinator has good rapport with the program participants.

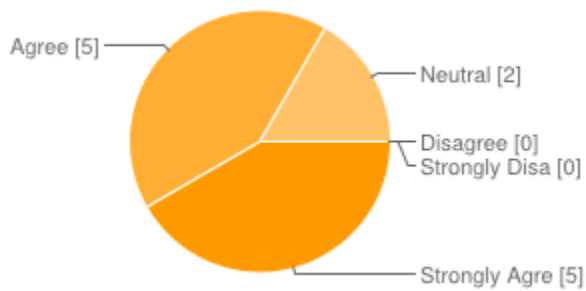


79. The coordinator has good rapport with the members of the team.



Strongly Agree	5	42%
Agree	5	42%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

80. The coordinator is an effective manager of the program.



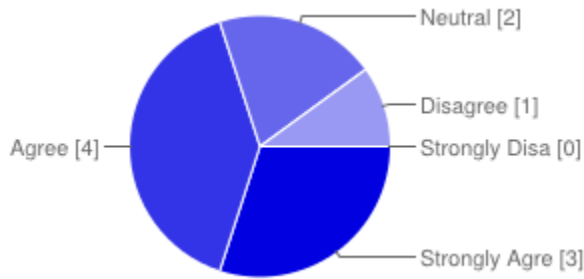
Strongly Agree	5	42%
Agree	5	42%
Neutral	2	17%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

TEAM SURVEY RESULTS: MARSHALL TEAM

Please indicate your level of agreement or disagreement with the following statements using a five point scale with: 1= Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree

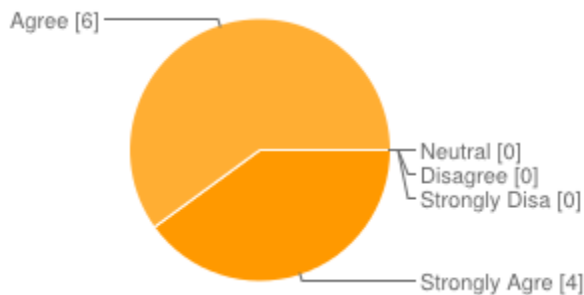
Part I The following statements pertain to participants' rights and knowledge of the program.

1. Participants' due process rights are protected in the Drug Court Process.



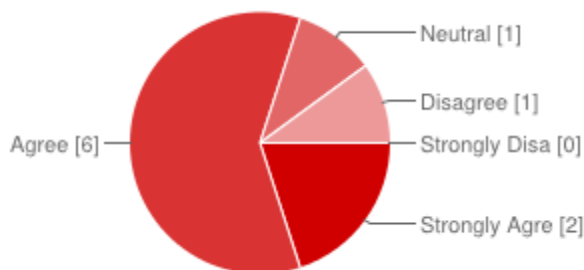
Strongly Agree	3	30%
Agree	4	40%
Neutral	2	20%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.1

2. Eligible participants are promptly advised about program requirements and relative merits of participating.



Strongly Agree	4	40%
Agree	6	60%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

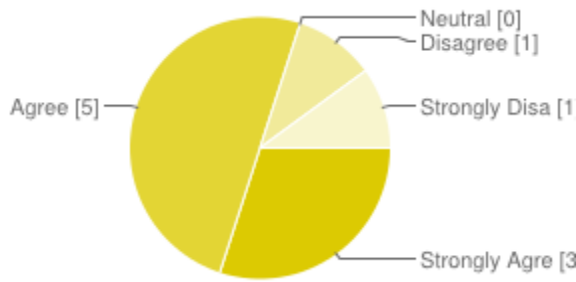
3. Consequences for program compliance/non-compliance are clearly explained to participants.



Strongly Agree	2	20%
Agree	6	60%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.1

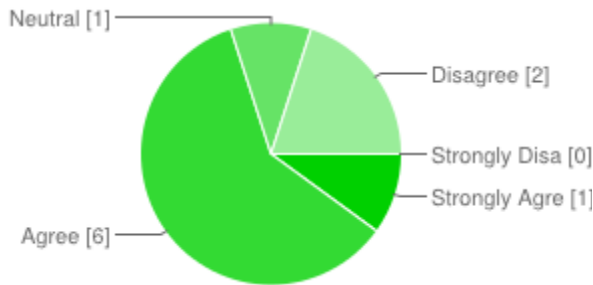
Part II The following statements pertain to how the program operates.

4. Representatives from the court, community, treatment, health, and criminal justice agencies meet regularly to provide guidance and direction to the drug court program.



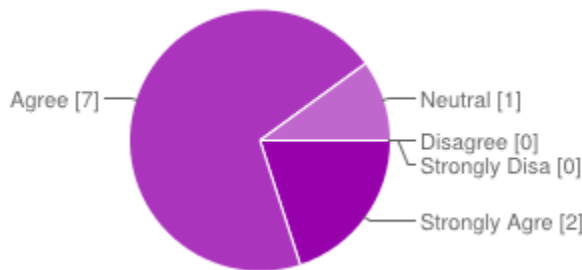
Strongly Agree	3	30%
Agree	5	50%
Neutral	0	0%
Disagree	1	10%
Strongly Disagree	1	10%
Average		2.2

5. Drug Court Policies and procedures are developed collaboratively..



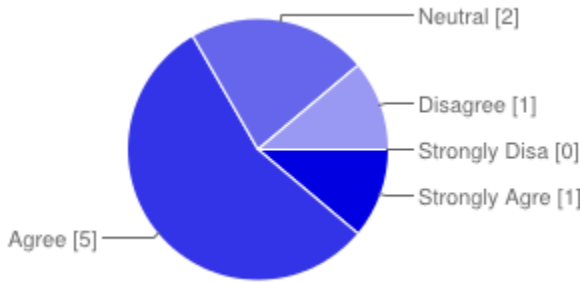
Strongly Agree	1	10%
Agree	6	60%
Neutral	1	10%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.4

6. Drug court services are sensitive to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



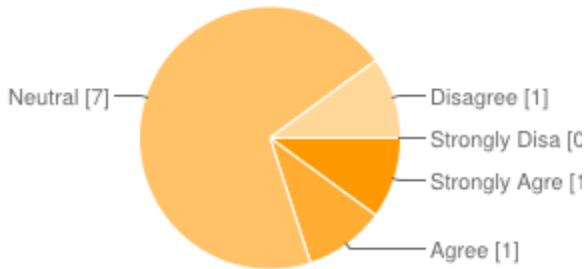
Strongly Agree	2	20%
Agree	7	70%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.9

7. Treatment services are sensitive to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



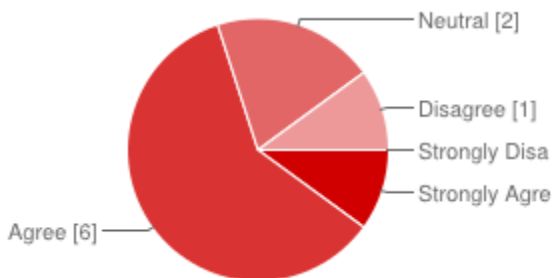
Strongly Agree	1	11%
Agree	5	56%
Neutral	2	22%
Disagree	1	11%
Strongly Disagree	0	0%
Average		2.3

8. Services are designed to address the particular issues of women and other special populations.



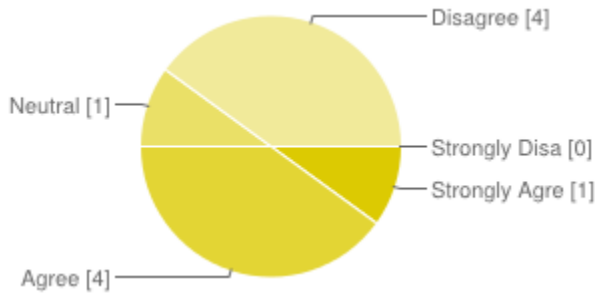
Strongly Agree	1	10%
Agree	1	10%
Neutral	7	70%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.8

9. A wide range of supportive services are available to meet participants' needs.



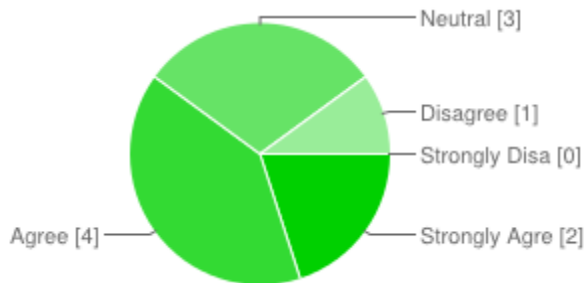
Strongly Agree	1	10%
Agree	6	60%
Neutral	2	20%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.3

10. Mental health services are provided to participants in a timely manner.



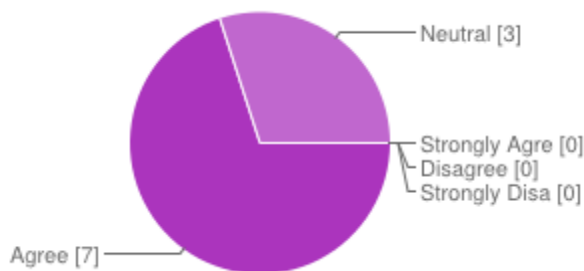
Strongly Agree	1	10%
Agree	4	40%
Neutral	1	10%
Disagree	4	40%
Strongly Disagree	0	0%
Average		2.8

11. Case management services are used to assess participant progress and needs and to coordinate referrals.



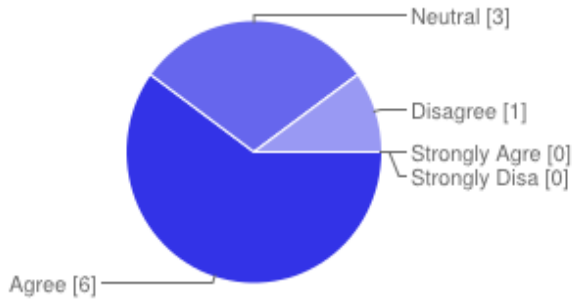
Strongly Agree	2	20%
Agree	4	40%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.3

12. Service accommodations are made for persons with physical disabilities.



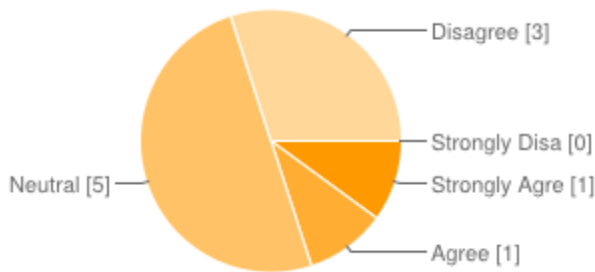
Strongly Agree	0	0%
Agree	7	70%
Neutral	3	30%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.3

13. Service accommodations are made for persons with limited literacy and/or not fluent in English.



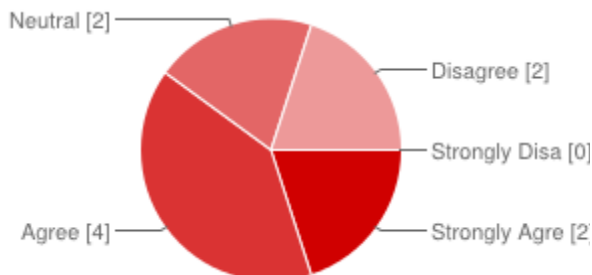
Strongly Agree	0	0%
Agree	6	60%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.5

14. Service accommodations are made for persons who need child care.



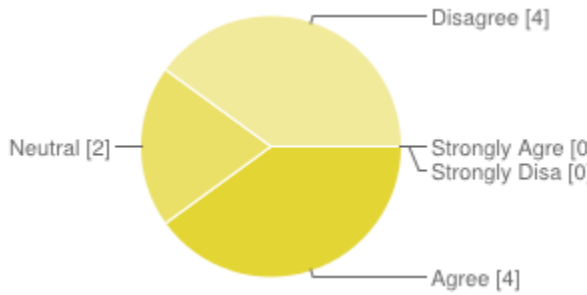
Strongly Agree	1	10%
Agree	1	10%
Neutral	5	50%
Disagree	3	30%
Strongly Disagree	0	0%
Average		3.0

15. Participants are periodically assessed to ensure proper participant/treatment matching.



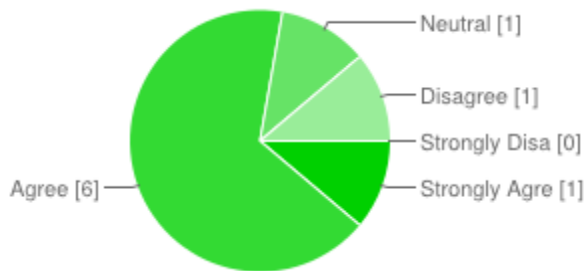
Strongly Agree	2	20%
Agree	4	40%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.4

16. The court requires systematic, comprehensive and formalized relapse prevention plans.



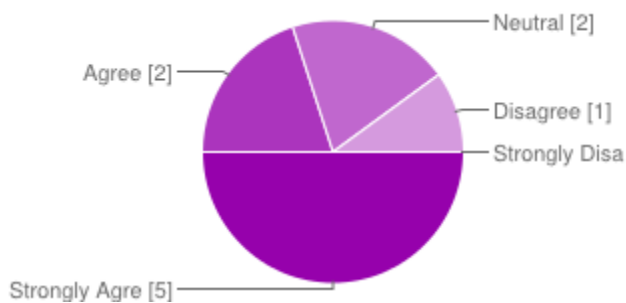
Strongly Agree	0	0%
Agree	4	40%
Neutral	2	20%
Disagree	4	40%
Strongly Disagree	0	0%
Average		3.0

17. AOD testing policies and procedures are based on established and tested guidelines (best practices)



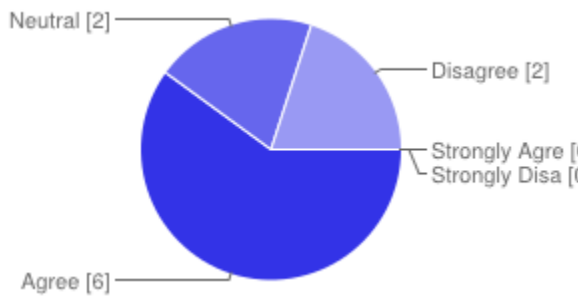
Strongly Agree	1	11%
Agree	6	67%
Neutral	1	11%
Disagree	1	11%
Strongly Disagree	0	0%
Average		2.0

18. The court is immediately notified when a participant has tested positive, failed to submit a test or falsified test results.



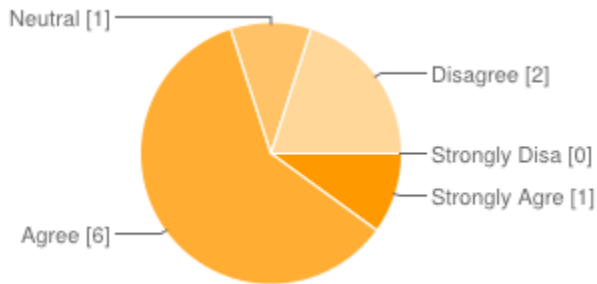
Strongly Agree	5	50%
Agree	2	20%
Neutral	2	20%
Disagree	1	10%
Strongly Disagree	0	0%
Average		1.9

19. The court applies appropriate sanctions and incentives to match participant progress.



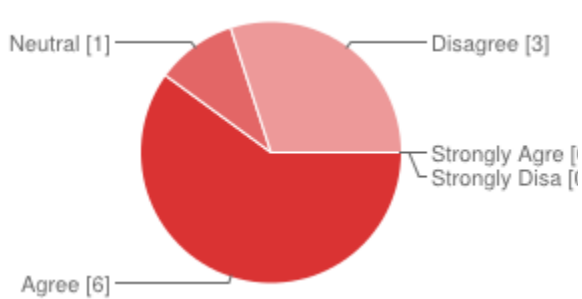
Strongly Agree	0	0%
Agree	6	60%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.6

20. The drug court is in compliance with the Drug Court Standards.



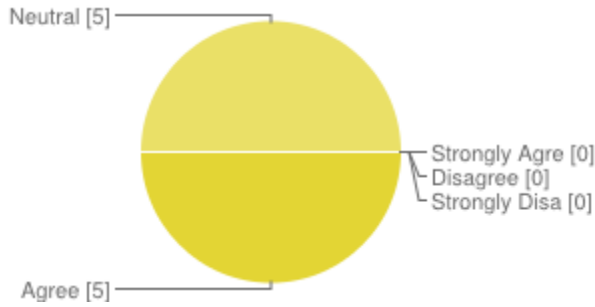
Strongly Agree	1	10%
Agree	6	60%
Neutral	1	10%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.4

21. The team members are aware of the 10 key components of Drug Courts.



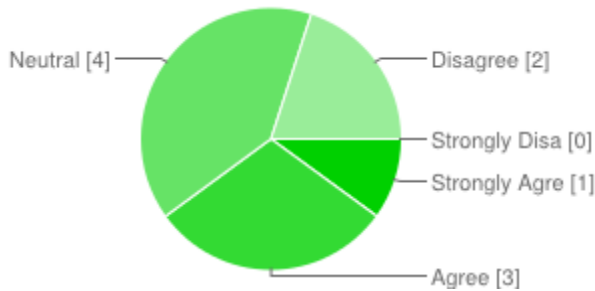
Strongly Agree	0	0%
Agree	6	60%
Neutral	1	10%
Disagree	3	30%
Strongly Disagree	0	0%
Average		2.7

22. The coordinator reviews monitoring and outcome data periodically to analyze program effectiveness and shares the analysis with the team.



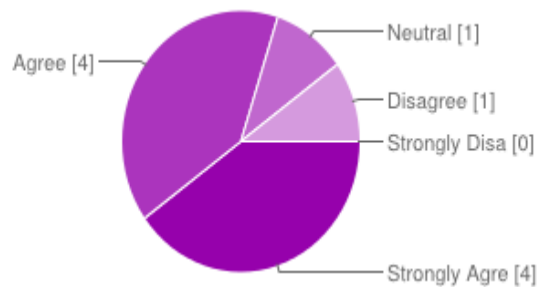
Strongly Agree	0	0%
Agree	5	50%
Neutral	5	50%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.5

23. Evaluation data and analysis is used to confirm or modify aspects of the program.



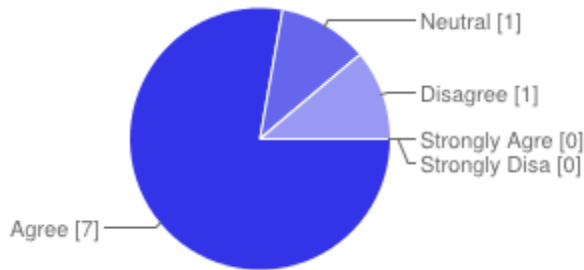
Strongly Agree	1	10%
Agree	3	30%
Neutral	4	40%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.7

24. Needs of public safety are being served through the Drug Court processes of screening, case management and procedures.



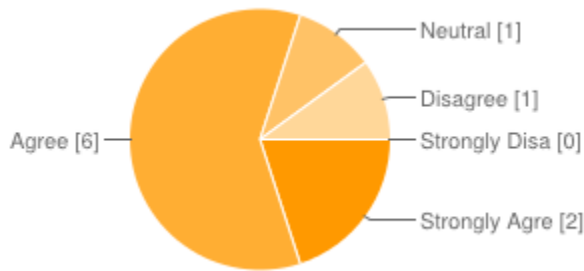
Strongly Agree	4	40%
Agree	4	40%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		1.9

25. Drug Court has a good screening process.



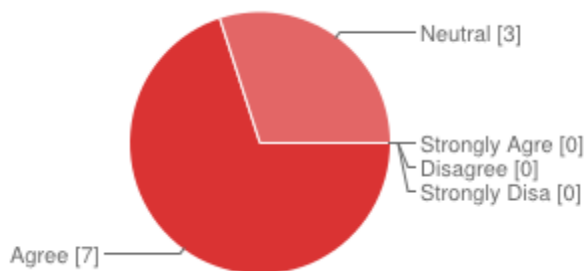
Strongly Agree	0	0%
Agree	7	78%
Neutral	1	11%
Disagree	1	11%
Strongly Disagree	0	0%
Average		2.3

26. The "Phase System" of Drug Court works well.



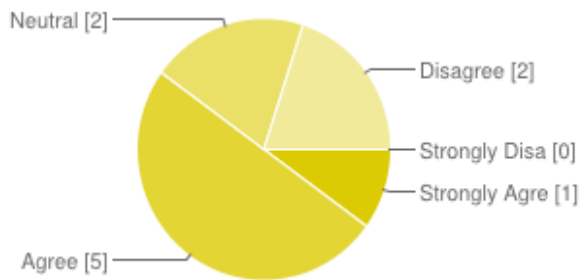
Strongly Agree	2	20%
Agree	6	60%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.1

27. Appropriate participants are being admitted to Drug Court.



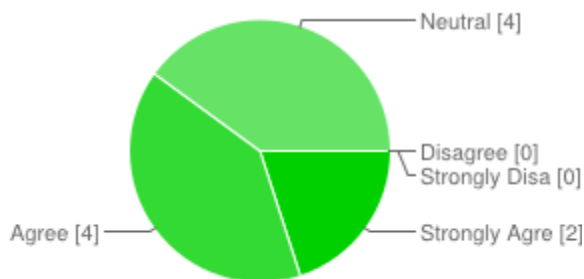
Strongly Agree	0	0%
Agree	7	70%
Neutral	3	30%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.3

28. The procedures of the Drug Court sessions work well.



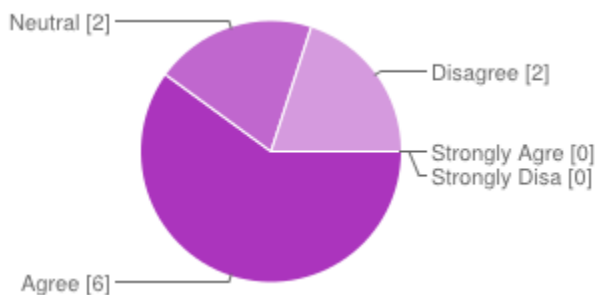
Strongly Agree	1	10%
Agree	5	50%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.5

29. Drug Court is having a positive impact on its participants.



Strongly Agree	1	10%
Agree	5	50%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.5

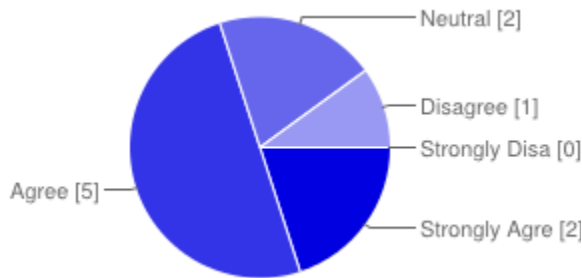
30. Procedures are used to protect confidentiality and prevent unauthorized disclosure of personal information.



Strongly Agree	0	0%
Agree	6	60%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.6

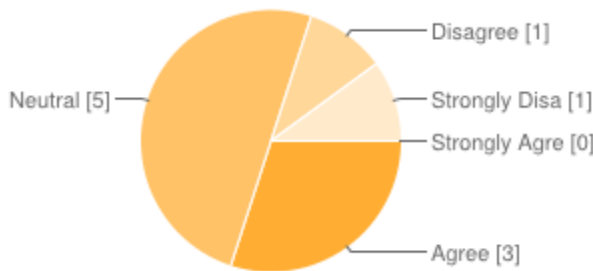
Part III The following statements pertain to mental health treatment services

31. The Drug Court supports mental health treatment for participants in a timely manner.



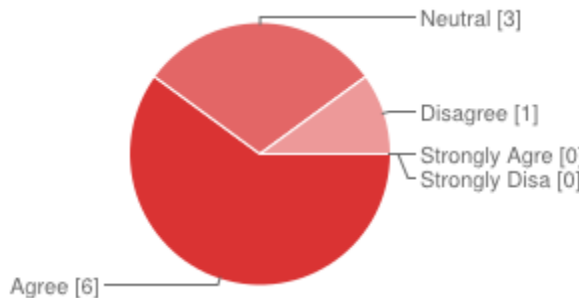
Strongly Agree	2	20%
Agree	5	50%
Neutral	2	20%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.2

32. The mental health treatment providers work well with the Drug Court team (e.g. sharing information, coordinating services.)



Strongly Agree	0	0%
Agree	3	30%
Neutral	5	50%
Disagree	1	10%
Strongly Disagree	1	10%
Average		3.0

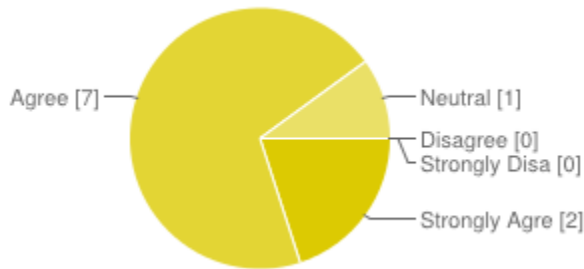
33. The mental health treatment providers have a good report with program participants.



Strongly Agree	0	0%
Agree	6	60%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.5

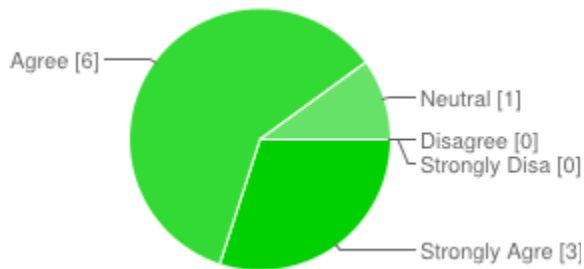
Part IV The following statements pertain to the supervising agent.

34. The supervising agent understands the participants' needs.



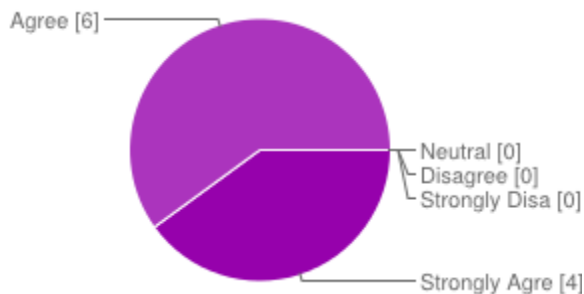
Strongly Agree	2	20%
Agree	7	70%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.9

35. The supervising agent gives participants appropriate service referrals.



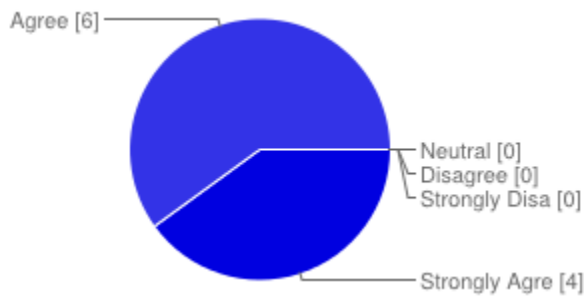
Strongly Agree	3	30%
Agree	6	60%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

36. The supervising agent works well with the team (e.g. sharing information, coordinating services).



Strongly Agree	4	40%
Agree	6	60%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

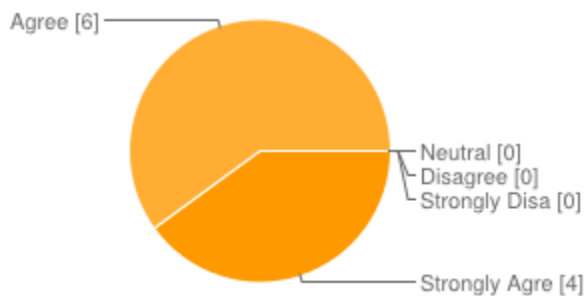
37. The supervising agent has a good report with program participants.



Strongly Agree	4	40%
Agree	6	60%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

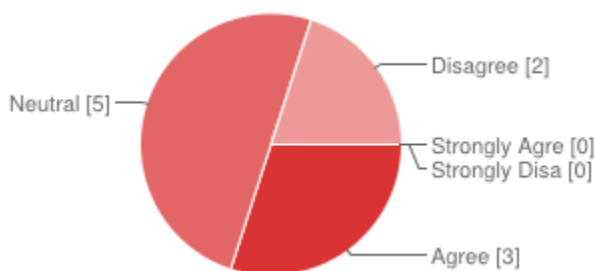
Part V: The following statements pertain to the prosecutor

38. The prosecuting attorney is a full partner in the drug court process.



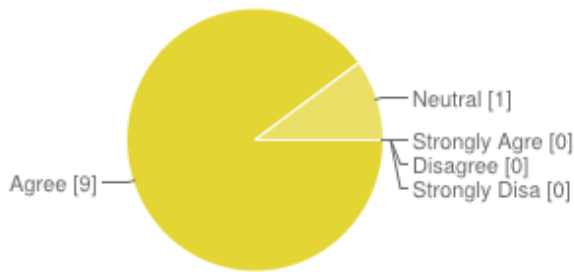
Strongly Agree	4	40%
Agree	6	60%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.6

39. The prosecuting attorney has a good rapport with the program participants.



Strongly Agree	0	0%
Agree	3	30%
Neutral	5	50%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.9

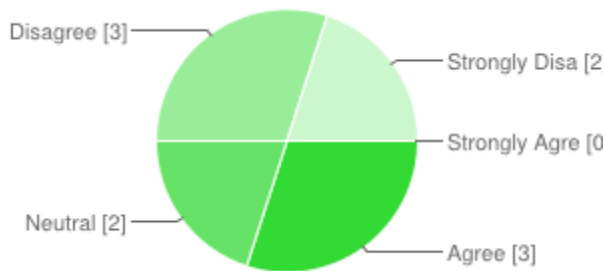
40. The prosecuting attorney works well with the team (e.g., sharing information, contributing perspectives).



Strongly Agree	0	0%
Agree	9	90%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.2

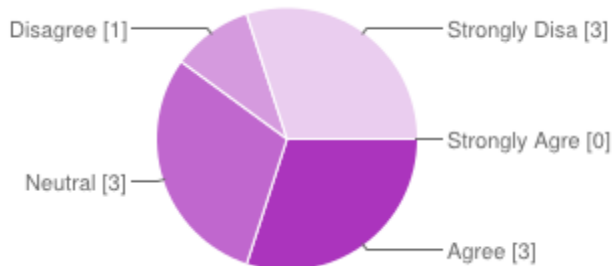
Part VI: The following statements pertain to the defense attorney

41. The defense attorney is a full partner in the drug court process.



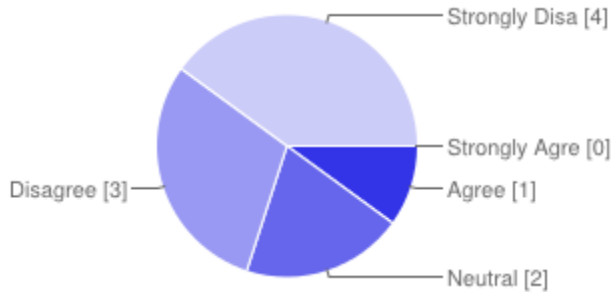
Strongly Agree	0	0%
Agree	3	30%
Neutral	2	20%
Disagree	3	30%
Strongly Disagree	2	20%
Average		3.4

42. The defense attorney has a good rapport with the program participants.



Strongly Agree	0	0%
Agree	3	30%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	3	30%
Average		3.4

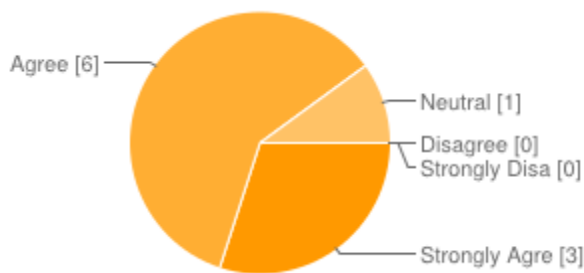
43. The defense attorney works well with the team (e.g., sharing information, contributing perspectives).



Strongly Agree	0	0%
Agree	1	10%
Neutral	2	20%
Disagree	3	30%
Strongly Disagree	4	40%
Average		4.0

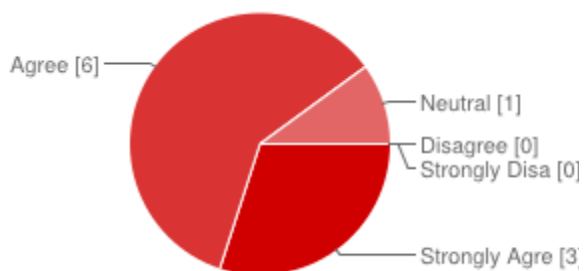
Part VII: The following statements pertain to treatment services.

44. Treatment agencies give the court accurate and timely information about a participants' progress.



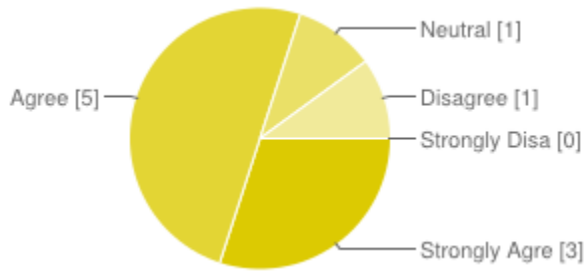
Strongly Agree	3	30%
Agree	6	60%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

45. Treatment providers deliver quality services to participants.



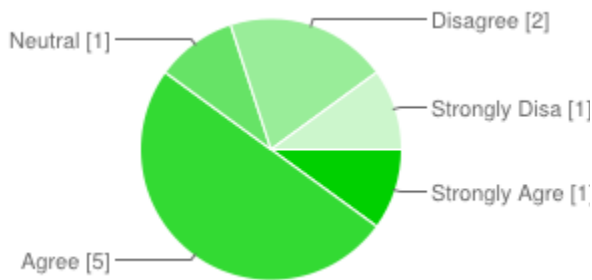
Strongly Agree	3	30%
Agree	6	60%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.8

46. Funding for treatment is adequate and stable.



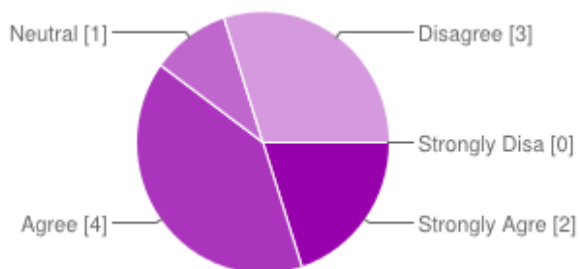
Strongly Agree	3	30%
Agree	5	50%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.0

47. A wide range of treatment services are available to meet participants' needs.



Strongly Agree	1	10%
Agree	5	50%
Neutral	1	10%
Disagree	2	20%
Strongly Disagree	1	10%
Average		2.7

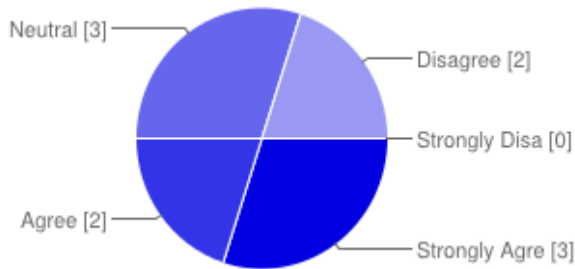
48. Appropriate treatment services are available for all participants.



Strongly Agree	2	20%
Agree	4	40%
Neutral	1	10%
Disagree	3	30%
Strongly Disagree	0	0%
Average		2.5

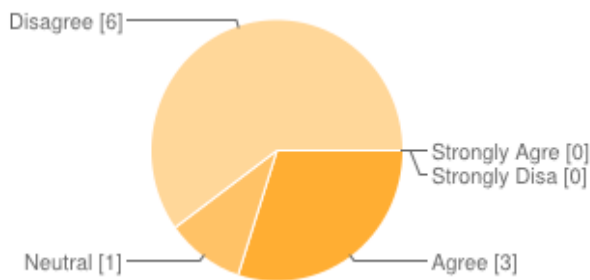
Part VIII: The following statements pertain to how the team functions as a group.

49. There is frequent communication across drug court team members.



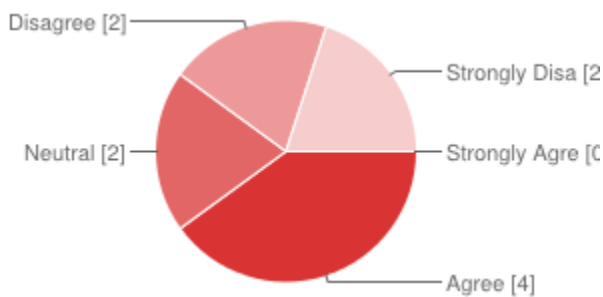
Strongly Agree	3	30%
Agree	2	20%
Neutral	3	30%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.4

50. Members of this team trust each other.



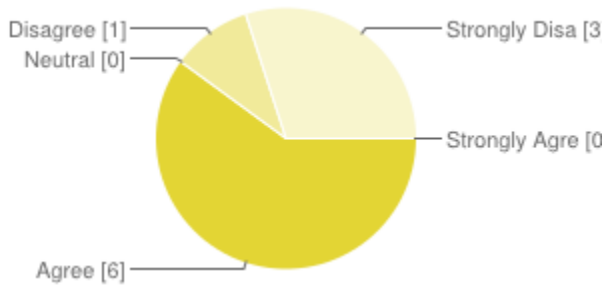
Strongly Agree	0	0%
Agree	3	30%
Neutral	1	10%
Disagree	6	60%
Strongly Disagree	0	0%
Average		3.3

51. Conflicts among drug court team members are addressed and resolved.



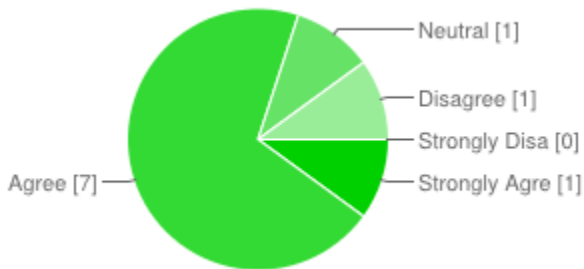
Strongly Agree	0	0%
Agree	4	40%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	2	20%
Average		3.2

52. Everyone on the team has an equal voice in making decisions in this drug court.



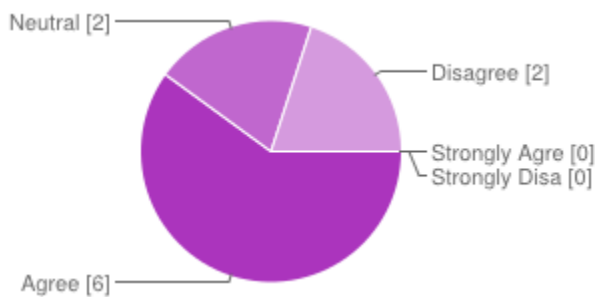
Strongly Agree	0	0%
Agree	6	60%
Neutral	0	0%
Disagree	1	10%
Strongly Disagree	3	30%
Average		3.1

53. Appropriate information about every client is presented as the staffings.



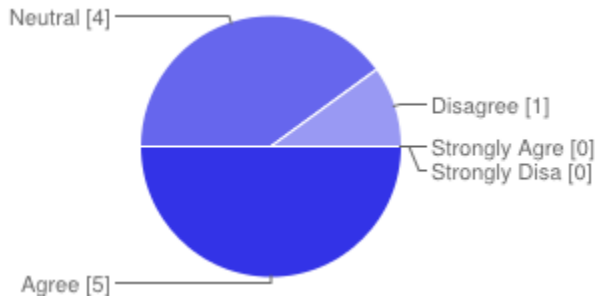
Strongly Agree	1	10%
Agree	7	70%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.2

54. Everyone participates at staffings.



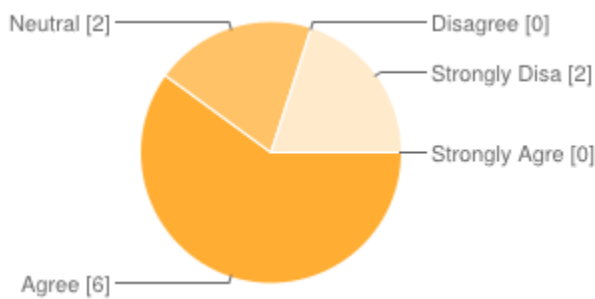
Strongly Agree	0	0%
Agree	6	60%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	0	0%
Average		2.6

55. Time is used wisely at the staffings.



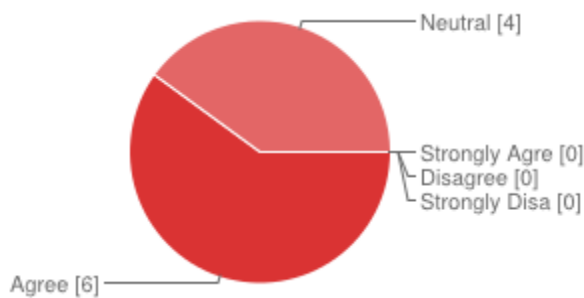
Strongly Agree	0	0%
Agree	5	50%
Neutral	4	40%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.6

56. Conflicts during the staffings are handled well.



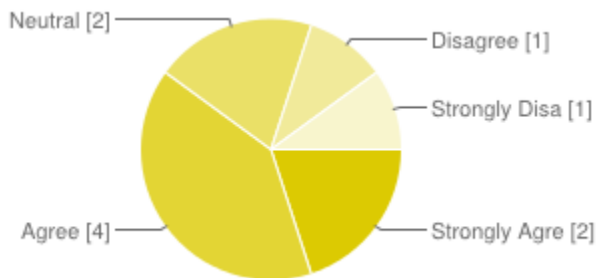
Strongly Agree	0	0%
Agree	6	60%
Neutral	2	20%
Disagree	0	0%
Strongly Disagree	2	20%
Average		2.8

57. Appropriate case management plans are agreed upon at staffings.



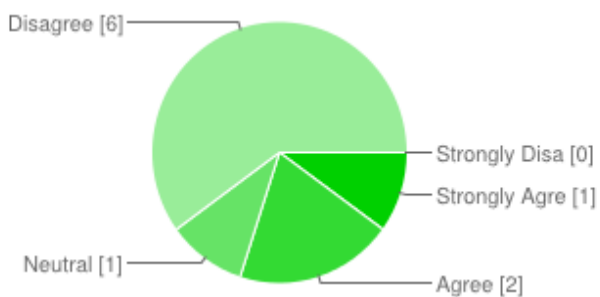
Strongly Agree	0	0%
Agree	6	60%
Neutral	4	40%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.4

58. I see myself being a member of the Drug Court team one year from now.



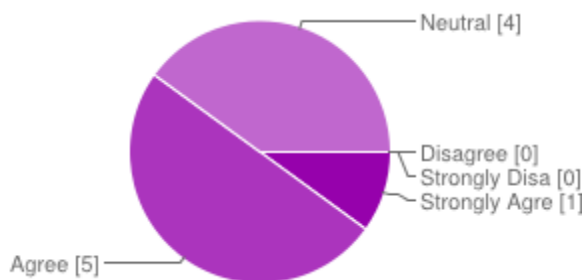
Strongly Agree	2	20%
Agree	4	40%
Neutral	2	20%
Disagree	1	10%
Strongly Disagree	1	10%
Average		2.5

59. Everyone on the Drug Court team is doing their job.



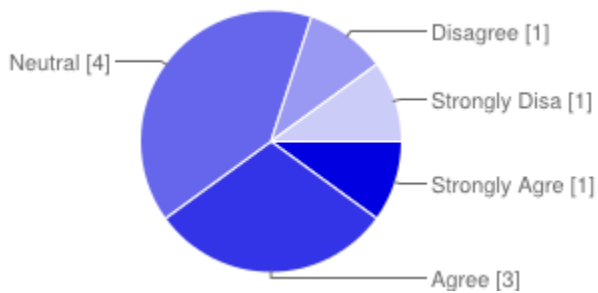
Strongly Agree	1	10%
Agree	2	20%
Neutral	1	10%
Disagree	6	60%
Strongly Disagree	0	0%
Average		3.2

60. I am proud that I work as a member of this drug court.



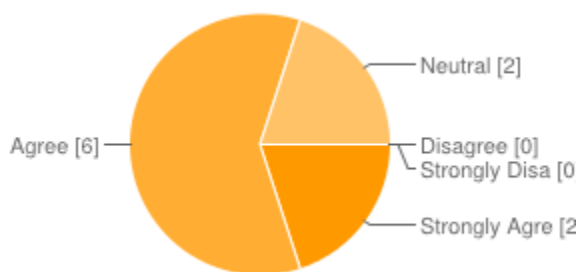
Strongly Agree	1	10%
Agree	5	50%
Neutral	4	40%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.3

61. This team has good morale.



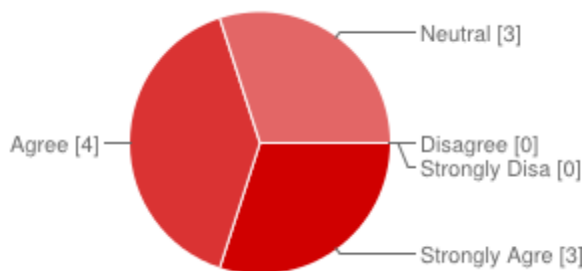
Strongly Agree	1	10%
Agree	3	30%
Neutral	4	40%
Disagree	1	10%
Strongly Disagree	1	10%
Average		2.8

62. My participation in the Drug Court is essential.



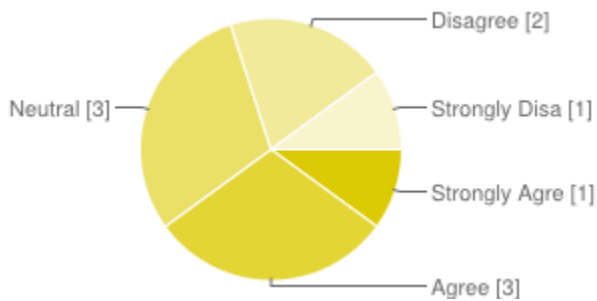
Strongly Agree	2	20%
Agree	6	60%
Neutral	2	20%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.0

63. My supervisor supports the continuance of Drug Court.



Strongly Agree	3	30%
Agree	4	40%
Neutral	3	30%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.0

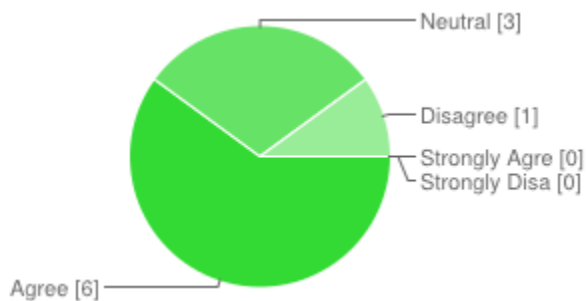
64. This team presents a united front before participants.



Strongly Agree	1	10%
Agree	3	30%
Neutral	3	30%
Disagree	2	20%
Strongly Disagree	1	10%
Average		2.9

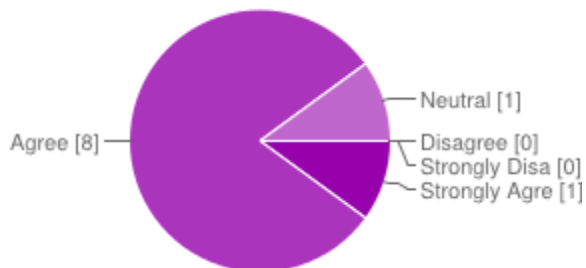
Part IX: The following statements pertain to the law enforcement officer

65. The law enforcement officer understands the participants' needs.



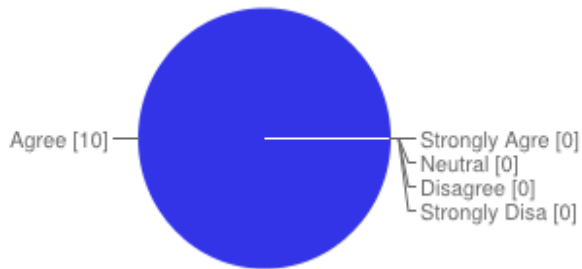
Strongly Agree	0	0%
Agree	6	60%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.5

66. The law enforcement officer works well with the team (e.g. sharing information, coordinating services).



Strongly Agree	1	10%
Agree	8	80%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.0

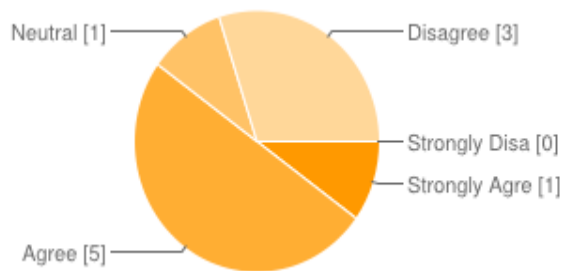
67. The law enforcement officer has a good report with program participants.



Strongly Agree	0	0%
Agree	10	100%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.0

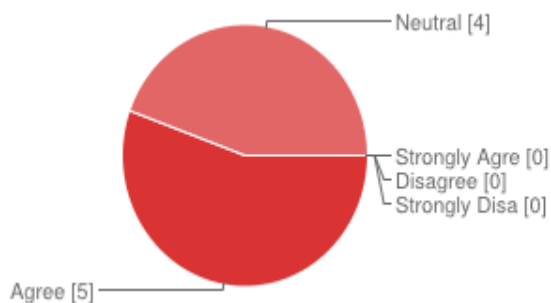
Part X: The following statements pertain to training.

68. I have received training relevant to drug court within the past year.



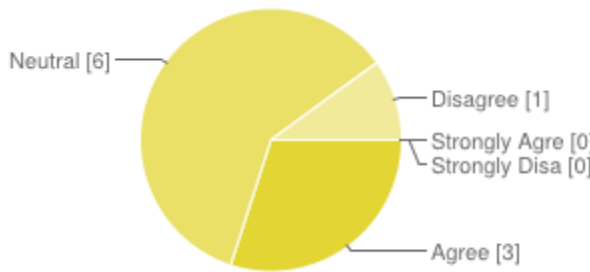
Strongly Agree	1	10%
Agree	5	50%
Neutral	1	10%
Disagree	3	30%
Strongly Disagree	0	0%
Average		2.6

69. The training I received was beneficial.



Strongly Agree	0	0%
Agree	5	56%
Neutral	4	44%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.4

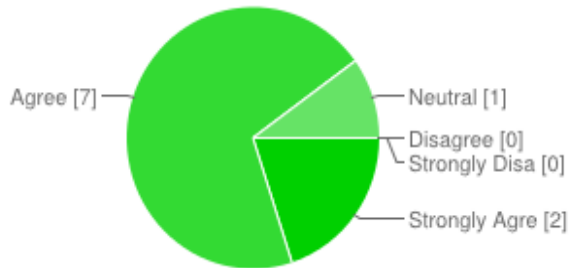
70. The training information I received has been incorporated into Drug Court policy manual or operating procedures.



Strongly Agree	0	0%
Agree	3	30%
Neutral	6	60%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.8

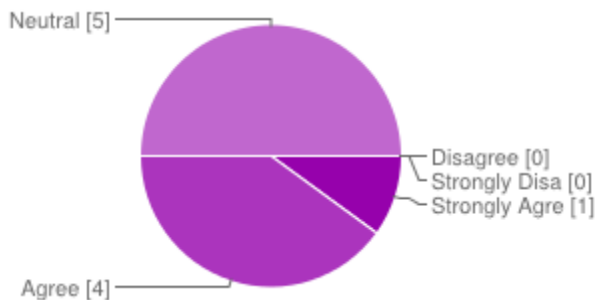
Part XI: The following statements pertain to the judge(s)

71. The judge is knowledgeable about participant's progress in the program.



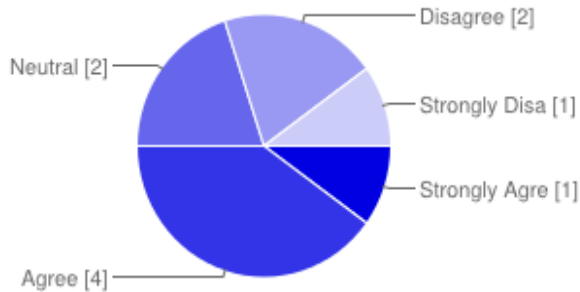
Strongly Agree	2	20%
Agree	7	70%
Neutral	1	10%
Disagree	0	0%
Strongly Disagree	0	0%
Average		1.9

72. Participants' relationships with the judge promote motivation and accountability.



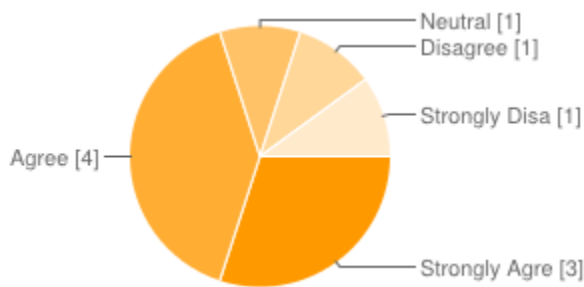
Strongly Agree	1	10%
Agree	4	40%
Neutral	5	50%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.4

73. The Judge exhibits a “positive judicial demeanor.” (e.g., respectful, fair, attentive, enthusiastic, consistent/predictable, caring, and knowledgeable).



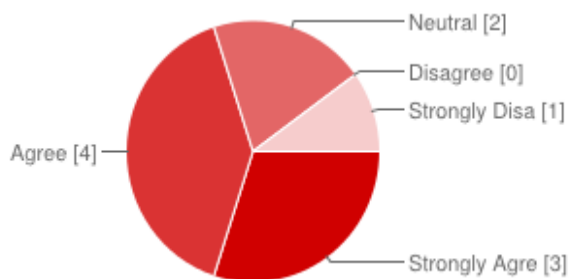
Strongly Agree	1	10%
Agree	4	40%
Neutral	2	20%
Disagree	2	20%
Strongly Disagree	1	10%
Average		2.8

74. The Judges spends an average of 3 or more minutes per participant in each court hearing.



Strongly Agree	3	30%
Agree	4	40%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	1	10%
Average		2.3

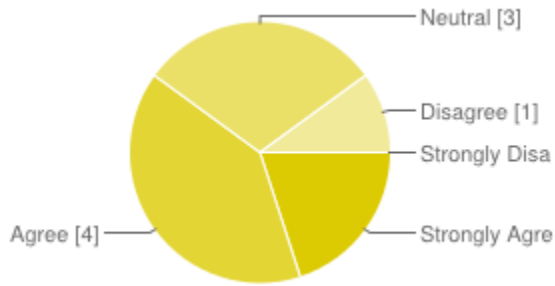
75. The judge seems genuinely interested in the participants.



Strongly Agree	3	30%
Agree	4	40%
Neutral	2	20%
Disagree	0	0%
Strongly Disagree	1	10%
Average		2.2

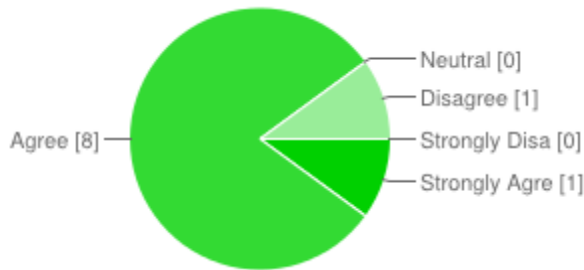
Part XII: The following statements pertain to the coordinator.

76. The coordinator assures effective communication between team members.



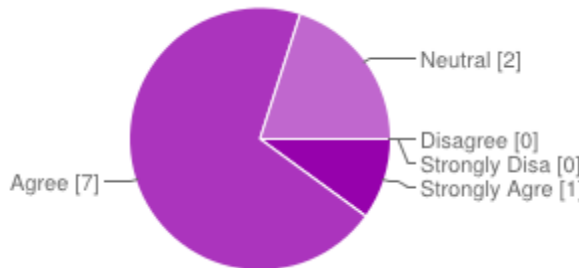
Strongly Agree	2	20%
Agree	4	40%
Neutral	3	30%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.3

77. The coordinator works well with the team (e.g., sharing information, coordinating services.)



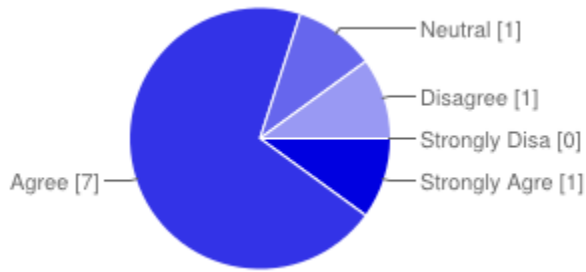
Strongly Agree	1	10%
Agree	8	80%
Neutral	0	0%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.1

78. The coordinator has good rapport with the program participants.



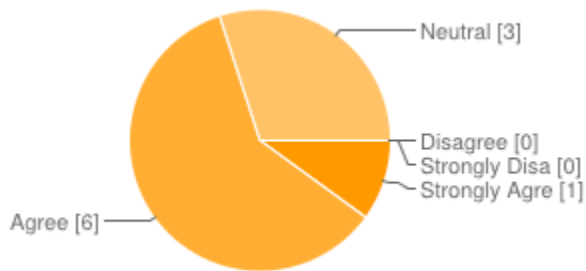
Strongly Agree	1	10%
Agree	7	70%
Neutral	2	20%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.1

79. The coordinator has good rapport with the members of the team.



Strongly Agree	1	10%
Agree	7	70%
Neutral	1	10%
Disagree	1	10%
Strongly Disagree	0	0%
Average		2.2

80. The coordinator is an effective manager of the program.



Strongly Agree	1	10%
Agree	6	60%
Neutral	3	30%
Disagree	0	0%
Strongly Disagree	0	0%
Average		2.2

CHAPTER 6: PERFORMANCE BENCHMARKS: FULFILLING THE REQUIREMENTS OF THE 10 KEY COMPONENTS

Key Component #1.

Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component # 3.

Eligible participants are identified early and promptly placed in the drug court program.

Key Component # 4.

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component # 5

Abstinence is monitored by frequent alcohol and other drug testing.

Key Component # 6.

A coordinated strategy governs drug court responses to participants' compliance.

Key Component # 7.

Ongoing judicial interaction with each drug court participant is essential.

Key Component # 8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component # 9.

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Performance Benchmarks for Drug Courts: Redwood Falls

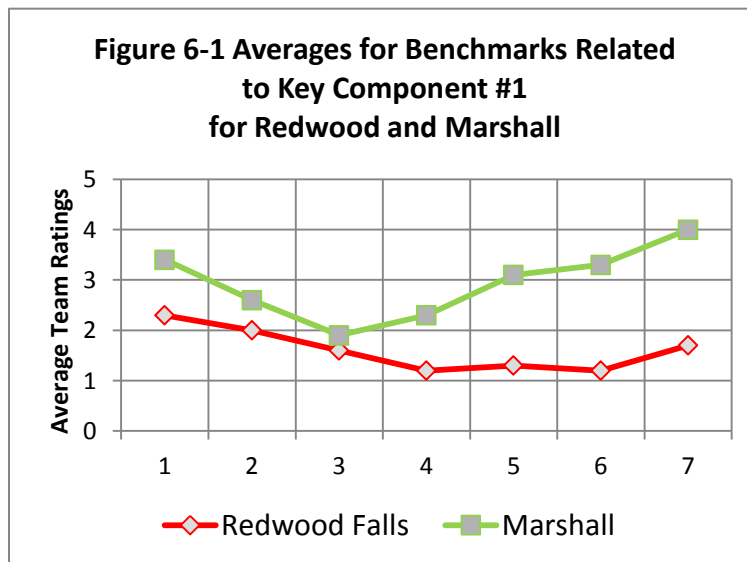
Performance Benchmarks for Drug Courts: The Marshall Team

Compliance with the Ten Key Components of the Drug Court Model

The Ten Key Components²⁰ have performance benchmarks that allow direction in planning for drug courts and provide a measuring rod to assess the degree to which courts are adhering to the process guidelines. The degree to which the two SCDC teams fulfill the requirements to reach each of these benchmarks was assessed by asking team members to complete an on-line survey. The survey items are stated in the form of a statement to which the respondent is asked to indicate whether they “strongly agree,” “agree,” are “neutral,” “disagree,” or “strongly disagree.” Scores from 1 (SA) to 5 (SD) are assigned to responses and an average score is determined. Low average scores indicate the teams’ perception of more success in reaching the benchmarks. While these averages cannot be taken to indicate success or failure, they should be indicative of possible concerns to direct program enhancements. The charts, tables and averages for each benchmark, for both SCDC teams, are included at the end of this chapter to allow teams to prioritize and focus on areas which may need improvements.

KEY COMPONENT #1.

Drug courts integrate alcohol and other drug treatment services with justice system case processing.

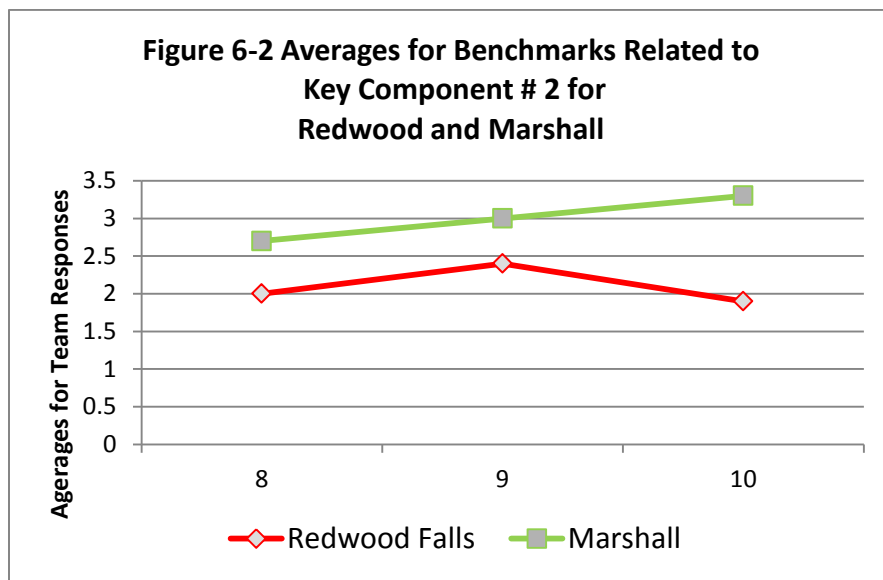


²⁰ Bureau of Justice Assistance. U.S. Department of Justice. Defining Drug Courts: The Key Components, October 2004 The National Association of Drug Court Professionals, Drug Court Standards Committee

The responses offered by team members for the two parts of the SCDC reflect what is found in the rest of the evaluation. The Marshall Team needs to consider the level of shared planning and the degree to which decision making follows the consensus model described in the policy manual and the one that guides the Drug Court model.

KEY COMPONENT #2

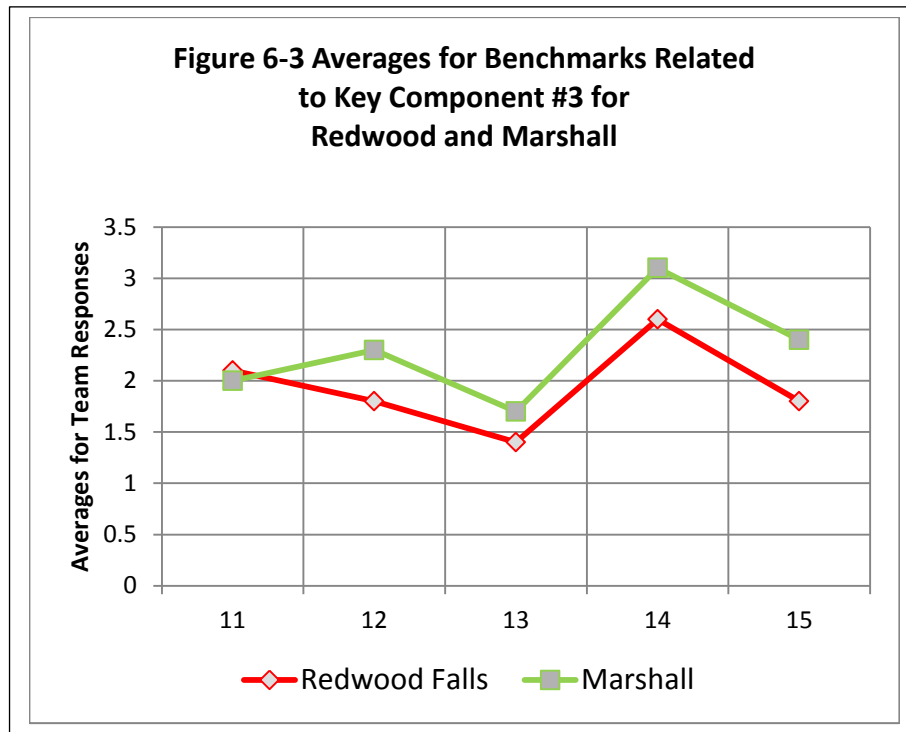
Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.



Both teams need more commitment from prosecutor and defense council. Too much of what these team members can do is left undone. On the Marshall team the prosecutor is fully engaged and attends staffings and court status hearings on a regular basis. The Redwood Team needs to have more consistent participation by the prosecutor at staffings and at the court status hearings. The absence of defense council on the Marshall is a serious problem that should be rectified. Serious questions of due process emerge in this court when jail sanctions are imposed and terminations are made without a termination hearing at which defense council is present. Here, also, the issue of the referral process emerges as a problem. How do you get a prospective participant into the drug court with full knowledge of his/her constitutional/due process rights without defense council? Defense council is essential.

KEY COMPONENT # 3.

Eligible participants are identified early and promptly placed in the drug court program.

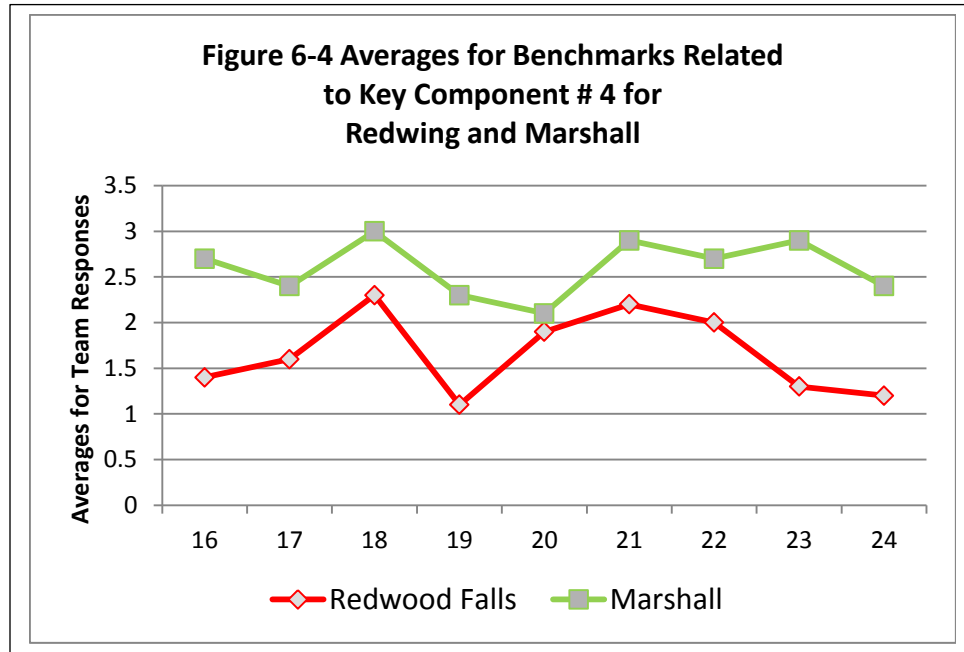


The time it takes these Courts to get the Drug Court process and the treatment services under way for participants are appropriate to the demands of this drug court component. Both teams should consider whether or not inpatient treatment is needed for the number of participants who are sent to this type of treatment. Some discussion about this issue would be advised. The Redwood participants from the Lower Sioux Community are not involved in inpatient treatment because of a requirement that they do outpatient treatment.²¹

²¹ Outpatient vs. Residential Treatment. Both outpatient and residential treatment are effective for offenders. Outpatient treatment more effective than residential treatment for drug involved probationers (Krebs et al., 2009) and during reentry (Burdon et al., 2004) Cost benefit analysis: Greater benefits for outpatient treatment in non-offender samples (e.g., CALDATA, French et al., 2000, 2002) Excellent benefit cost ratio for intensive supervision treatment, community TC, community outpatient, and drug court programs (Aos et al., 2001; Drake et al., 2009) Drug Court Treatment Services: Applying Research Findings to Practice Caroline Cooper, J.D., Hon. Stephen V. Manley, and Roger H. Peters, Ph.D. http://www.research2practice.org/projects/treatment/pdfs/R2PWebinarSlides_11-01-11.pdf

KEY COMPONENT # 4.

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

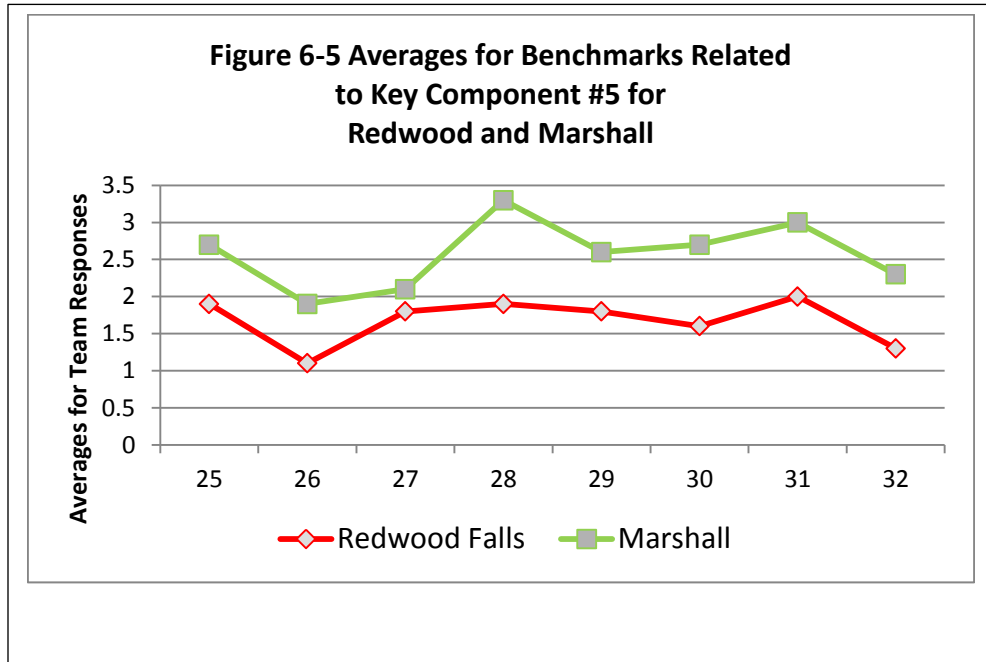


Some concern was raised during interviews that call for a team discussion about whether or not consensus is being reached on treatment planning for participants. The team survey results also indicate that a discussion about these issues would be warranted.

KEY COMPONENT # 5

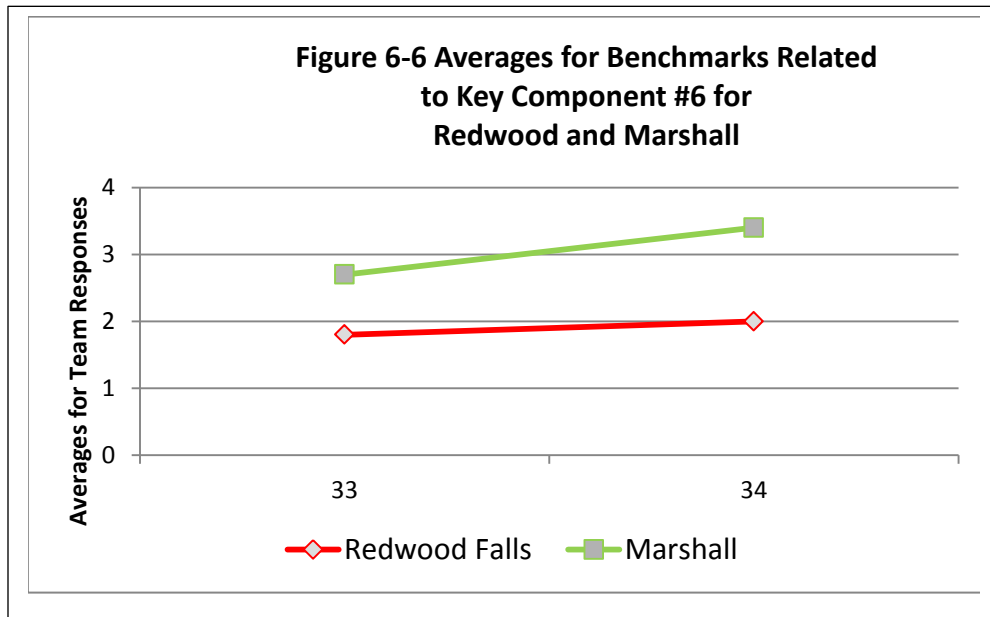
Abstinence is monitored by frequent alcohol and other drug testing.

The drug testing procedure must be certain. While most drug courts have problems with making sure that drug tests are reliable and valid, there are concerns in both these courts with the drug testing procedures. Strict protocols must be followed to assure the Court that participants are staying sober. Reliance on “voluntary” assistance with drug testing makes it difficult to demand exact adherence to testing standards. Work on this issue is crucial to an effective drug court.



KEY COMPONENT # 6.

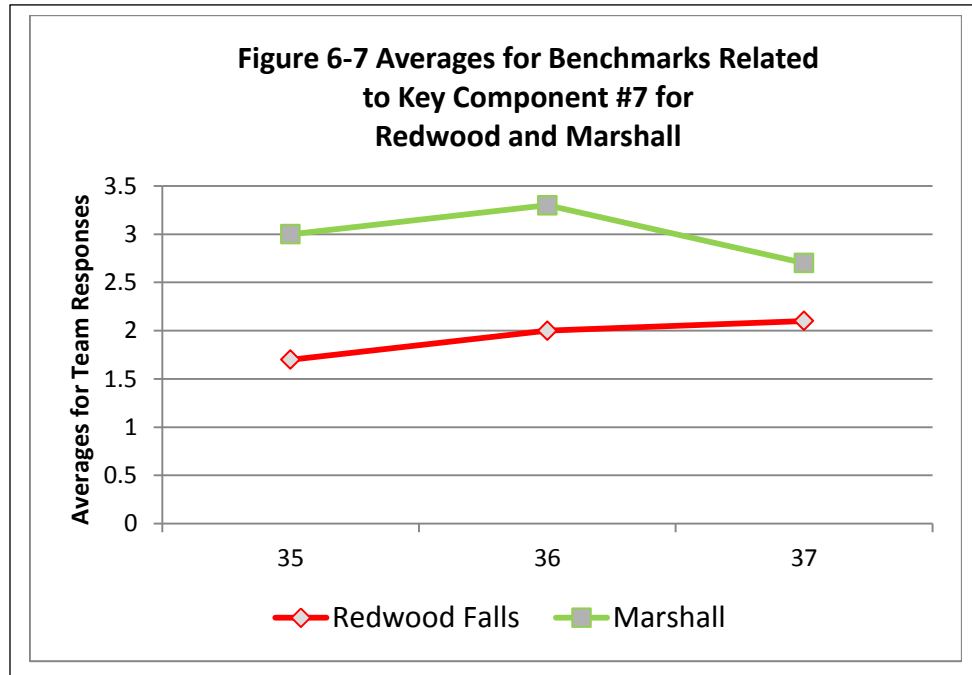
A coordinated strategy governs drug court responses to participants' compliance.



A system of graduated sanctions needs to be written and included in policy documents. The pattern of sanctions and incentives should be communicated to participants at the time that they are being considered for drug court.

KEY COMPONENT # 7.

Ongoing judicial interaction with each drug court participant is essential.

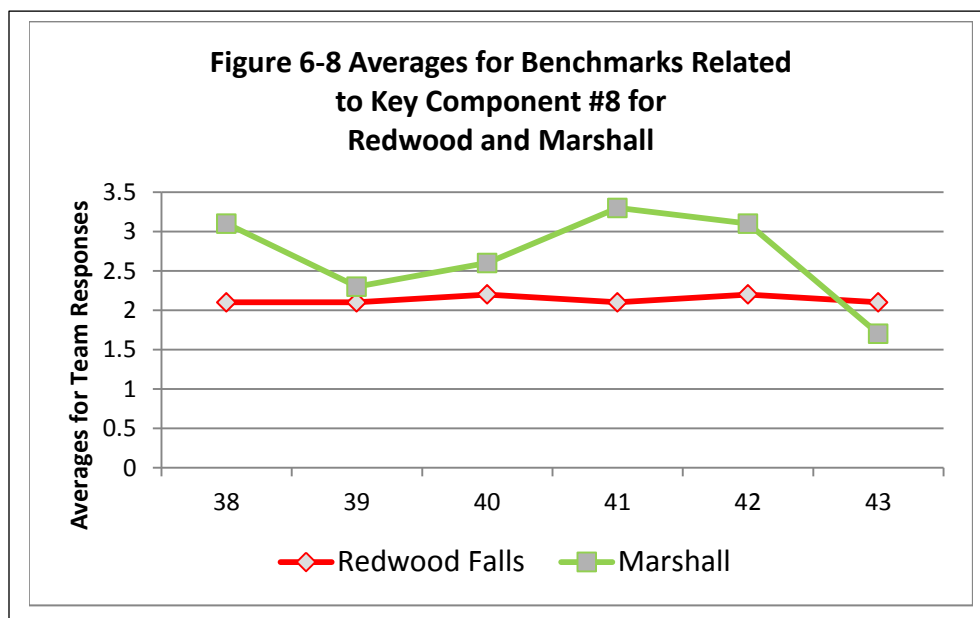


While the interaction between the Judge and participants in the Redwood Court is extensive and engaging; the interaction between the Judge and the participants lasts, on average, over 6 minutes. The Judge uses these “conversations” to empathize, encourage and instruct the participant he is addressing as well as the other participants in the Court. The interaction between the Judge and participants in the Marshall Court leaves much to be desired. The time spent conversing with participant’s falls significantly below the 3 minute standard. Participant interviews indicate no meaningful two-way communication between the Judge and participants with journaling.

.KEY COMPONENT # 8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

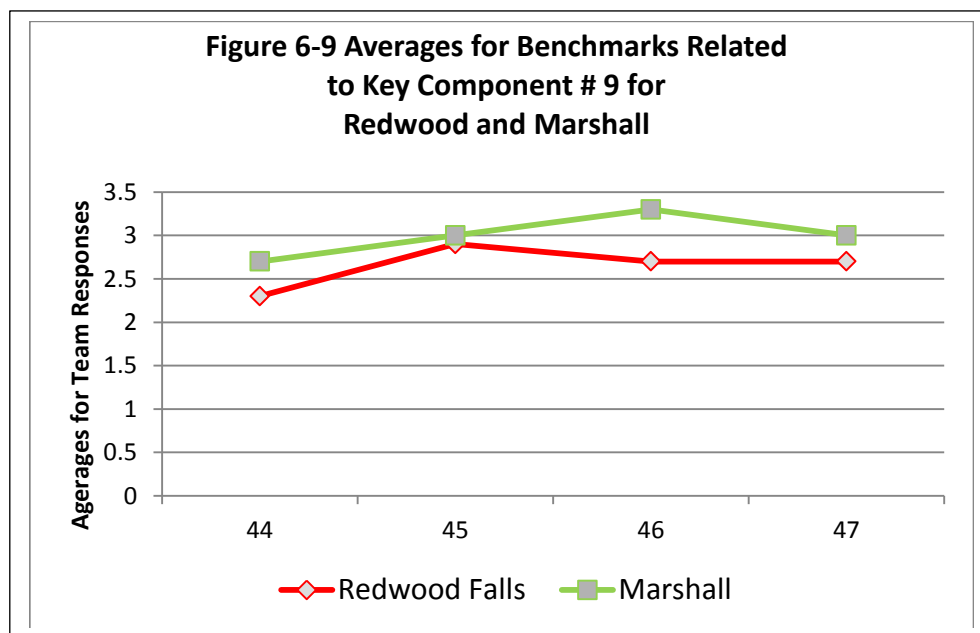
Redwood and Marshall will use this formative evaluation and the recommendations included to direct a process or reflection and adjustment. The degree to which the Teams conform to this Component will depend on the response to this evaluation. The evaluation points to a number of elements in the operation of the Teams that could be enhanced.



KEY COMPONENT #9.

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

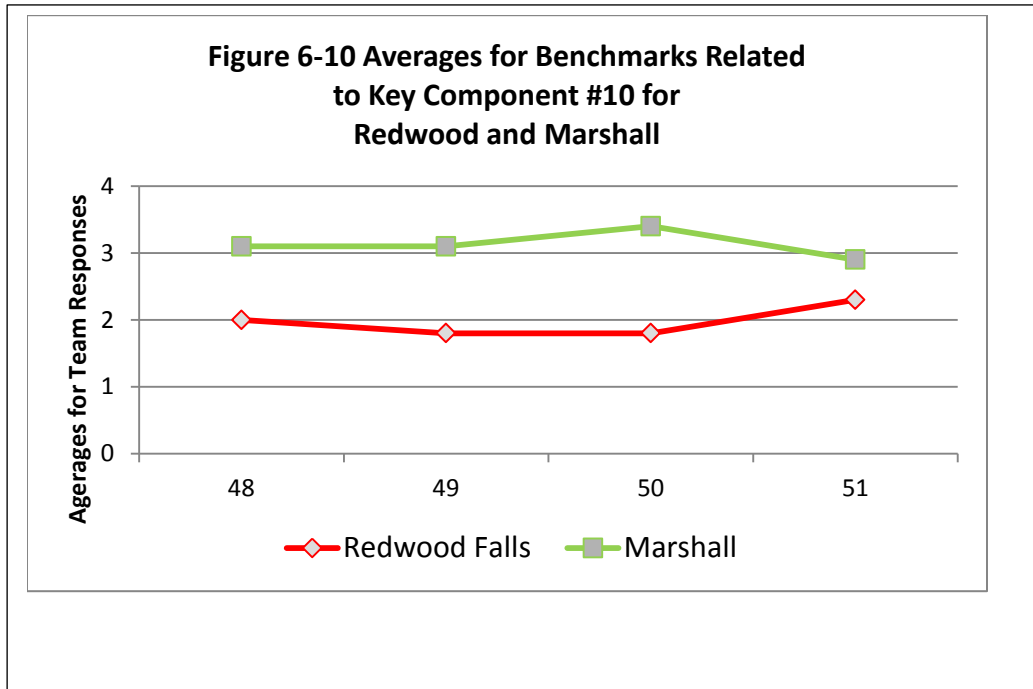
Redwood and Marshall need training to assure that all team members have “buy-in” on the goals and philosophy of Drug Courts. New members to the teams need training.



KEY COMPONENT #10

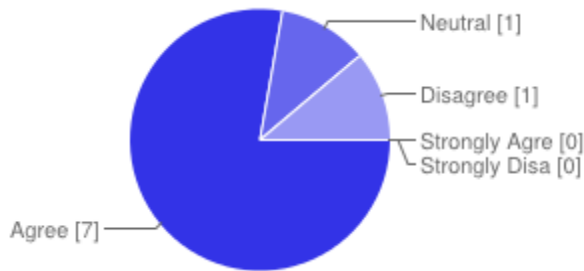
Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Both teams can do more in the area of forging partnerships and relationships with the community. First and foremost is a need to get the two teams that make up SCDC operating in concert with one another.



PERFORMANCE BENCHMARKS FOR DRUG COURTS: REDWOOD FALLS

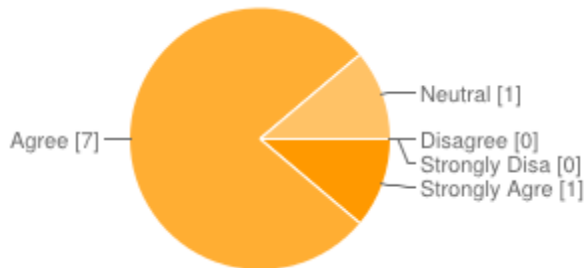
1. The planning for this drug court is carried out by a broad-based community group.



Strongly Agree	0 0%
Agree	7 78%
Neutral	1 11%
Disagree	1 11%
Strongly Disagree	0 0%

Average 2.3

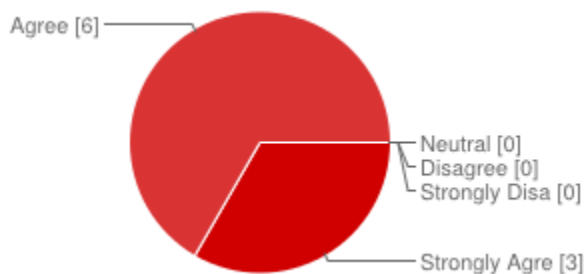
2. The documents defining the drug court's mission, goals, eligibility criteria, operating procedures, and performance measures are collaboratively developed, reviewed, and agreed upon.



Strongly Agree	1 11%
Agree	7 78%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.0

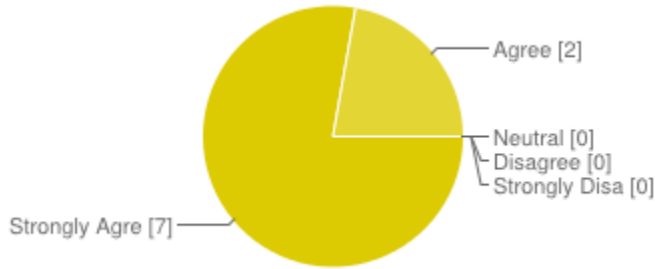
3. Abstinance and law-abiding behavior are the major goals of this court and progress is marked with specific and measurable criteria concerning these goals.



Strongly Agree	3 33%
Agree	6 67%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.6

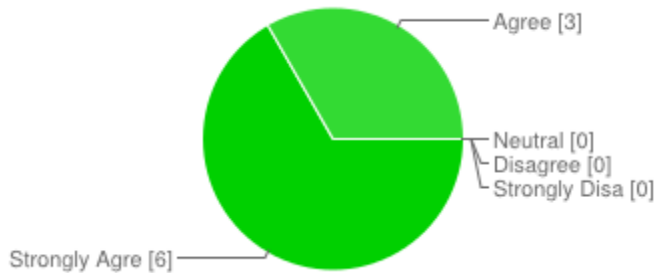
4. The court and treatment providers maintain ongoing communication, including frequent exchanges of timely and accurate information about the individual participant's overall program performance.



Strongly Agree	7 78%
Agree	2 22%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.2

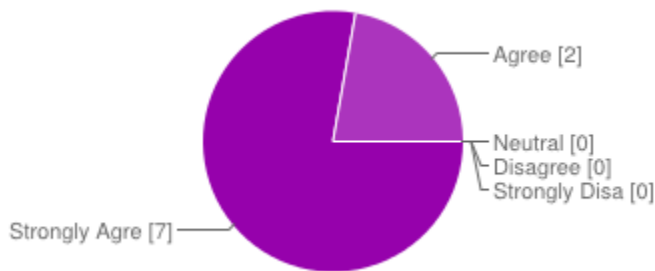
5. The judge plays an active role in the treatment process, including frequently reviewing of treatment progress.



Strongly Agree	6 67%
Agree	3 33%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.3

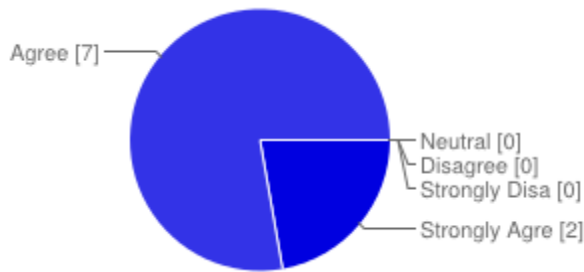
6. The judge responds to each participant's positive efforts as well as to noncompliant behavior.



Strongly Agree	7 78%
Agree	2 22%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.2

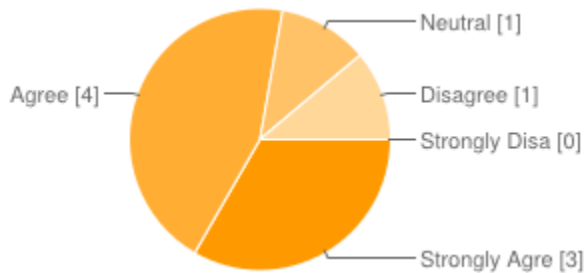
7. This court has well defined mechanisms for sharing decision making and resolving conflicts among drug court team members.



Strongly Agree	2 22%
Agree	7 78%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.7

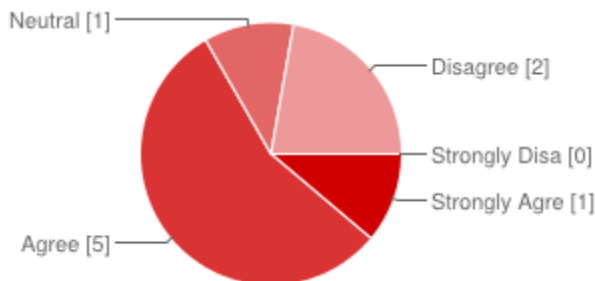
8. Prosecutors and defense counsel participate in the design of screening, eligibility, and case-processing policies and procedures.



Strongly Agree	3 33%
Agree	4 44%
Neutral	1 11%
Disagree	1 11%
Strongly Disagree	0 0%

Average 2.0

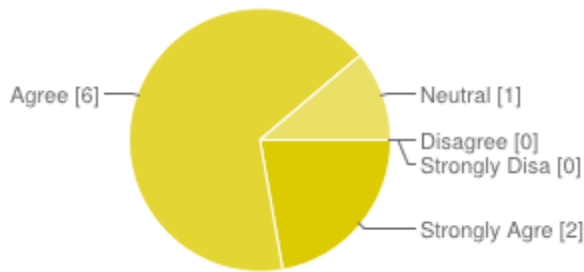
9. The prosecuting attorney makes decisions about participants based on performance in treatment rather than on legal aspects of the case.



Strongly Agree	1 11%
Agree	5 56%
Neutral	1 11%
Disagree	2 22%
Strongly Disagree	0 0%

Average 2.4

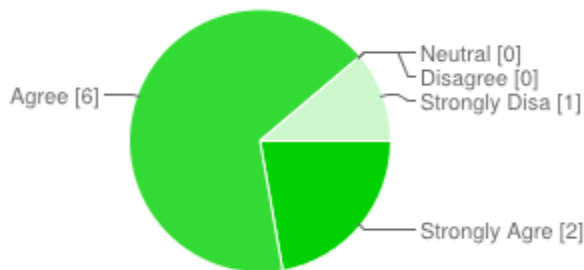
10. The defense counsel explains all of the rights that the defendant will temporarily or permanently relinquish if he/she joins the drug court.



Strongly Agree	2	22%
Agree	6	67%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.9

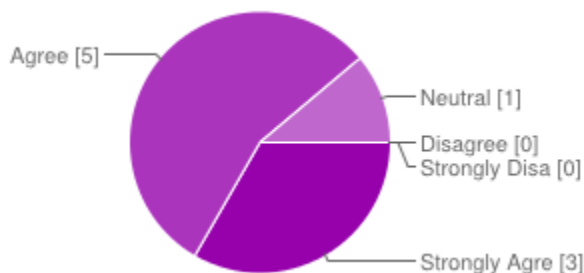
11. Eligibility screening is based on established written criteria.



Strongly Agree	2	22%
Agree	6	67%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	1	11%

Average 2.1

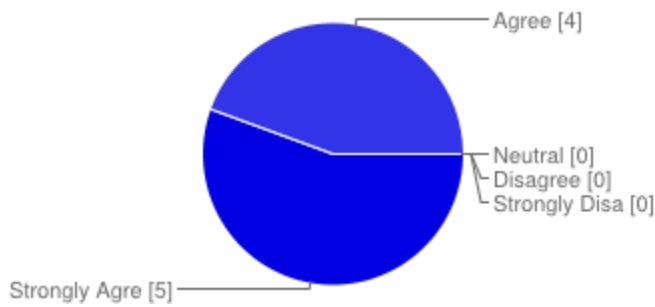
12. Eligible participants for drug court are promptly advised about program requirements and the relative merits of participating.



Strongly Agree	3	33%
Agree	5	56%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.8

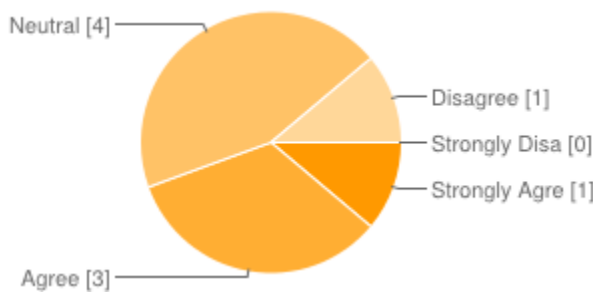
13. Trained professionals screen drug court-eligible individuals for AOD problems and suitability for treatment.



Strongly Agree	5	56%
Agree	4	44%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.4

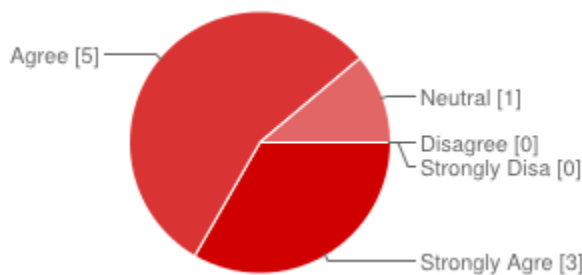
14. Initial appearance before the drug court judge occurs immediately after arrest or apprehension to ensure program participation.



Strongly Agree	1	11%
Agree	3	33%
Neutral	4	44%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.6

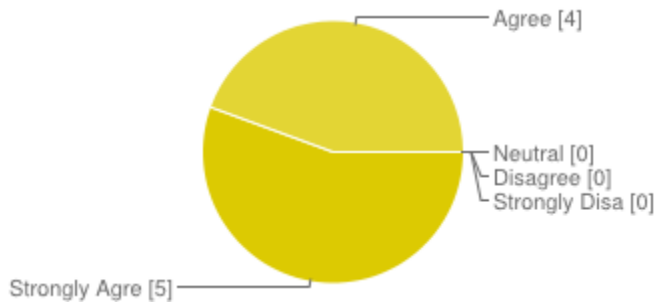
15. The court requires that eligible participants enroll in AOD treatment services.



Strongly Agree	3	33%
Agree	5	56%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.8

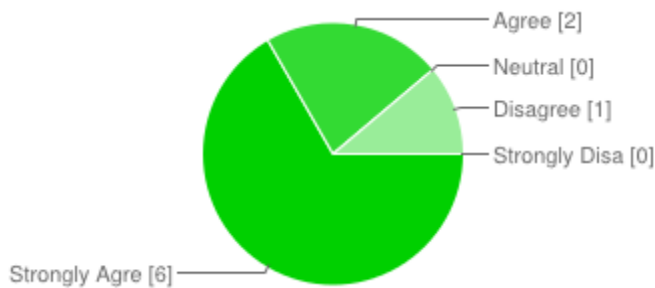
16. Individuals are initially screened and periodically assessed to ensure that treatment services are suitably matched to participant.



Strongly Agree	5	56%
Agree	4	44%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.4

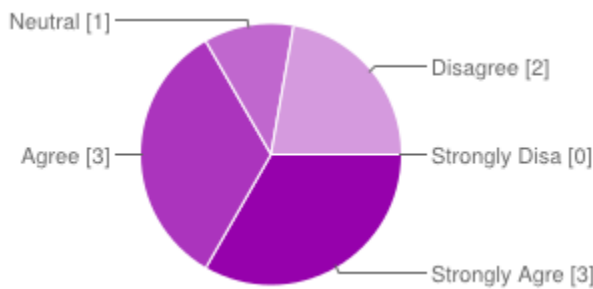
17. Treatment services are comprehensive including group counseling; individual and family counseling; relapse prevention; 12-step self-help groups; and referral to primary medical care.



Strongly Agree	6	67%
Agree	2	22%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 1.6

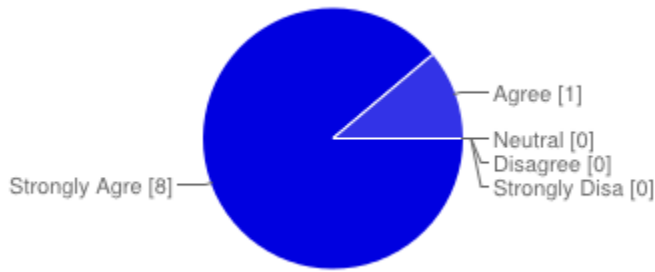
18. Specialized services are available for participants with co-occurring AOD problems and mental health disorders



Strongly Agree	3	33%
Agree	3	33%
Neutral	1	11%
Disagree	2	22%
Strongly Disagree	0	0%

Average 2.2

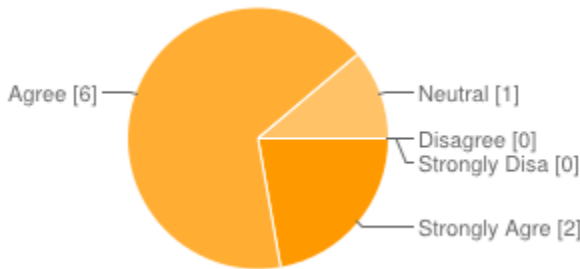
19. Treatment services are accessible.



Strongly Agree	8 89%
Agree	1 11%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.1

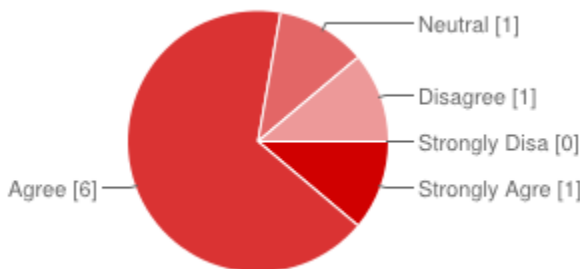
20. Funding for treatment is adequate, stable, and dedicated to the drug court.



Strongly Agree	2 22%
Agree	6 67%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.9

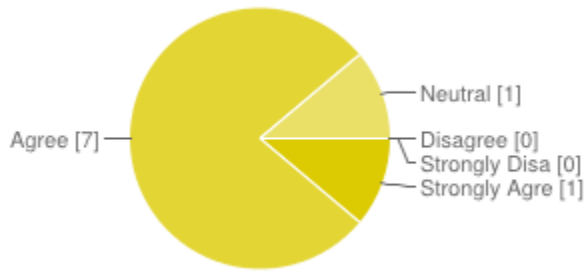
21. Payment of fees, fines, and restitution is part of treatment.



Strongly Agree	1 11%
Agree	6 67%
Neutral	1 11%
Disagree	1 11%
Strongly Disagree	0 0%

Average 2.2

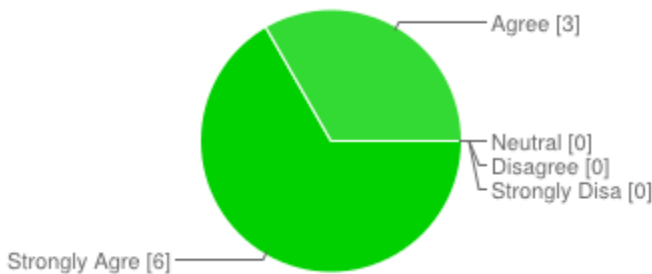
22. Fee schedules are commensurate with an individual's ability to pay.



Strongly Agree	1 11%
Agree	7 78%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.0

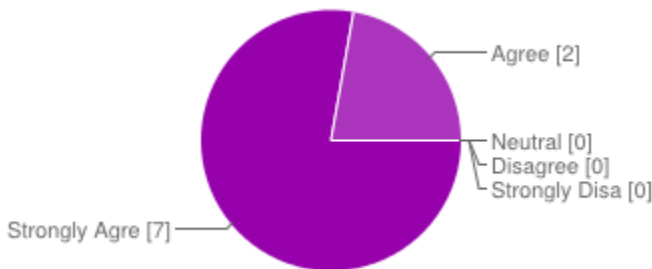
23. Treatment agencies give the court accurate and timely information about a participant's progress.



Strongly Agree	6 67%
Agree	3 33%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.3

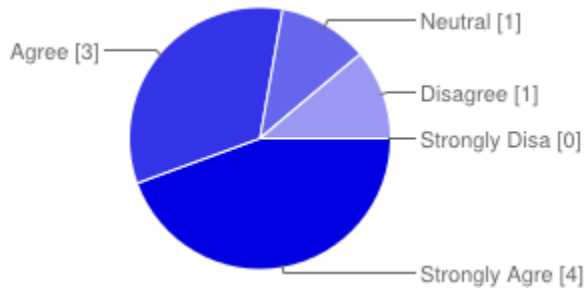
24. Treatment designs and delivery systems are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



Strongly Agree	7 78%
Agree	2 22%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.2

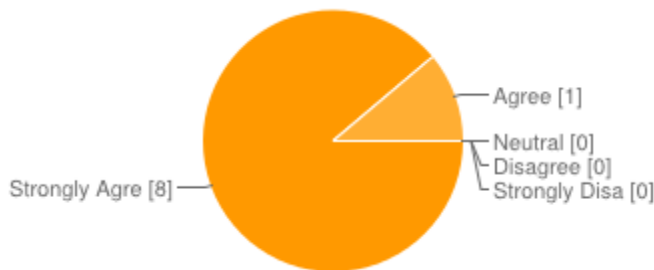
25. AOD testing policies and procedures are based on established and tested guidelines.



Strongly Agree	4	44%
Agree	3	33%
Neutral	1	11%
Disagree	1	11%
Strongly Disagree	0	0%

Average 1.9

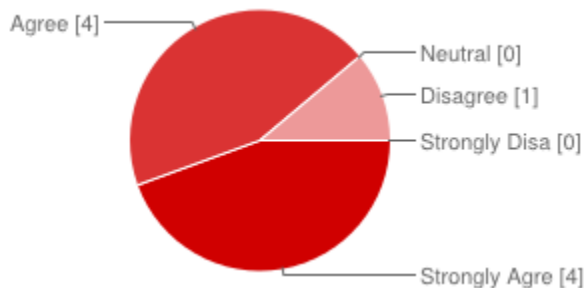
26. Testing is administered randomly, but occurs no less than twice a week during the first several months of an individual's enrollment.



Strongly Agree	8	89%
Agree	1	11%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.1

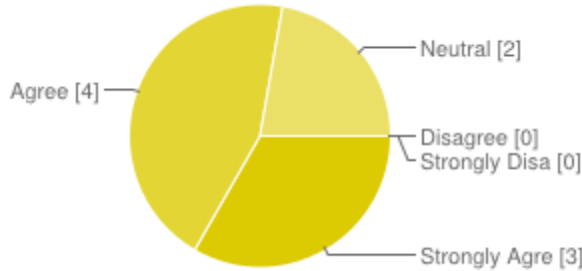
27. The scope of testing is sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol.



Strongly Agree	4	44%
Agree	4	44%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 1.8

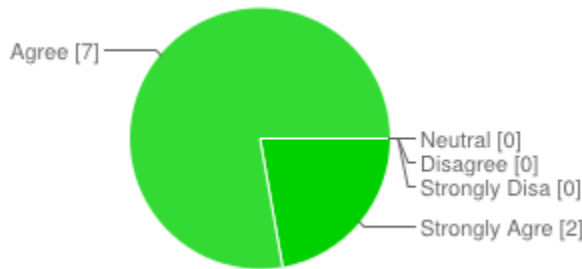
28. The drug-testing procedure include; direct observation of urine sample collection; verification of temperature and measurement of creatinine levels; specific, detailed, written procedures regarding all aspects of urine sample collection, sample analysis, and result reporting; a documented chain of custody for each sample collected.



Strongly Agree	3	33%
Agree	4	44%
Neutral	2	22%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.9

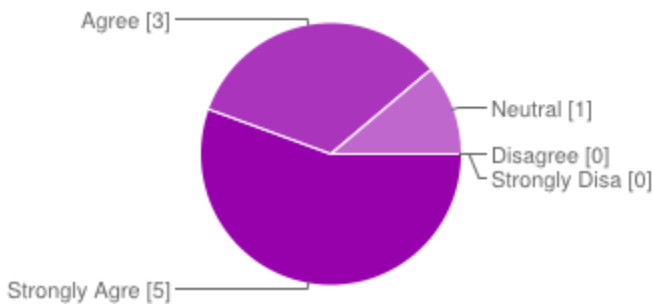
29. Drug test results are available and communicated to the court and the participant within one day



Strongly Agree	2	22%
Agree	7	78%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.8

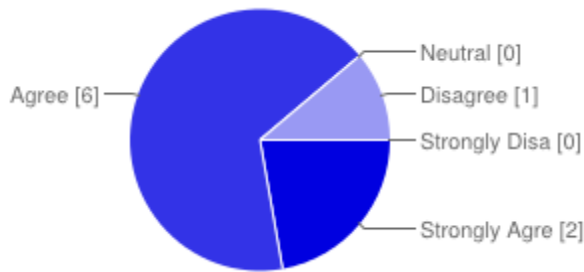
30. The court is immediately notified when a participant has tested positive, has failed to submit to AOD testing, has submitted the sample of another, or has adulterated a sample.



Strongly Agree	5	56%
Agree	3	33%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.6

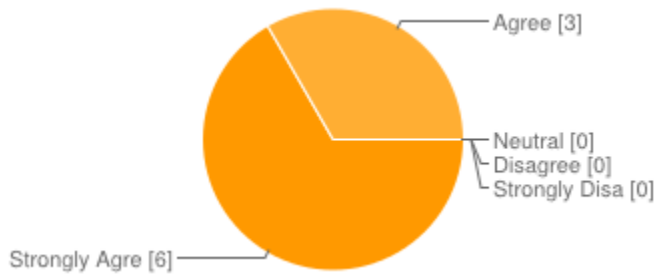
31. The court has a well-defined, written strategy for responding to positive tests, missed tests, and fraudulent tests.



Strongly Agree	2	22%
Agree	6	67%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.0

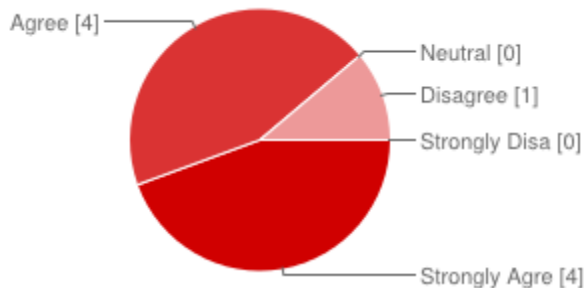
32. Participants must be abstinent for a substantial period of time prior to program graduation.



Strongly Agree	6	67%
Agree	3	33%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.3

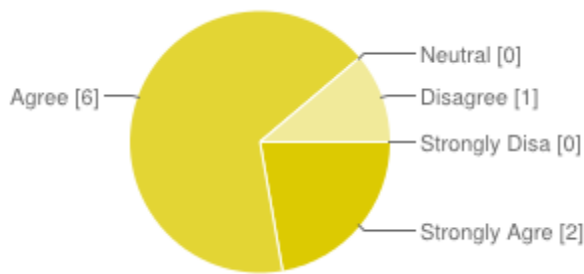
33. Responses to compliance and noncompliance are explained verbally and provided in writing to drug court participants before they are accepted.



Strongly Agree	4	44%
Agree	4	44%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 1.8

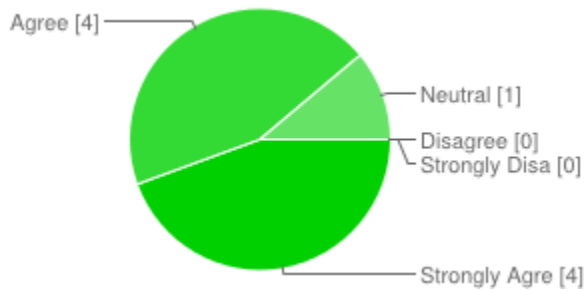
34. The responses for compliance (incentives) vary in intensity as do the responses (sanctions) for noncompliance.



Strongly Agree	2 22%
Agree	6 67%
Neutral	0 0%
Disagree	1 11%
Strongly Disagree	0 0%

Average 2.0

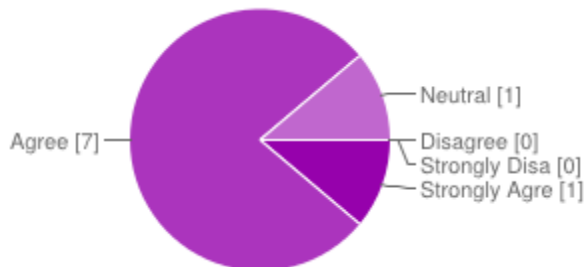
35. Regular status hearings are used to monitor participant performance: to reinforce the drug court's policies, and to give the participant a sense of how he or she is doing.



Strongly Agree	4 44%
Agree	4 44%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.7

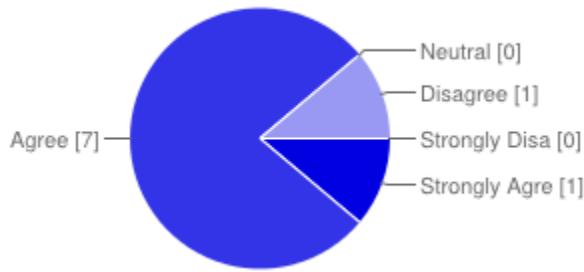
36. The court applies appropriate incentives and sanctions to match the participant's treatment progress.



Strongly Agree	1 11%
Agree	7 78%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.0

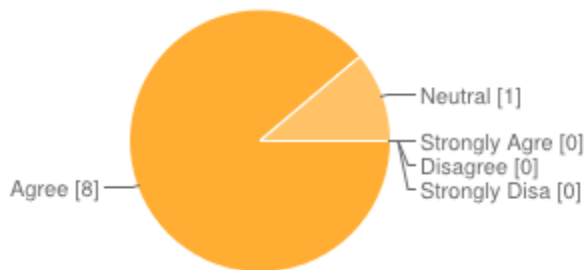
37. Payment of fees, fines and/or restitution is part of the participant's treatment.



Strongly Agree	1	11%
Agree	7	78%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.1

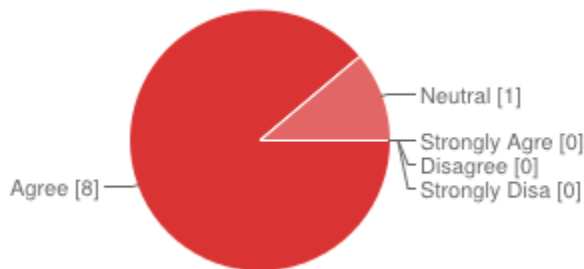
38. Drug court leaders and senior managers have established specific and measurable goals that define the parameters of data collection and information management.



Strongly Agree	0	0%
Agree	8	89%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.1

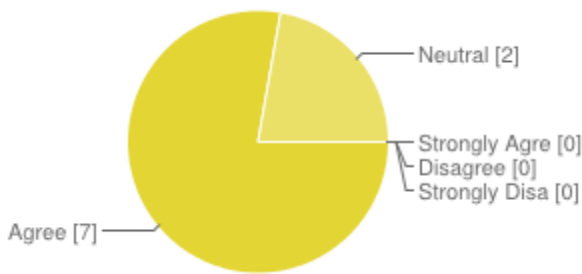
39. Data needed for program monitoring and management can be obtained from records maintained for day-to-day program operations.



Strongly Agree	0	0%
Agree	8	89%
Neutral	1	11%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.1

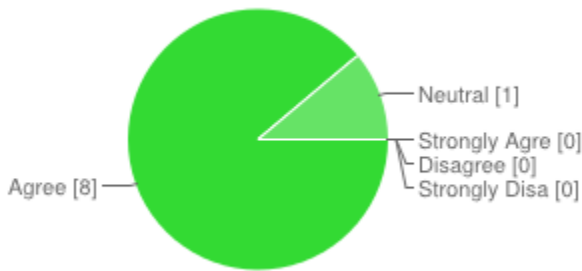
40. Monitoring and management data are assembled in useful formats for regular review by program leaders and team members.



Strongly Agree	0 0%
Agree	7 78%
Neutral	2 22%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.2

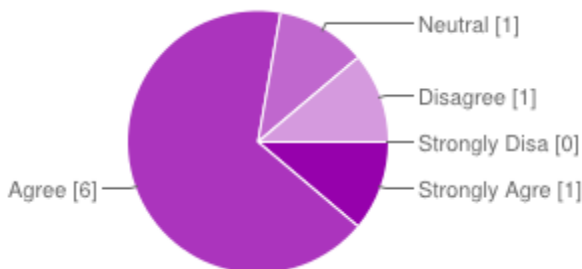
41. Monitoring reports are used to analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.



Strongly Agree	0 0%
Agree	8 89%
Neutral	1 11%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.1

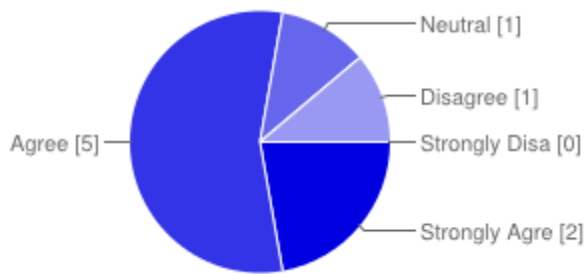
42. Process evaluation activities are undertaken throughout the course of the drug court program.



Strongly Agree	1 11%
Agree	6 67%
Neutral	1 11%
Disagree	1 11%
Strongly Disagree	0 0%

Average 2.2

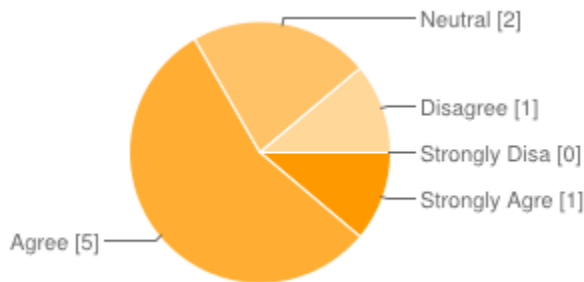
43. A qualified independent evaluator has been selected and given responsibility for developing and conducting an evaluation design and for preparing interim and final reports.



Strongly Agree	2	22%
Agree	5	56%
Neutral	1	11%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.1

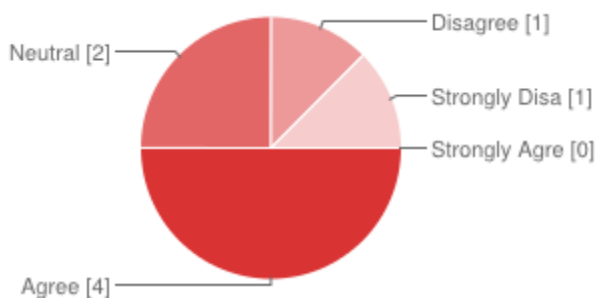
44. Key personnel have attained a specific level of basic education, as defined in staff training requirements and in the written operating procedures.



Strongly Agree	1	11%
Agree	5	56%
Neutral	2	22%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.3

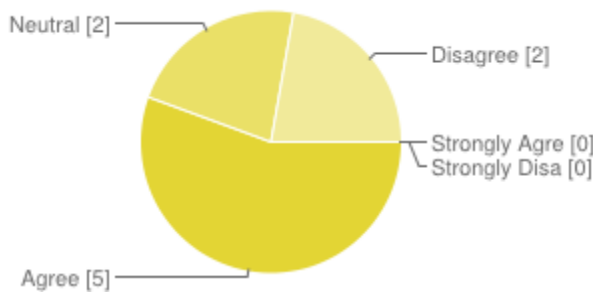
45. The operating procedures define requirements for the continuing education of each drug court staff member.



Strongly Agree	0	0%
Agree	4	50%
Neutral	2	25%
Disagree	1	13%
Strongly Disagree	1	13%

Average 2.9

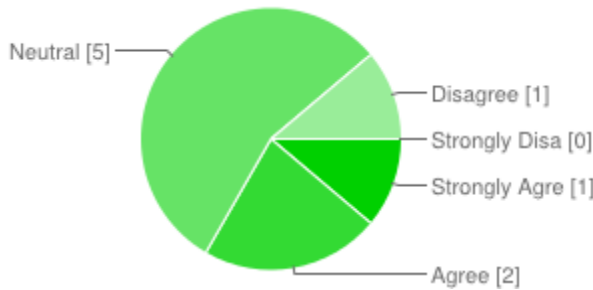
46. All drug court personnel have attended education and training sessions on drug court operation, philosophy and values.



Strongly Agree	0	0%
Agree	5	56%
Neutral	2	22%
Disagree	2	22%
Strongly Disagree	0	0%

Average 2.7

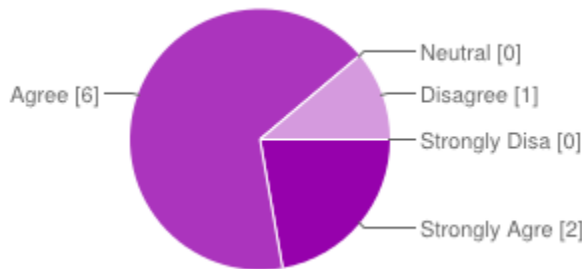
47. An education syllabus and curriculum are included in the policies and procedures manual describing the necessary learning goals to develop the competencies essential to drug court practice.



Strongly Agree	1	11%
Agree	2	22%
Neutral	5	56%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.7

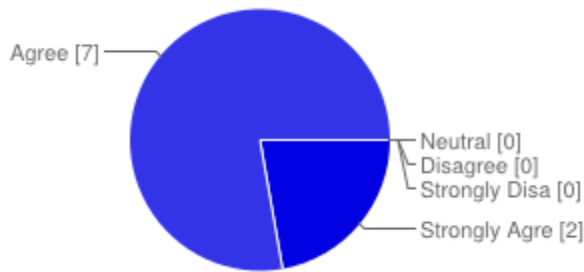
48. Representatives from the court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social service agencies, and the faith community meet regularly to provide guidance and direction to the drug court program.



Strongly Agree	2	22%
Agree	6	67%
Neutral	0	0%
Disagree	1	11%
Strongly Disagree	0	0%

Average 2.0

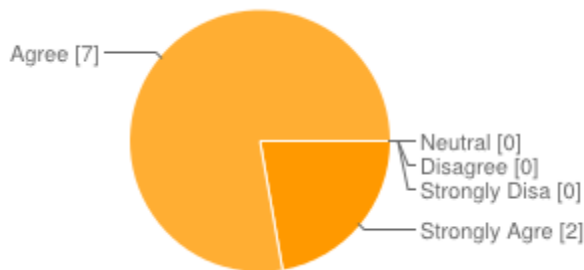
49. The drug court plays a pivotal role in forming linkages between community groups and the criminal justice system.



Strongly Agree	2 22%
Agree	7 78%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.8

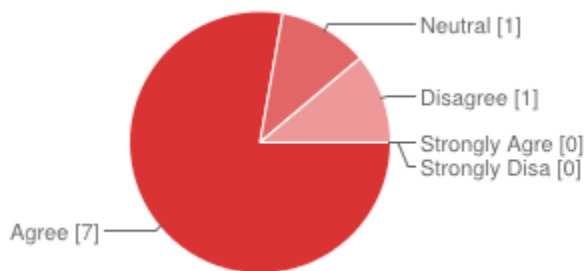
50. The drug court provides a conduit of information to the public about the drug court.



Strongly Agree	2 22%
Agree	7 78%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.8

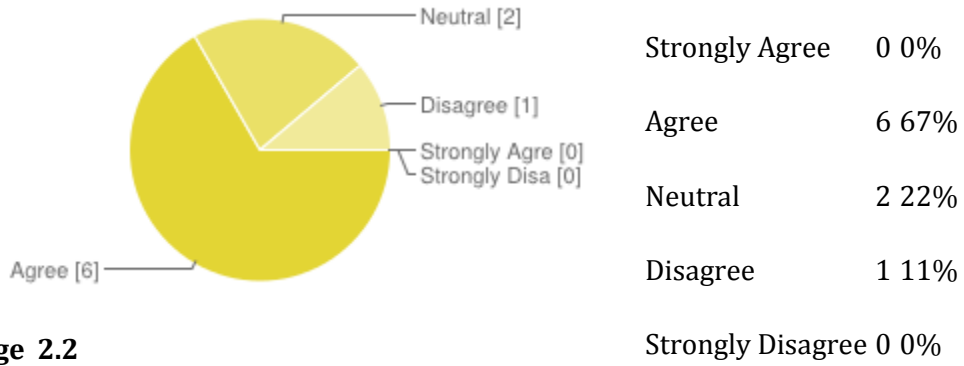
51. Participation of public and private agencies, as well as community-based organizations, is formalized through a steering committee.



Strongly Agree	0 0%
Agree	7 78%
Neutral	1 11%
Disagree	1 11%
Strongly Disagree	0 0%

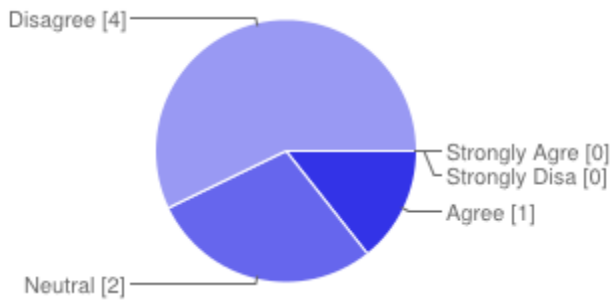
Average 2.3

52. The drug court hires a professional staff that reflects the population served, and provides ongoing cultural competence training to the team.



PERFORMANCE BENCHMARKS FOR DRUG COURTS: THE MARSHALL TEAM

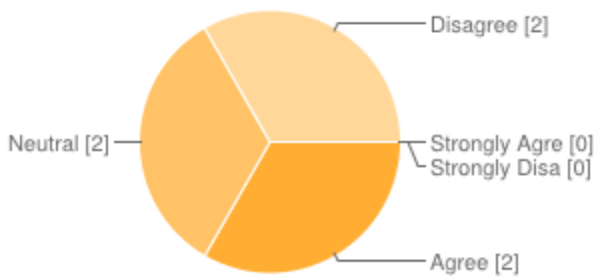
1. The planning for this drug court is carried out by a broad-based community group.



Strongly Agree	0 0%
Agree	1 14%
Neutral	2 29%
Disagree	4 57%
Strongly Disagree	0 0%

Average 3.4

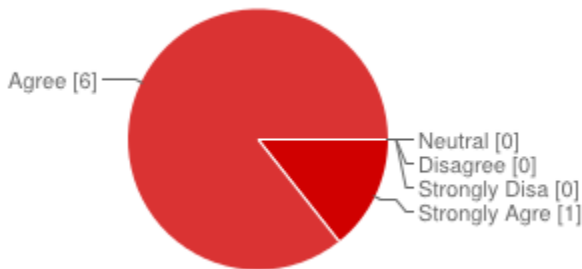
2. The documents defining the drug court's mission, goals, eligibility criteria, operating procedures, and performance measures are collaboratively developed, reviewed, and agreed upon.



Strongly Agree	0 0%
Agree	2 33%
Neutral	2 33%
Disagree	2 33%
Strongly Disagree	0 0%

Average 2.6

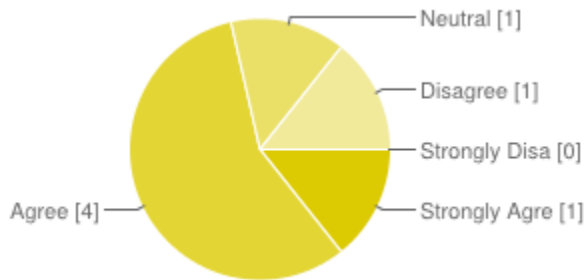
3. Abstinence and law-abiding behavior are the major goals of this court and progress is marked with specific and measurable criteria concerning these goals.



Strongly Agree	1 14%
Agree	6 86%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.9

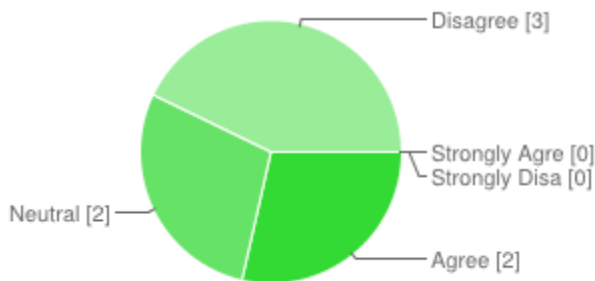
4. The court and treatment providers maintain ongoing communication, including frequent exchanges of timely and accurate information about the individual participant's overall program performance.



Strongly Agree	1	14%
Agree	4	57%
Neutral	1	14%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.3

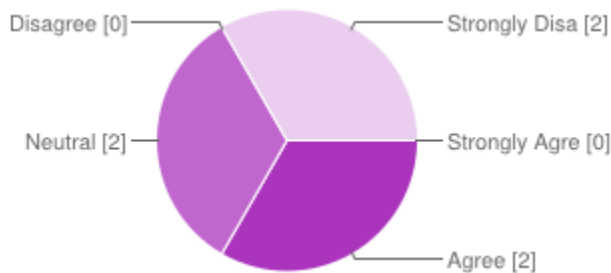
5. The judge plays an active role in the treatment process, including frequently reviewing of treatment progress.



Strongly Agree	0	0%
Agree	2	29%
Neutral	2	29%
Disagree	3	43%
Strongly Disagree	0	0%

Average 3.1

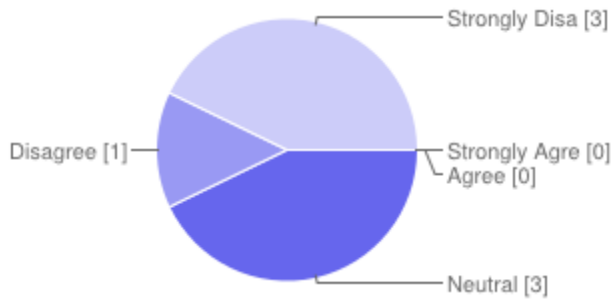
6. The judge responds to each participant's positive efforts as well as to noncompliant behavior.



Strongly Agree	0	0%
Agree	2	33%
Neutral	2	33%
Disagree	0	0%
Strongly Disagree	2	33%

Average 3.3

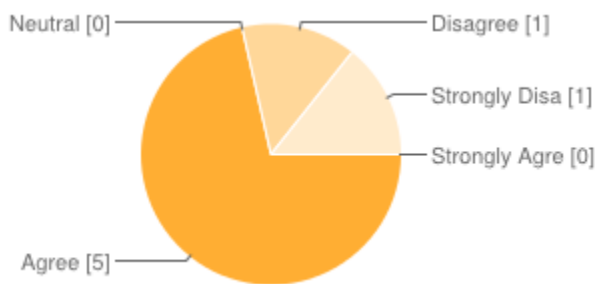
7. This court has well defined mechanisms for sharing decision making and resolving conflicts among drug court team members.



Strongly Agree	0	0%
Agree	0	0%
Neutral	3	43%
Disagree	1	14%
Strongly Disagree	3	43%

Average 4.0

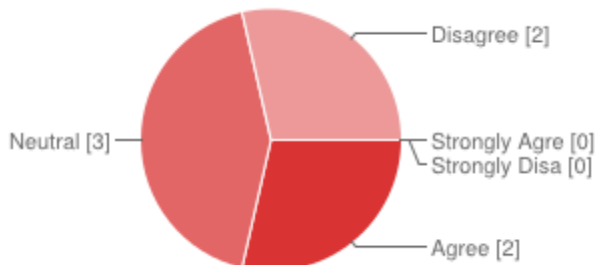
8. Prosecutors and defense counsel participate in the design of screening, eligibility, and case-processing policies and procedures.



Strongly Agree	0	0%
Agree	5	71%
Neutral	0	0%
Disagree	1	14%
Strongly Disagree	1	14%

Average 2.7

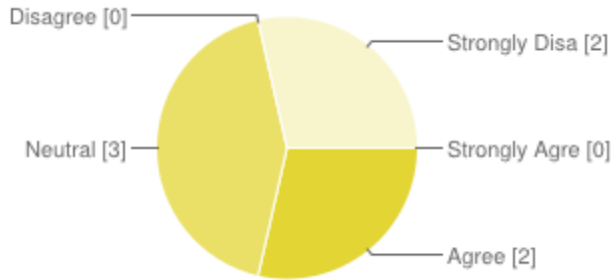
9. The prosecuting attorney makes decisions about participants based on performance in treatment rather than on legal aspects of the case.



Strongly Agree	0	0%
Agree	2	29%
Neutral	3	43%
Disagree	2	29%
Strongly Disagree	0	0%

Average 3.0

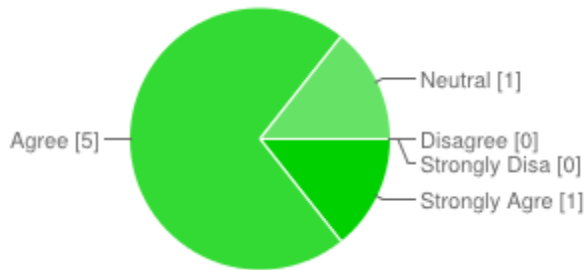
10. The defense counsel explains all of the rights that the defendant will temporarily or permanently relinquish if he/she joins the drug court.



Strongly Agree	0	0%
Agree	2	29%
Neutral	3	43%
Disagree	0	0%
Strongly Disagree	2	29%

Average 3.3

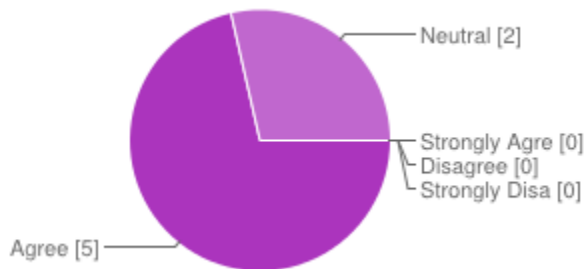
11. Eligibility screening is based on established written criteria.



Strongly Agree	1	14%
Agree	5	71%
Neutral	1	14%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.1

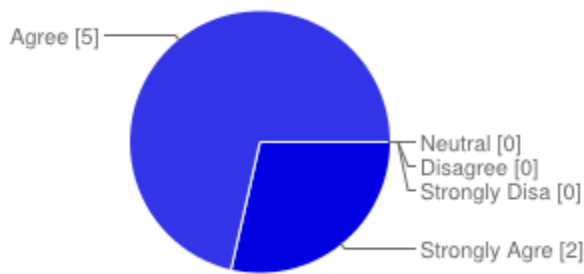
12. Eligible participants for drug court are promptly advised about program requirements and the relative merits of participating.



Strongly Agree	0	0%
Agree	5	71%
Neutral	2	29%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.3

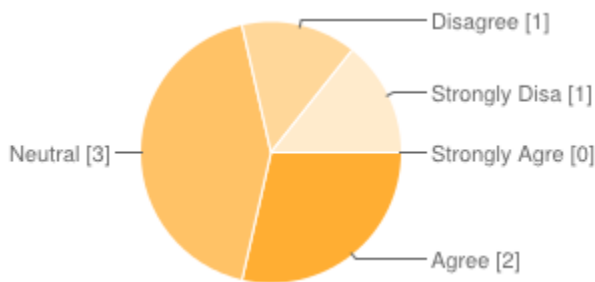
13. Trained professionals screen drug court-eligible individuals for AOD problems and suitability for treatment.



Strongly Agree	2	29%
Agree	5	71%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	0	0%

Average 1.7

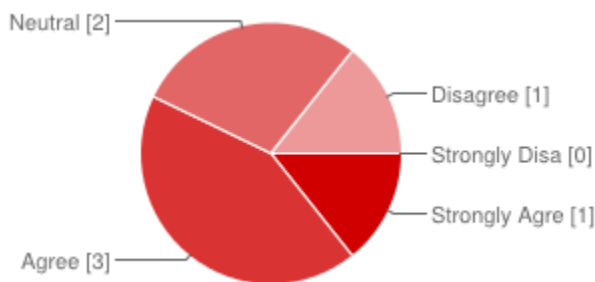
14. Initial appearance before the drug court judge occurs immediately after arrest or apprehension to ensure program participation.



Strongly Agree	0	0%
Agree	2	29%
Neutral	3	43%
Disagree	1	14%
Strongly Disagree	1	14%

Average 3.1

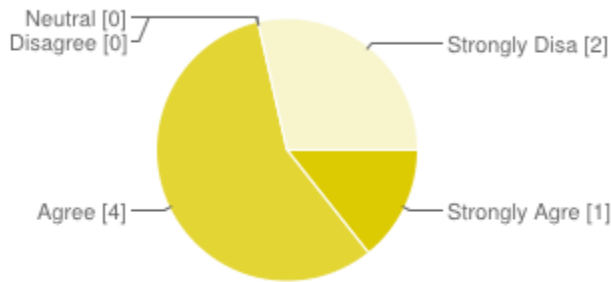
15. The court requires that eligible participants enroll in AOD treatment services.



Strongly Agree	1	14%
Agree	3	43%
Neutral	2	29%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.4

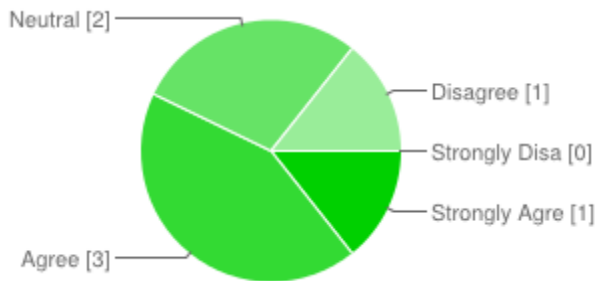
16. Individuals are initially screened and periodically assessed to ensure that treatment services are suitably matched to participant.



Strongly Agree	1	14%
Agree	4	57%
Neutral	0	0%
Disagree	0	0%
Strongly Disagree	2	29%

Average 2.7

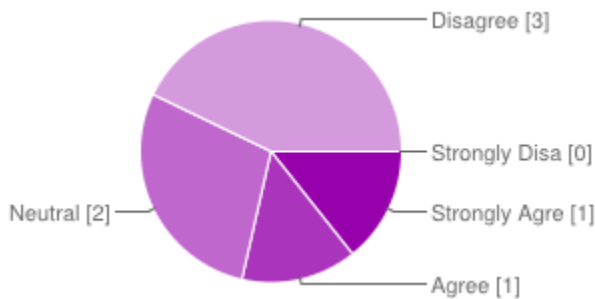
17. Treatment services are comprehensive including group counseling; individual and family counseling; relapse prevention; 12-step self-help groups; and referral to primary medical care.



Strongly Agree	1	14%
Agree	3	43%
Neutral	2	29%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.4

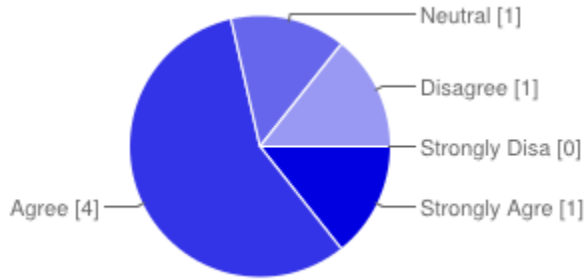
18. Specialized services are available for participants with co-occurring AOD problems and mental health disorders



Strongly Agree	1	14%
Agree	1	14%
Neutral	2	29%
Disagree	3	43%
Strongly Disagree	0	0%

Average 3.0

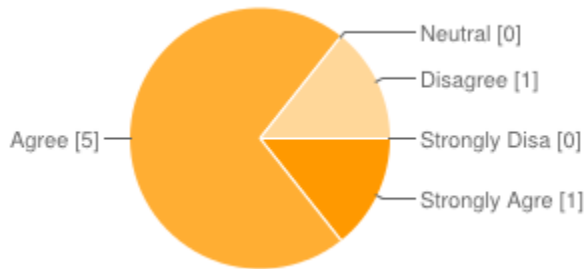
19. Treatment services are accessible.



Strongly Agree	1	14%
Agree	4	57%
Neutral	1	14%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.3

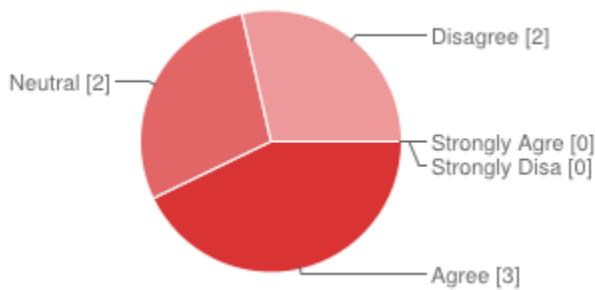
20. Funding for treatment is adequate, stable, and dedicated to the drug court.



Strongly Agree	1	14%
Agree	5	71%
Neutral	0	0%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.1

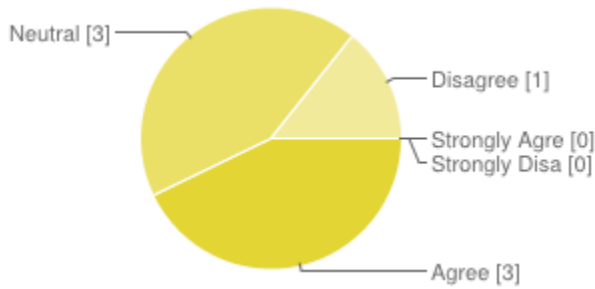
21. Payment of fees, fines, and restitution is part of treatment.



Strongly Agree	0	0%
Agree	3	43%
Neutral	2	29%
Disagree	2	29%
Strongly Disagree	0	0%

Average 2.9

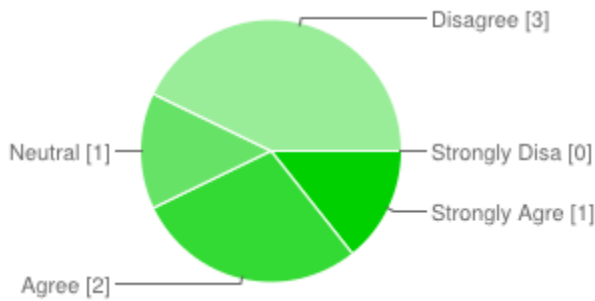
22. Fee schedules are commensurate with an individual's ability to pay.



Strongly Agree	0	0%
Agree	3	43%
Neutral	3	43%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.7

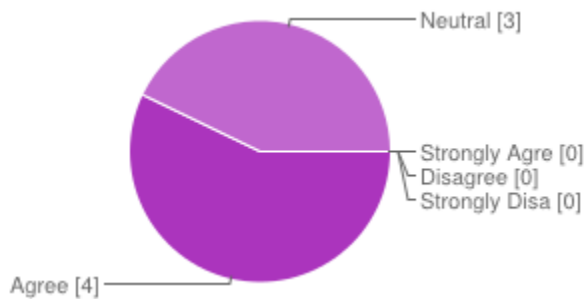
23. Treatment agencies give the court accurate and timely information about a participant's progress.



Strongly Agree	1	14%
Agree	2	29%
Neutral	1	14%
Disagree	3	43%
Strongly Disagree	0	0%

Average 2.9

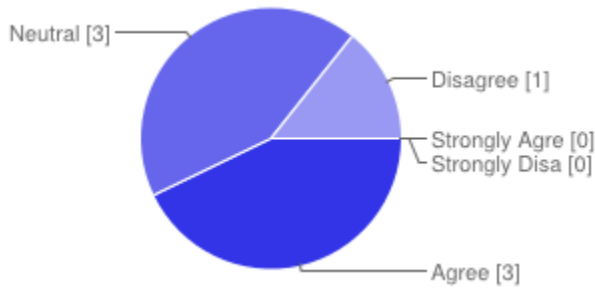
24. Treatment designs and delivery systems are sensitive and relevant to issues of race, culture, religion, gender, age, ethnicity, and sexual orientation.



Strongly Agree	0	0%
Agree	4	57%
Neutral	3	43%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.4

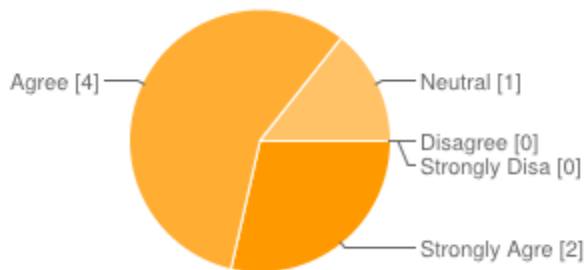
25. AOD testing policies and procedures are based on established and tested guidelines.



Strongly Agree	0 0%
Agree	3 43%
Neutral	3 43%
Disagree	1 14%
Strongly Disagree	0 0%

Average 2.7

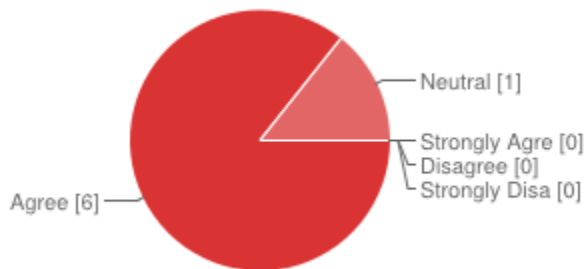
26. Testing is administered randomly, but occurs no less than twice a week during the first several months of an individual's enrollment.



Strongly Agree	2 29%
Agree	4 57%
Neutral	1 14%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.9

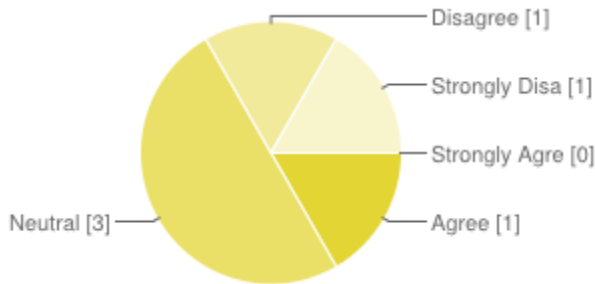
27. The scope of testing is sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol.



Strongly Agree	0 0%
Agree	6 86%
Neutral	1 14%
Disagree	0 0%
Strongly Disagree	0 0%

Average 2.1

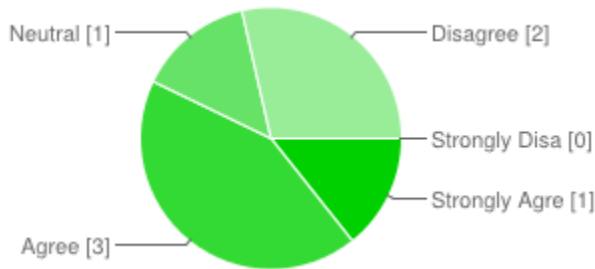
28. The drug-testing procedure include; direct observation of urine sample collection; verification of temperature and measurement of creatinine levels; specific, detailed, written procedures regarding all aspects of urine sample collection, sample analysis, and result reporting; a documented chain of custody for each sample collected.



Strongly Agree	0	0%
Agree	1	17%
Neutral	3	50%
Disagree	1	17%
Strongly Disagree	1	17%

Average 3.3

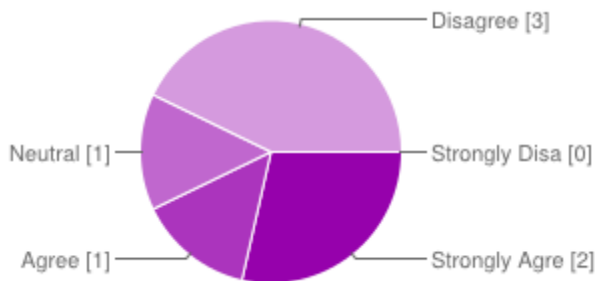
29. Drug test results are available and communicated to the court and the participant within one day



Strongly Agree	1	14%
Agree	3	43%
Neutral	1	14%
Disagree	2	29%
Strongly Disagree	0	0%

Average 2.6

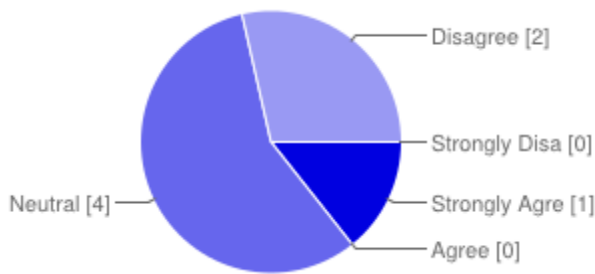
30. The court is immediately notified when a participant has tested positive, has failed to submit to AOD testing, has submitted the sample of another, or has adulterated a sample.



Strongly Agree	2	29%
Agree	1	14%
Neutral	1	14%
Disagree	3	43%
Strongly Disagree	0	0%

Average 2.7

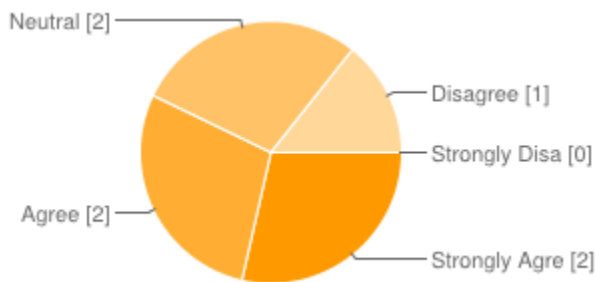
31. The court has a well-defined, written strategy for responding to positive tests, missed tests, and fraudulent tests.



Strongly Agree	1	14%
Agree	0	0%
Neutral	4	57%
Disagree	2	29%
Strongly Disagree	0	0%

Average 3.0

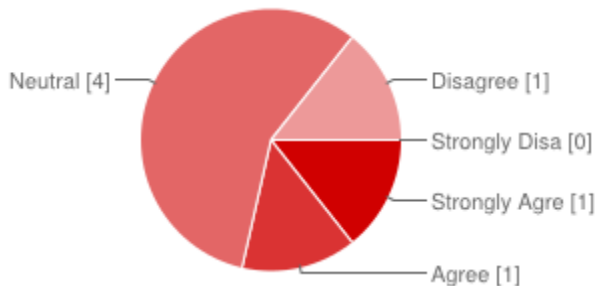
32. Participants must be abstinent for a substantial period of time prior to program graduation.



Strongly Agree	2	29%
Agree	2	29%
Neutral	2	29%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.3

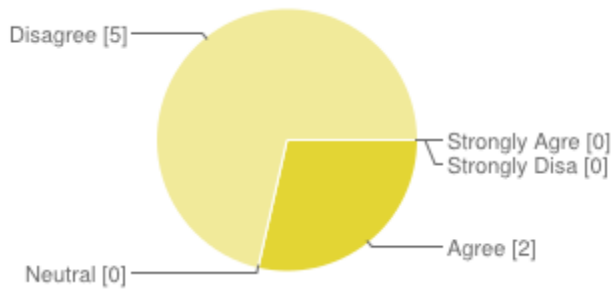
33. Responses to compliance and noncompliance are explained verbally and provided in writing to drug court participants before they are accepted.



Strongly Agree	1	14%
Agree	1	14%
Neutral	4	57%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.7

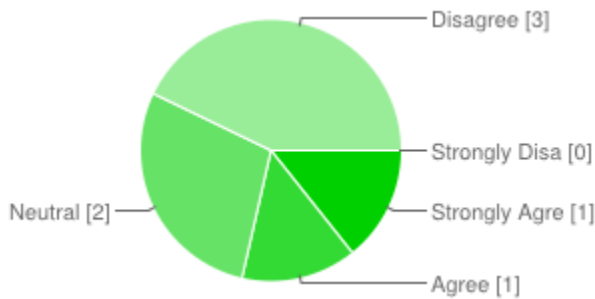
34. The responses for compliance (incentives) vary in intensity as do the responses (sanctions) for noncompliance.



Strongly Agree	0 0%
Agree	2 29%
Neutral	0 0%
Disagree	5 71%
Strongly Disagree	0 0%

Average 3.4

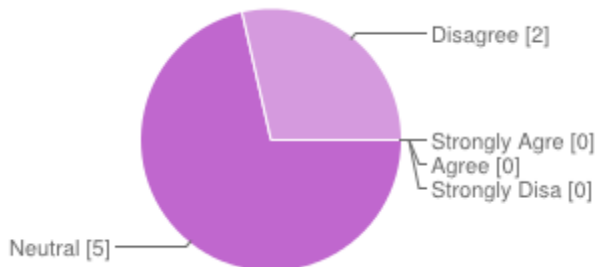
35. Regular status hearings are used to monitor participant performance: to reinforce the drug court's policies, and to give the participant a sense of how he or she is doing.



Strongly Agree	1 14%
Agree	1 14%
Neutral	2 29%
Disagree	3 43%
Strongly Disagree	0 0%

Average 3.0

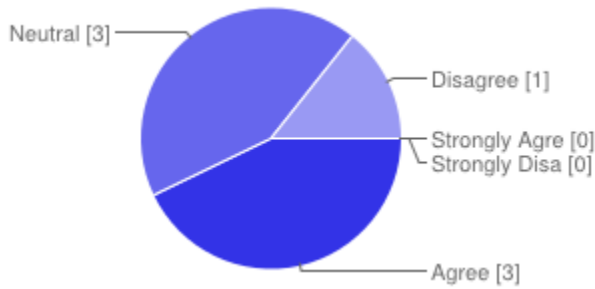
36. The court applies appropriate incentives and sanctions to match the participant's treatment progress.



Strongly Agree	0 0%
Agree	0 0%
Neutral	5 71%
Disagree	2 29%
Strongly Disagree	0 0%

Average 3.3

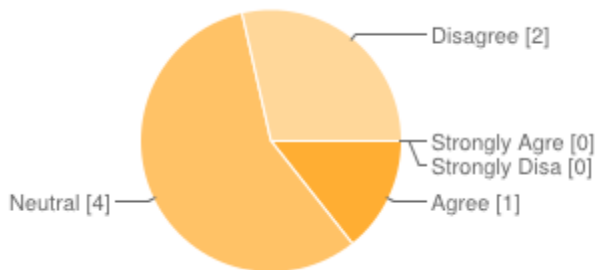
37. Payment of fees, fines and/or restitution is part of the participant's treatment.



Strongly Agree	0	0%
Agree	3	43%
Neutral	3	43%
Disagree	1	14%
Strongly Disagree	0	0%

Average 2.7

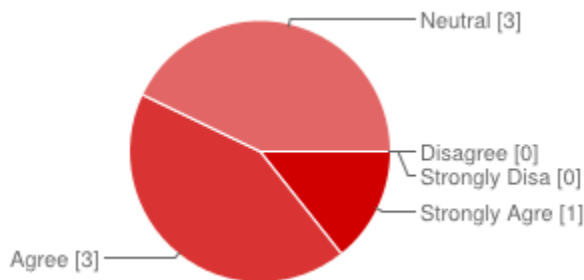
38. Drug court leaders and senior managers have established specific and measurable goals that define the parameters of data collection and information management.



Strongly Agree	0	0%
Agree	1	14%
Neutral	4	57%
Disagree	2	29%
Strongly Disagree	0	0%

Average 3.1

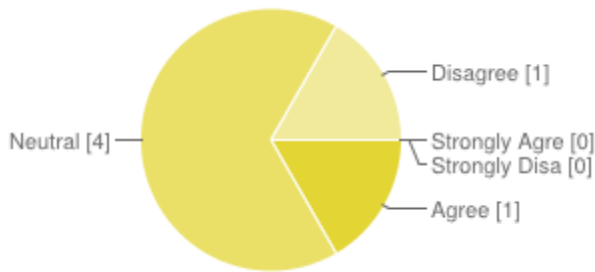
39. Data needed for program monitoring and management can be obtained from records maintained for day-to-day program operations.



Strongly Agree	1	14%
Agree	3	43%
Neutral	3	43%
Disagree	0	0%
Strongly Disagree	0	0%

Average 2.3

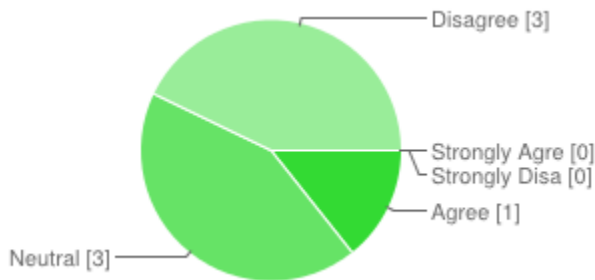
40. Monitoring and management data are assembled in useful formats for regular review by program leaders and team members.



Strongly Agree	0	0%
Agree	1	17%
Neutral	4	67%
Disagree	1	17%
Strongly Disagree	0	0%

Average 2.6

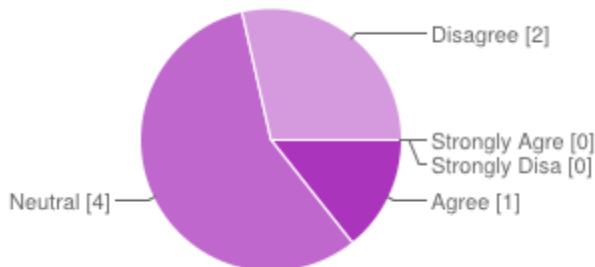
41. Monitoring reports are used to analyze program operations, gauge effectiveness, modify procedures when necessary, and refine goals.



Strongly Agree	0	0%
Agree	1	14%
Neutral	3	43%
Disagree	3	43%
Strongly Disagree	0	0%

Average 3.3

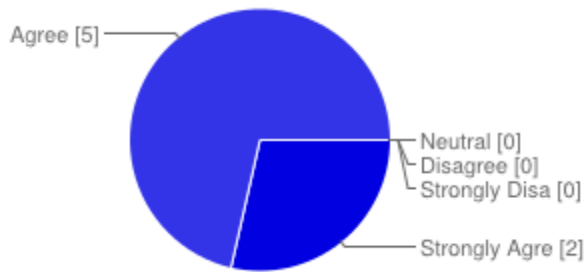
42. Process evaluation activities are undertaken throughout the course of the drug court program.



Strongly Agree	0	0%
Agree	1	14%
Neutral	4	57%
Disagree	2	29%
Strongly Disagree	0	0%

Average 3.1

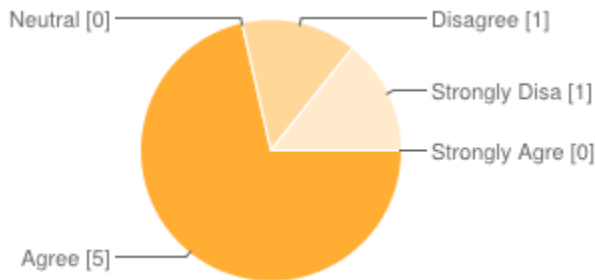
43. A qualified independent evaluator has been selected and given responsibility for developing and conducting an evaluation design and for preparing interim and final reports.



Strongly Agree	2 29%
Agree	5 71%
Neutral	0 0%
Disagree	0 0%
Strongly Disagree	0 0%

Average 1.7

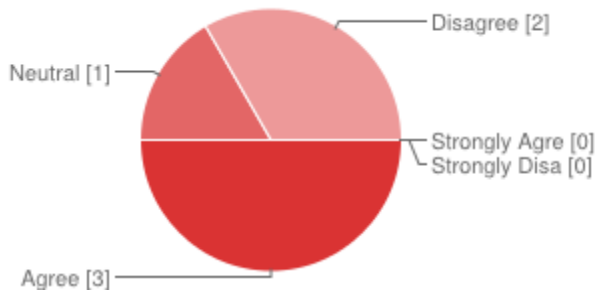
44. Key personnel have attained a specific level of basic education, as defined in staff training requirements and in the written operating procedures.



Strongly Agree	0 0%
Agree	5 71%
Neutral	0 0%
Disagree	1 14%
Strongly Disagree	1 14%

Average 2.7

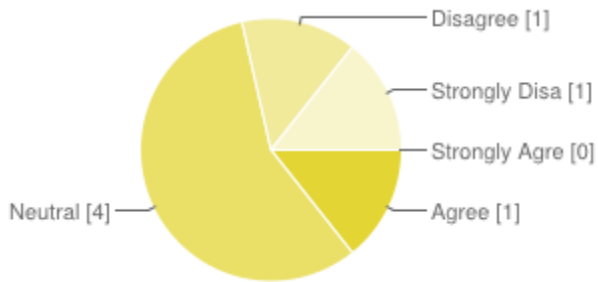
45. The operating procedures define requirements for the continuing education of each drug court staff member.



Strongly Agree	0 0%
Agree	3 50%
Neutral	1 17%
Disagree	2 33%
Strongly Disagree	0 0%

Average 2.8

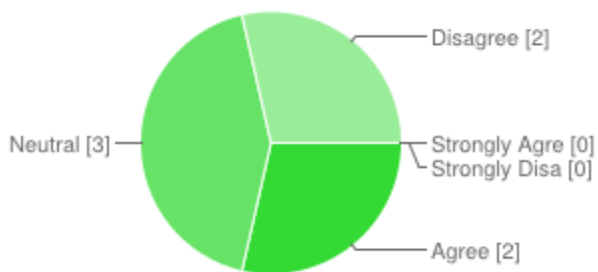
46. All drug court personnel have attended education and training sessions on drug court operation, philosophy and values.



Strongly Agree	0	0%
Agree	1	14%
Neutral	4	57%
Disagree	1	14%
Strongly Disagree	1	14%

Average 3.3

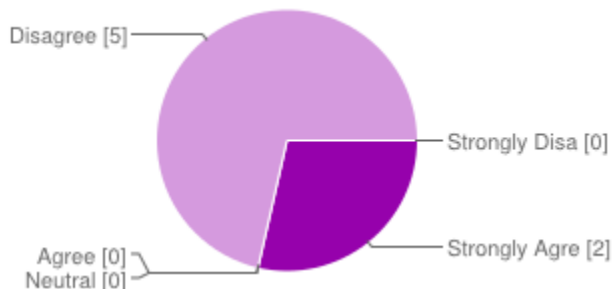
47. An education syllabus and curriculum are included in the policies and procedures manual describing the necessary learning goals to develop the competencies essential to drug court practice.



Strongly Agree	0	0%
Agree	2	29%
Neutral	3	43%
Disagree	2	29%
Strongly Disagree	0	0%

Average 3.0

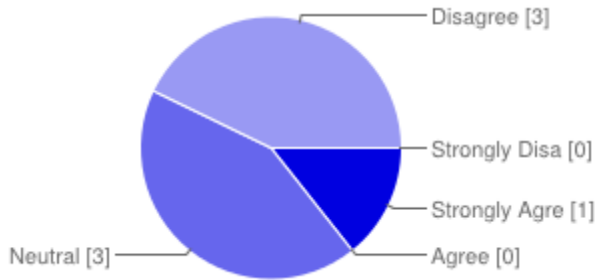
48. Representatives from the court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social service agencies, and the faith community meet regularly to provide guidance and direction to the drug court program.



Strongly Agree	2	29%
Agree	0	0%
Neutral	0	0%
Disagree	5	71%
Strongly Disagree	0	0%

Average 3.1

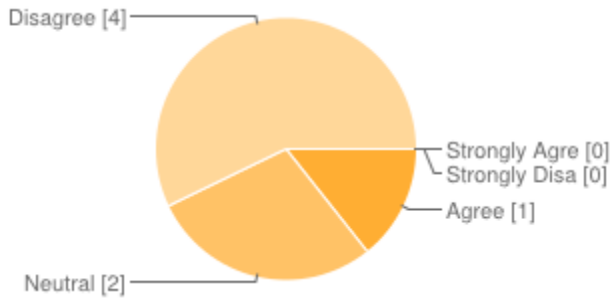
49. The drug court plays a pivotal role in forming linkages between community groups and the criminal justice system.



Strongly Agree	1	14%
Agree	0	0%
Neutral	3	43%
Disagree	3	43%
Strongly Disagree	0	0%

Average 3.1

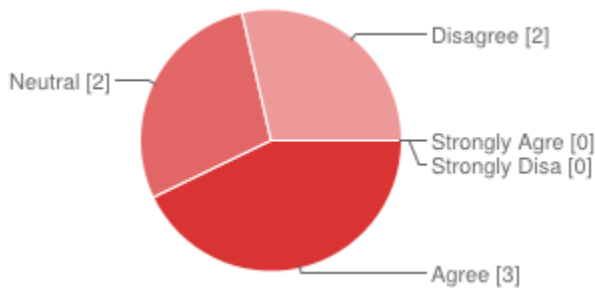
50. The drug court provides a conduit of information to the public about the drug court.



Strongly Agree	0	0%
Agree	1	14%
Neutral	2	29%
Disagree	4	57%
Strongly Disagree	0	0%

Average 3.4

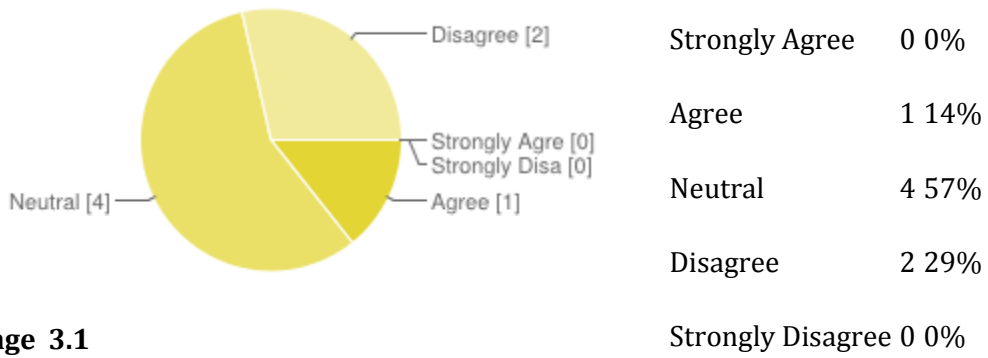
51. Participation of public and private agencies, as well as community-based organizations, is formalized through a steering committee.



Strongly Agree	0	0%
Agree	3	43%
Neutral	2	29%
Disagree	2	29%
Strongly Disagree	0	0%

Average 2.9

52. The drug court hires a professional staff that reflects the population served, and provides ongoing cultural competence training to the team.



Chapter 7: COST BENEFIT ANALYSIS

COST BENEFIT ANALYSIS

DISCIPLINED THOUGHT AND PRACTICAL WISDOM

The assumption that provides a foundation for cost benefit analysis is a belief that it is possible to quantify the costs and the benefits and plug in these values into an equation and determine whether you are in the “red” or the “black;” would that it were so simple. The very question of cost benefit moves us from a consideration of the real promise of drug courts to a question about whether or not we save money. Anyone with any knowledge about the tremendous waste of resources, our tax money, poured into our overly punitive war on drugs can not seriously question an approach that has the documented success revealed in a mountain of research on drug courts. Even those courts that are not performing as well as possible have a promise that can and probably will be realized as the courts grow and develop. The National Institute of Justice found that 68 percent of individuals released from prison were rearrested within three years and 52% of those released were re-incarcerated within three years.²² Is there a county or city government that would not close down a program with a 68% failure rate and welcome an alternative with better success and a much brighter future? This is the offer of drug courts; they are our best option based on disciplined thought and practical wisdom.

Are the economic investments communities are making to maintain the SCDC giving back more than the traditional approach? Are the investments worth the gains realized by these courts? Three cost benefit arguments are presented below. The first argument follows conventional methodology that attempts to find real cost expenditures and real dollar savings that put a dollar amount on the inputs and outputs of the drug courts. As will become clear this type of analysis is not simple and straight forward. The second approach rests on research completed by The National Center on Addiction and Substance Abuse at Columbia University. This research provides estimates of the percent of Federal, State and Local budgets that is directed at “shoveling up the mess” created by substance abuse. Inferences are drawn from these estimates to make assessments of the proportion of our county budgets directed at the attempt to repair the damage caused by substance abuse. What the success of the SCDC means to this equation is investigated. The third approach brings in a consideration of the enhancement of the functional status of participants. This argument is rather straight forward, but lacking in quantification

²² National Institute of Justices: National Statistics on Recidivism
<http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx>

usually associated with cost benefit analysis. The argument takes on the look of a syllogism; the level of functional status is directly related to economic and social costs; substance abuse significantly lowers functional status; therefore, sobriety lowers economic and social costs. The measure of functional status available to us is the number of days sober or “clean days.”

CLAIM:

After researching cost-benefit of drug courts nationally, and after analyzing costs and economic benefits associated directly with both teams that comprise SCDC, it will be demonstrated that these two courts do, indeed, evidence a positive cost benefit.

DATA:

Evidence to support the claim is drawn from: 1. research on federal, state and local budget spending on substance abuse and addiction; 2. the often overlooked consideration of what it means for local costs when individuals go from abusing controlled substances to sobriety, and 3. cost data related to SCDC in Lincoln, Lyon and Redwood Counties.

PART I: CAN IT BE DEMONSTRATED, WITH MORE TRADITIONAL APPROACHES, THAT THE TWO SCDC TEAMS HAVE A POSITIVE COST BENEFIT TO THEIR COMMUNITIES?

The first approach to cost benefit analysis opens with an understanding of what we are moving away from with the emergence of SCDC. When the court provides an option to incarceration the savings are significant. SCDC integrates substance abuse treatment into a program with supporting services to meet a wide range of needs. The power of the court to monitor progress in CD treatment and to enforce compliance with the treatment regime assures the cost benefits associated with substance abuse treatment over the “business-as-usual” criminal justice response. “Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes (drug related) and costs approximately \$20,000 less than incarceration per person per year.” A study by the Washington State Institute for Public Policy found that every dollar spent on drug treatment in the community yields over \$18 in cost savings related to crime. In comparison, prisons only yield \$ 0.37 in public safety benefit per dollar spent. Making treatment accessible is an effective way of reducing problematic drug use, reducing crime

associated with drug use and reducing the number of people in prison."²³ Cost savings associated with a wide range of services have been found to be related to programs that emphasize therapeutic treatment rather than “business-as-usual” criminal justice response to substance abuse. Cost savings in the area of emergency room visits have been realized as a result of CD treatment. “CD treatment reduces the number of ERs visited by 20 percent for clients who enter CD treatment but do not complete treatment, and by 30 percent for clients who enter and complete CD treatment”.²⁴ “At the national level, the findings are even more encouraging. The Substance Abuse and Mental Health Services Administration (SAMHSA) reports that: For every \$1 invested in treatment, taxpayers save at least \$7.46 in costs to society. After individuals receive treatment for their substance use disorder, total medical costs per patient per month are cut in half; from \$431 to \$200.²⁵ “A study²⁶ comparing the direct cost of treatment to monetary benefits to society determined that on average, costs were \$1,583 compared to a benefit of \$11,487 (a benefit-cost ratio of 7:1). Given these estimates it is reasonable to assume a significant cost benefit with an 80% treatment completion rate for SCDC compared to 45% completion rate for treatment programs in the U. S.²⁷

The table below includes estimates of the costs of substance abuse in millions of dollars. It is not clear how exactly these data are derived. To determine the specific cost of these factors in Lincoln, Lyon and Redwood Counties is beyond the expectation for this evaluation. However, these are real costs, even if they cannot be specifically quantified here. They are real costs that the success of the SCDC brings down given its record of outperforming “business-as-usual.”

Researching cost benefit analyses leaves one searching for solid numbers so one can just do the math and present the costs and the fiscal benefits of these Drug Courts. As is explained above, these courts have been analyzed by credible researchers and continue to come up as

²³ Justice Policy Institute, "How to safely reduce prison populations and support people returning to their communities," (Washington, DC: June 2010), p. 8. See more at:

http://www.drugwarfacts.org/cms/Prisons_and_Drugs#sthash.7TGg4KLd.dpuf

²⁴ DSHS Research and Data Analysis Division, 11.120fs Chemical Dependency Treatment Reduces Emergency Room Costs And Visits Washington State Department of Social & Health Services Daniel J. Nordlund, Ph.D. David Mancuso, Ph.D. Barbara Felver, MES, MPA

²⁵ Results from the 2009 National Survey on Drug Use and Health: Volume I, Summary of National Findings, Substance Abuse and Mental Health Services Administration, September 2010

²⁶ Ettner, S.L., D. Huang, et al. (2006). “Benefit-cost in the California treatment outcome project: does substance abuse treatment ‘pay for itself?’” *Health Services Research*, 41(1): 192-213.

²⁷ Stephan Arndt Laura Acion, Kristin White “How the states stack up: Disparities in substance abuse outpatient treatment completion rates for minorities.” *Drug and Alcohol Dependence*. Volume 132, Issue 3, 1 October 2013, Pages 547–554.

financially beneficial to the community. Many of the values used in the formulas are estimates because of limited data and are based on what can be given a dollar value. After analyzing a myriad of these reports one would have to ignore the tacit understandings that present themselves in researching the SCDC courts to reject the idea that they save money (and participants, and children, and lives, and families). Exactly how much they save cannot not be known. Reports out of the Office of National Drug Control Policy consistently tell us to take the numbers as “best guesses,” informed by what we can get our hands on and what we can assume “just as should be done for virtually all quantitative analysis.”²⁸

One has to go into this analysis with eyes open, a willingness to accept best estimates and not be overly concerned by wide variations and caveats tacked on to statements about “what is reported.” This is not to disqualify these cost benefit investigations; it is more to recognize the complexity of nailing down costs and savings associated with preventing costly things from happening. The cost estimates made by economists come with warnings. The cost of drug abuse

Estimated Societal Cost of Drug Abuse, 1992-2002
Crime Related Costs
(in millions of dollars)

Cost Component	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Health Care Costs											
Crime Victim Health Care Costs	\$92	\$142	\$148	\$139	\$136	\$132	\$127	\$118	\$111	\$109	\$110
Productivity Losses											
Homicide Victims	\$3,459	\$3,348	\$3,237	\$3,126	\$3,014	\$2,903	\$2,792	\$2,681	\$2,776	\$2,935	\$3,102
Productivity Loss of Victims of Crime	\$2,059	\$2,488	\$2,554	\$2,377	\$2,332	\$2,293	\$2,065	\$1,955	\$1,847	\$1,806	\$1,800
Incarceration	\$17,907	\$19,366	\$21,095	\$22,983	\$24,833	\$27,221	\$30,133	\$32,782	\$34,693	\$36,295	\$39,095
Crime Careers	\$19,198	\$19,755	\$19,603	\$20,172	\$23,758	\$26,608	\$24,627	\$24,960	\$25,688	\$26,538	\$27,576
Cost of Other Effects											
Criminal Justice System and Other Public Costs											
Police Protection	\$4,503	\$4,991	\$5,505	\$6,093	\$6,612	\$7,216	\$7,713	\$8,130	\$8,780	\$9,504	\$9,785
Legal Adjudication	\$1,074	\$1,149	\$1,273	\$1,423	\$1,516	\$1,634	\$1,802	\$1,926	\$2,085	\$2,263	\$2,336
State and Federal Corrections	\$7,495	\$7,616	\$8,416	\$9,806	\$10,046	\$10,467	\$10,959	\$11,888	\$12,573	\$13,235	\$14,236
Local Corrections	\$1,333	\$1,390	\$1,587	\$1,746	\$1,679	\$1,730	\$2,108	\$2,269	\$2,439	\$2,628	\$2,694
Federal Spending to Reduce Supply	\$4,126	\$3,691	\$3,521	\$3,697	\$3,827	\$4,620	\$4,827	\$5,938	\$6,912	\$5,900	\$6,228
Private Costs											
Private Legal Defense	\$365	\$388	\$429	\$447	\$445	\$522	\$548	\$514	\$571	\$633	\$647
Property Damage for Victims of Crime	\$193	\$229	\$231	\$217	\$214	\$208	\$186	\$191	\$198	\$203	\$206
Total	\$61,804	\$64,553	\$67,599	\$72,226	\$78,412	\$85,554	\$87,886	\$93,351	\$98,673	\$102,049	\$107,815

Source: Analysis by The Lewin Group, 2004.

revealed in the above table rests on calculations that yield apparently very precise values. However, they should be viewed as approximations based on trends, projected values and estimates. It is very difficult to discern and measure the role of drugs in violent and acquisitive

²⁸ Office of National Drug Control Policy (2004). The Economic Costs of Drug Abuse in the United States. 1992-2002. Washington D. C. Executive Office of the President. Publication Number 20303

crime, just as it is very difficult to measure the nature and size of the illicit drug trade.” Other economic assessments attempt to estimate intangible costs and put them into cost benefit assessments. These attempts include the cost of pain, suffering, anxiety and the impact on families, children and the community.²⁹ Again these are real costs that are most often ignored because of the difficulty, or impossibility of precise measurement.

“Evaluations of the net costs and benefits of drug courts nationwide generally find that drug courts save taxpayer dollars compared to simple probation and/or incarceration, primarily due to reductions in arrests, case processing, jail occupancy and victimization costs. While not all persons diverted to drug court would have otherwise been sentenced to prison, for those individuals who are incarcerated, the average annual cost nationally is estimated to be \$23,000 per inmate, while the average annual cost of drug court participation is estimated to be \$4,300 per person”.³⁰ The Vera Institute determined that the average annual cost to incarcerate a person in Minnesota is \$41,364.00.³¹ A number of key evaluations have reported the following:

- In 2005, the Government Accountability Office found that seven drug courts evaluated had net benefits of between \$1,000 and \$15,000 per participant due to reduced recidivism and avoided costs to potential victims.³²
- Evaluations of 11 drug courts in Oregon, Washington, Kentucky and Missouri found substantial cost savings. The Oregon drug court was estimated to save \$3,500 per participant due to reduced recidivism and incarceration. Six drug courts in Washington saved an average of \$6,800 per participant based on reduced rearrests and victimization costs.³³
- A study of five drug courts in Washington found \$1.74 in benefits for every dollar invested in drug courts.³⁴ This benefit results from reduced court costs associated with a decline in recidivism.

²⁹ Office of National Drug Control Policy (2004). Publication Number 20303

³⁰ Ryan S. King and Jill Pasquarella , “Drug Courts: A Review of the Evidence” The Sentencing Project Washington, DC 20004 2009

³¹ <http://www.vera.org/files/price-of-prisons-minnesota-fact-sheet.pdf> This fact sheet and the report The Price of Prisons: What Incarceration Costs Taxpayers were produced by Vera’s Center on Sentencing and Corrections and its Cost-Benefit Analysis Unit in partnership with the Public Safety Performance Project of the Pew Center on the States

³² Government Accountability Office, p. 7

³³ Steven Belenko, Economic Benefits Of Drug Treatment: A Critical Review of the Evidence for Policy Makers, Treatment Research Institute at the University of Pennsylvania, 2005, p. 2 2005, pp. 44-45

³⁴ Barnoski and Aos, p. 11. Washington State Institute for Public Policy. Washington State’s Drug Courts for Adult Defendants: Outcome Evaluation and cost-Benefit Analysis March 2003.

- A study in St. Louis found that the initial cost of drug courts (\$7,800 per graduate) exceeded that of someone completing simple probation (\$6,300 per person), but two years after the completion of the program, drug court graduates were realizing a net savings of \$2,600 per person resulting from lower jail costs, reduced crime victimization, and healthcare costs.³⁵
- A 1997 national survey of court administration found 97 drug courts reported savings of as much as \$400,000 per year accumulated from the reduction in pre-trial stays and jail beds alone.³⁶
- The Multnomah County evaluation found that ten years of operating a drug court resulted in \$9 million in savings based on case processing alone. Taking into account factors such as reduced recidivism and jail time and the savings due to reduced victimization, the court saved taxpayers \$88 million.³⁷
- Two counties in Michigan reported cost savings of \$1 million over a two-year period (or \$3,000 per participant) from fewer rearrests, less probation supervision time and fewer new court cases.³⁸

For this analysis, if we simply take the hourly pay for the professionals on the team and determine how many hours they devote to drug court activities, we can derive a straight forward equation to determine the personnel cost involved. The next step turned solid numbers into Jell-O. “Would you work on these cases even if there were no SCDC?” Well, of course they would. Then add or subtract the costs associated with benefits to your work you derive from being on this team? “It saves me time on these cases because I’m working with a team.” “I take what I learn from being on this team and it makes my work on other cases easier and better.” “It would take me forever to research and read to understand the mental health issues of individuals I deal with. Now I hear directly from an expert. I am learning and am less likely to mistake mental illness for criminal intent.” In addition there are real cost benefits of avoiding the time, effort and cost involved in criminal justice processes by the court, the judge, the county attorney, possibly a public defender. What is the cost saving associated with these kinds of processes? I

³⁵ Belenko, 2005, p. 45

³⁶ Reginald Fluellen and Jennifer Trone, *Do Drug Courts Save Jail and Prison Beds?* Vera Institute of Justice, 2000,

³⁷ Michael W. Finigan, Shannon M. Carey, and Anton Cox, *The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs*, NPC Research, 2007, p. 28

³⁸ Michigan Supreme Court, *Michigan Drug Treatment Court Performance Review*, Michigan Supreme Court, State Court Administrative Office, 2007, p. 1.

don't know that a specific number could be determined, but I am confident the savings are significant. In this analysis a combination of real numbers, informed estimations, a range of probable costs/savings, and a healthy dose of tacit understandings combine to make an argument for the extent of the cost benefit associated with the SCDC.

The cost savings that are most often cited as making the most significant contribution to the cost effectiveness of drug courts are those associated with lowering the out of home placement costs for children of drug court participants. In interviews with team members, these savings were included in a list of the benefits of the Redwood Court. Comparing estimates of costs for out of home placement for drug courts and for "business as usual" results in a savings of about \$4,500 per child. According to the Fifth Judicial District Monthly Report, SCDC served about 30 children on a monthly basis. If half of these children avoided out of home placement the most conservative estimate of savings is \$ 67,500.00.

The second most significant element in a cost saving formula is related to public safety. A good estimate for the average cost of an arrest in southern Minnesota is \$234.00. This includes the arrest, booking operations, support services and overhead. If, as the data on reduction of charged offenses in this evaluation indicates, charged offenses are reduced by about 87% for participants in SCDC, then for every charged offense prevented the counties involved save the cost of an arrest, \$234.00. If we assume, at minimum one night in jail, we would add another \$129.00, for a cost of \$363.00. Crime reduction analysis presented earlier revealed, that for these data, the two teams showed a significantly lower number of charged offense after participants entered the drug courts than the number recorded for the year before entering SCDC. The 19 participants, for whom we have data, had a total of 363 charged offenses recorded and 61 charged offenses in the year prior to entering the drug court. The total cost, for the three counties, for arrests and one day jail incarceration for these 363 charged offenses is \$131,769.00. Table 7-3 includes the cost per participant for operation of the SCDC and the determined cost savings, over "business-as-usual" (Without SCDC) processing, realized by the courts. The cost per participant was determined by taking the total expenditures for running the SCDC divided by the average number of participants per year. The impact on cost benefits from enhanced employment and decreased reliance on public assistance are estimates derived from GPRA data on "money received in the last 30 days" for drug court participants in southern Minnesota at the time of their acceptance in drug court and after 6 months in the court. Estimating the cost of

Table 7-1 Public Safety Cost Savings Related to Arrests and Jail Incarceration for 19 Participants					
Cost of		Cost without SCDC (Prior Year)		Cost with SCDC (After entry)	
		SCDC Redwood	SCDC Marshall	SCDC Redwood	SCDC Marshall
Arrest	\$ 234.00	X 27= \$6,318	X 34= \$7,956	X 2= \$702	X 5= \$ 1,170
Day in jail	\$ 129.00	X 27= \$3,843	X 34= \$4,386	X 2= \$387	X 5= \$ 645

Table 7-2 Public Safety Cost Savings for Arrests and Jail Incarceration for SCDC Teams and Per Participant.		
SCDC Team	SCDC Redwood	SCDC Marshall
Arrests	\$ 5,616.00	\$ 6,786.00
Jail	\$ 3,461.00	\$ 3,741.00
Savings per Team	\$ 9,077.00	\$ 11,427.00
Savings per participant	\$ 1,296.71	\$ 952.25

criminal victimization attempts to discover the pattern in divergent events. Add to that the probability of these events happening, or not happening, and you begin to get a sense of the challenge of “doing the math.” In a research report by the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice the staggering cost and consequences of personal crime for Americans are estimated. Just the estimate of one crime informs us of the costs. “Drunk driving victims average \$1,400 in medical costs, while productivity losses are \$2,700. If only those with injury are included, medical costs increase to \$6,400, while productivity losses increase to \$15,400.”³⁹

No attempt is made to determine the real costs. The estimates in Table 7-3 should be sufficient to persuade anyone of the cost benefit of the SCDC. The savings tied to the completion of treatment are calculated time and time again, in a myriad of research projects and demonstrate the cost benefit of treatment. When we add the muscle of the Court to requirements for completing treatment the inference that these courts give back far more than they take is eminently defensible. A SAMHSA sponsored evaluation of the cost benefit of substance abuse treatment found a 7 to 1 ratio of benefits to cost.⁴⁰

³⁹ Victim Costs and Consequences: “A New Look,” U.S Department of Justice: National Institute of Justice, 1996

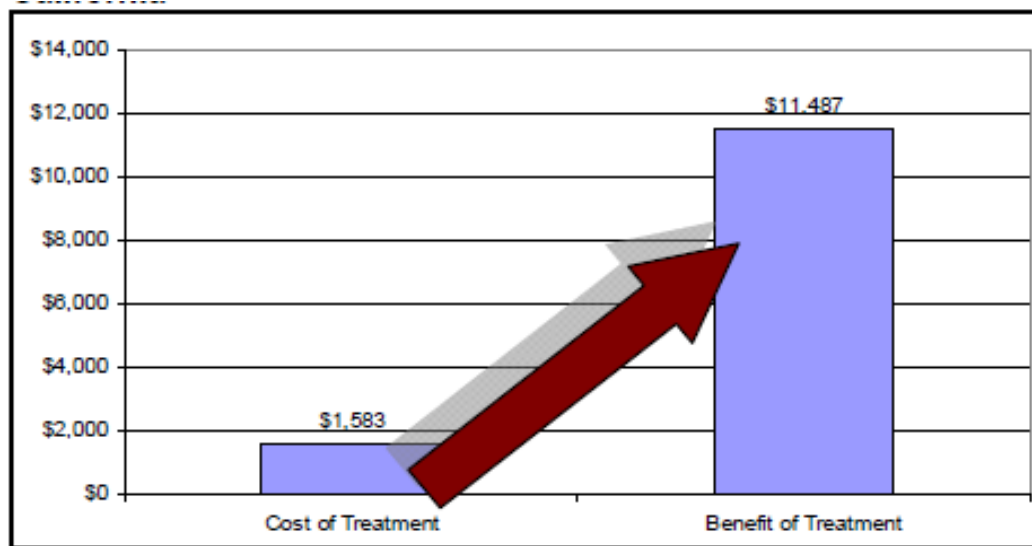
⁴⁰ Cost Offset of Treatment Services.

http://www.samhsa.gov/grants/CSATGPRA/general/SAIS_GPRA_CostOffsetSubstanceAbuse.pdf

Table 7-3 Cost Item per participant	Average Costs SCDC	Cost Benefits from SCDC	Possible Costs Without SCDC
Cost SCDC expenditures	\$4, 113.40	Income from fees \$600.00	
Prison in Minnesota		Depends on sentence	\$41,364.00 per yr.
Jail cost for 90 days		Depends on sentence	\$11,610.00
Jail Sanction (Average)	\$7,180.00		
Arrest and Jail	\$ 152.84	\$ 1,031.52	\$1,184.36
Employment		\$4,536.84 (\$378.07 per month increase)	
Public Assistance		\$3,264.00 (\$272.00 per month decrease)	
Crime Victimization*	~\$1,105.26	Depends on seriousness of crime	~\$9,613.00

- Cost for lowest level of drunken driving victimization.

Figure 7-1 Cost Offset of Treatment



PART II: WHAT DOES THE RESEARCH DATA ON THE ECONOMIC COST OF SUBSTANCE ABUSE TO LOCAL COMMUNITIES TELL US ABOUT THESE COSTS IN THE COUNTIES IN WHICH THE SCDC OPERATES?

This approach allows for the recognition that cost-benefit for SCDC is not revealed by a simple gathering of dollar amounts which are poured into a formula and are crunched to

determine whether or not these Drug Court Teams are a drain on limited resources or are making positive contributions to the balance sheets. Numbers have been crunched, but the research on the cost of substance abuse to communities and the promise in effective responses, including drug courts, adds a level of reality to simple mathematical analysis.

It is time for us to get serious about using resources to support programs and approaches that have real promise. It is time for those who hold the purse strings to use the empirical evidence available to them to move their communities to an understanding that “accountability” in the guise of incarceration is a failed approach and a tremendous waste of limited tax money when there are more effective alternatives available. To move away from “business as usual” when it comes to drug involved individuals is prudent, ethical, based on disciplined thought and supported by empirical research.

"Substance-involved people have come to compose a large portion of the prison population. Substance use may play a role in the commission of certain crimes: approximately 16 percent of people in state prison and 18 percent of people in federal prison reported committing their crimes to obtain money for drugs. Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes and costs approximately \$20,000 less than incarceration per person per year. A study by the Washington State Institute for Public Policy found that every dollar spent on drug treatment in the community yields over \$18 in cost savings related to crime. In comparison, prisons only yield \$.37 in public safety benefit per dollar spent. Releasing people to supervision and making treatment accessible are effective ways of reducing problematic drug use, reducing crime associated with drug use and reducing the number of people in prison."⁴¹

It is generally accepted by drug policy researchers that the “War on Drugs” along with the methods it employed has failed at an extraordinary cost. Elliott Currie speaks of these costs in the introduction to his book, Reckoning.⁴²

“Twenty years of the ‘war’ on drugs have jammed our jails and prisons, immobilized the criminal justice system in many cities, swollen the ranks of the criminalized and unemployable minority poor, and diverted desperately needed resources from other social needs.”

⁴¹ Justice Policy Institute, "How to safely reduce prison populations and support people returning to their communities," (Washington, DC: June 2010), p. 8.

- See more at: http://www.drugwarfacts.org/cms/Prisons_and_Drugs#sthash.7TGg4KLd.dpuf

⁴² Currie, Elliott. *Reckoning: Drugs, the Cities, and the American Future*, Hill and Wang, New York, 1994.

Nicola Singleton, former Director of Policy & Research at the UK Drug Policy Commission points to data on the economic burden of untreated substance abuse. "Any addicted person not in treatment commits crime costing on average \$39,000 a year. Effective response to addiction prevents 4.9 million crimes annually in Great Britain. In her explanation of the costs associated with substance abuse, Ms. Singleton moves from fiscal costs to the incalculable loss of life of sons and daughters to drug addiction.⁴³

The National Center on Addiction and Substance Abuse at Columbia University prepared a report based on extensive research into the economic impact of substance abuse on federal, state and local budgets. The study is the first to calculate abuse-related spending by all three levels of government.⁴⁴ The message resonating from this report, "Shoveling Up II," tells us of the costs associated with substance abuse and the short-sided nature of allocation of tax dollars that is directed at "shoveling up" the destruction left in the path of substance abuse while using "fiscal accountability" as an excuse for denying resources to programs, like drug courts and family dependency treatment courts, with proven efficacy. In the Introduction to the report, Joseph A. Califano, Jr., CASA's Founder and Chair and former U.S. Secretary of Health, Education, and Welfare says; "Under any circumstances, spending more than 95 percent of taxpayer dollars on the crime, health care costs, child abuse, domestic violence, homelessness and other consequences of tobacco, alcohol and illegal and prescription drug abuse and addiction, and only two percent to relieve individuals and taxpayers of these burdens, is a reckless misallocation of public funds. In these economic times, such upside-down-cake public policy is unconscionable.

It's past time for this fiscal and human waste to end." Mr. Califano, speaking about the lack of funding for preventative and effective intervention says, "This is such a stunning misallocation of resources.... It's a commentary on the stigma attached to addictions and the

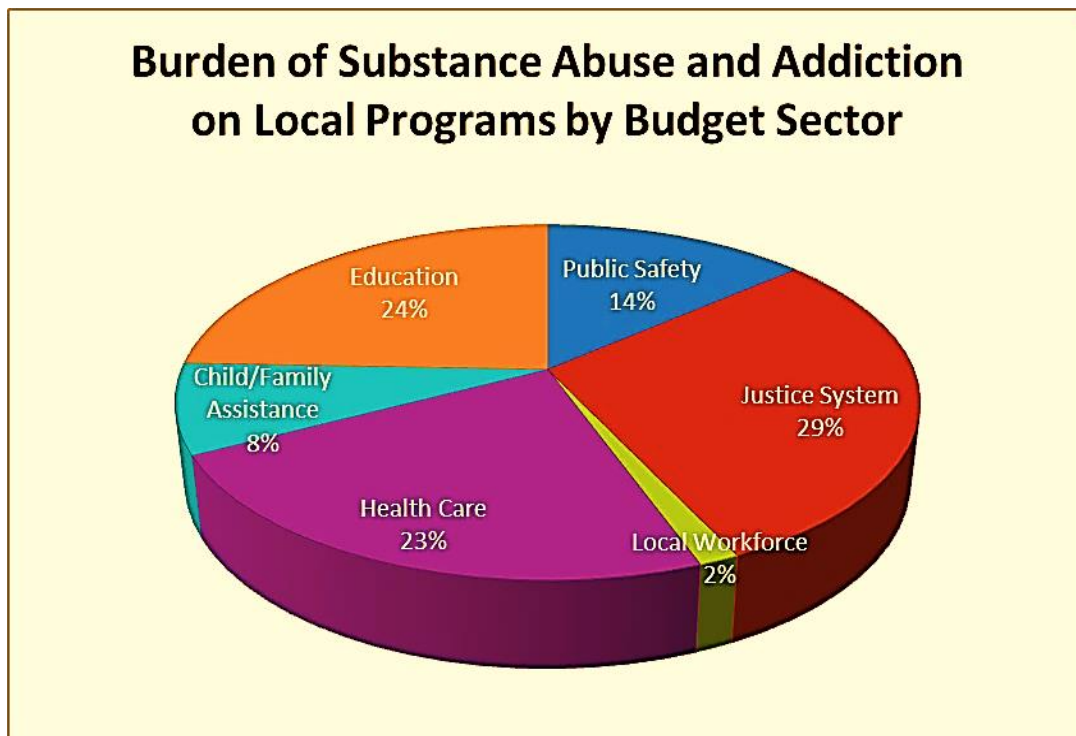
⁴³ Time To Get Serious About Treatment Of *Drug* Dependence

<http://drugandalcoholrehabilitation.beststrategies.info/uncategorized/time-to-get-serious-about-treatment-of-drug-dependence/>

⁴⁴ "The estimates presented in this report do have recognized limitations. The calculations for this study yield apparently very precise values. However, they should be treated as approximations, just as should be done for virtually any quantitative analysis."

failure of governments to make investments in the short run that would pay enormous dividends to taxpayers over time.”⁴⁵ Each of these budget sectors in Figure 7-2 are made less efficient by the given percentage because of the presence of substance abuse and addiction. On the one hand, effective response to, or treatment of, drug involved individuals would allow the work in each of these sectors to be accomplished with significantly smaller budgets with no loss of capacity. On the other hand, applying the effective interventions we have available to us would

Figure 7- 2



allow the use of the resources for making our communities more livable since they would not be needed to “shovel up” the mess substance abuse and addiction creates. For years we have made no real progress in stemming the tide of problems associated with substance abuse and addiction. We have grown accustomed to the devastation and have continued to confront the problem with a consistent barrage of programs that don’t work and at an unacceptable cost. It is not that those who allocate resources are less eager to tackle the problems associated with substance abuse; they are as committed as others, but they carry an understanding that supports and defends “business as usual.”

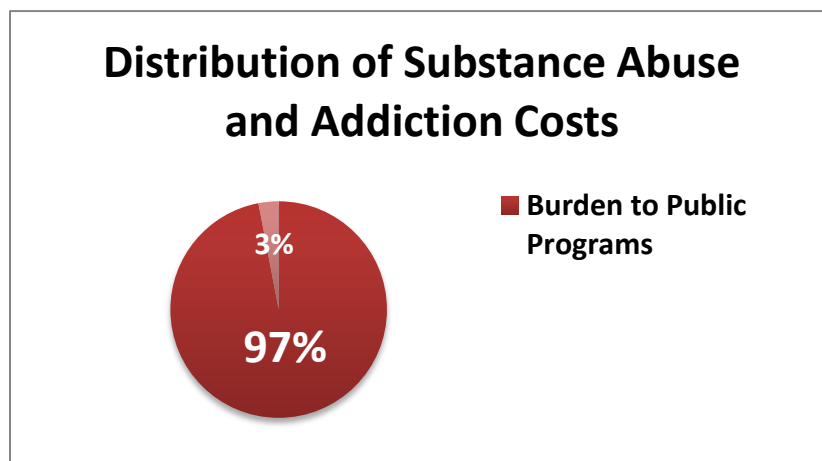
⁴⁵ National Center on Addiction and Substance Abuse as Columbia University, “Shoveling Up II: The Impact of Substance Abuse and Addiction on Federal, State and Local Budgets.” <http://www.casacolumbia.org/articlefiles/380-ShovelingUpII.pdf>

Due to data limitations, CASA's estimates of the total cost to local governments for substance abuse and addiction were derived from using local census data. This analysis estimated the percent of total local budgets spent on the burden of substance abuse and addiction to be 9.0%. The four local jurisdictions that CASA surveyed averaged 10.9% of total budgets spent on substance abuse and addiction. Ninety-seven percent of these dollars were spent by local programs and agencies to "carry the burden of our failure to prevent and treat the problem."⁴⁶ What does this mean in costs for Lincoln, Lyon and Redwood Counties? Conservative estimates of "local budgets," based on the reported county budgets, plus the budget of the largest population center in Lincoln-Lyon and Redwood Counties reveal "local budgets" for Lincoln-Lyon Counties of ~ \$ 85,253,151.00; and for Redwood County of ~\$68,698,009.00. These figures do not include the budget for Cansa'yapi (The Lower Sioux Indian Community) If the National Center on Addiction and Substance Abuse is correct in estimating that 9.0% of local budgets are spent on the "burden of substance abuse and addiction," then the cost to Lincoln-Lyon is ~ \$7,672,783.59 and for Redwood it is ~\$ 6,182,820.81. Over the last three years a total of about \$300,000 has been spent on maintaining the SCDC and almost all of that money came from grants secured by the Drug Court Manager with the help of the coordinators and the drug court judges in the 5th Judicial District. Through the Lincoln-Lyon (Marshall) County SCDC Team these counties have received the benefit of savings associated with assisting addicts in giving up their addiction and finding sobriety and lives as contributing members of the community. The financial costs to these Counties has been minimal, the savings significant. The Redwood Court Team has likewise been responsible for substantial savings in Redwood County and in the Lower Sioux Community. The work of the SCDC team has contributed in transforming broken lives into more healthy patterns of behavior. Over the last three years this court has been maintained, for the most part, with grant money secured through the effort of the 5th Judicial District Drug Court Manager, the drug court coordinators and the drug court judges. A total of about \$145,000 was brought into the region through the grants and these resources contributed to real cost savings for these communities.

⁴⁶ National Center on Addiction and Substance Abuse at Columbia University, "Shoveling Up II: The Impact of Substance Abuse and Addiction on Federal, State and Local Budgets."
<http://www.casacolumbia.org/articlefiles/380-ShovelingUpII.pdf>

There have been an increasing number of evaluations of drug courts in recent years that reflect much the same as is found in this analysis. The most significant savings come from the preventative aspects of these courts. "Our analysis revealed an expected effect size of -.08 with a fairly small standard error (.02) indicating a reasonable and significant level of confidence in the average result. With an estimated average price tag of \$2,562 per participant, drug courts are expected to almost break even from a taxpayer's perspective and produce \$4,691 in net benefits per participant when crime victim benefits are included in the economic bottom line. The later net present value is equivalent to a benefit-to-cost ratio of \$2.83 of benefits per dollar of cost."⁴⁷

Figure 7-3



When the allocation of local budgets follows the conventional pattern of spending 3% on countering the source of "the mess" caused by substance abuse and 97% on "shoveling up the mess" there is small hope of making progress. These data suggest that the spending pattern severely limits the ability to direct resources that have the potential to result in a far more positive cost benefit. Sound research provides evidence for the effectiveness of Drug Courts while these courts struggle for the resources to expand the number of individuals they can serve.

Tightened up the spending on the SCDC may be the single most important factor in limiting the real potential for fostering a more positive cost benefit to the community in the area of public safety. For county budgets, the control of costs for dealing with drug involved parents

⁴⁷ Barnoski and Aos, p. 11. Washington State Institute for Public Policy. Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and cost-Benefit Analysis March 2003.

and their children by allocating sufficient resources to fund an effective SCDC offers a great opportunity for fiscal responsibility, public safety and effective treatment.

PART III: CAN THE ANALYSIS OF THE COST-BENEFIT ASSOCIATED WITH “DAYS SOBER” ALLOW FOR A MORE HELPFUL ASSESSMENT OF WHAT IS GAINED FROM SCDC?

Number of “Sober Days” and the cost benefit in increasing functional status for FDTIC participants

Successful outcomes for SCDC are often determined by the number of participants who graduate from the court, maintain sobriety and are crime free. There is no doubt that these successes point to a level of cost effectiveness that cannot be obtained through “business-as-usual” approaches. However, limiting our understanding of the positive cost effects of successful graduations is short sighted. While limited data sources and confounding methodological issues make the specification of just how much the SCDC adds to the positive cost picture, it is obvious that a shift from substance abuse and addiction to sobriety has to contribute to reducing the costs associated with abusing drugs and alcohol and adds to behaviors that make positive financial contributions to a community.

When an individual maintains sobriety for an extended period of time the significant costs and major disruptions to themselves, to families and communities are avoided. Research has shown that for every dollar invested in addiction treatment programs, there is: a \$4 to \$7 reduction in the cost of drug-related crimes; a \$3 - \$5 reduction in emergent medical care use (ER and Crisis Center); among women – a \$4 reduction in welfare and child welfare costs; among employed men – a \$7 increase in productivity (fewer absences and health claims); among returning Iraq veterans – a 35% reduction in family medical claims and reductions in family violence problems.⁴⁸ These significant cost savings are related to the increased level of “functional status” for drug addicts and alcoholics who maintain sobriety.

⁴⁸ Addiction Research: A National Imperative. Recommendations for the Presidential Transition Team. Provided by the Friends of the National Institute on Drug Abuse. http://www.cpdd.vcu.edu/Pages/Index/Index_PDFs/TransitionPaperOctober20081.pdf

The National Committee on Vital and Health Statistics has produced a report on classifying and reporting functional status.⁴⁹ Functional status (closely related to Global Assessment of Functioning GAF) is a concept that allows a classification of individuals on the basis of their level of impairment. It is applied in the health care and disability fields to measure effectiveness of medical treatment and to determine the level of impairment associated with various physical conditions, but there is an obvious application of this concept to levels of impairment associated with substance abuse and addiction. Information on functional status is becoming increasingly essential for fostering healthy people and a healthy population. The costs associated with low levels of functional status have not been empirically verified, but the tacit understanding of the considerable costs associated with people's inability to do basic activities and participate in life situations, their functional status, should drive budget allocations.⁵⁰

Communities and families reap the benefits when local budgets are directed at enhancing basic physical and cognitive activities and life situations such as school or play for children; and for adults, work outside the home or maintaining a household. Functional limitations occur when a person's capacity to carry out such activities, or performance of such activities, is compromised by physical, developmental, behavioral, emotional, social, and environmental conditions.⁵¹ Although there is growing recognition of the importance of functional status information, assessment, measurement and interpretation there still remains many challenges. As one considers the levels of functional status associated with drug and alcohol use or abuse from 100 (no impairment) to 10 (complete lack of control) the cost implications cannot be denied.

100: No Significant Problems with Drugs or Alcohol; no use or almost no use of alcohol; non-smoker; no use of street drugs; never abuses substances, even when

⁴⁹ National Committee on Vital and Health Statistics: Classifying and Reporting Functional Status This report was written for NCVHS by Susan Baird Kanaan. <http://www.ncvhs.hhs.gov/010617rp.pdf>

⁵⁰ Simeonsson, Rune J., Lollar, Donald, Hollowell, Joseph, and Mike Adams. Revision of the International Classification of Impairments, Disabilities, and Handicaps: Developmental Issues. *Journal of Clinical Epidemiology* 53 (2000) 113-124.

⁵¹ Young, N. L., J. I. Williams, K. K. Yoshida, C. Bombardier, and J. G. Wright. "The Context of Measuring Disability: Does It Matter Whether Capability or Performance Is Measured?" *Journal of Clinical Epidemiology* 49, no. 10 (1996): 1097-101.

life's problems get out of hand; is an example of someone who is totally free of problems with substance abuse. No Symptoms.

- 90: No More Than the Average Problems and Concerns with Alcohol; minimal use of alcohol; social drinker; no use of illegal drugs; History of Serious Alcohol or Drug Abuse with Over Ten Years of Sobriety and Minimal, If Any, Treatment Needed to Maintain Sobriety.
- 80: No More Than Slight Impairment; drinks to mild intoxication about once a month; Smokes Cigarettes Daily; experiments with marijuana less than once a year; some mild abuse of over-the-counter medications and/or caffeine; no more than slight impairment in social, occupational, or school functioning due to substance abuse (e.g., temporarily falling behind in schoolwork); Serious Alcohol or Drug Abuser with Over Five Years of Sobriety with Minimal Treatment Needed to Maintain Sobriety.
- 70: Mild Impairment in Social, Occupational or School Functioning Due to Substance Abuse, but generally functioning fairly well; drinks to mild or moderate intoxication 1 or 2 days a week; excessive prescription drug seeking; experiments with drugs such as marijuana, Valium, Ativan, Librium once or twice a year. Heavy Smoker; Unable to Quit Cigarettes Despite Numerous Attempts.
- 60: Moderate Difficulty in Social, Occupational or School Functioning Because of Substance Abuse(e.g., substance abuse results in moderate impairment in job performance and/or conflicts with peers or co-workers); drinks on a regular basis, often to excess; drinks to moderate intoxication more than 2 days a week; occasionally experiments with drugs such as cocaine, Quaaludes, Amphetamines (speed), LSD, PCP (angel dust), Ecstasy, inhalants; moderate abuse of over-the-counter medications and/or caffeine; Unable to Quit Cigarettes Despite Chronic Medical Complications; Serious Alcohol or Drug Abuser with Less Than Two Years of Sobriety.
- 50: Serious Symptoms; Behavior and/or Lifestyle Is Considerably Influenced by Substance Abuse; moderate drug/alcohol seeking behavior; often intoxicated when driving or when working; abusing substances despite being pregnant; unable to keep a job; marriage failing or failing school due to abuse of alcohol or

marijuana; one alcohol or drug related arrest; stealing prescription pads and/or altering or forging prescriptions; moderate daily use of drugs such as marijuana, Valium, Ativan, Librium; occasionally injects drugs into skin or muscle; has a morning drug or drink to get going; uses narcotics other than heroin or cocaine on a fairly regular basis; frequently abuses over-the-counter medications and/or caffeine; Use of Alcohol or Drugs (Other Than Cigarettes) Is Beginning to Cause Some Medical Complications.

- 40: Major Impairment in Several Areas Because of Substance Abuse (e.g., alcoholic man avoids friends, neglects family, and is unable to get a job; student is failing in school and having serious conflicts with his family or roommate due to substance abuse); occasionally injects heroin or cocaine in one's veins; occasionally has an accidental drug overdose; Severe Alcohol or Drug Abuser with Less Than One Month of Sobriety.
- 30: Drugs or Alcohol Pervade One's Thinking and Behavior; One's Behavior Is Considerably Impaired by Substance Abuse; injection of heroin or cocaine into one's veins once or twice a day; abuses substances without regard for personal safety (e.g., some accidental overdoses and/or auto accidents resulting in medical hospitalizations); blackout spells; prostitutes self for drugs/alcohol; multiple alcohol or drug related arrests; serious neglect of children due to substance abuse.
- 20: Functioning Is Extremely Impaired by Daily Use of Drugs Such As LSD, PCP, Cocaine, Heroin, or Inhalants; unable to go for more than a few hours without significant physical and/or psychological craving for drugs or alcohol; Continued Use of Alcohol or Drugs (Other Than Cigarettes) Is Beginning to Cause Very Serious Medical Complications (e.g., liver failure, overt brain damage, AIDS or high risk for AIDS); Injection of Drugs into One's Veins More Than Twice a Day.
- 10: One's Life Is Totally Controlled by Drugs or Alcohol; continually in a state of intoxication or withdrawal; at extremely high risk of seizures or DTs due to withdrawal; continually seeking drugs or alcohol; numerous alcohol or drug related arrests; Clear Evidence That Drugs or Alcohol Will Lead to Severe Physical Harm or Death; instances of drug related accidents or accidental

overdoses resulting in frequent medical hospitalizations; Life Threatening Neglect of Children Due to Substance Abuse.⁵²

The uniqueness of individual struggles with substance abuse and addiction makes some exact accounting of the costs impossible, but low levels of functional status have a significant cost to the community, the family, the children, and to the individual. No one denies that addiction is expensive. Rendering an accounting, in dollar amounts, of the total cost of addiction is not readily available because of the slow and insidious drain on finances, families, children, friendships, careers and eventually on life itself. According to studies, over fifty percent of all suicides are associated with alcohol and drug dependence and at least 25% of alcoholics and drug addicts commit suicide.⁵³

The costs are significant. Consider the related costs to the community when citizens suffer from substance abuse and addiction. The costs to the addicted individual are devastating, but the ripple effect on the community raises the ante in the attempt to control the problem. The money spent on purchase of alcohol and illegal drugs when addiction makes them “indispensable” directs money from healthy food, reasonable housing, health maintenance and, most importantly, away from the proper care of children. In Minnesota the wholesale price of methamphetamine is \$15,000 – \$18,000 a pound. \$800.00 a month is a reasonable guess as to the cost of maintaining a meth addiction. Loss of productivity is another cost. Substance abuse is associated with increased absenteeism from work, fewer promotions and increased risk of unemployment. The lifestyle demands time spent searching for drugs, using drugs, recuperating from the use of drugs and then repeating the cycle; time away from pro-social behaviors that maintain quality of life. Drug and alcohol abuse eventually result in higher medical bills, increased risk of injury or illness directly – or indirectly – related to addiction, and long term loss of earning capacity due to illness, disability and medical costs. The average person dealing with addiction is charged with 1.4 DUI’s. Increased cost of car insurance leads to driving without insurance which leaves the entire family more susceptible to all kinds of accidents, injuries or other threats to financial stability. DUI’s, arrest warrants, defense for criminal behavior, and other legal problems are common among those that abuse drugs or alcohol. Substance abuse is

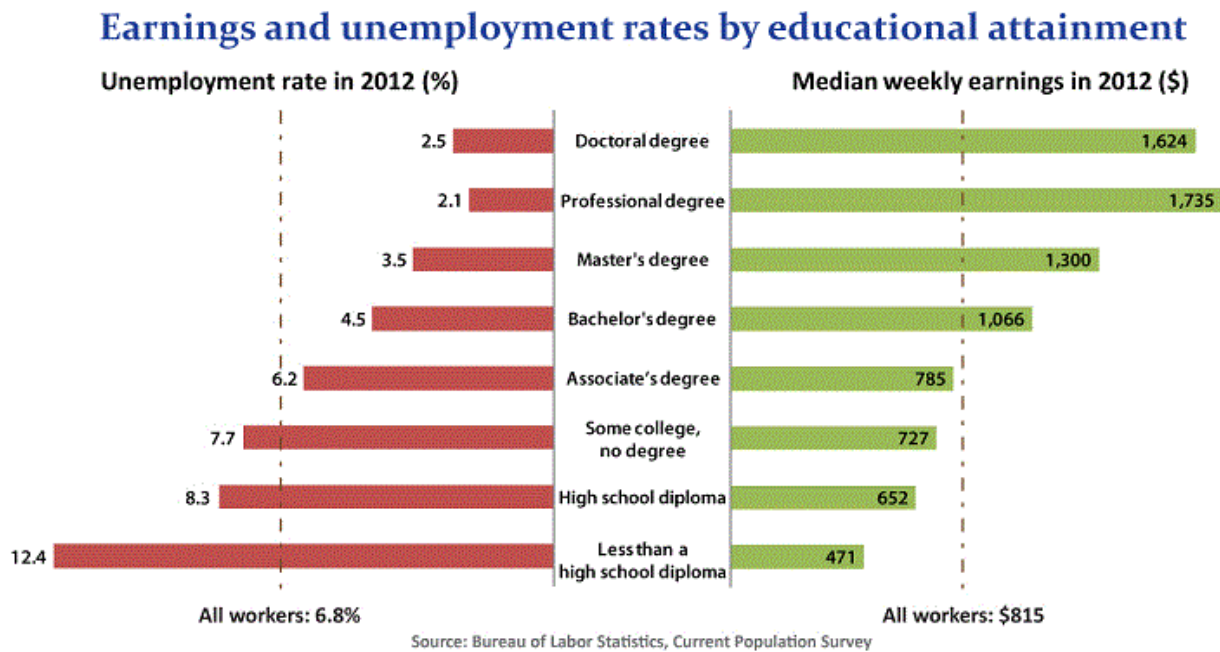
⁵² John M Kennedy M.D. MASTERING THE KENNEDY AXIS V: A NEW PSYCHIATRIC ASSESSMENT OF PATIENT FUNCTIONING (American Psychiatric Publishing, 2003)

<http://www.ct.gov/dmhas/LIB/dmhas/MRO/Kaxis.pdf> http://rangevoting.org/fun_status_question.pdf

⁵³ Miller NS, Mahler JC, Gold MS. “Suicide risk associated with drug and alcohol dependence.” J Addict Dis. 1991;10(3):49-61. Cornell University Medical College, New York Hospital, Whiteplains 10605.

strongly correlated with loss of earned income because of addicted individuals dropping out of school – whether high school or college – creating a lifelong loss of earned income. The impact of loss of income to Social Security and retirement benefits only adds to a negative picture. Figure 7-4 shows how obtaining a high school diploma or a GED increases average annual earnings in Minnesota from (No high school diploma) \$23,504 to (High school diploma (or GED) \$33,176.

Figure 7-4



The general money problems; late bills, higher interest rates and bad credit scores are common problems. It only makes sense; money that should go toward paying down debt goes toward buying drugs instead, accidents and higher insurance rates result in increased charges for buying everything from a new car to qualifying for a mortgage. Not only does it hurt the person suffering from the addiction but impacts the lives of a spouse, parents and children for years to come.⁵⁴

What a day of sobriety means to cost benefit

Figure 7-5 presents data on the number of “sober days” reported for participants who are active in the Court, have graduated and were terminated from the SCDC. The number of “sober days”

⁵⁴ McKayla Arnold, The Economics of Addiction. How Drug and Alcohol Addiction Impact Financial Health http://www.drug-rehabs.com/addiction_costofaddiction.htm

reported underestimates the total because of the way the courts count “sober days.” Amounts included in Figure 7-5 are the number of days sober since the last relapse. A participant reported to have 75 days of sobriety could have had any number of sober days prior to a relapse. Even so, the number of days reported is significant and when considering the functional status of an individual who has maintained sobriety for a significant time period after suffering addiction, the cost benefit is obvious. We have grown accustomed to considering cost analysis as a

Figure 7-5 Number of Days Sober for Participants of SCDC Teams		Legend
Marshall	Redwood	
8	32	Active
24	46	
54	79	Terminated
63	92	
77	129	Graduated
88	376	
97	460	
318	470	
373	611	
515	646	
582		
673		
779		
X= 281 Days	X= 294 Days	

mathematical problem. However, a limitation on the data reflecting dollar amounts for so many of the obvious costs leads to a less than satisfactory assessment of the cost benefit of the SCDC. An addict or an alcoholic with even 30 days of sobriety has enhanced his or her functional status. With that enhancement bad things are avoided and good things happen in all areas of life including adding to the cost benefit of the Drug Court Program.

The mean number of “sober days” reported is 294 for the Redwood Team and 281 for the Marshall Team with a total number of “sober days” of 2,941 (8 years) and 3,651 (10 years) respectively. The number of sober days is important in considering the lower probability of costly experiences to the individual, the family and to the community. While there is speculation on what this “lower probability” might mean in terms of cost savings, the math is far too speculative to rely on these estimates. However, there is no doubt that sobriety saves resources.

Figure 7-5 includes a total of 23 participants, 10 participants served by the Redwood Court and 13 by the Court in Marshall. The three who graduated from the Redwood Court had an average of 572 days sober (19 months). Even the person who was terminated accumulated 92 days (3 months) of sobriety. The six participants still active in the Court have an average of 188 days, over six months of sobriety. The 2 graduates from the Marshall Court averaged 680 days, over 22 months of “clean time.” An average of 76 days was achieved by the two participants who were terminated. The nine active members of the Court have been sober for an average of 238 days (about 8 months).

The relative success of Drug Court over what we have been doing to stem the ravages of drug and alcohol abuse and the reminders below of the extent of the impact of these problems should encourage us all to support these Courts, and to demand that they work harder to implement the model with strong empirical support.

CHAPTER 8: RECOMMENDATIONS

1. Become a smooth running team first:
Team building training.
2. Team buy-in, assure 100%
3. Learn and apply conflict resolution skills.
4. Include active defense council on team.
5. Follow decision making policy
6. Assure reliable and valid data collection
7. Need to know evaluation questions
8. Reflect on the tone of your court.
9. Celebrate sobriety, don't let it become ritualistic
10. Enhance the referral process
11. Add some humor
12. Strategic plan
13. UAs have to be done right
14. Random testing
15. On participant engagement
16. When to graduate?
17. Know why they don't graduate
18. The "no-nonsense" plan
19. Therapeutic sanctions
20. Relapse Prevention; Alumni organization
21. Therapeutic graduation
22. Do a team morale check
23. Focus on sponsors
24. Prepare the participant
25. The "little fish" bowl
26. Thank you cards as incentive.
27. Acknowledge how hard it is
28. Give the cops more voice
29. Training curriculum
30. More training
31. Care and feeding of the team
32. Brag about each other
33. The SCDC Speaker's Bureau
34. Peer review from other courts
35. Participant committee on sanctions
36. Six-month checkup
37. Experiment
38. Make a pledge
39. Higher and more consistent praise from the Judge.
40. An introductory DVD
41. Form a nonprofit

Recommendations

1. BECOME A SMOOTH RUNNING TEAM FIRST: TEAM BUILDING TRAINING.

Become a smooth running team first. There are a lot of trainings on team building. The ropes course at MSU has been used by some, but that is not my recommendation. Transparency and trust are linked together and necessary for effective teams. As I interviewed team members I heard a lot of compliments for the work of other team members on the Redwood Team. There was some concern about the degree to which the prosecutor and law enforcement bought into the values and philosophy of the Drug Court. Among the Marshall I found suspicion and concern about whether or not some members were “up to the task” on the team. I also heard concerns about whether or not a team member was a valued member of the team. These issues have to be dealt with. When a team member is not convinced that he/she is valued on the team it is less likely that he/she will voice an insight that may be important. Team members have to know that if you are on the team we need your voice and we value it. If a voice is not being heard on a regular basis the team must make sure it is heard. The structure of these courts is built on the importance of the interdisciplinary approach to working with participants. One for all and all for one. These courts have to have teams with all that word implies.

2. TEAM BUY-IN, ASSURE 100%

It is essential that there is buy-in by team members. Recognize the difference between criticism that is constructive and deconstructive. Agreement over the mission and values incorporated into the SCDC program has to be developed. When there is disagreement it must be brought out on to the table and discussed and resolved. A lack of commitment to the effort by a few team members was evident in face-to-face interviews. This was more of an issue for the Marshall Team than was evident for the Team in Redwood, but worth addressing for both courts. There are reasonable issues that are brought up concerning the feasibility and effectiveness of the SCDC especially for the Marshall Court, but these issues have to be aired out and resolved. They cannot be used as arguments that undercut the work of the SCDC. Finding things that are problematic can be useful if they are dealt with straight on. “This is the problem. What can we do about it, how can we work around it.” The team must know that these specialty courts are the wave of the future. To give up on them because “some think they are the most recent fad,” or because it is difficult to get them to do what we want them to do immediately has to be seen as short sided. The data is clear on the fact that what we have been (business-as-usual) has been

more expensive and less effective than what can be expected from a well operating adult drug court. Do not deprive the citizens of rural areas the benefits of these courts. Make them work make them into well operating courts.

3. LEARN AND APPLY CONFLICT RESOLUTION SKILLS.

Develop a reliable process for resolving conflicts among team members. There can be no fear or intimidation on a Drug Court Team. Training in conflict resolution or mediation can be useful for both teams, but necessary for the Marshall Team.

4. INCLUDE ACTIVE DEFENSE COUNCIL ON TEAM.

The Marshall Court must include member to act as defense council and become familiar with the role of defense council in advocating for participants, most importantly in cases involving jail sanctions or termination hearings.

5. FOLLOW DECISION MAKING POLICY

Revisit the consensus model of decision making and eliminate taking votes as a method of deciding on issues in the Court.

6. ASSURE RELIABLE AND VALID DATA COLLECTION

Consult with an evaluator familiar with your court to assist in a complete assessment of your data collection effort.

7. NEED TO KNOW EVALUATION QUESTIONS

Have the coordinator keep a list of evaluation or research questions to which the team would like to have answers. For example: Is there an age component to success in SCDC? What kinds of information helps participants engage in the program? In our court, do incentives work better than sanctions? Can we experiment with variations in incentives to determine what might work better than something else? Who is 100% bought in and why the variation in commitment? Seek a volunteer “researcher/evaluator” to research these questions, or set up a research committee on the team.

8. REFLECT ON THE TONE OF YOUR COURT.

Consider the tone you want to take in the court. “Going to Court” is understood in our culture as a kind of scary experience. Most of the participants have not had good experiences with the justice system or with human services. (I don’t need to tell you that.) Staying focused on the tone you want to develop in the court is important. Research tells us that the relationship

between the judge and the participant is one of the things mentioned most often as helpful by participants. The more the team can foster that good relationship the better. It might be helpful if the team would do more to prepare the judge for interaction with the participants by contributing to notes the judge can refer to during the status hearings. Here, little things that are important to the participants could be included; those things that are known to a team member, but not by the judge. The note might include “Ask Nancy about her bowling team; or about the help she gave at church.” The idea is to help the participant talk to the judge about something that is important to the participant. We all like to talk about what is important to us, and when a judge listens, that is something rare, encouraging and motivating. In this regard take a look at the section on “engaging the participants” to consider the kind of tone your court sets. There is not one “best way.” The courts often reflect the personality of the judge, which is understandable and appropriate, but some reflection and discussion about tone might be helpful. As one judge puts it, “I am the voice of the team.” A discussion about tone and how to develop an effective, authentic and encouraging tone might be helpful.

9. CELEBRATE SOBRIETY, DON'T LET IT BECOME RITUALISTIC

The celebratory applause for sobriety might be discussed by the team. There is a danger that it becomes ritualistic and loses its desired effect. “They clapped for me,” is a common sentiment expressed by participants, and it is important, but there has to be awareness of what it means to the participants, the judge and the team. As I sat in court hearings I clapped along with others, but when I reflected on my clapping there were times when it was just part of the ritual and then when it was heartfelt. How to keep it fresh and congratulatory? The team might discuss the way “sobriety” is announced. As I attended many courts I felt a difference in how this was done. It took a while to realize it. My recommendation is to have the judge announce the number of days sober or clean to allow a statement about the building toward a life of sobriety. 506 clean days is more to clap about than being clean and sober today. There is something back there that makes me wonder how often we clap for someone who may not be clean, but good at “beating the test.” There is a lot to consider, as discussed above there are times when three days sober is the most important accomplishment in a participant’s struggle to turn their lives around.

10. ENHANCE THE REFERRAL PROCESS

Find out what other courts do to get referrals. Set some quotas for those responsible for referrals and ask for a report on how the process is going. Could make an agenda for “business” at

staffings (just 10 minutes) and ask for reports, discussion and suggestions. The entire team has to market the program, convince others in the criminal justice system and in the community that the court is the best thing we have for assisting individuals with their struggle to turn their lives around and to protect the community.

11. ADD SOME HUMOR

Laughter puts people at ease and shows our more humane side. When we laugh we are all on the same side, we enjoy something together; it helps make more solid relationships.

12. STRATEGIC PLAN

Consider a strategic planning workshop with a facilitator.

13. UAS HAVE TO BE DONE RIGHT

UAs have to be done in accordance with strict protocol. This is not an easy thing to do, but if there is a specific pattern set and it is always followed the tests will have more validity. There are good recommendations for how to conduct UAs. The use of a mirror set up to provide necessary visibility, the painted foot prints on the floor, the removal of clothing, etc. I don't know all the best practices here, but whatever they are, they have to be followed wherever the tests are given. I ask what I would do if I were addicted and "needed" these drugs. Participants know when others are "beating" the test and that knowledge creates a tension in the court. The team might think about talking to the participants about this problem and ask for their help in making sure these tests are valid because this monitoring is mentioned, often, as a very helpful part of getting off drugs. The testing schedule for Redwood on weekends and for females has to be rethought. The weekend schedule and the adherence to strict protocol at treatment for the Marshal Court should be reconsidered.

14. RANDOM TESTING

Random testing is a must. Scheduled testing may be more convenient, and I understand that, but the goal of the tests is not to "catch them," it is to "motivate them" not to use. Preparing for a scheduled test is much easier than preparing to "beat" a random test. Scheduled tests are much more likely to be a waste of resources and the chance for participants to "make a plan for the test." A credible threat of a test is the motivator to not use; increasing the credible threat level and decreasing the "I don't have to test until Monday," has a number benefits.

15. ON PARTICIPANT ENGAGEMENT

On the issue of engaging the participants there is much to consider. Team members and participants indicate that they don't know everyone. Participants are confused about what some of the people on the teams do. Engagement has become an important concept in the field of medicine; when patients become "engaged" in their health concerns the outcomes are better. Team members explain that there is a point at which the participants "get it." It is the point at which they become committed to their recovery and to working to create a better situation for themselves and their families. The goal here is to get everyone on the same side working against addiction, unhealthy relationships, problematic parenting, poor money management, unemployment, underemployment, and working for sobriety, a supportive sober network, a good job, comfortable housing, etc.; in other words working for a livable future, together. Making connections is crucial. Participants have a hard time understanding they can be a "member of the team" working for that future. When everyone is engaged in that effort we all have a better chance.

What steps can a team take?

- a. Assist the judge in fostering strong, enjoyable relationships by giving him conversation material as mentioned in the recommendation concerning engagement.
- b. Team members should go out of their way to talk and get to know participants, take advantage of chance meetings. Participants speak about times when "a cop just asked me about my son and we talked about grilling in the yard" or that smile from a judge.
- c. It might help build these connections if the participant would visit with the team during an early staffing after being accepted into the court. In this meeting team members could ask questions about what the participant likes or does for fun, what their goals are, maybe something about the children. Team members can introduce themselves and explain what he/she does on the team and why he/she is on the team. This conversation has the potential to begin the process of getting everyone on the same side. There has to be some humor in this meeting. You have to begin to convince the participant that they are important to you and you can help them realize their goals.

d. Bringing the participant into the staffing meeting on a regular basis will help with the engagement and with the buy-in by team members. Participants report that they like being able to talk to the team to give them a better sense of “who I am.” Participants comment on disliking being placed in “a category” (addict) or being “dirty,” “a loser,” “a criminal.”

16. WHEN TO GRADUATE?

It was noted that after participants feel that they have “learned enough,” or “got their lives together,” the demands of the SCDC are “too much” and they can make it without participation in the court. Some speculate that the demands of the court may create unnecessary stress when participants see no benefit in using required services. The discussion is one that puts length of time in treatment (“the longer treatment is more effective) up against the increased stress that having to make appointments may bring about. The balance is with fairness (why can she graduate at 12 months and I have to wait 18?), treatment assessment (completion of treatment) and the degree of support the team provides (how much of the weight does the team carry?). Maybe here the team might consider decreasing the time in the drug court and increasing the after care, relapse prevention, enhanced alumni effort.

17. KNOW WHY THEY DON'T GRADUATE

Conduct a study of why participants do not complete the SCDC. Bring in alumni and conduct focus groups to uncover possible weaknesses that could be strengthened with their insight and advice. This study could be suggested as a Master’s Thesis for a graduate program. In an interview with a graduate I was asked, “What are we missing? Why do some of us make it and hold to it and others don’t.”

18. THE “NO-NONSENSE” PLAN

It might make sense to have a “no-nonsense” plan for participants being accepted into the SCDC. The plan would explain what the participant will have to do along with an explanation of why the team thinks these things are important. This is what we think it will take to get your life back. Once it is laid out you ask the question; “Can you engage in this plan?” If not how should the plan change? If you can get “buy-in” to the plan, if it is a plan they agreed to, it might make it easier. The more they understand the reasons behind what the team is doing, the more they can

trust that the team does what it says, the less arbitrary the reaction to the participant's behavior becomes and the more likely participants will engage in the process.

19. THERAPEUTIC SANCTIONS

Sanctions are important mechanisms if they move participants forward. Punishment does more harm than good unless it is done within the context of a caring relationship. The recommendations have been for a four to one ratio; four incentives to one sanction. When the team decides on a sanction they should be able to explain how the sanction will help move the process toward the goal. A team member suggested having a small committee of team member's work on developing a list of therapeutic sanctions that might be appropriate for various issues. The committee might consult other courts to see what works in their court. The essay writing is a good foundation because it can involve reflection and the development of alternative behavior options. Of course there is the problem of, "I see them scribbling an essay 15 minutes before court with the help of others. It's a joke." The issue is how to structure a reflection that has an impact on the person writing it and on the participants that listen. It might make sense to develop a more structured process for writing an essay.

1. Explain what this therapeutic sanction is being given for.
2. Explain why this behavior is an issue to the team.
3. Explain why this behavior is an issue for you.
4. Explain why you behaved in an inappropriate manner. What factors contributed to your behavior?
5. Explain what will happen if you continue to behave in this manner.
6. What is your plan to avoid this in the future?
7. How has this assignment helped you move toward your goals?
8. Examples of possible therapeutic sanctions were suggested in face-to-face interviews.
 - a. Have participant's interview team members and report on what they do and why they do it.

- b. Have participants do “case studies” of situations that SCDC participants may confront and provide advice about dealing with the situation.
- c. Interview a person on probation (a person chosen by the team) that has recently been released from prison and ask what it means to end up in prison.
- d. Have a person who uses meth report to the court on the “side effects” on using meth.
- e. Explain how your victory over this problem is a victory for your family, the SCDC team and for the community.
- f. Explain what would have to change for you to work with this team on building a more positive life?
- g. Do you know a happy 45 year old addict? What kind of a life does he/she have?
- h. In this situation give yourself your best advice and explain how to be sure the advice will be followed.
- i. Interview an older person in a shelter and explain how the person got there and what prospects they have for building a livable situation. Explain what happened to the person’s children.
- j. Read the letters of past graduates and report on what they went through to graduate.

20. RELAPSE PREVENTION; ALUMNI ORGANIZATION

Select a committee of team members and graduates to develop a plan for a viable alumni organization. Budget some money for this group. Find a corporate sponsor for the group. A good suggestion from the interviews was to do some research on Courts in which the alumni program really works and employ their system in these Courts.

21. THERAPEUTIC GRADUATION

A consideration of the graduation ceremony as a therapeutic and celebratory event is recommended. In some courts the reading of the graduate's letter documents the experience of going from being trapped in addiction to gaining sobriety and a more healthy life. These stories do much to solidify the resolve of the graduate, offer guidance, encouragement and hope to participants and enhance the morale of the team. If community members are in attendance, it tells them important things about the court.

22. DO A TEAM MORALE CHECK

Do a short survey on morale and discuss the results. Have a small committee assess morale and program activities that would enhance morale.

23. FOCUS ON SPONSORS

Having an effective sponsor has been accepted as an important part of recovery. Participants indicate that they can "sort of" have a sponsor and "it's alright" with the SCDC. One participant put it like this, "I could say I have a sponsor and not go to her just to look good, but I choose to use her." The teams might discuss making having a sponsor more important and ask for some assurance from participants that a sponsor is "out there" and interacting with the participant. The court might consider some celebration to honor sponsors. The court could make it a "sober event" in which the sponsors could be more closely linked with the SCDC. Under AA or NA a sponsor is often anonymous, but there is no need to have an anonymous.

24. PREPARE THE PARTICIPANT

During the Court Hearing (Status Hearing) so often participants have no questions, no concerns, and no comments when the judge asks. Talk about the case manager, coordinator or other team member preparing the participant to ask the judge a question or maybe explain some problem or issue they are having. It might help develop the conversation that fosters the relationship between the judge and the participant if the participant was ready to tell the judge about some event or something about their child or another part of their life. Once these kind of interactions begin to take place they pick up momentum and become part of the culture of the Drug Court.

25. THE "LITTLE FISH" BOWL

Consider the little fish bowl. Some participants like it, others think it is demeaning. Some courts rely on the "big fish bowl" in which the names of participants are submitted for successes and

then at the end of a month a drawing for a significant incentive is conducted. Some courts rely on the praise and congratulations offered by the judge along with the opportunity to select a prize out of a bag of inexpensive but fun items. It might make sense to form a committee on incentives that would consider a variety of approaches. The committee could be made up of team members and participants.

26. THANK YOU CARDS AS INCENTIVE.

You might consider providing an inexpensive box of thank you cards as an incentive and then another incentive when the box is used up and a report of who they thanked and for what is given in court.

27. ACKNOWLEDGE HOW HARD IT IS

Acknowledge how hard it is and how hard participants work to get sober, get a job, get a GED, get a sober network and get rid of non-sober “friends,” get a stable home, get control of finances, get structure in their lives.

28. GIVE THE COPS MORE VOICE

Ask for reports from the cop that does the knock and chats. Ask him/her to report what they talked about, the condition of the house, how the participant presented him/herself, and anything else of note.

29. TRAINING CURRICULUM

Training should be better planned. An education syllabus and curriculum might be developed to assure that the drug court’s goals, policies, and procedures are understood. Topics suggested by the NADCP include:

Goals and philosophy of drug courts.

The nature of AOD abuse, its treatment and terminology.

The dynamics of abstinence and techniques for preventing relapse.

Responses to relapse and to noncompliance with other program requirements.

Basic legal requirements of the drug court program and an overview of the local criminal justice system’s policies, procedures, and terminology.

Drug testing standards and procedures.

Sensitivity to racial, cultural, ethnic, gender, and sexual orientation as they affect the operation of the drug court.

Interrelationships of co-occurring conditions such as AOD abuse and mental illness (also known as “dual diagnosis”).

Federal, State, and local confidentiality requirements.

30. MORE TRAINING

Training is always an issue. The opportunity to cross train with these teams is a worthy consideration. Neither team is taking full advantage of the resources at their disposal in the teams themselves. If each team member would develop 10-15 minute mini-training sessions on the foundations of the work they do with the courts a lot of time could be saved. Knowing the constraints on a team member has the potential of avoiding heading down blind alleys in discussion about options that are not possible because of something one member knows that is not obvious to the rest of the team. The interdisciplinary education provided by this effort would help in developing a shared understanding of the values, goals, and operating procedures of treatment, mental health and justice system components.

31. CARE AND FEEDING OF THE TEAM

There should be a process for caring for team members. The work in these Drug Courts can be frustrating and thankless. The team has to thank each other, has to have methods for recognizing good work and the effort that goes into this work. Team members have to know that they are valued. During face-to-face interviews I heard about how valuable some team member is to others on the team and then while interviewing that valued person I heard doubt about whether or not he/she was valued. During the staffing meetings I heard individuals coming up with ideas or resources that helped solve a problem. I thought it would have been nice to hear a thank you. Not that it never happened; but there should be a focus on thanking team members for good work. These two teams do good work, with commitment and they have to be recognized.

32. BRAG ABOUT EACH OTHER

When you're out in the community, brag about your team members, about the judge, and about the success of your participants. Sharing positive images of things associated with the SCDC will help to develop the community support that will sustain this effort.

33. THE SCDC SPEAKER'S BUREAU

The SCDC might operate as an information source to inform the community about the role and the success of the courts. The development of a speakers' bureau would offer community organizations the chance to become informed about the courts. The courts might look for opportunities for community involvement through forums, informational meetings, and other community outreach efforts.

34. PEER REVIEW FROM OTHER COURTS

Invite members from other Adult Drug Courts to do a peer review of your program and talk about ideas you can share that helped make things work better.

35. PARTICIPANT COMMITTEE ON SANCTIONS

A consideration: At the NADCP annual training conference the idea of participants deciding on incentives and sanctions for positive behavior or non-compliance by another participant was presented as a way to make the process of giving incentives and sanctions more therapeutic. They called it the "Community Group." This group deliberated on sanctions and incentives that might work for participants. It was considered a way to move participants into the effort of helping foster the sobriety and compliance of others.

36. SIX-MONTH CHECKUP

Conduct a focus group session with participants every six months to assess their input on how the court is doing for them. You could bring in a volunteer evaluator to conduct the focus group. Team members could suggest items for which they would like participant input. You might rotate the team member that conducts the focus group and the report back to the team.

37. EXPERIMENT

38. MAKE A PLEDGE

Develop a statement, a pledge, for each team member concerning what the team member will do to help a participant develop a healthy, drug free, and productive life.

39. HIGHER AND MORE CONSISTENT PRAISE FROM THE JUDGE.

Positive and encouraging comments are important. The following comments were all used in status hearings in other drug courts. "You have 245 days sober, and that is very good. We thank you for your effort at staying sober; congratulations." "I appreciate your effort." "We will help you; support your job search. Keep applying and if you want a letter from me. I am happy

to provide it.” “You have met all our requirements; excellent. You dealt well with negative family dynamics. Six months sober is coming up; we look forward to celebrating that with you.” “I see you have had a little problem with your sobriety and you lost your job. There is a lot on your plate. We are going to give you a sanction that we think will help you get back on track.” “Three days sober; that is no small accomplishment. That is a good step forward, there very hard parts coming. Take it one step at a time; we are here to support you.”

40. AN INTRODUCTORY DVD

An initiation and introduction DVD might be produced at a low cost to include some of the information on the NADCP website. The video stories of graduates presented at the NADCP annual training conference are persuasive stories. If done in an entertaining manner it might help set the tone for participation. A short video interview with each team member might be included.

41. FORM A NONPROFIT

The courts might consider the possibility of forming a nonprofit corporation structure that includes all of the principle drug court partners for policy guidance and to acts as a conduit for fundraising and resource acquisition. Consider a volunteer program associated with nonprofit.