
Background and Overview

An NDCI technical assistance virtual site visit was conducted with the Jefferson County Drug Court in Port Townsend, WA, on May 19-20, 2021, by Carolyn Hardin, chief of training and research; Dr. Jacqueline van Wormer, NDCI director, and NDCI consultants John Haroldson and Shauna McCloskey. This report summarizes the key findings of the review process.

Summary of Best Practices

The following practices that follow the 10 Key Components of Drug Court and NADCP's Adult Best Practice Standards (Volume I 2013, Volume II 2015) have been implemented by this treatment court. They are based on research demonstrating that programs that engage in these practices have more positive outcomes than programs that do not. Congratulations on your treatment court's achievements in these areas! A full set of practices implemented by this treatment court is included as an attachment with this report.

1. Treatment communicates with the court via email. Good communication is very important for any successful team effort, and this is particularly true of treatment court. For a treatment court to provide immediate sanctions and rewards, it must operate with quick and accurate communication on client activities. Using email as a primary communication method allows swift communication simultaneously with all team members. Treatment courts where the court and team communicate about treatment via email have significantly less recidivism than programs that do not use this method of communication.
2. The elected County Prosecutor is part of the treatment court team. He attends both pre-court staff meetings and status review hearings and is very supportive of the program's collaborative and treatment accountability mission. Best practices research indicates that having this role represented at all meetings results in more positive participant outcomes, including lower recidivism and increased cost savings. Having the elected Prosecutor serve on the team helps with community buy-in and support and is a key stakeholder to make any program policy and procedural decisions.
3. A dedicated defense attorney is part of the treatment court team attending pre-court staff meetings and court sessions. The presence and voice of a participant advocate is an important function of the staffing process, especially when program violations are discussed and jail sanctions are considered. This position ensures a due process procedure of alleged violations is followed and avoids ex-parte communication. Since inception, the current defense attorney has been with the team, almost 18 years and initiated technical assistance to better align with best practices in the field.
4. The drug court allows other charges in addition to drug charges. Treatment court programs are designed to provide intense supervision, which is appropriate for high-risk individuals. Participants with other criminal charges, in addition to drug charges, tend to be high risk.

Research has shown that programs that admit participants with other charges in addition to drug charges have significantly lower recidivism and higher cost savings.

5. The drug court works with two or fewer treatment agencies or has a treatment representative that oversees and coordinates treatment from all agencies.
6. The drug court offers or makes referrals to other complementary services (mental health treatment, psychological testing, gender-specific services, parenting classes, family counseling, health care, dental care, anger management class, and trauma-related services).
7. The minimum length of the drug court program is 12 months or more.
8. The drug court provides relapse prevention services for all participants. Relapse prevention is a clinical best practice.
9. The treatment court provides (or partners with service providers who provide) participants with legally prescribed psychotropic or medication-assisted treatment (MAT).
10. Collection of drug testing is witnessed directly by staff.
11. Participants receive regular drug testing to ensure they are using any prescribed and approved medications appropriately.
12. Drug test results are back in 2 days or less.
13. The program has legal incentives for graduation, including avoiding a criminal record, avoiding incarcerations, or receiving a substantially reduced sentence.
14. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation. Treatment courts that require greater than 90 days of continuous abstinence from alcohol or other drugs before graduation have significantly lower recidivism. Research demonstrates that the longer individuals are abstinent from use, the likelihood that they will relapse continues to decrease over time. It is important for participants to demonstrate to the treatment court and themselves that they can sustain recovery.
15. The judge spends an average of 5 minutes or more per participant during court sessions and assisted participants in tracking their length of sobriety. The genuine connection and rapport the judge has with the participants, asking them about their hobbies (i.e., bike riding), employment status, and expressing condolences, demonstrates the individualized knowledge he has on each participant in various areas. Research has shown that an average of three (3) minutes per participant is related to graduation rates 15 percentage points higher and recidivism rates that are 50% lower than drug courts that spend less than 3 minutes per participant (Carey, Waller, & Weller, 2010).
16. The judge's term is at least two years or indefinite. The current judge has been presiding over the court for the past eight years. Experience and longevity are correlated with more positive participant outcomes and cost savings.
17. Participants have court sessions every week in the first phase
18. In the program's final phase, the participants appear before the judge in court at least once a month.

Priority Recommendations

The Jefferson County Drug Court is commended for seeking out this technical assistance to help retool the program to better align with best practices. The following section lists several areas that are not currently aligned with best practices and could benefit from enhancements with understanding that some geographic, budgetary, resource, policy, or legislative statutes may hinder the implementation of some of these. A full set of practices and whether or not they are utilized by this program are included as an attachment to this report. Additional recommendations are listed at the end of this report.

- 1. The program should immediately implement the use of standardized assessment tools to determine eligibility, and exclusion criteria should be defined objectively, specified in writing, and communicated to potential referral sources.** Standardized and validated risk and needs assessment should be used to ensure admittance of the appropriate target population and determine the appropriate type and level of services provided to each participant. The evidence-based practice is to refer, assess for risk, and if high risk, then assess for diagnosis of substance use disorder and level of care. Only then, when both criteria of **high risk AND moderate to severe substance use disorder** are met, should admission to the drug court occur. Risk is contagious, and the mixing of risk levels and need levels does harm to participants, increasing their criminality and disease. Standardized assessments are also vastly more reliable than subjective criteria (such as attitude, motivation/openness to treatment, past treatment attempts) or professional judgment alone (such as predicting what factors lead to success). Furthermore, suitability determinations have been found to have no impact on drug court graduation rates or post-program recidivism, and they have the potential to exclude individuals from drug courts for empirically invalid reasons. Using standard legal criteria and tools is important to address any equity and inclusion. In addition, a more systematic identification and referral process may be able to shorten the time between arrest and drug court entry. As the program may make modifications as a result of this technical assistance and start allowing additional charges and other program enhancements, scheduling recurring program discussions at routine staff meetings in the jail, prosecutor's office, defense bar meetings, etc. helps educate the legal community about eligibility criteria, the referral process and an opportunity to highlight the successful outcomes and transformations. The team is commended for identifying a need to revisit the program eligibility considering some recent legislative changes and a desire to increase the caseload and actively participate in the NDCI training, *Selecting the Right Participants*.
- 2. All drug court team members should be provided with training in the drug court model.** During the virtual site visit, team members displayed a passion for the work and expressed a desire to provide quality services and best practices in their role but had little to no formalized

training. A few team members attended the NADCP 14th Annual Conference on May 28-31, 2008, in St. Louis, Missouri, thirteen years ago. There has been minimal attendance at the annual state treatment court conferences. There should be a formal policy on staff training requirements and continuing education that outlines training requirements for existing and new team members. The program is highly encouraged to provide regular (yearly, at a minimum) training to team members on the drug court model and provide training to new team members on the drug court model and their specific role as soon as possible after the new member joins the team. Not only can this help create some team-building opportunities, but it also helps in learning roles and responsibilities for each team member and the important cross-education component. Drug court staff should also participate in ongoing cultural competency training on an annual basis. The NDCI website has sample new staff orientation sheets for team members, located at <https://www.ndci.org/resource/sample-documents/> under the New Staff Training Guide section and when budgetary constraints exist, team members can access many of the online treatment court role-specific training (NADCP e-Learning site for essential elements of Drug Courts), fact sheets, and webinars to gain a better understanding of the 10 Key Components, Adult Drug Court Best Practice Standards from both Volumes I and II and the Judicial Benchbook. Research has demonstrated that regular training for team members is related to greater reductions in recidivism and higher cost savings. Another suggestion is for the team to organize brown bag “lunch and learn” opportunities to address specific topics for ongoing cross-training, especially with newer team members.

- 3. The program and team should increase the focus on, and use of rewards for participants who are doing well as incentives are key for participant learning and maintaining new behavior.** Research shows that it is not possible to overdo praise to participants. Team members should be given a written copy of incentive and sanction guidelines. A full list of incentives and sanctions can be found on <https://www.ndci.org/resource/training/incentives-and-sanctions/>
- 4. Drug testing should be random, unpredictable, observed, and occur more frequently, including weekends and holidays.** The current practice in the Drug Court program is to have clients submit to drug tests Mondays through Fridays when treatment texts/calls them in for reporting. Participants may get tested an average of twice in that week on those days. Since weekends and holidays are not currently open for testing, this can result in participants' opportunities to use. Knowing there are a concrete number of days that will pass before the next possible test, substances that have shorter detection windows may be used without the program's knowledge. If clients never know when they are going to be tested all seven days of the week, then opportunities for them to use drugs/alcohol during known testing gaps are reduced. As noted in the Drug Court Judicial Benchbook, "For testing to correctly assess the drug use patterns of program participants, it is crucial that samples be collected in a random,

unannounced manner. The more unexpected and unanticipated the collection regime, the more accurately the testing results will reflect a drug court client population's actual substance use.

5. The team should consider the feasibility of adding a law enforcement (e.g., policy, sheriff) representative to the drug court team. The Jefferson County Drug Court program has had informal participation from law enforcement off and on throughout the years. During the site visit, law enforcement was present and genuinely interested in participating in data-driven programs that can help reduce recidivism and improve outcomes for justice-involved individuals with behavioral health needs. Additionally, without a probation or supervision officer, law enforcement also provides a unique perspective on participants and can offer additional monitoring and community support to the program (i.e., when warrants need to be served and for home visits). Involvement in staffing meetings gives the law enforcement representative a new perspective on the context of participants' lives and the work they are doing to make positive changes. Law enforcement representatives receive an unusual opportunity to see positive changes in the individuals they have arrested, while participants and their families learn to see law enforcement as people who are there to keep them and their community safe (and not just there to catch them doing something wrong). Research has shown that greater law enforcement involvement increases graduation rates and reduces outcome costs. A great strategy for ongoing law enforcement support is to ask participants to write a letter to their arresting officers as an opportunity to explain how their lives have transformed through the help of the drug court and invite officers to attend the commencement ceremony. This can be true for additional stakeholders (i.e., City and County elected officials, Police Chiefs/Sheriffs, etc.) and maybe even victims for a more restorative justice approach. The team should check out the trainings and publications available from NDCI at <https://www.ndci.org/resource/training/law-enforcement/>

6. The program should revise its policy and procedure manual for the treatment court program. The Jefferson County Drug Court program has self-identified the need to update its Policy & Procedural manual from its original 2003 form. In addition to reconciling the Policy & Procedural Manual to reflect current practices, changes to current practices inspired by evidence-based best practice recommendations should be incorporated into the updated manual. A policy manual helps ensure that all partners are operating under the same assumptions—and helps in clarifying roles, responsibilities, and expectations. The policy manual can also be used as a part of the training process for new or “back-up” team members, providing relevant information about their role on the team and learning program processes. The treatment court team should collaboratively develop and agree on all aspects of court operations (mission, goals, eligibility criteria, operating procedures, performance measures, drug testing, program structure guidelines, information sharing, and a list of incentives and sanctions) within this manual. In addition, the manual doesn't have a written policy on confidentiality, which should be clearly

outlined with expectations of confidentiality among team members and individuals visiting the drug court (and that proper releases of information cover pre-court staffings with multiple treatment agencies present). The NDCI website has a sample policy and manual procedure template, located at <https://www.ndci.org/resource/sample-documents> under the Policy and Procedure section. NDCI will provide the team with sample manuals for review.

Additional Observations

- Compassion and commitment are apparent in each team member and an eagerness to learn how to better serve this population. In court, the judge has meaningful conversations with the participants knowing their sobriety time, and the treatment providers are recognized for assisting the judge with personalized information of each participant (employment, hobbies, family life, prosocial interests, housing, etc.).
- The Jefferson County Drug Court program could benefit from reexamining its phase structure to not overwhelm participants initially. By adding a true stabilization phase (Phase I) with a clear emphasis on meeting a few proximal goals of attendance, honesty, and efforts and not require significant periods of abstinence. All of the phases would benefit from changing the minimum required length of time in the phase to a general guideline and need to separate the treatment requirements with the court requirements (i.e., not have phase progression tied to a certain step but instead individualize as to their specific treatment plans and goals). The NDCI website has sample phases, located at <https://www.ndci.org/resource/sample-documents/> under the Phase Requirements section. It is designed to address early brain dysfunction and to maximize easy achievements upfront for participants. Until the brain heals, the phases should be simple with minimal requirements other than to “show up, try-hard, and try to tell the truth.” Everything else can start at a later phase.
- In addition to the phased restructuring, the program may consider formalizing a phase advancement process. By creating a process that goes before the entire team, each member can provide feedback on the participants' progress and generate goal planning conversations for the judge to have in court. An example of implementing this would be to create phase-up and graduation “applications” that empower participants to know the criteria and requirements and give feedback on their progress, accomplishments, challenges, and some suggested changes in the program. The NDCI website has sample phase-up applications, located at <https://www.ndci.org/resource/sample-documents/> under the Phase Up Applications section.
- The Jefferson County Drug Court program utilizes services from two local outpatient substance use disorder treatment providers, emphasizing 12-step programming. The program is cautioned in this area and should allow for many pathways to recovery and utilize a variety of evidence-

based treatment curricula. NADCP has developed a Request for Proposals (RFP) that can be a model for a treatment selection process. This helps to set clear expectations for the treatment of drug court participants, including the delivery of evidence-based curricula, with fidelity and appropriate to the criminal justice population. The entire purpose of a treatment court is to address the many diseases present within a treatment-resistant population. This program should require specific benchmarks and information from treatment providers according to fidelity to identified evidence-based models such as progress on specific treatment plan objectives/ homework, skills that the participant is working on, or needs, etc. This assists in monitoring quality assurance of individualized treatment plans and fidelity that the essential motivation, insight, and skills are being delivered. A link for the Request for Proposals (RFP): Questions for Drug Court Treatment Providers is available at https://www.ndci.org/wp-content/uploads/2016/11/request_for_proposals_rfp_questions_for_drug_court_treatment_providers.pdf

TEAM TURNOVER:

- The Jefferson County Drug Court team is comprised of some veteran members who have been on the team since inception or for numerous years and do not seem to have a frequent rotation schedule. The current program coordinator mentioned his upcoming retirement, and the team is encouraged to have a succession plan that includes an independent role separate from treatment.
- The entire team, especially the program coordinator, is encouraged to join many of the Washington State Problem-solving court listservs for professionals active in the field. This will allow networking with other drug courts and other corresponding team members, resources; training announcements and opportunities, and legislative changes and funding opportunities. To join the listserv, please email crissy.anderson@courts.wa.gov and copy tony.walton@hca.wa.gov. The state has a quarterly Coordinator ZOOM meeting (the next meeting is July 22, 2021, 10 am-noon. To get an invite: please email Stephanie.Miller@lewiscountywa.gov or mnoakes@co.kitsap.wa.us.
- The Washington State Association of Drug Court Professionals conference is scheduled to be a 2-day training in late October.
- Washington State has a few funding sources that may assist in some of the needed areas (training, recovery support services like housing, transportation, and management information systems) and critical for program coordinators to know and understand.
 - Criminal Justice Treatment Account (CJTA)
 - NW High-Intensity Drug Trafficking Area (NW HIDTA)

- Each behavioral health managed care organization(MCO / BH-ASO) may also provide resources for participants
- Local 1/10th of one percent behavioral health sales tax in each jurisdiction

SUCSESSES, ACCOMPLISHMENTS, OR INNOVATIVE PRACTICES

- The program is commended for being open to new ideas and striving to make improvements to their program, especially in increasing their caseload and creating an objective process to include high-risk/high needs participants. Noteworthy is to expand the geographic inclusion of neighboring counties and working to partner with other providers that can assist in some of the program requirements (i.e., drug testing) when transportation can be a challenge.
- The program is commended for the progressive and trauma-informed practice it utilizes of sitting around a table when talking with a participant, including the judge, when conducting in-person court. This practice removes the power differential traditional in courtroom layouts and levels the playing fields, helping to build respect and connection as equals.
- The program mentioned having an Alumni Program where individuals with similar life experiences can provide the extra support and camaraderie to help participants progress through the program and celebrate their commencement. Alumni can often aid participants in navigating the criminal justice system and teaching participants to advocate for themselves with other community agencies. The Alumni program (pre-COVID) offered prosocial activities (campouts) that help teach individuals how to have fun in recovery. The program is encouraged to help build upon this as peer mentors are a tremendous asset to a treatment court program.
- Believe in Recovery provides some clinical services at the county jail. This provides a seamless process to evaluate and check in with any program participant currently incarcerated to update assessments and identify barriers and needs for re-entry. In addition, this agency reported maintaining a good ratio of group facilitator to participants to help maintain group decorum and dynamics and use evidence-based materials (Matrix model, Change Company journals, Hazelden, etc.) being used.

ADDITIONAL CONCERNS AND RECOMMENDATIONS

- The Jefferson County Drug Court Program would benefit from having a Memorandum of Understanding (MOU) between the team members (and/or the associated agencies). Creating an MOU between the various agencies helps clarify each team member's roles and duties in the Jefferson County Drug Court program. This can also ensure agreements about how they will communicate with each other (e.g., that they WILL communicate with each other) and what

information will be shared, and in the agreed-upon timeframes, etc. The MOU can be used as a training tool for new team members and stakeholders and dually serve as a reminder about the purpose of their collaboration for the drug court program. The NDCI website has a sample MOU, located at <https://www.ndci.org/resource/sample-documents/> under the Memorandum of Understanding section.

- The program participants would benefit from having a written participant manual. Creating a handbook specifically for participants helps clarify topics such as the length and requirements of program phases, approved over-the-counter medications, and participant legal rights. Defining program minimums (group sessions, drug tests, etc.) would also help potential participants understand what exactly the program will entail and ensure that they are well informed about the program's expectations. The NDCI website has a sample participant manual at <https://www.ndci.org/resource/sample-documents/> under the Participant Handbook Guide section.
- Work to decrease the frequency of extended jail sanctions and the use of jail as an alternative to detox or when awaiting treatment beds. The Jefferson County Drug Court team appeared to have curbed the use of jail during the pandemic and increased community service options. However, it reported often using jail for positive drug screens, early in a participant's program, and even with admittance. Jail sanctions should be imposed judiciously and sparingly, including using jail as a sanction for any drug use. Unless a participant poses an immediate risk to public safety, jail sanctions should be administered after less severe consequences have been ineffective at deterring infractions. When jail stays exceed six days or more, there is an increase in the use of resources while gaining little in return and may produce some habituation and learned helplessness with the "ceiling" effect. In addition, participants are unlikely to learn positive behaviors from their time incarcerated, and the converse is more probable in that individuals are more likely to engage in negative thoughts and learn more negative behaviors from other inmates while incarcerated. Jail sanctions should be definite induration and typically last no more than three to five days. Participants should be given access to counsel and a fair hearing if a jail sanction might be imposed because a significant liberty interest is at stake.
- The Jefferson County Drug Court program is operating without a dedicated client management information system. The program could benefit from a full list of suggested data elements to track to help the program analyze/evaluate/monitor data to make some program modifications based on data-driven information. The court coordinator reported tracking some program statistics in an excel spreadsheet to report out to the state, and treatment provided some quarterly information related to a specific local funding stream (county 1/10th of one percent behavioral health sales tax). In addition, many database programs can assist this team in

preparation for pre-court staffing by having reports that compile relevant information on each participant. The reports can be made available to the team in advance, allowing for more targeted staffing conversations to focus on behavior modification discussions and emphasizing what incentives to acknowledge for good behavior and other skill development areas, any therapeutic adjustments needed, and sanctions for violations.

- Review of data and/or regular reporting of program statistics should lead to modifications in drug court operations. The Jefferson County Drug Court team recently reinitiated reviewing the outdated policy manual. The team is strongly encouraged to set aside dedicated time for routine policy discussions. This practice is critical for teams to set aside time to review data, programmatic issues, and any technical assistance/training/evaluation results. Future policy meetings should be set out in advance to ensure attendance by all stakeholders. The entire team should be enlisted to help create agenda topics and use feedback in this report to analyze overall operations, modify specific program procedures, gauge effectiveness in challenging areas, change/evaluate current therapeutic interventions, measure and refine program goals, and make important decisions about continuing or expanding the program.

Specific TA Recommendations

- Take the Essential Elements of a Treatment Court on the NADCP E-Learning Center at <https://essentialelements-nadcpelarningcenter.talentlms.com/index>
- Incentives, Sanctions, and Therapeutic Responses
- Law School 101
- A Blueprint for Phases
- Community Supervision
- Team Member's Guide to Effective Drug Court Treatment
- Team Member Roles and Responsibilities

Best Practices Table

A table with a list of research-based best practices and whether this program has implemented each practice is included as an attachment to this report. Your team should review this list both to understand and appreciate those best practices that have been successfully implemented (to ensure the program continues to engage in those practices) and to determine whether there are any practices not described in this report where the program may want to make improvements in the future.

Recommended Next Steps

The results of this TA review can be used for many purposes, including 1) improvement of program structure and practices for better participant outcomes (the primary purpose), 2) grant applications to demonstrate program needs or illustrate the program's capabilities and 3) requesting resources from boards of county commissioners or other local groups; 4) Requesting training and TA from NDCI, CCI or other TA providers.

- Distribute copies of the report** to all members of your team, advisory group, and other key individuals involved with your program.
- Set up a meeting** with your team and steering committee, etc., to discuss the report's findings and recommendations. Ask all group members to **read the report** prior to the meeting and **bring ideas and questions**.
- During the meeting(s), **review each recommendation**, discuss any questions that arise from the group.
- Contact NDCI staff Carolyn Hardin at chardin@nadcp.org to develop the next steps.