



Supporting the Drug Court Process: What You Need To Know for Effective Decisionmaking and Program Evaluation

MONOGRAPH

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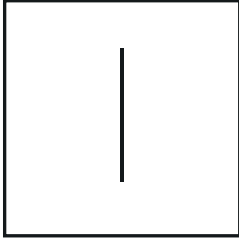
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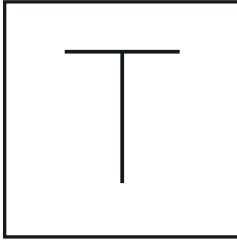


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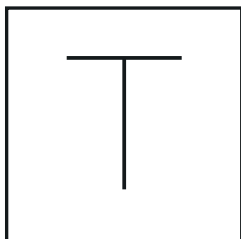
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Foreword



The drug court is information driven. This report was written to help those who are planning, implementing, or operating adult drug courts to understand the critical importance of the availability of a wide range of timely, accurate, and complete information. The extent to which this information is appropriately available and how it is used are major determinants of effective decisionmaking and evaluation.

Most drug courts require a computer for effective entry, storage, retrieval, sharing, and analysis of information because of the sheer volume of pertinent drug court data, its ongoing accumulations, and the length of time it remains integral to the drug court process. *Supporting the Drug Court Process* provides advice on the selection and acquisition of computer systems for drug courts, as well as an overview of ongoing and pertinent issues associated with these systems. Drug courts preparing to

acquire a management information system (MIS) and jurisdictions that have already implemented an MIS will find that *Supporting the Drug Court Process* offers a basis for assessing the strengths and weaknesses of a planned or existing information system.

Supporting the Drug Court Process presents a functional overview of the drug court and the nature of the questions and answers that together form the foundation for sound decisionmaking for the court's key activities. This report is not intended to be a standard for the court's MIS. Rather, it will be most useful when selectively viewed to fit the circumstances and needs of the individual court. Although there is no intent to focus on the informational needs of juvenile and family drug courts, those who are concerned with their operation will find a starting point here for thinking about the requirements of an MIS suitable for those court environments.

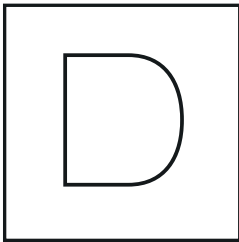
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I.

Introduction



Drug courts are a revolutionary problem-solving approach within the justice

system that can potentially change the lives of substance-abusing offenders and reduce their criminal activity, while producing significant benefit to the community. The overarching strategy of drug courts is to bring together intensive judicial supervision with substance abuse treatment—and frequently health services—in an environment of multidisciplinary teamwork. The drug court process functions through the timely availability of a wide range of reliable information to support high-quality decisionmaking. As a practical matter, the volume of information that needs to be recorded, processed, accessed, shared, and analyzed—often in a time-critical context—is a strong argument for developing a management information system (MIS).

The importance of data collection, access to data, and the ways in which data are used extends beyond the drug court's daily

operations to how a program is monitored and evaluated. Monitoring the drug court program is an ongoing activity of the drug court team, which looks at the program as a whole rather than at the progress of individual participants. Monitoring is but one of several types of program evaluations dependent on easily retrievable information presented in a format that facilitates its use for measuring program performance and impact.

The National Association of Drug Court Professionals, with the support of the Drug Courts Program Office (DCPO), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), developed key components of adult drug courts and performance benchmarks for sound practices, effective program designs, and comprehensive operations of these courts.¹ Fundamental to many performance benchmarks are the manner in which drug court team members interrelate and the existence of procedures that enable the team to communicate and share information, including the following:²

- Court and treatment providers communicate regularly, including frequent exchanges of timely and accurate information, about the participant's overall program performance.
- Prosecutors and defense counsel help design screening, eligibility, and case-processing policies and procedures to guarantee that due process rights and public safety needs are served.
- The court is immediately notified when a participant has tested positive, has failed to submit to alcohol or drug (AOD) testing, has submitted someone else's sample, or has adulterated a sample.
- Treatment providers, the judge, and other program staff communicate frequently and regularly to ensure timely reporting of participant progress and noncompliance and to enable the court to respond immediately.
- Management, monitoring, and evaluation processes begin with initial planning. As part of the comprehensive planning process, drug court leaders and senior managers establish specific and measurable goals that define the parameters of data collection and information management.
- Monitoring and management data are assembled in useful formats for regular review by program leaders and managers.
- Representatives from the court, community organizations, law enforcement, corrections, prosecution, defense counsel, supervisory agencies, treatment and rehabilitation providers, educators, health and social services agencies, and the faith community meet regularly to provide guidance and direction to the drug court program.

There is often a significant gap between recognizing that collecting, transmitting, and sharing information is essential to effective decisionmaking and recognizing that implementing systems, practices, and procedures ensures an optimal knowledge environment within the drug court. Practitioners, public health officials, researchers, court managers, and MIS experts have noted that "most jurisdictions simply do not have the capacity to maintain, in an automated format, the kind of detailed client information needed to support drug court management."³ However, this is changing. Drug courts now use MISs that strengthen many of the day-to-day activities of the drug court and its team members. Some of these systems are in the public domain, others are commercial products, while still others are developed in-house using commonly available database software. Whatever its derivation, a drug court MIS generally needs some customization when implemented in a new jurisdiction.

Several State court administrative offices are developing statewide drug court information systems.⁴ State court administrators are also increasingly requiring drug courts to routinely report certain data to a central entity, such as the Office of Court Administration (OCA) or State Office of Alcohol and Substance Abuse. Further, there is a growing awareness that evaluation is essential and goes hand in hand with data collection and MIS design.⁵ State court administrators realize the utility and value of well-designed evaluations.⁶ In some jurisdictions, evaluation results are the compelling argument that garners the support of political decisionmakers and other key stakeholders, which ensures continued financial and policy backing for the drug court program.

Importance of Management Information Systems

The range of information required for a drug court to be consistently effective in accomplishing its goals far exceeds that of the typical criminal court. Existing information system models, to the extent that they are useful to the judiciary and court administration, are of less value to the drug court. In most jurisdictions, it is not practical for drug courts to replicate the existing MIS used by criminal courts. In rare instances, however, the best approach might be to expand and modify the criminal court MIS to establish the software functionality necessary to support the drug court. Yet this approach raises real concerns about the far more stringent confidentiality safeguards that must attend certain drug court information, safeguards which are not necessarily found in the typical criminal court calendaring and case management system.

At every step of the drug court process—from initial screening, assessment, treatment, and supervision through graduation—decisions are made. The soundness of these decisions depends on the judge and other members of the drug court team having timely and appropriate access to accurate and complete information. With the evolution of the drug court movement and advancements in information technology over the past 10 years, there is now a recognition that in most instances, an MIS is an invaluable aid to the drug court, the collective drug court team, and each of the team's member entities within the judicial, legal, and treatment communities.

Drug court practices are a major departure from those of the traditional criminal court. Drug courts operate in a milieu where customary adversarial roles are less evident to the observer and, most importantly, to the program participant.

“Staffings” bring together the members of the drug court team—typically the judge, treatment manager or counselor, program coordinator, prosecutor, probation representative, and public defender—to review participant status information and progress and to discuss the imposition of actions or requirements affecting program participants. Having resolved potentially divisive issues outside the courtroom, the drug court team presents a cohesive and unified front to the program participant.

Before a drug court can make use of the information that is so critical to its daily operations, court officials must be cognizant of relevant laws, regulations, practices, and policies. Drug courts must comply with Federal and State confidentiality laws. Federal laws and regulations protect information about persons receiving alcohol and drug abuse prevention and treatment services that are directly or indirectly assisted by any department or agency of the United States.⁷ Hence, Federal grant dollars provided to the State or local government that funds the courts are sufficient to bring the drug court within the scope of Federal regulations.

Confidentiality requirements encourage participation in treatment programs. It is noteworthy that the Federal regulations predate the drug court movement, leaving practitioners to reconcile statutes that, at times, may seem at odds with intensive judicial supervision and certainly the traditional justice system. A treatment provider or program is defined as an individual or entity that provides diagnosis of chemical dependency, referral to treatment, and rehabilitative services. Consequently, most—if not all—drug courts are considered treatment programs and are subject to Federal confidentiality regulations.⁸

Before a treatment provider can disclose information to members of the drug court team or others regarding an individual's participation in a treatment program, the participant must sign a written consent form that, at a minimum, meets the requirements set forth by Federal regulations.⁹ The consent includes the purpose of disclosure, how much and what kind of information may be disclosed, and the duration or conditions, if any, under which the given consent is subject to revocation. An MIS that reflects the specifics of the consent form, combined with a memorandum of understanding (MOU) between drug court team partners that addresses how information is accessed and handled, offers strong safeguards for ensuring the confidentiality of treatment-related information. Appendix 1 includes a sample consent form for disclosure of confidential substance abuse information, a sample qualified service organization agreement, and a sample intergovernmental agreement and MOU.¹⁰

Many States have also enacted confidentiality laws or implemented policies and practices intended to limit disclosure of information relating to treatment. When a State law is more restrictive (that is, it bars disclosure of information that would be permitted under Federal regulations), the drug court program's handling of treatment information must be so structured as to ensure compliance with both Federal and State law. The most effective means of ensuring compliance with statutory confidentiality safeguards is an MIS programmed to limit or exclude access to information in a way that is consistent with all relevant statutes.

Conditions that limit information disclosure as described in the consent form may vary from jurisdiction to jurisdiction. Drug courts in neighboring communities may

also differ. For example, the drug court team in one jurisdiction might include as one team member a liaison officer from a local law enforcement agency who needs access to certain confidential information. Similarly, practices and policies vary widely and may be changed by administrative fiat without affected entities and individuals being consulted. Staff changes necessitate training, and new hires require immediate training, if the opportunity for inappropriate disclosure is to be minimized. All of these factors pose a risk that confidentiality statutes will unintentionally be violated through misinformation or ignorance.

Perhaps the best way to minimize this risk, and the attendant possible detrimental effect on drug court participation, is to design a drug court MIS that limits the availability of personal information to authorized persons for purposes as addressed in the consent form and where appropriate as described in the MOU. Although the MOU is signed by the court and executives of the agencies and departments that constitute the drug court team, staff should not be expected to sign it, as this document may encompass policy shifts within agencies that only apply to the drug court program. The MIS applies the access rules and can be updated easily to reflect changes in law, policy, or procedure without the need to reeducate all those who would otherwise have to alter their methods of operation.

Typically, the drug court process begins shortly after arrest, when an individual undergoes initial screening for program eligibility. Often this involves a standardized questionnaire that is used to determine the type and severity of dependency and suitability for the drug court program.

Questions could include the following: Is the nature of the problem within the scope of the target population that the court intends to serve? Are there treatment resources obtainable that are able to address the problem(s)? The MIS could include the screening instrument. However, even if the questionnaire, responses, and interviewer observations are not entered in the MIS, the conclusions drawn may still be recorded. Inclusion of this information does not ensure that an apparently eligible individual will be offered admission to the drug court program, or that the individual will accept such an offer if it is made. Dependency screening is but one facet of determining program eligibility.

In addition to AOD screening, the second element at this stage is justice system screening. Here, the prospective participant's criminal history and current charges are viewed against predetermined eligibility criteria. For example, many drug court programs target populations that exclude individuals with criminal convictions for violent offenses or limit enrollment to individuals whose current charges are strictly drug related. In some jurisdictions, the authority of the court is limited to handling only persons accused of misdemeanors. Some drug court information systems record both an offense history and current charges. In addition, the system may note pending cases; this can be another factor in determining program eligibility. If an individual has multiple pending cases, it must be decided how the cases will be handled if the individual is enrolled in the drug court program.

The assessment phase of the process identifies both specific psychosocial problems and treatment services. An assessment instrument is often employed, which the

MIS may or may not include. The MIS may also be employed to match a diagnosis with available and appropriate treatment resources.

Following admission to the drug court program, the participant can expect frequent, regular, and random drug testing. Positive and negative results, as well as missed appointments and apparent efforts to "beat the test," are recorded in the MIS. A positive drug test result is just one of many developments that may be the basis for sanctions. The MIS records any imposed sanction so that there is a clearly documented history of negative events and responses. Similarly, a participant's positive actions and noteworthy progress are also recorded. Some systems also record rewards given in recognition of achievements.

The staffing conference that precedes the calling of the day's drug court calendar often relies on the MIS for status information on all persons scheduled to appear before the court. Some systems, in addition to providing various preformatted information fields, allow the judge, and perhaps other team members, to enter notes into the system. These may serve as reminders of things to be discussed at a later date with other team members, a program participant, a participant's relative, or someone with whom the participant has a close relationship.

The MIS is of fundamental importance to the day-to-day decisionmaking of the court; however, its significance does not end there. The drug court monitors its activities by collecting day-to-day statistical data. This administrative management tool is also associated with the process evaluation conducted by many drug courts. Regardless of whether a drug court performs process evaluations routinely or

infrequently, the objectives are the same. A process evaluation could ask the following questions:

- Is the drug court operating in a manner that remains true to its original plan?
- Is it serving the intended target population?
- Is it reaching/maintaining its capacity?
- Are eligibility determinations being made in a consistent, unbiased fashion?
- Is the interrelationship between the judicial, legal, and treatment communities operating as envisioned?
- Where are terminations occurring?
- Has the substance of choice changed within the community being served?

MIS documentation helps to answer these questions and to weigh the need for changes to original plans based on the findings of the process evaluation.

Many operational information systems lack a design focus and, consequently, critical information for determining the drug court's impact and effectiveness on individual participants, the local justice system, and the community. A U.S. General Accounting Office report noted that many questions about the effectiveness of drug court programs could not be answered because critical data were unavailable.¹¹ What is needed, but often lacking, is a comprehensive MIS that provides the foundation for program monitoring and the closely associated task of evaluation research.

In recent years, university-based researchers and professional evaluators have increasingly become involved with drug courts earlier in the process, sometimes even becoming members of the planning team. Others are

working with individual drug courts or State court administrative offices to design statewide information systems. These efforts lead to implementation of information systems that support both the court's day-to-day operational needs and various short- and long-term forms of evaluation. Two prominent examples of these dual-purpose systems are the *Self-Evaluation Manual and Case Management System for Adult Drug Courts* developed by the Justice Research Center¹² and the system being developed by the University of Kentucky's Center on Drug and Alcohol Research under contract with the Commonwealth of Kentucky's Administrative Office of the Courts (AOC). The former is intended to support smaller drug courts that do not exchange information electronically. The Kentucky initiative will enable uniformity of information collection across the State and reporting of information to the AOC.

In many communities, various stakeholders—beyond those who are directly involved as team members—have a keen interest in the drug court. Certainly, elected and appointed officials who control the budgetary purse strings need to be kept informed, as do political and legislative leaders who steer public policy. The constituency that has the largest stake in, and is most intensely affected by, the success of a drug court program is the community that it serves. What information is available to inform stakeholders? The evaluation plan is the key. Whether looking at individual participant results or broad-based program impacts, the MIS is of critical importance. It provides the drug court team and program evaluator baseline data and other information essential for determining program effectiveness.

Although release of participant information must be strictly controlled,¹³ such

restrictions do not extend to reporting on the drug court's effectiveness in serving the community. Federal laws and regulations—and, in many instances, State statutes and policies—protect information about persons receiving alcohol and drug abuse prevention and treatment services.¹⁴ However, Federal regulations allow for the disclosure of patient-identifying information to researchers, auditors, and evaluators without patient consent when certain safeguards are met.¹⁵ Hence, collection of sensitive information is clearly permissible, although use of the information is subject to restrictions.

Clearly, the MIS provides essential documentation of the drug court process. This information is a critical resource for guiding virtually every key decision associated with the drug court and for determining the drug court's impact on individuals, the justice system, and the community.

Purpose of This Document

Supporting the Drug Court Process intends to assist both existing adult drug courts and those that are in the early planning or implementation stages. Although the report does not focus on the informational needs of juvenile and family drug courts, those who are concerned with their operation will find a starting point here for thinking about the requirements of an MIS suitable for those court environments. Operational drug courts may use *Supporting the Drug Court Process* as a basis for appraising the quality and completeness of their current or envisioned MIS. Is information available in a timely manner? Is it made known to the appropriate drug court team members? Is comprehensive information gathered? In addition to the information that is collected, is there other information that would strengthen

operations, program monitoring, or evaluation? It is hoped that *Supporting the Drug Court Process* will help drug courts identify needs, strengths, and weaknesses with regard to the way information is currently being handled.

Jurisdictions looking to serve their communities through a judicially supervised alcohol or drug treatment program will find *Supporting the Drug Court Process* useful in determining the requirements of an MIS appropriate to their size, scope, resources, and unique needs. Checklists provided in this report identify data associated with the stages and major functions of the drug court process. Checklists also point out attributes and features of effective drug court information systems. Some jurisdictions may opt to use *Supporting the Drug Court Process* as the basis for going into the marketplace with a request for proposal for an MIS or a request for information to gain additional insights from vendors about implementation.

Supporting the Drug Court Process does not set a standard for adult drug court management information systems. Drug court operations and emphases vary from jurisdiction to jurisdiction and State to State. Courts that meet daily and courts that are in session for only a few hours each week have different requirements regarding information timeliness. Most courts focus primarily on drug abusers, but some target alcohol abusers. *Supporting the Drug Court Process* is most helpful when shaped to fit the circumstances and needs of the individual court. In addition, although it is not designed to address all the needs of juvenile and family drug courts, this report provides a useful starting point for identifying MIS requirements suitable for those courts.

Organization of This Document

Supporting the Drug Court Process is organized into five chapters, a bibliography, and appendixes:

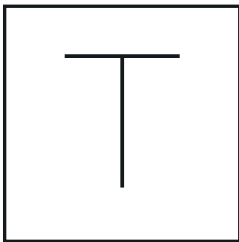
- **I: Introduction.** Relates selected key components of drug courts to the context of *Supporting the Drug Court Process*. Discusses the importance of an MIS to the day-to-day operations and evaluation functions of a drug court. Addresses confidentiality statutes and regulations that influence the MIS. Describes this report's utility to courts that are planning for an MIS, as well as those that already have an operational MIS.
- **II: Characteristics of an Effective Drug Court Management Information System.** Provides structural principles for building an MIS or weighing the strengths and weaknesses of an existing MIS. Includes a section with frequently asked questions about drug court information technology.
- **III: Preadmission.** Discusses the collection and use of information needed to make program eligibility determinations, including the functional activities of criminal justice screening, alcohol or other drug dependency screening, and screening for mental health disorders, medical conditions, and the candidate's motivation for contemplating enrollment in the program.
- **IV: Operational Drug Court.** Describes the role of assessment, its documentation in the MIS, and its relationship to development of a treatment plan. Discusses several facets of ongoing case management, including infractions, sanctions, and rewards; appointments and outcomes; and program monitoring.
- **V: Evaluation.** Describes three kinds of evaluations—process evaluation, impact evaluation, and cost analysis—commonly used to assess the effectiveness of drug courts in meeting program goals, affecting the lives of participants, and benefiting both the justice system and the community. Explores the role of the evaluator in shaping the MIS to ensure that it collects information that facilitates evaluation activities.
- **Appendix 1.** Provides a sample consent form for disclosure of confidential substance abuse information; a sample qualified service organization agreement, as listed in the *DCPO Fiscal Year 2002 Program Application Kit*; and a sample intergovernmental agreement and MOU.¹⁶
- **Appendix 2.** Provides a copy of the MIS, process evaluation, and outcome evaluation requirements, as listed in the *DCPO Fiscal Year 2002 Program Application Kit*.¹⁷
- **Appendix 3.** Provides a copy of the instructions and semiannual survey previously required of DCPO grantees, as listed in the *DCPO Fiscal Year 2002 Program Application Kit*.¹⁸ This survey instrument expired on March 15, 2002; therefore, grant recipients are no longer required to submit this data collection survey to DCPO. It is included here as an example of a minimum data set that may be useful to drug court programs.
- **Notes.**
- **Bibliography.** Presents a list of reference materials consulted in developing this report. The reference documents and other materials identified in the bibliography address all aspects of drug court processes and information systems.

Chapters II, III, and IV include checklists that represent data appropriate for collection and inclusion in an adult drug court MIS. For the most part, these checklists provide suggested, rather than required, information and are not meant to be exhaustive. The exception is information

required to be periodically submitted by DCPO and grantees and other information that may be required of drug courts by State court administrators, local legislatures, or other elected or appointed officials as a condition of funding.

II.

Characteristics of an Effective Drug Court Management Information System



This chapter describes the planning and implementation characteristics of an ideal

drug court MIS, which should be weighed in designing a system or in looking at the strengths and weaknesses of an existing system. The focus here is on structural principles upon which to build an MIS. More specific issues, such as functional requirements and the information appropriate for collection, are addressed in later chapters.

The most important reason to establish an MIS is the contribution it makes to decision-making and administration of the drug court's day-to-day activities. The essence of a high-quality MIS is the ability to collect comprehensive and accurate information about program candidates and participants. Another critical element is the ability to enter and transmit information in a timely manner so that it is available to those who have an operational interest and those who are responsible for reacting to it. In

planning a system, it is helpful to continually ask the following: Who needs to know each piece of information? How quickly do they need it?

Assembly of information about prospective program participants begins at the earliest stages of a court case. Although screening and assessment eliminate prospective participants who fail to meet eligibility criteria or who bump up against program capacity constraints, it is important to chronicle data on these individuals for evaluation purposes. Information collected and retained early in the justice process may benefit the treatment case manager. Even after graduation, initial information may still be of value. For example, the identity and telephone numbers of relatives, collected through pretrial services bond recommendation interviews, are recorded in the system. This information can prove helpful later on to a researcher investigating issues such as postgraduation relapse rates, recidivism, or lifestyle changes.

System Design

The design of the MIS should facilitate rapid decisionmaking at all stages of the process. Users should understand the features and functionality of the MIS and be comfortable with the system. User-friendliness is enhanced by color coding that enables quick visual differentiation of status or other flagged key information. Data entry and retrieval screens are easy to navigate with the aid of drop-down menus, online help, and other tools. Overall, the intuitive nature of the system minimizes the amount of training necessary to develop sufficient mastery.

Often, information that is manually entered into a drug court MIS duplicates data collected in another system. Arrest charges are typically recorded in a booking system. Literal charge codes (i.e., numeric statutory citations) do not provide the facts and circumstances that lead to accusations and formal charging—information that can be essential for determining program eligibility. To inform pretrial release and bond-setting decisions, criminal history information is accessed and retrieved from the State agency records repository proximate to the defendant's first court appearance. Pretrial services agencies collect data about residency, employment, education, and family relations. Other information, especially records relevant to assessment of a prospective drug court participant, may reside in the databases of treatment providers or public health and social services agencies. As courts and agencies at all levels of government move toward information sharing and integration of databases, they are gaining access to more information, faster and at less cost than previously possible.

An underlying strategy of the most effective drug court MIS follows this trend by electronically linking systems to leverage

the information available in each while minimizing repetitive data entry and storage. A beneficial byproduct of lessening the amount of manual data entry is the reduction in faulty information that arises from keying errors.

There is a cost for collecting and processing information. Given the volume and variety of data necessary to support the drug court, that cost is proportionately higher for drug courts than other courts. One means of addressing cost issues is through a systems integration strategy that avoids institutionalizing staff expenses. Instead, the strategy favors technology expenditures that, at a minimum, place a premium on sharing information electronically within and outside of the drug court team.

The system's design is dictated not by limitations of existing computer hardware or software but rather by a thorough assessment of the information needs of the drug court, its team members, and other stakeholders. Similarly, the design is not limited to automated forms and procedures. Acquiring an MIS provides an opportunity to reengineer the workflow, not merely to automate it.

The MIS provides significant analytical and management capabilities for all members of the drug court team. Although programmed to produce management reports, it can also be easily programmed to provide ad hoc reports to answer unforeseen questions. The skill and knowledge necessary to use the ad hoc report feature can be easily acquired if staff competencies are sufficient to master the complexities of the software involved.

The MIS can expand to accommodate changes in population size, number of authorized users, program capabilities, amount of accumulated data, or types of

data collected. Flexibility to modify the system is the foundation for meeting unforeseen requirements that may arise from internal decisions or from reporting mandates imposed by external entities such as central court administrative offices, legislatures, and county commissioners. The hardware and software components are widely available, and the system design allows for the easy addition or replacement of components from various manufacturers or developers. Such open systems typically offer maintenance and expansion cost advantages over proprietary systems, in which all hardware and software are supplied by a single vendor or must conform to rigid standards set by the hardware manufacturer.

The system's range of capabilities and its acquisition and maintenance costs should be appropriate to the size and scope of the drug court. Systems intended to be repositories for a large amount of data could prove frustrating for staff if the data communications infrastructure or database access operates too slowly. Some jurisdictions may find it appropriate to weigh the costs of a local system versus the costs of a networked system shared by two or more jurisdictions or statewide. This is an issue not only of economies of scale, but also of the staff and expertise required to operate and maintain the system.

When drug courts were just an experiment, systems based on stand-alone personal computers (PCs) were adequate. As the drug court is institutionalized in the judicial branch, automated support also must be institutionalized. Many States have reacted by trying to expand their current case management systems (CMSs) to include drug court functions. In almost every instance, court leaders and technologists have been surprised by the magnitude of the differences between CMSs and the drug court MIS.

CMSs focus on managing case flow and clerical operations, with minimal judicial support. The drug court MIS, however, focuses on judicial decisionmaking, with recordkeeping functions as a side benefit. To support judicial decisionmaking, drug court systems require much more detailed information about the case than is typically captured in a court's CMS. In addition, a number of drug court functions require automation that the CMS would not address. Evaluation and statistical reporting in a court CMS is a byproduct of operational work; in a drug court MIS, however, a tremendous amount of information is captured solely to support the evaluation function. In a sense, a drug court MIS is also an integrated system, much like criminal justice integrated systems, except that criminal justice integration is sequential and drug court integration is concurrent. With criminal justice integration, data can be dumped electronically from system to system as a series of onetime events. In the drug court, everyone actively exchanges information on the participant's status weekly, rather than passing it along to another agency when internal work is finished. Data exchange is continuous through the life of the case. This requires much more sophisticated interfaces between the involved agencies.

As States move to address drug court automation at the institutional level, the stand-alone PC applications will, in most cases, be replaced by new modules in the court CMS. This means that drug courts must standardize the way they conduct business and must conform to data definitions and formats that exist in the justice system. Although this will be inconvenient in the short term, it will ultimately be worthwhile. It also means that the State infrastructure and support mechanisms will be available to help drug courts address MIS design issues and problems.

An internal network (i.e., intranet) built with Internet-based technology¹⁹ can connect drug court team members to the MIS, connect the drug court to other local data systems such as the general criminal court MIS, connect individual drug courts to a centralized State-level database such as an MIS operated by the OCA, or provide the data communications network for information sharing between its contributors and the MIS. The internal network requires that all devices be physically connected with equipment and lines under the control of the sponsoring organization. Intranets can include “firewalls” that allow staff to reach out to the Internet while barring others from looking in, or, if necessary for security reasons, the intranet need not be connected to the Internet at all. The size and scope of drug courts, together with the availability of an intranet, determine whether a jurisdiction should consider this sort of internal network, which can be a very cost-effective means of moving information.

There is no practical limit to the size of an intranet. As with the Internet, the number of servers and Web pages that can be added to support additional information providers, systems users, courts, services, or information demands is not constrained by technology, although cost and maintenance issues may pose some practical limitations. All in all, if the organizations involved are connected to the city, county, court, or State network, an intranet strategy may be more affordable and easier for users to become familiar with than alternatives because they are already accustomed in most instances to using the Internet. When the reduced learning curve and ease-of-use aspect are factored in, the intranet approach is very attractive.

Even if a private network or intranet is not a viable mechanism for moving data,

Internet-based technology can still be used to enter and access information. Browsers—software familiar to anyone who has used the World Wide Web—link persons and organizations and allow them to exchange information between different computer operating systems over the Internet. “Virtual private network” protocols offer an alternative to using the Internet by allowing different systems to function as though they were part of the same private network.

The checklist at the end of this chapter can help drug courts determine what they need in an MIS and/or evaluate their existing system.

Frequently Asked Questions

How do I get a drug court MIS?

The first step is to assemble the stakeholders of the drug court process (the management team) and reach consensus on direction for the drug court and its MIS.

The second step is to develop a list of functional requirements for the desired system. What functions should the system perform? Functional requirements can be related to operations (processing individual cases and participants), management (keeping case processing effective, productive, and economical), and evaluation (determining whether a drug court is meeting its goals and is helping program participants). This list of functions might include communicating the results of drug tests to the drug court, capturing the results of the many assessments and screenings that are performed, and sharing these results.

Once a list of functional requirements has been prepared and approved, the next step is to analyze what information is needed to perform those functions, when and where it becomes available in the process, and how it is to be captured and entered into the system. This is an analysis of the

administrative processes that will support the drug court MIS and is added to the functional requirements document.

Once there is agreement as to what the drug court MIS should do, it is a relatively simple matter to evaluate available public-sector packages and commercial systems that have been designed to support the drug court. Because none of these packages will fit the requirements of the court exactly, it is important to consider the time and cost of modifying the software. The requirements document also can be used to extend the functionality of an existing court CMS or to design a new drug court MIS to be created by court or government technologists or private contractors.

How much does a drug court MIS cost?

A drug court can acquire a public-domain MIS at no cost and, if it has the necessary computer hardware and expertise, can expect to pay nothing to customize the software, except for staff time to get the system working. A drug court can also spend hundreds of thousands of dollars creating a state-of-the-art customized system. The amount of available resources is key in considering how much to spend.

What software packages are available in the public sector?

Three packages are available for evaluation at www.drugcourtech.org: the Brooklyn Treatment Court System, the Buffalo Drug Court System, and the South Florida High Intensity Drug Trafficking Area System. These three packages and the Washington/Baltimore Automated Treatment and Tracking System are featured in *Public Domain Drug Court Software: Functions and Utility*, a companion piece to this report produced by SEARCH and DCPO.²⁰ Another software package, Case Management System 2000, was developed by the Justice Research Center with funding from the State Justice Institute.²¹

What kind of support is required for a drug court MIS?

A major weakness of most software development efforts in courts is lack of support for the user. Drug court administrators must ensure that software products are adequately tested, training programs are scheduled to prepare court staff to use new tools, documentation for systems is comprehensive and accessible, and data quality assurance processes are in place. In addition, staff must ensure that users receive quick attention when components of the system fail.

Even the best information systems require work to maintain them. System backups must be performed, database compaction utilities must be run, disks must be defragmented, and printer ink and toner cartridges must be replaced. Drug court leaders must consider who will perform these functions, how much of their time it will require, and how to provide the training they will need.

In addition, all software packages require periodic modification. Reporting requirements may change, new laws may be implemented, or the drug court management team may want to try new approaches. Drug court administrators must select a technology that is simple and inexpensive to modify.

A drug court that is part of a larger system of automation may depend on court resources to perform these functions. If drug court technology is isolated from the rest of the judicial branch, staff and tools should be viewed as a part of the expense of acquiring automation. In the real world, however, resources too often are limited, and system users must learn to deal with some of these issues without the assistance of technologists.

Drug Court MIS Requirements Checklist

- The range of capabilities and cost of the MIS (both initial acquisition and ongoing maintenance) are appropriate to the size and scope of the drug court.
- The design of the MIS facilitates rapid operational decisionmaking at all stages of the drug court process.
- Information is recorded in a timely fashion and is available to users quickly enough to meet operational needs.
- The MIS captures all necessary information:
 - Program eligibility information—including residency data; criminal justice, alcohol/drug dependency, and mental health disorder screenings; and medical conditions—and screening information to determine the individual's motivation for participating in the program.
 - Postadmission information, including assessment data and ongoing case management information such as infractions, sanctions, incentives, appointments, and outcomes.
- The MIS supports the informational and decisionmaking needs of all members of the drug court team.
- The MIS collects information to support program monitoring and process evaluation and to provide the foundation for long-term program outcome evaluation.
- Users understand the system's features and functionality.
- Users are comfortable with the system.
- The system employs color coding, drop-down menus, online help, and other tools to aid data entry and retrieval of information.
- The system is designed to minimize data entry. (The MIS shares information electronically with other systems.)
- The system is designed to provide significant analytical and management capabilities for all members of the drug court team.
- The system allows judges, prosecutors, public defenders, case specialists, and treatment providers to enter notes.
 - Notes are searchable by keyword and are protected from unauthorized access and disclosure.
- The system produces preformatted management reports on a daily, weekly, monthly, and cumulative basis and can also create ad hoc reports using any data that are in the database.
- Systems reports are accurate and timely.
- The MIS enables compliance with statistical data gathering, evaluation, and other reporting requirements of Federal agencies that provide grant funds in support of the drug court (e.g., Bureau of Justice Assistance and DCPO), courts administration, and State and local authorities.
- Sufficient technical support for hardware, software, and application programs is available to maintain the MIS.
- Technical support and ongoing system maintenance are recognized as a distinct budget requirement.
- Access to treatment information (including detailed screening and assessment instruments) held within

the MIS is restricted in a manner consistent with the consent form signed by program participants.

- ❑ Access to treatment information (including detailed screening and assessment instruments) held within the MIS complies with Federal and State laws and regulations.
- ❑ Access to criminal history information held within the MIS is restricted in a manner consistent with the laws and regulations that govern dissemination of that information, based on its source.²²
- ❑ To facilitate the design and conduct of process and impact evaluations, the system records limited identifying and statistical data on persons screened and found ineligible, persons declining an offer of admission after being found eligible, and participants who do not successfully complete the program.
- ❑ An evaluator provides recommendations on the MIS design and information to be collected and gives ongoing advice to the drug court team.
- ❑ The drug court team employs the Internet, an intranet, or an internal data communications network to facilitate data collection, access to information, and information sharing and exchange.
- ❑ The system relies on Internet-based technology—or browsers—for entering and accessing data.
- ❑ The system is designed with appropriate security safeguards (e.g., firewalls) to protect the confidentiality of information sent over the Internet.

III.

Preadmission



Assessing whether a candidate is eligible for drug court typically encompasses find-

ings in three types of screening: residency, criminal justice, and clinical. The clinical screening helps determine a candidate's alcohol or other drug dependency problems for which treatment resources are available. The presence of other clinical problems, such as serious mental health disorders (including suicidal behavior) or medical conditions (including infectious diseases) can also be determined.

Eligibility criteria are sometimes expanded to consider motivation if a candidate has a meaningful choice to make between participation in the drug court program and an alternative criminal justice process. In many jurisdictions, drug-dependent defendants with misdemeanor convictions face far less onerous penalties than having to go through a drug court program. In other instances, a criminal defendant may not get any benefit in terms of having a charge

dismissed or sentence reduced. He or she may simply be ready—emotionally, psychologically, and physically—to sustain a clean and sober lifestyle, even while continuing to serve a sentence of incarceration. In these circumstances, it is reasonable to consider motivation when examining eligibility.

Established and documented eligibility criteria may be limited to the three most common areas noted above. Jurisdictions vary widely in their treatment of residency rules, prior arrests, and the extent and nature of substance abuse. The actual criteria applied filter out candidates who fall outside the drug court's defined target population.

Screening Eligibility With the MIS

Information systems that collect program eligibility data typically do not produce an eligibility score or yes/no decision. Although an MIS could be designed with an eligibility-scoring algorithm tailored to each jurisdiction's admission criteria, this approach is of

uncertain value. On the plus side, an automated decision strategy may be less labor intensive. In addition, having automated data on eligibility decisions greatly facilitates program process evaluation, which should be conducted periodically. However, several factors limit the utility of automated systems.

First, a key part of the screening process is often based on observations during an interview. The trained interviewer, even at this early stage, may start collecting information for designing a treatment program. These impressions do not easily lead to the kinds of definitive statements amenable to assignment of a predetermined weighted value.

Second, certain information requires research beyond the initial source data. For example, the facts and circumstances surrounding an arrest need to be reviewed if it is not evident from the charges on the criminal history report whether the arrest involved violence and/or a weapon. Therefore, the original source data—a “rap sheet” from a local law enforcement department or the State agency that serves as the criminal records repository, which in many jurisdictions could be automatically transmitted to the MIS—may be inadequate for decisionmaking.

Third, approval of enrollment often is a drug court team decision. A byproduct of this decision is the team’s collective commitment to each program participant.

Finally, before attempting to automate the admittedly labor-intensive process of determining eligibility, a drug court should carefully analyze whether an automated decision device truly reduces the time and effort involved or merely presents a summary of staff and drug court team activities that will not diminish if the device is implemented.

Some jurisdictions combine substance abuse screening with an initial assessment to aid in the development of a treatment or case management plan tailored to individual needs. Here, recommendations concerning formulation and access to an appropriate treatment program may occur even before formal enrollment in a drug court program. More commonly, assessment takes place later in the drug court process. Assessment is addressed in chapter IV of this report as a postadmission function.

Personal Descriptive Information

Although background and demographic information recorded during initial processing and screening is not strictly part of the eligibility determination, it clearly may influence who is admitted to a program. For instance, initial processing and screening identify whether a prospective participant can read, write, speak, and understand English or whether an interpreter is required. Courts and treatment providers without access to an interpreter may be severely hampered when conducting status hearings and treatment. Background and demographic information is also essential for activities that happen much later in the drug court process (e.g., constructing process and outcome evaluations).

A sample checklist for collecting a defendant’s personal descriptive information is provided at the back of this chapter.

Financial Information

Detailed financial information is grouped with other background information. Verification of these data determines eligibility for assignment of defense counsel and also establishes the ability to pay fees and the capacity to pay for treatment. In self-supporting programs, the inability to pay

for treatment through personal resources or insurance is likely to exclude an individual from the program.

A sample checklist for collecting a defendant's financial information is provided at the back of this chapter.

Insurance Information

Insurance information is gathered because the drug court program's ability to collect treatment costs may affect a candidate's eligibility. This is especially important if the treatment component of the program is self-supporting or if the program design includes an assessment of fees payable by the participant as partial recovery of court costs.

An insurance checklist is included at the back of this chapter.

Contact Information

Contact information identifies the candidate's legal counsel, spouse, and other people likely to know his or her whereabouts. These contacts are also likely to be in frequent touch with the candidate and are potential resources for monitoring and locating the candidate, should that become necessary. In addition, contacts can help programs validate information collected during postgraduation interviews and for impact evaluations.

A contact information checklist is included at the back of this chapter.

Residency Screening

Program enrollment may be restricted to U.S. citizens and legal aliens residing or incarcerated in the geographic area served by the court. Some courts admit residents of nearby towns and cities or adjoining counties if not excluded by local funding authorities and if frequent travel to the

court and treatment facilities is manageable. Because drug courts vary in their target populations and eligibility criteria, their residency information needs also vary. Much of the residency information is also useful for program process and outcome evaluations.

A residency checklist is available at the end of this chapter.

Criminal Justice Screening

Three types of criminal justice screening are essential for deciding whether a candidate meets program eligibility criteria: (1) an assessment of current criminal charges, (2) a determination of the candidate's criminal justice status (e.g., on parole, on probation, the subject of a warrant), and (3) a review of the candidate's criminal history record. Unfortunately, relatively few drug courts have quick access to the most comprehensive set of criminal records (i.e., one that includes national, State, and local entries linked together by the positive identification provided by fingerprints taken at the time of arrest). Jurisdictions that have received or will seek funds from DCPO cannot include violent offenders in the program's population,²³ although violent offenders may be placed in a separate drug court track not funded by DCPO.²⁴

A drug court can access criminal justice information through its MIS by interfacing it with other databases, such as the State central criminal records repository, the court information system, or the local law enforcement agency records management or booking systems. This approach offers timely access to the most up-to-date information and is the least labor intensive of any alternative method. Most often, however, drug courts obtain criminal history record information by independently searching one or more systems, extracting

the information, and entering it manually (if at all) into the MIS.

Keeping information on the criminal history records and current charges of program enrollees, individuals found to be ineligible, and those who elect not to participate has value beyond its use in determining admission. Comparing program enrollees with those deemed ineligible or those declining to participate is a highly useful aspect of process evaluation. Is the planned target population being admitted to the program? Are eligible defendants being excluded? Similarly, this information is important in understanding the nature of the population served and the ultimate impact the program has on the recidivism of participants—even those who undergo intensive judicial supervision and treatment but fail to graduate from the program. Consequently, it is useful to collect information on criminal activity, both from documented sources and as self-reported by program candidates.

A sample checklist for screening the criminal justice background of a defendant is provided at the back of this chapter.

Alcohol or Other Drug Dependency Screening

“Screening”—a broad term that encompasses a range of evaluative procedures and techniques—is a preliminary assessment or evaluation that attempts to uncover in an individual the presence of critical features of the target population. This step often consists of a drug test and an interview conducted by pretrial services, probation, Treatment Alternatives for Safe Communities, or treatment personnel or by another entity specifically responsible for overseeing the completion or administration of a standardized evaluative instrument. Some jurisdictions blur the distinction between screening and the

more detailed assessment by combining both functions. (See chapter IV for further discussion of assessment.)

Typically, screening and assessment use one or more standardized substance abuse questionnaires and additional instruments designed to reveal information about other factors. Depending on the skills required to observe candidates and complete the questionnaires, trained professionals may be needed to administer the questionnaires. Screening and assessment are two parts of an ongoing process that identifies suitability for treatment, defines a treatment strategy, and tracks progress. The extent to which a drug court MIS provides automated support for administering a clinical instrument depends on several considerations. Is automation beneficial to the system’s primary user—the treatment community? Is the system sufficiently secure to ensure that unauthorized persons cannot access highly confidential information? Can the system maintain appropriate security while allowing more than one treatment provider to access and “own” a record on a common client?

A sample checklist for screening the alcohol or other drug dependency of a defendant is provided at the back of this chapter.

Mental Health Disorders

Mental health screening serves several purposes. Identifying a candidate’s mental health disorder enables the drug court to judge the appropriateness of available treatment services. Mental health screening may also reveal symptoms or a preliminary mental health diagnosis that suggests the likelihood that a candidate would have severe difficulty functioning effectively in the drug court program. It may also reveal a significant risk of suicide. Jurisdictions that can access mental health databases

need to be aware of relevant confidentiality statutes and regulations before introducing this information into the drug court MIS. Drug court enrollees typically undergo an indepth mental health assessment as part of the development of a treatment plan.

Medical Conditions

The rates of Human Immunodeficiency Virus/Autoimmune Deficiency Syndrome (HIV/AIDS), sexually transmitted diseases, and other infectious diseases are far greater among substance abusers than in the general population. Certain conditions may be readily observable during the screening interview, indicating a need for medical attention. Individuals are unlikely to self-report infectious diseases at this early juncture but may reveal symptoms in their responses to a screening instrument. Information on infectious disease is frequently subject to confidentiality laws above and beyond those that regulate disclosure of treatment information and criminal history records. The Personal Descriptive Information Checklist on the next page suggests medical data that should be sought from every candidate to record it in the MIS and to address the candidate's medical needs.

Motivation

Research data have suggested that coerced treatment can be as effective as voluntary treatment, if not more so.²⁵ Readiness for treatment “can be prompted in two ways: by circumstances or extrinsic pressures such as loss (of job, family support, money, etc.) or fear (of incarceration, violence, health risks including overdose, or even suicide). . . . Readiness can be measured both by subjective impression and objective quantification.”²⁶ Although motivation can be difficult to measure, comparing outcomes with degree of motivation can be worthwhile. Screening instruments are available that address motivation, and they can be incorporated into the drug court MIS.

Admission Decision and Client Outcome Record

For program monitoring and evaluation purposes, the MIS should record several pieces of information associated with the admission decision, whether the candidate subsequently enters the program, and client outcomes.

See the admission decision and client outcome checklists following this chapter.

Personal Descriptive Information Checklist

- Name of program candidate or participant (name used at booking).
- Digital photograph.
- Resides within the area served by the drug court.
- Does not reside within the area served by the drug court.
- Residence:
 - Owned by candidate.
 - Rented by candidate.
 - Relative's home.
 - Friend's home.
 - Homeless.
 - Unknown.
- Address.
- Telephone number:
 - Residence.
 - Cell phone.
 - Pager.
 - Phone number of contact likely to know whereabouts of candidate.
- Birth information:
 - Date of birth.
 - Place of birth.
- Documentation presented for verification of name and date of birth:
 - Birth certificate.
 - Driver's license.
 - Military identification.
 - Other _____.
- Gender/Sexual orientation:
 - Male.
 - Female.
 - Heterosexual.
 - Homosexual.
- Ethnicity/Race:
 - African-American.
 - Hispanic/Latino.
 - Asian/Pacific Islander.
 - Native American.
 - Alaska Native.
 - Caucasian.
 - Other_____.
- Country of citizenship/Alien status:
 - United States.
 - Other_____.
 - Resident alien.
 - Visa status:
 - Expiration date of current immigration status.
 - Immigration and Naturalization Service number.
- Identifying numbers used by the court or the treatment provider:
 - Arrest number.
 - Booking number.
 - Court case numbers.
 - MIS-generated identification number.
 - Driver's license number.
 - Social Security number.
 - Medicaid number.
 - Other_____.

- Family information:
 - Marital status.
 - Significant other:
 - Is pregnant?
 - *Expected date of delivery.*
 - Is a drug user?
 - *Primary drug of choice.*
 - *Other drugs used.*
 - *Frequency of use.*
 - *Method partner uses in taking drugs.*
 - *Average cost of daily use.*
 - *How is habit supported?*
 - Number of children residing with candidate/participant:
 - Name of each child.
 - Age of each child.
 - Date of birth of each child.
 - Gender of each child.
 - Who has legal custody of each child in the residence?
 - Who will care for each child if the program participant is incarcerated?
 - Number of children born to/fathered by the candidate/participant for whom he or she has continuing financial responsibilities:
 - Name of each child.
 - Age of each child.
 - Date of birth of each child.
 - Gender of each child.
- Who has legal custody for each child born to/fathered by the candidate?
- Currently pregnant:
 - Expected delivery date.
 - Date of last childbirth.
 - Number of abortions.
 - Number of drug-free babies.
 - Number of miscarriages.
 - Number of babies who are not drug free.
- Other dependents residing in household:
 - Age.
 - Relationship.
- Currently attending school:
 - Name of school.
 - Type of school.
 - Address.
 - Hours of attendance.
 - How long in attendance.
- Education/Achievement/Status:
 - Completed elementary school (6th grade).
 - Completed middle school (8th grade).
 - Completed high school (12th grade).
 - Completed the general equivalency diploma (GED) program.
 - Completed vocational training.
 - Completed some college.
 - Completed college.

- Pursuing GED.
- Enrolled in high school.
- Enrolled in vocational school.
- Enrolled in college.
- English proficiency/Interpreter requirement:
 - Able to read, write, speak, and comprehend English.
 - English is a secondary language.
 - An interpreter is required who is proficient in _____ (e.g., signing, Spanish).
- Employment status:
 - Currently employed.
 - Nature of employment _____:
 - Employment start date.
 - Type of certificate/license required to perform job function:
 - *Licensing agency.*
 - Special skills required?
 - *Needs to develop special skills to be qualified for position.*
 - Company name.
 - Employer's address.
 - Employer's telephone number.
 - Worksite address.
 - Worksite telephone number.
 - Full time or part time.
 - Date last worked.
 - Unemployed:
 - Last date of employment.
 - How long?
 - Last occupation.
- Months employed in past 12 months.
- Other previous occupations.
- Military experience:
 - Branch.
 - Start date.
 - Currently in military service.
 - End date.
 - How long?
 - Highest grade/rank.
 - Nature of discharge (e.g., N/A, honorable, dishonorable, unknown).
 - Grade/Rank at time of discharge.
 - Location at time of discharge.
 - Military honors.
 - Assignments.
- Drug of choice:
 - Frequency of use.
 - Means (e.g., injection, oral, snort).
 - Length of use.
- Secondary drug of choice:
 - Frequency of use.
 - Means (e.g., injection, oral, snort).
 - Length of use.
- Tuberculosis status:
 - Positive.
 - Negative.
 - Unknown.
- Health issues currently under treatment:
 - Description of health issues.
 - Prescribed medications.

- Prescribing physician.
- Date a physician was last seen.
- Physician's telephone number.
- Health issues recently treated:
 - Description of health issues.
 - Prescribed medications.
 - Prescribing physician.
 - Date a physician was last seen.
 - Physician's telephone number.
- Current health issues not being treated.
- Physical impairments:
 - Expected date of recovery (if temporary).
 - Special requirements (special needs that must be addressed to facilitate the treatment process).
 - Type of disability (e.g., paraplegic, blind, deaf, attention deficit disorder).
- Temporary Assistance to Needy Families (previously Aid to Families With Dependent Children).
- Supplemental Security Income.
- Social Security.
- Unemployment insurance.
- Worker's compensation.
- Veteran's disability.
- Other _____.
- Total weekly or monthly income.
- Value of liquid assets:
 - Cash on hand.
 - Checking account.
 - Name of bank.
 - Savings account.
 - Name of bank.
 - Stocks/Bonds.
 - Cash value of life insurance policy.

Financial Information Checklist

Personal financial information

- Social Security number.
- No source of income.
- Weekly or monthly earnings.
- Commissions.
- Bonuses/Tips.
- Other income.
- Support payments.
- Unemployed.
- Federal, State, or county assistance:
 - Food stamps.
- Owns home:
 - Purchase price.
 - Current value.
 - Date of purchase.
- Owns automobile:
 - Year.
 - Make.
 - Model.
 - Loan balance.
 - Value.
- Other property or assets.
 - Value of other property or assets.
- Total value of assets.

Spouse's personal financial information

- Social Security number.
- Mailing address.
- Employer.
- Position.
- Employer's address.
- Employer's telephone number.
- Employment start date.
- Full time or part time.
- Weekly or monthly earnings.
- Commissions.
- Bonuses/Tips.
- Other income.
- Support payments.
- Unemployed.
- Federal, State, or county assistance:
 - Food stamps.
 - Temporary Assistance to Needy Families (previously Aid to Families With Dependent Children).
 - Supplemental Security Income.
 - Social Security.
 - Unemployment insurance.
 - Worker's compensation.
 - Veteran's disability.
 - Other _____.
- Total weekly or monthly income.
- Value of liquid assets.

Expenses and financial liability information

- Monthly expenses:
 - Mortgage/Rent.

- Food.
- Power.
- Water/Sewer.
- Telephone (basic).
- Electricity.
- Heating.
- Clothing.
- Education/Tuition.
- Transportation.
- Total.
- Monthly liabilities:
 - Home mortgage.
 - Other mortgage.
 - Auto loan.
 - Auto insurance.
 - Personal loan.
 - Other loans.
 - Credit card payments.
 - Health insurance payments.
 - Total.
- Other liabilities:
 - Court-ordered payments:
 - Child support.
 - Divorce settlement.
 - Restitution.
 - Fines.
 - Other _____.
 - Medical bills.
 - Other debts.
 - Total.

Insurance Information Checklist

- No insurance available.
- Private insurance information:
 - Name of carrier.
 - Policy number.
 - Telephone number.
 - State insurance?
 - Federal insurance?
- VA benefits available.
- Medicaid recipient.
- Other insurance information.

Contact Information Checklist

- Private counsel:
 - Name.
 - Address.
 - Telephone number.
- Public defender:
 - Name.
 - Address.
 - Telephone number.
- Employer:
 - Name of employer/supervisor.
 - Address.
 - Telephone number.
 - Notes.
- Client lives with:
 - Name.
 - Relationship.
 - Is a substance abuser?
 - Notes.

- Family and references (up to three):

- Name.
- Relationship.
- Frequency of contact.
- Length of relationship.
- Address:
 - Home.
 - Work.
 - Other.
- Telephone.
- Notes.

Residency Screening Checklist

- Geographic information:
 - Resides within the target area served by the drug court.
 - Length of residence in the town, city, or county, as appropriate.
 - Presently incarcerated?
 - ZIP Code.
 - Census tract.
 - Other geographic search parameter_____.
 - Immigration status:
 - Expiration date of current immigration status.
- Length of time at current residence.

Criminal Justice Screening Checklist

- The MIS records current charge information.
- The MIS records criminal justice status information (e.g., parole, probation, warrants).

- ❑ The MIS records the court(s), docket numbers, and charges for other pending cases. This includes contact information for court staff with whom court appearances and other activities might need to be coordinated.
- ❑ The MIS retains the State Identification Number (a unique fingerprint-based identification number assigned by the State criminal records repository agency that can be used to retrieve criminal records information from the State repository and the national criminal records system administered by the FBI).
 - ❑ The MIS retains another local identification number that can be used to link with Federal and State criminal records identification numbers.
- ❑ The MIS is programmed to screen criminal history records for eligibility consistent with criteria established by the jurisdiction and, if appropriate, that conforms to Federal guidelines.
- ❑ The MIS categorizes criminal history information by arrests and convictions within the past year and since age 18 by number of:
 - ❑ Violent offenses.
 - ❑ Nondrug crime felonies.
 - ❑ Nondrug crime misdemeanors.
 - ❑ Drug crime felonies.
 - ❑ Drug crime misdemeanors.
 - ❑ Traffic and other offenses.
- ❑ There is provision for recording self-reported crimes committed within the past year and since age 18 by estimated number of:
 - ❑ Violent offenses.
 - ❑ Drug crime felonies.
 - ❑ Other felonies.
 - ❑ Other crimes.
- ❑ The MIS retains criminal history information on all persons screened for eligibility, including reason(s) for being disqualified or declining to participate.
- ❑ Incorporation of State and national criminal history information:
 - ❑ The MIS automatically receives and retains the criminal history record for each prospective participant from the State criminal records repository agency. This transmission includes State-based information and all associated information available from the FBI-administered Interstate Identification Index within the National Crime Information Center.
 - ❑ The MIS electronically receives only State-based criminal history information from the State repository.
 - ❑ The court, or an agency member of the drug court team, retrieves State and national criminal history information via computer and manually enters the record into the MIS.
 - ❑ The court, or an agency member of the drug court team, receives State and national criminal history information from another department (e.g., the booking agency) and manually enters the record into the MIS.
- ❑ Eligibility determinations and participant criminal profiles are based on:
 - ❑ A statewide, court-based information system.

- County- or municipal-level booking records that are entered into the MIS.
- Local court records.

Alcohol or Other Drug Dependency Screening Checklist

- The MIS records results of drug tests administered as part of the screening process.
- The MIS records responses from screening instruments/interviews:
 - Drugs of primary, secondary, third, and fourth choice are identified and recorded:
 - Alcohol.
 - Marijuana.
 - Inhalants.
 - Hallucinogens.
 - Pills (downers).
 - Pills (uppers).
 - Amphetamines.
 - Phencyclidine (PCP).
 - Opiates.
 - Cocaine.
 - Crack.
 - Heroin.
 - Speed.
 - Cocaine/Heroin.
 - Illegal methadone.
 - Legal methadone.
 - Prescription drugs.
 - Other_____.
- Frequency of use over the past 30 days:
 - Daily.
 - Three to five times per week.
 - Twice weekly.
 - Weekly.
 - Other_____.
- Frequency of use over the past year:
 - Daily.
 - Three to five times per week.
 - Twice weekly.
 - Weekly.
 - Other_____.
- Number of years since first use.
- Date of last use.
- Longest period of time that primary drug of choice was not used.
- Most recent length of sobriety.
- Average amount of money spent daily on alcohol and/or drugs.
- The MIS allows for the recording of interviewer observations.
- Prior treatment:
 - Name of agency or provider.
 - Address of agency or provider.
 - Contact name.
 - For what drug/substance?
 - Telephone number of agency or provider.
 - Approximate start date.
 - Approximate end date.

- Reason for ending rehabilitation.
- Details of the candidate's performance pertaining to his or her prior rehabilitation.

Admission Decision Checklist

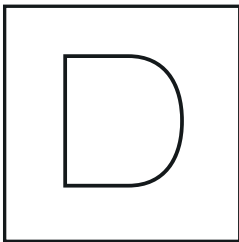
- Admitted to drug court.
- Date found eligible.
- Date offered enrollment.
- Not admitted to program due to:
 - Current violent offense.
 - Prior violent offense.
 - Prior criminal history.
 - Not an alcohol or drug abuser.
 - Contagious health risk or other medical condition.
 - Not suitable.
 - Declined admission.

Client Outcome Checklist

- The MIS records the date of program enrollment.
- The MIS records the date the client exited the program:
 - Voluntary separation:
 - Reason _____.
 - Discharge:
 - Reason _____.
 - Graduation.
 - Death.

IV.

Operational Drug Court



Drug courts continuously collect and analyze extensive information throughout the course

of the program. This broad mix of information supports treatment decisions, ongoing case management, and judicial supervision. In addition, appointments and their outcomes are carefully tracked. Detailed clinical case management information is not usually recorded in the drug court MIS. However, the system should document counseling appointments, treatment-imposed sanctions, and other information that needs to be coordinated with the court or that may affect how the court supervises the client.

Assessment

A formal assessment usually takes place soon after a participant is screened and admitted to the drug court program. It is the first stage of a process that continues while an individual remains under the drug court's supervision. The assessment is a detailed exploration of areas addressed in

the screening process (such as family and social relationships, employment and education history, and status information) and new areas. Assessment is the basis for developing a treatment plan, including the timing and provision of specific services.²⁷ Treatment frequently includes at least some of the following services: individual and group counseling, behavioral therapies, peer counseling, culturally and gender-competent providers, job skills training, psychotherapy, and drug testing.

The MIS should include at least one comprehensive standardized assessment instrument that is appropriate for the target population and available treatment resources. Additional assessment instruments may be included to refine the decisionmaking process. Many evaluative tools can be acquired without cost because they are in the public domain. However, there may be costs associated with bringing in a trainer. The cost of administering an instrument and scoring the results varies considerably. The lengthier and more complex the instrument (particularly those

that call for qualitative judgments on the part of the interviewer), the more expensive it is to administer and score. In some instances, costs decline when scoring is automated.

The MIS should identify any instrument(s) used in either pre- or postadmission processing, even those that are not automated as part of the MIS. This information is useful for studies of the effectiveness of screening and evaluation tools undertaken to assist local drug court decisionmaking and for cross-jurisdictional research within States and throughout the Nation. If entire assessment or screening documents are not recorded in the MIS, consideration should be given to selectively including information relevant to various evaluation tasks. For example, participants with coexisting disorders are an exceptionally challenging population.²⁸ Fluctuations over time in the number of program participants with coexisting mental disorders and substance abuse problems may help to explain changes in program retention and graduation rates.

Assessment determines a candidate's suitability for substance abuse treatment and placement in a specific treatment modality/setting. A comprehensive assessment evaluation includes information regarding current and past use/abuse of drugs; justice system involvement; medical, familial, social, educational, military, employment, and treatment histories; and risk for infectious diseases (e.g., sexually transmitted diseases, tuberculosis, HIV/AIDS, hepatitis).²⁹

Many assessment instruments, typically scored questionnaires, are available in the public domain and from the private sector.³⁰ Some instruments require considerable skill on the part of the interviewer; some do not. Others are self-administered questionnaires. The selection of assessment tools is largely based on budget (cost of

acquisition plus cost of administration and scoring), target population, and the range of available treatment services. The objective is to optimize the match between need and treatment resources. Typically, the questionnaire and its scoring methodology can be stored, accessed, and completed as part of the MIS database. Full access to assessment information is often restricted to treatment case managers and other diagnostic or clinical personnel.

Supporting the Drug Court Process treats assessment as a postadmission process. However, as previously noted, some drug court programs have blurred the distinction between screening and assessment by combining these activities. (See chapter III for a detailed discussion of screening.)

The following section identifies some of the many screening and assessment instruments available to drug courts. It also lists background information items the MIS should record if they are not included in the instruments chosen.

A sample checklist for screening and assessment instruments is provided at the back of this chapter.

Background Information

The MIS should capture the background information given in the checklist at the end of this chapter, if it is not recorded as a byproduct of screening and assessment.

Ongoing Case Management

The drug court team reviews each program participant's status information continuously. The judge and the drug court team require a wide-ranging set of information to effectively conduct the "staffings"³¹ and status hearings that are fundamental to the drug court process. Given the frequency of these hearings, which are often held weekly, it is essential that information be collect-

ed, disseminated, and weighed in a timely fashion. Some events, such as a positive drug test, an arrest, or a failure to appear for a scheduled hearing, may call for team members to take immediate action, rather than waiting until the next scheduled status hearing.

Infractions, Sanctions, Incentives, and Rewards

Accountability is a central theme of drug court judicial supervision. Strategies for inducing program compliance include carefully tracking and weighing the severity of infractions, imposing sanctions commensurate with inappropriate or unacceptable behavior, and providing incentives that reward overall progress and specific accomplishments. A chronicle of why, how, and when sanctions and incentives are applied is part of the overall treatment record and is also a foundation for understanding the effectiveness of various alternatives. By comprehensively recording infractions and the resultant sanctions, the drug court can determine what works while also ensuring that sanctions are applied in a bias-free manner.

Recording all punishments facilitates overall case management and imposition of incremental sanctions; this comprehensive approach, however, does not fully apply to the recording of incentives. Typically, the court will verbally commend small accomplishments. Announcement of a major achievement is often accompanied by applause and a handshake. These common practices, serving as positive reinforcement, need not be recorded in the MIS.

Some drug courts have opted to employ a team-approved schedule of sanctions that sets out point values for various infractions and defines corresponding penalties. Often,

participants who remain sanction-free for a specified period advance to another program phase. Conversely, participants are demoted if they accumulate a predetermined number of points. Many drug courts that use a schedule of sanctions tell participants about the schedule when they enter the program.

The Infractions, Sanctions, Incentives, and Rewards checklist at the back of this chapter suggests MIS data items relating to infractions, sanctions, incentives, and rewards. Included are illustrative infractions and sanctions of varying severity. Consequently, the section provides both a framework for including an existing sanctions schedule in an MIS design and a starting point for implementing a sanctions schedule to assist in case management. A sample list of incentives and rewards is provided both as a design tool for drug court planners and as an assessment tool for operational drug courts that want to evaluate the ways in which they are providing encouragement and recognizing accomplishments.

Appointments and Outcomes

Drug court clients lead complex lives. They must appear for frequent status hearings and drug tests, meet a schedule of fee payments, and keep myriad other appointments that are set by the court, case managers, program coordinators, probation officers, and treatment counselors. The drug court team's scheduling requirements encompass not only clients' appointments but also certain events planned by drug court team members without the client's prior knowledge, such as random drug tests, field-administered drug tests, and planned visits to verify employment, attendance at school, or compliance with curfew restrictions.

In addition to client-specific appointments, the drug court administers other schedules related to the management and operation of the drug court program. In this category fall the court's calendar, NA and/or AA meetings, and group sessions that may precede or follow the status hearing calendar, staffings, and other activities. The MIS can help drug courts effectively manage these scheduling tasks.

The drug court may opt to accommodate another set of commitments in the MIS design: client obligations external to the direct supervision of the court. For example, the client may have a hearing scheduled on an unrelated case in another court or jurisdiction that could interfere with a drug court obligation, or the client may request that a certain time be left open for personal reasons (e.g., to attend a child's school event).

The value of adding an appointment and outcome component to the MIS depends on the extent to which the drug court team uses the system to plan schedules and coordinate appointments. Scheduling conflicts are minimized when all team members can access and immediately update client appointments and their own diaries. Jurisdictions that opt to implement a comprehensive appointment and outcome system enhance operational efficiency. Such a system also enables team members to provide clients with a periodically updated calendar of appointments and outstanding obligations (e.g., community service hours owed, fee payments in arrears, date and amount of next scheduled fee payment).

Schedule commitments in a drug court program are many and varied. Frequently, they correspond to activities that are at the heart of judicial supervision and treatment. Failure to keep an appointment is often considered an infraction of the program

rules, and imposition of a sanction may ensue. Therefore, it is important that the MIS record the disposition of all scheduled events. For example, it should provide an at-a-glance compilation of data on drug tests, including the date of each urine test, whether the test was positive or negative, and, when appropriate, the level of the substance determined to be present.

A sample checklist for appointments and outcomes is provided at the back of this chapter.

Program Monitoring

Effective management requires continual and aggressive collection and assessment of programwide statistical data about day-to-day operations. The intention here is to build a process for continually improving the program and to provide a mechanism for alerting the drug court team to changes that are occurring broadly within the program. Unlike other drug court activities discussed thus far, program monitoring focuses on aggregate data rather than information about individual candidates and participants. A solid monitoring apparatus enables program administrators to describe in quantitative terms what is going on in the program, assess operations, review operating data within the context of program goals, identify shortcomings or potential problems, and implement changes while ensuring that resources are adequate and appropriately used across the breadth of the program. The generation of monitoring reports must be routine and frequent enough that their extensive status information is both reasonably current and truly reflective of operations.

The Program Monitoring Checklist at the back of this chapter includes questions and answers illustrative of program status and achievement information. Topics will vary

from jurisdiction to jurisdiction and those suggested here should be modified to fit each drug court's goals, objectives, and concerns.

A Word About Computer Mapping

Government agencies at every level are increasingly using mapping technology to enhance service delivery. It is inevitable that drug courts will adopt this technology as an adjunct to or a module within the MIS. For many drug court clients, the cost or inconvenience of transportation to the court, treatment sessions, AA and NA meetings, and other appointments sometimes leads to sanctions or, worse yet, compels a client to drop out of the program. Mapping can help to minimize travel issues for drug court clients.

Mapping also provides an easy way to identify the neighborhoods where clients reside, work, go to school, or socialize. This sort of information often contradicts expectations and assumptions about where services and supervision are most needed. By recognizing clusters on a virtual pin map, probation officers can perform more efficiently, and law enforcement liaisons

can be more effective as the eyes and ears of the court. Other, more creative uses of this technology will become evident as drug courts begin to move in this direction.

Exit Interviews and Postprogram Activities

The MIS should record reasons and impressions gleaned from exit interviews conducted with both dropouts and graduates to inform drug court team members' perception of the program and to influence future decisions. The MIS should also document several postprogram activities. Many jurisdictions have founded alumni groups that provide continued support to program graduates. Participation in such groups and frequency of attendance should be recorded. The MIS database is often a source of referrals for various services offered to active clients. Similar information may be of value when alumni seek aftercare. The outcome or impact evaluation, discussed in the next chapter, strongly benefits when postprogram tracking information—such as recidivism, continued education, job history, and other data about graduates—is captured in the MIS.

Screening and Assessment Instrument Checklist

- The MIS includes at least one screening instrument that attempts to identify candidates who meet the substance abuse criteria defined for the program's target population.
- The MIS includes at least one comprehensive standardized assessment instrument that is appropriate for the target population and available treatment resources.

Comprehensive assessment instruments

- Addiction Severity Index (public domain).
- Other_____.

Alcohol screening questionnaires

- CAGE (four questions, public domain).
- Short Michigan Alcohol Screening Test (public domain).
- Michigan Alcohol Screening Test.
- Manson Evaluation.
- Alcohol Dependence Scale.
- Other_____.

Substance abuse screening

- Substance Abuse Screening Instrument (public domain).
- Offender Profile Index (public domain).
- Drug Abuse Screening Test.
- Chemical Dependency Assessment Profile.
- The Structured Clinical Interview for Diagnosis.
- Quantitative Cocaine Inventory.
- TCU (Texas Christian University) Drug Dependence Screen (public domain).

- Simple Screening Instrument (public domain).

- Other_____.

Medical/Physical health (status and problems)

- General Health Rating Index.
- Other_____.

Psychological/Psychiatric problems (mental health status, diagnosis)

- Symptom Check List (SCL-90-R).
- Maudsley Neuroticism Scale.
- Beck Depression Inventory.
- Brief Symptom Inventory.
- IPAT (Institute for Personality and Ability Testing) Depression Scale.
- Structured Clinical Interview (SCID) for DSM-III-R (*Diagnostic and Statistical Manual of Mental Health Disorders III-R*).
- The Mini-SCID.
- Referral Decision Scale.
- Other_____.

Motivation

- Circumstances, Motivation, Readiness and Suitability Scale.
- Stages of Change Readiness and Treatment Eagerness Scale.
- University of Rhode Island Change Assessment Scale.

Academic skills

- The Wide Range Achievement Test.
- Other_____.

Employment

- Index of Job Satisfaction.
- Other_____.

Social/Lifestyle

- Social Life Feelings Scale.
- Social Intelligence Test.
- Other_____.

Family and marital relationships

- Family Environment Scale.
- Family Assessment Measure.
- Self-Report Family Inventory of the Family Satisfaction Scale.
- Family Crisis-Oriented Personal Evaluation Scales.
- The ENRICH Inventory.
- Dynamic Adjustment Scale.
- Other_____.

Background Information Checklist

- History of physical/sexual/mental abuse.
 - Age of client when abuse began.
 - Is client still around abuser?
 - Date of last abuse.
 - Frequency of abuse.
 - Relationship of client to the person who is/was the abuser.
 - Approximate date of first abuse.
 - Is abuse still occurring?
 - Type of abuse client received/is receiving.
 - Notes.
- History of suicide attempts:
 - Approximate date of last suicide attempt.
 - Reason why the client attempted to commit suicide.

- Approximate number of total suicide attempts.
- In-program pregnancy and child delivery:
 - Number of previous pregnancies.
 - Number of previous childbirths.
 - Infant's date of birth.
 - Infant's birth weight.
 - Infant's toxicology screen at birth.
 - Where and with whom the infant will live.

Infractions, Sanctions, Incentives, and Rewards Checklist

- The MIS records the dates of all infractions.
- The MIS automatically calculates the number of days/weeks/months elapsed between program enrollment and each infraction.
- The MIS automatically calculates the number of days/weeks/months elapsed between infraction occurrences.
- The MIS records dates when incentives or rewards are given.
- The MIS automatically calculates the number of days/weeks/months elapsed between program enrollment and each incentive or reward.
- The MIS automatically calculates the number of days/weeks/months elapsed between each incentive or reward.
- The MIS records all levels of infractions. Sample infractions follow:
 - Missed Alcoholics Anonymous (AA) meeting(s) during report period.
 - Missed Narcotics Anonymous (NA) meeting(s) during report period.

- Arrived late for scheduled drug test.
- Arrived late for treatment session.
- Did not complete homework.
- Did not provide a sponsor letter.
- Failed to appear for work and did not have an excuse.
- Unemployed.
- Failed to seek employment as directed by the court.
- Failed to enroll in an education or job training program as directed by the court.
- Failed to pay scheduled fees.
- Partially paid fees without authorization of the court.
- Missed probation office visit.
- Violated home detention.
- Violated electronic monitoring.
- Missed status hearing—notified case manager/court coordinator beforehand (first occurrence).
- Fulfilled partial community service requirement within allowed time (first community service sanction).
- Discourteous to court or other drug court team member (first occurrence).
- Wore inappropriate attire to status hearing (first occurrence).
- Forged AA or NA meeting attendance slip.
- Admitted use prior to failing drug test.
- Admitted use prior to failing alcohol test.
- Missed treatment session without prior excuse.
- Missed scheduled drug test.
- Violated curfew.
- Fired from job.
- Left employment without a replacement job.
- Observed in a known drug-trafficking area.
- Observed in a premises that serves alcohol; presence was not job related and was without prior approval.
- Positive drug test (without prior admission; first occurrence).
- Positive alcohol test (without prior admission; first occurrence).
- Delayed taking drug test.
- Absent from program for less than 5 days and voluntarily returned.
- Admitted use prior to second failed drug test.
- Admitted use prior to second failed alcohol test.
- Missed status hearing—notified case manager/court coordinator beforehand (second occurrence).
- Failed to perform any community service within allowed time (first community service sanction).
- Fulfilled partial community service requirement within allowed time (second or subsequent community service sanction).
- Discourteous to court or other drug court team member (second or subsequent occurrence).

- Wore inappropriate attire to status hearing (second or subsequent occurrence).
- Attempted to falsify drug test sample.
- Substituted or tampered with urine sample.
- Missed scheduled drug test (second or subsequent occurrence).
- Positive drug test (without prior admission; second occurrence).
- Positive alcohol test (without prior admission; second occurrence).
- Admitted use prior to third or subsequent failed drug test.
- Admitted use prior to third or subsequent failed alcohol test.
- Absent from program for more than 5 days.
- Failed to complete inpatient or halfway house program.
- Arrested (nonviolent misdemeanor or lesser offense).
- Arrested (nonviolent felony).
- Arrested for a violent offense.
- The MIS records all judicially imposed sanctions. Sample sanctions follow:
 - Verbal reprimand.
 - Written report (e.g., explain why action or behavior was inappropriate or irresponsible).
 - Loss of a privilege.
 - Community service (8 or fewer hours).
 - Increase in NA meetings.
 - Increase in AA meetings.
 - Increase in outpatient individual and/or group sessions.
 - Increase in drug testing.
 - Placement in jury box for duration of day's calendar.
 - Placement in holding cell for duration of day's calendar.
 - Electronic monitoring.
 - Home detention.
 - Jail (less than 24 hours).
 - Extension of time before client can advance to another phase or graduate.
 - Community service (up to 24 hours).
 - Increase in NA/AA meetings and submission of a written report following each meeting.
 - Increase in status hearings.
 - Jail (up to 10 days).
 - Community service (up to 60 hours).
 - Phase demotion.
 - Jail (up to 30 days).
 - Inpatient placement.
 - Participant required to enter guilty plea (in pre-plea courts, acceptance of plea may be held in abeyance or participant may be allowed to withdraw plea).
 - Discharged from program.
- The MIS has a provision for noting punitive action taken by outpatient treatment providers.

- The MIS has a provision for noting punitive action taken by residential treatment providers.
- The MIS has a provision for noting punitive action taken by probation staff supervising client.
- The MIS has a provision for noting punitive action taken by case manager supervising client.
- The MIS selectively records incentives or rewards given to program participants. Sample incentives and rewards follow:
 - Less restrictive curfew.
 - Removal of curfew.
 - Reduction in required AA meetings.
 - Reduction in required NA meetings.
 - Immediate release after status hearing (not required to sit through whole drug court calendar).
 - Placement in a group whose status hearings are called early in the day's calendar.
 - Less frequent scheduled drug tests.
 - Participant can serve as a program representative speaker.
 - Participant can participate in a court-sponsored recreational event.
 - Gift of tickets to a recreational, entertainment, or social event.
 - Certificates for restaurants, for participant's own use or for a family event.
 - Certificates for clothing.
 - Financial support for education, job training, or other activity consistent with objectives of the program but not affordable for the client.
- Permission to temporarily leave jurisdiction for cause at the request of the participant.
- Advancement in a multiphase program.
- Invitation to join alumni group.
- Graduation.
- The MIS documents when each requirement for advancement to another phase or level is met.
- The MIS records dates of advancement in multiphase programs.
- The MIS documents when each graduation requirement is met.
- The MIS records the date the drug court team certifies that all graduation requirements have been met, as well as the reason for any decision to defer graduation.
- The MIS records the date of graduation.

Appointments and Outcomes Checklist

- The MIS automatically generates the case calendar for staffings.
- The MIS automatically generates the status hearing calendar.
- The MIS can be used to generate lists of scheduled attendees for group activities:
 - Group meetings.
 - Other _____.
- The MIS records drug test appointments and dispositional information:
 - Date and time of test/sample taken:
 - Scheduled.
 - Random.

- Confirmation.
- Location of test:
 - Court.
 - Treatment.
 - Jail.
 - Field.
- Missed appointment—not excused.
- Missed appointment—excused.
- Late for appointment—not excused.
- Late for appointment—excused.
- Refused to provide sample.
- Attempted to submit fraudulent sample or tamper with test process.
- Screening panel/drugs tested:
 - Alcohol.
 - Amphetamines (e.g., methamphetamine, MDA, MDMA).
 - Barbiturates.
 - Benzodiazepine.
 - Cocaine.
 - Marijuana (THC).
 - Methadone.
 - Methaqualone.
 - Opiates (e.g., heroin, morphine, codeine).
 - PCP (e.g., phencyclidine, PCDE, PCM).
 - Propoxyphene (e.g., Darvon).
- Date and time the test results were determined.
- Date and time the test results were entered in the MIS.
- Test results:
 - Positive:
 - *Level*.
 - Negative.
- Notes _____.
- The MIS records status hearing appointments and dispositions:
 - Date and time scheduled.
 - Failure to appear—excused.
 - Failure to appear—not excused.
 - Warrant issued.
- The MIS records fees assessed and payable to the court:
 - Frequency and amount of scheduled payments.
 - Payment dates and amounts.
 - Current with payments, or amount in arrears?
 - Total amount of payments to date.
 - Court-ordered change in frequency or amount of payments is logged.
- The MIS records fees payable to treatment providers:
 - Frequency and amount of scheduled payments.
 - Current with payments, or amount in arrears?
- The MIS records schedule and dispositional information about other pending nondrug court cases:
 - Date, time, court of scheduled appearance.
 - Judge.
 - Purpose of appearance.
 - Nature of charges or pending matter (e.g., civil action, family court).

- Disposition of appearance.
- Date and disposition of case information.
- The MIS records treatment appointments and dispositions:
 - Date and time scheduled.
 - Failure to appear—excused.
 - Failure to appear—not excused.
- The MIS records scheduled community service:
 - Total number of hours required.
 - Date by which community service requirement must be satisfied.
 - Date, time, number of hours scheduled.
 - Entity and location.
 - Contact name and telephone number of person who can verify.
 - Appointment kept.
 - Number of hours completed.
 - Cumulative number of community service hours completed.
 - Failed to appear.
- The MIS records supervisory case management contacts (e.g., probation supervision):
 - Date, time, location of scheduled supervision.
 - Failed to appear—excused.
 - Failed to appear—not excused.
 - Could not be located.
- The MIS records drug court law enforcement liaison contacts:
 - Date, time, location of contact.
 - Could not be located.

- The MIS records client’s personal commitments to avoid conflicts with scheduled drug court events and to provide an incentive for complying with drug court appointments.

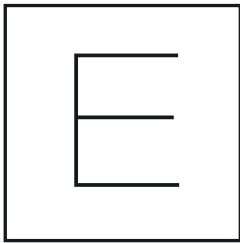
Program Monitoring Checklist

- The MIS provides aggregate data and generates summary reports about program participants.
- The MIS provides aggregate data and generates summary reports about program performance.
- The MIS periodically generates reports that answer the following questions:
 - What attributes of the drug court participant population correspond to characteristics of the court’s planned target population?
 - How many clients are enrolled?
 - What is the average and mean duration of client enrollment in the program?
 - How many males and females are enrolled?
 - What is the ethnic breakdown of the client population?
 - African-American.
 - Hispanic/Latino.
 - Asian/Pacific Islander.
 - Native American.
 - Alaska Native.
 - Caucasian.
 - Other_____.
 - How many clients had felony charges when referred to the drug court?

- How many clients had misdemeanor charges when referred to the drug court?
- What is the criminal history profile of the client population (number of clients categorized by number of prior felony convictions, prior felony arrests, prior misdemeanor convictions, and prior misdemeanor arrests)?
- Is drug testing being performed as envisioned in the plan for the court?
 - Frequency of testing.
 - Cumulative and average number of tests of the client population.
 - Types of tests conducted.
- To what extent is the combination of judicial supervision and treatment successfully retaining participants in the program?
 - Percentage and number of eligible clients enrolled in the program.
 - Number of graduates.
 - Number of clients voluntarily separated from the program since its inception.
 - Average duration of program participation before voluntary separation from the program.
 - Number of voluntary program separations by program phase.
 - Number of clients involuntarily separated from the program since its inception.
- Have active program participants been arrested on new charges?
- What is the total number of arrests since program inception?
 - Number of drug offenses.
 - Number of nondrug felony arrests.
 - Number of nondrug misdemeanor arrests.
 - Number of domestic abuse arrests.
- What is the total number of arrests of the current program population?
 - Number of drug offenses.
 - Number of nondrug felony arrests.
 - Number of nondrug misdemeanor arrests.
 - Number of domestic abuse arrests.
- Is the drug court having a beneficial impact on the life circumstances of participants?
 - Percentage of clients employed.
 - Percentage of clients enrolled in school.
 - Percentage of clients enrolled in job training.
 - Number of drug-free babies born to clients since program inception.
 - Number of clients regaining custody of children since program inception.

V.

Evaluation



valuation is an essential tool for developing, managing, modifying, sustaining, and justify-

ing a drug court program. An objective evaluation that addresses stakeholder questions and concerns will help secure funds, win community support, and facilitate the passage of legislation. Several types of evaluations are commonly employed to assess the operational effectiveness and success of drug court programs. These include process and outcome evaluations. Comprehensive quality evaluations are frequently beyond the expertise of the drug team. An outside evaluator familiar with the evaluation process, criminal justice, and treatment can be an invaluable asset. Although the cost of evaluation depends on many factors and varies widely, costs generally are minimized when

- The evaluator is identified and consulted early enough to participate in the planning of the drug court. The sooner the evaluator is engaged, the more likely it is that key questions will

be identified and answers will be understood.

- Data collection within the MIS not only supports day-to-day operations, but also is designed with evaluation utility in mind.
- Data are collected in a format the evaluator can use; the data do not have to be converted to another format or manually manipulated.

DCPO Implementation Grants

DCPO implementation grant recipients are required to conduct both a process evaluation and an outcome evaluation and to collect and maintain the key data necessary to support both types of evaluations.³² In their applications, grant applicants must include an MIS plan that, among other things, encompasses methods for collecting, storing, and maintaining adequate data to support the drug court's operations and its process and outcome evaluations.³³

Process or Operations Evaluation

The process or operations evaluation, which typically builds on program monitoring, carefully documents how the program is currently operating and contrasts that with how it was intended to operate. This assessment chronicles the history of program development and changes over time and identifies the specific elements of the program, including participant characteristics, program services, and the extent to which services are matched with and used by participants. Questions answered by the process evaluation include

- Is the drug court program meeting its planned operational and administrative goals?
- Is the program serving the intended target population?
- Do screening and assessment procedures yield the optimal number of candidates without introducing unfair or inappropriate exclusions?
- Is the provision of services consistent with the needs of program participants?

A process evaluation may be broader in scope and answer many other questions. For example, one of the underlying goals established early in the planning process might be that creating a drug court will benefit calendars in other court areas and facilitate better use of courtroom space. A primary objective of the process evaluation is to look at whether the drug court program is meeting its goals—the very goals that determine the framework for the process evaluation. Program records, as recorded in the MIS, play an important role in the process evaluation. However, the evaluation may include other components, such as direct observation of program services, surveys, and interviews of stakeholders, clients, and staff.

Outcome or Impact Evaluation

The outcome or impact evaluation primarily assesses the effect of the drug court program on the lives of participants after they leave the program, as compared with outcomes associated with more traditional justice processing. (Lifestyle changes of active clients may also be considered in an evaluation.) At the core of these evaluations are changes in criminal involvement, recidivism, and substance abuse and progress toward a positive lifestyle. This evaluation process allows drug courts to determine and report the extent to which graduates—and often offenders who are still active in the program—have progressed toward program goals and objectives and also to judge the effectiveness of various services for the population served. This type of evaluation takes a long-term view, as compared with the relatively short-term view of a process evaluation or ongoing program monitoring.

Much of the information that is critical for conducting both process and impact evaluations is collected and routinely entered into the MIS as part of documenting tasks and decisions in the areas of program eligibility, screening, assessment, ongoing case management, and, most importantly, program monitoring. In short, nothing may be out of bounds when trying to draw conclusions about how things are working and how well they are working. Policymakers, legislators, funding sources, court administrators, drug court team members, and community advisory and other interested public groups may all have questions about the effectiveness of the drug court program. As these concerns are identified, it may be appropriate to lay the foundation for a response through the design or subsequent modification of the MIS.

As with process evaluation, early identification and involvement of the evaluator are important for outcome evaluations. The

evaluator can help to ensure that the MIS is optimized for the planned evaluation and can also focus on the source of information that will be needed. For instance, there are various definitions of recidivism and multiple sources of data relevant to recidivism. If the research design intends to use FBI reports to track participants' arrest activities during and after program enrollment, the MIS database should include each offender's FBI identification number. If this research is to be limited to or supplemented by information from the agency that houses the State's criminal records repository, the fingerprint-based State identification number should be included in the database.

Cost Analysis

Perhaps the most fundamental consideration in determining whether a drug court program merits sustained or increased funding is an economic analysis that contrasts costs and benefits. What is the monetary cost per program participant per year? How does this compare with the presumed costs for probation or incarceration and the societal costs associated with crime, poor health, and other consequences of continued drug use? Key to effective cost-benefit analysis is a clear understanding of the question or questions to be answered. For example, the information needed to analyze a drug court program's overall costs and benefits for a local jurisdiction is quite different from the information needed when the analysis is limited to the perspective of the judicial branch.

The drug court MIS, because it documents an array of activities, is especially useful in identifying program elements amenable to cost analysis and determining whether their costs are above those usually experienced when defendants are processed without a drug court option. In this way, analysts can identify costs that are unique to the drug court program and that, when added together, constitute the program's total price. The MIS provides documentation of arrests, improved job skills, employment, enhanced education, and improved health and family circumstances. From this information, analysts can extrapolate diverse sources of fiscal savings or revenue generation. For example, reduced use of health care services, increased legal earnings and tax revenues, decreased need for public support, and reduced use of child welfare and foster care services all imply quantifiable fiscal benefits for the community.

Drug Court Grantee Data Collection Survey

Prior to March 15, 2002, all recipients of grants awarded by DCPO were required to submit the grantee data collection survey on a semiannual basis "to ensure that grantees are collecting critical information about their drug court programs for evaluation purposes and to assist in the national evaluation of drug courts."³⁴ The survey instrument expired in March 2002; therefore, grantees no longer need to submit this data collection survey to DCPO. The latest survey is presented in appendix 3 as an example of a minimum data set that may be useful to drug court programs.

Appendix 1

Sample Consent Form for Disclosure of
Confidential Substance Abuse Information*

Sample Qualified Service
Organization Agreement*

Sample Intergovernmental Agreement
and Memorandum of Understanding
Between Drug Court Team Partners*

SAMPLE

*CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE
INFORMATION: DRUG COURT REFERRAL*

I, defendant's name, hereby consent to communication between treatment program's name and Judge name of presiding judge, name of prosecuting attorney or prosecutor's office, name of defense attorney, the probation department of jurisdiction, (and/or other referring agency), (other).

The purpose of and need for this disclosure is to inform the court and other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the drug court monitoring criteria.

Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports concerning charges, docket number, indictment number.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the drug court for the case named above, such as the discontinuation of all court (and/or, where relevant, probation) supervision upon my successful completion of the drug court requirements or upon sentencing for violating the terms of my drug court involvement (and/or, where relevant, probation).

I understand that any disclosure made is bound by Part 2 of Title 42 of the *Code of Federal Regulations*, which governs the confidentiality of substance abuse patient (or client) records, and that recipients of this information may redisclose it only in connection with their official duties.

Date

Signature of Defendant

Signature of parent, guardian, or representative (if required)

QUALIFIED SERVICE ORGANIZATION AGREEMENT

Between

PIONEER CLAIM MANAGEMENT and
OSBORNE TREATMENT SERVICES, INC.

PIONEER CLAIM MANAGEMENT (PIONEER) and OSBORNE TREATMENT SERVICES, INC. (OSBORNE) hereby enter into a Qualified Service Organization Agreement whereby PIONEER agrees to provide liability insurance representation, including contracting for legal services, to OSBORNE in the matter of *Luis Martinez vs. 809 Realty Corp. and Osborne Treatment Services, Inc.* Furthermore, PIONEER

- 1) acknowledges that in receiving, storing, processing, or otherwise dealing with any information from OSBORNE about any client of OSBORNE, past or present, PIONEER and all of its agents and assigns are fully bound by the provisions of the Federal laws and regulations governing the confidentiality of Drug and Alcohol Abuse Patient Records (*42 United States Code Section 290dd-2 and 42 Code of Federal Regulations Part 2*); and
- 2) undertakes to resist, in judicial proceedings if necessary, any efforts to obtain access to information pertaining to any OSBORNE client otherwise than as expressly provided for in the Federal confidentiality regulations (*42 CFR Part 2*).

Executed this day of _____, 1998

Signature of PIONEER Officer

Signature of OSBORNE Officer

Print Name of Signing Officer

Print Name of Signing Officer

Title of Signing Officer
PIONEER CLAIM MANAGEMENT
195 Lake Louise Marie Road
Rock Hill, NY 12775

Title of Signing Officer
OSBORNE TREATMENT SERVICES, INC.
809 Westchester Avenue
Bronx, NY 10455

PARISH OF RAPIDES, STATE OF LOUISIANA INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is entered into between the following parties:

- (1) The RAPIDES PARISH POLICE JURY, a constitutional political subdivision of the State of Louisiana, domiciled in Alexandria, Rapides Parish, Louisiana (hereinafter referred to as "PARISH"), acting through Donald Wilmore, duly elected President of the Rapides Parish Police Jury; and
- (2) The NINTH JUDICIAL DISTRICT COURT, a constitutional political subdivision of the State of Louisiana, domiciled in the Parish of Rapides (hereinafter referred to as "DISTRICT COURT"), acting by and through B. Dexter Ryland, Chief District Judge; and
- (3) The NINTH JUDICIAL DISTRICT ATTORNEY, a constitutional political subdivision of the State of Louisiana, domiciled in the Parish of Rapides (hereinafter referred to as "DISTRICT ATTORNEY") acting by and through the duly elected Ninth Judicial District Attorney, Charles F. Wagner.

RECITALS

WHEREAS, all of the above parties are concerned about the frequency of illegal drug use and the related criminal activity which is occurring in our local community;

WHEREAS, all of the above parties have declared that pro-active intervention is an appropriate recognized means of curtailing the problem of drug abuse in our community;

WHEREAS, a Drug Treatment Court (hereinafter referred to as the "DRUG COURT") has been established by the DISTRICT COURT to address the problem;

WHEREAS, the POLICE JURY has requested and received \$379,228.00 for the operation of the DRUG COURT pursuant to Grant number 98-DC-VX-0113 from the U.S. Department of Justice;

WHEREAS, the DISTRICT ATTORNEY and the DISTRICT COURT have agreed to participate in the operation of the DRUG COURT and to provide in-kind services for the above named grant, along with in-kind services from the Rapides Parish Clerk of Court, Rapides Parish Public Defender's Office and the Department of Public Safety and Corrections, Division of Probation and Parole and the State of Louisiana, Department of Health and Hospitals, Office for Addictive Disorders, for the above named grant;

NOW THEREFORE, BE IT RESOLVED, that all parties named above, in conformity with La. R. S. 33:1321, et seq., hereby enter into the following intergovernmental agreement:

I.

The DISTRICT COURT agrees to operate and supervise DRUG COURT pursuant to written rules and regulations promulgated by the DISTRICT COURT.

II.

With the exception of those personnel provided by the DISTRICT COURT, DISTRICT ATTORNEY, Clerk of Court, Public Defender's Office, Department of Public Safety and Corrections, Division of Probation and Parole and the State of Louisiana, Department of Health and Hospitals, Office for Addictive Disorders, all other employees hired to provide services under this agreement and pursuant to grant funds shall be employees of the PARISH.

III.

The PARISH agrees to act as fiscal agent for the DISTRICT COURT's DRUG COURT for all monies received from the U.S. Department of Justice Grant # 98-DC-VX-0113 and to manage, operate and expend said funds according to the rules and regulations of the U.S. Department of Justice Grant # 98-DC-VX-0113, including but not limited to all necessary reports, documents, and records of any kind so required thereby. The DRUG COURT, prior to seeking reimbursement from the PARISH for funds the PARISH acts as fiscal agent, shall certify that all of its operational expenditures are in compliance with the rules and regulations of the above named grant.

IV.

The parties agree that each DRUG COURT participant in Phase I, II, and III (and Phase IV misdemeanor cases only) shall be assessed \$30.00 per month for probation supervision/drug screening fees that will be collected by the DRUG COURT administrator who will tender these funds to the PARISH who will then deposit them in a separate account. Expenditures from this account shall only be legitimate expenditures for the use and benefit of the DRUG COURT, including but not limited to office expenses, educational and training materials, training expenses, drug testing expenses, counselor certification, etc. In seeking payment, the DISTRICT COURT shall certify in writing that the requested expense is a legitimate expense for the use and/or benefit of the DRUG COURT.

V.

Should the DISTRICT COURT decide to terminate the DRUG COURT, any funds remaining on deposit in the probation supervision/drug screening fund shall be continued to be maintained in this separate account and used solely for the psychiatric/psychological/family counseling diagnosis or testing of substance abuse or mental illness/disorders requested by any civil, criminal, or juvenile division of the Ninth Judicial District Court. The District Court sitting en blanc, shall decide the policy and procedures on how these funds will be administered and expended.

THUS DONE AND SIGNED on this _____ day of _____, 1999, in Alexandria, Rapides Parish, Louisiana, before the undersigned witnesses after due reading of the whole.

WITNESSES:

RAPIDES PARISH POLICE JURY

BY: _____
DONALD WILMORE
President, Rapides Parish
Police Jury

NOTARY PUBLIC

WITNESSES:

STATE OF LOUISIANA

BY: _____
CHARLES F. WAGNER
District Attorney, Rapides
Parish

NOTARY PUBLIC

WITNESSES:

NINTH JUDICIAL CIRCUIT

BY: _____
B. DEXTER RYLAND
Chief District Judge, Ninth
District Court

NOTARY PUBLIC

PARISH OF RAPIDES

STATE OF LOUISIANA

**MEMORANDUM OF UNDERSTANDING
NINTH JUDICIAL DISTRICT COURT
DRUG COURT DIVISION**

This Memorandum of Understanding is entered into between the State of Louisiana, through Charles F. Wagner, District Attorney (DA); the Rapides Parish Public Defender's Office (PD), through Kenneth Rodenbeck, Director, and the Ninth Judicial District Court, through B. Dexter Ryland, Chief Judge, who agree that the following procedures will apply to all cases allotted to Division "X", the Drug Court division of the Ninth Judicial District Court:

- (1) Except as provided in paragraph (4) below, the DA shall provide to the PD at arraignment a copy of the defendant's (a) bill of information/indictment, (b) complete case file submitted to the DA [excluding any attorney work product or privileged information, especially that privileged by La. C.E. article 514], (c) "report of arrest and prosecution (RAP) sheet," (d) original completed pretrial memorandum as required by Rule XXIV of the Ninth Judicial District Court, and in appropriate cases (e) the Notice of Intent to Introduce Scientific Evidence as provided by La. R. S. 15:499.1, with attached lab report.
- (2) Upon receipt of the above, the arraigning PD shall sign a joint stipulation on a form approved by the Court which states that this information will satisfy the defendant's Motion for Discovery and Inspection under C.Cr.P. articles 716-723, the Motion for Bill of Particulars under La. C.Cr.P. article 484-485 and the Motion for Preliminary Examination as provided by Louisiana Constitution Article I, Section 14 and La. C.Cr.P. articles 291-298. However, the PD reserves the right to file motions for the Court to determine the sufficiency of the State's response and any other motions provided by law.
- (3) After the State of Louisiana has complied with the above discovery requirements at arraignment, the following delays will apply:
 - (a) The PD shall file all pretrial motions within the delays provided by La. C.Cr.P. article 521;
 - (b) The State of Louisiana shall file all pretrial motions within fifteen days after the expiration of delays in paragraph 3(a) above;
 - (c) All pretrial motions shall be set for hearing on the motion date [Monday] for Division "X" cases closest to the defendant's trial date;
 - (d) The pretrial conference shall be set on the Division "X" pretrial date [Wednesday] closest to the defendant's trial date. Unless excused by the Court, the defendant shall be present at the pretrial conference and after the pretrial, the public defender shall discuss with the defendant the matters discussed at the pretrial conference, the sentence the defendant will receive upon a plea of guilty to the charge, and determine if the defendant desires

to enter a plea of guilty or proceed to trial. The Public Defender's appearance before the Court will not be excused until he informs the Court of the defendant's choice. If the defendant desires to enter a plea of guilty, he may do so on the date of the pretrial conference or on the appropriate plea date discussed in (e) below;

(e) The plea date for the defendant shall be set on the Division "X" plea date [Friday] closest to the defendant's trial date. The PD shall notify the Court of the defendant's desire to enter a plea of guilty prior to the plea date. The defendant is only required to be present if (s)he desires to enter a plea of guilty to the pretrial sentence which will expire if the defendant does not plead guilty on his/her plea date.

(f) Calendar permitting, the State of Louisiana will set all jury trials at least two months after arraignment.

(4) The DA and PD agree that "open file" discovery as outlined above is the preferred method of discovery in Division "X" cases and that the DA will comply with the procedure in all cases except in limited situations where trial strategy would dictate otherwise. In those cases, the DA shall provide to the PD at arraignment a written notice of: (a) the DA's refusal to enter into informal discovery as outlined above and (b) a request for the defendant to file formal discovery motions as provided by law.

(5) The Court shall adopt a Division "X" calendar in compliance with this Memorandum of Understanding and distribute it to the State of Louisiana, the Clerk of Court, and all members of the PD.

(6) The District Attorney recognizes the importance of those who are convicted, on bond or being detained without bond, being candid with Drug Court personnel regarding their alcohol/drug usage as well as their participation/treatment in other programs. Therefore, the District Attorney agrees to the following policy concerning statements by any person being screened for Drug Court eligibility or any person who has entered a plea of guilty to a criminal charge and is being treated in the Drug Court treatment program:

(a) Any information obtained by a Drug Court counselor during the screening process shall be confidential, shall not be revealed to any person or as evidence in a pending case against the client being screened; however, the screening counselor shall inform the Court, the defense attorney, and the District Attorney of the results of their examination as to whether the defendant has a substance abuse addiction and any treatment recommendation(s);

(b) Admissions of alcohol/drug usage or a positive screen for alcohol or drug usage will not be used by the DA to file new charges of possession of a controlled dangerous substance but can be used by the Court in imposing sanctions or revoking the defendant's probation.

(7) This Memorandum of Understanding shall be effective on October 1, 1999, and filed with the Clerk of Court, maintained with all other Drug Court documents and available for inspection during regular business hours.

(8) Failure to comply with the terms and conditions of this policy by any member of the District Attorney's Office or the Rapides Parish Public Defense Office may subject the attorney to the penalties as provided by La. C.Cr.P. article 16, et seq or La. C.Cr.P. article 729.5.

Alexandria, Louisiana, this _____ day of _____, 1999.

STATE OF LOUISIANA

RAPIDES PARISH
PUBLIC DEFENDER

BY: _____
CHARLES F. WAGNER
District Attorney

BY: _____
KENNETH RODENBECK
Director

NINTH JUDICIAL DISTRICT COURT

BY: _____
B. DEXTER RYLAND
Chief District Judge

Appendix 2

Drug Courts Program
Office Implementation Grant
Management Information System,
Process Evaluation, and
Outcome Evaluation Requirements*

Evaluation and Management Information System Plan (8–12 pages)

Grant recipients are required to conduct both a **process and an outcome evaluation**, and to collect and maintain the key data necessary to support both types of evaluations. Grant recipients are required to submit a final evaluation and/or MIS plan prior to accessing funding for these activities. See page 60 [of DCPO's *Fiscal Year 2002 Program Application Kit*] regarding Human Subject Testing and Information Technology requirements.

Applicants must identify the independent evaluator who will assist the drug court in conducting the process and outcome evaluations. If the evaluator has not been identified, describe the steps the drug court will take to solicit and select the evaluator, and how the drug court will work with the evaluator to design the data collection process, collect and maintain the data, analyze the data, and prepare evaluation reports. Following is some specific guidance regarding information which must be included in this section of your application.

MIS Plan

1. Describe the methods planned for collecting, storing, and maintaining adequate data to support the drug court's operations as well as the process and outcome evaluations.
2. Describe the nature of the planned MIS, including staffing, hardware and software, standardized data collection forms, schedules of data entry, routine reports, quality assurance procedures, and statistical analysis capabilities.
3. Discuss how data related to court operations, individual participant characteristics and behaviors, and treatment services will

be collected, maintained, and integrated into existing automated systems.

4. Discuss plans for data sharing agreements with treatment service providers and other agencies. Please note that all applicants are expected to adhere to applicable local, State, and Federal confidentiality guidelines and requirements regarding treatment program records.

Process Evaluation

The data collection plan must enable the drug court to summarize its basic operations and services delivery, client characteristics, and treatment outcomes.

1. Describe how the evaluation will include both qualitative and quantitative information.
2. Describe the minimum data set that will be used (see appendix D for suggestions [in DCPO's *Fiscal Year 2002 Program Application Kit*]) and how it will allow the drug court to describe the target population, the screening and assessment process, intake flow, sanctions and incentives, drug test results, in-program rearrests, number of status hearings, failure and completion rates, services delivered, and referrals made.
3. Provide information on how the MIS will be flexible enough to allow the evaluator to analyze the following by participant characteristics and other factors: program services received, drug test results, in-program rearrests, length of time in the program, sanctions and rewards, number of court hearings, and completion rates.
4. Describe the specific data elements to be collected and analyzed for the process evaluation, and how these data will be used for program operation and management. **The Drug Court Grantee Data Collection Survey (see appendix 3) can be used as a starting point to identify these data elements. Appendix D (Process Evaluations**

and MIS)(see DCPO's *Fiscal Year 2002 Program Application Kit*), also contains useful information to guide the development of a proposed data collection plan.

5. Describe how the process evaluation will assist the drug court in assessing the effectiveness of its operations and ability to meet its goals and objectives, and how the findings could be used to change and improve the court's operations.

The process plan should incorporate measurable program goals and objectives. Examples include number and type of target population screened and admitted, program completion rates, average time in program (or 1-year retention rates, cohort-based), percentage of drug tests that are negative, percentage of participants rearrested during program participation, amount and type of services received, and percentage of participants employed after 1 year.

Outcome Evaluation

A feasible plan for collecting and analyzing the impact of the drug court on 1-year post-program recidivism outcomes is required.

1. Describe the plan for collecting data on rearrests, reconviction, and/or reincarceration for a period of 1 year following drug court completion (or dropout). *Applicants are encouraged to consider the collection of recidivism data for longer than a 1-year postprogram period. In addition, the identification of sources of data for other postprogram outcomes (such as drug use,*

employment and earnings, health care, drug treatment participation, etc.) is strongly encouraged (but not required) and should be described if available.

2. Describe the sources of data on rearrests and other outcome measures, and how these measures will be defined. It is recommended that individual rather than aggregate outcome data be collected and maintained. **The Drug Court Grantee Data Collection Survey (see appendix 3) can be used as a starting point to identify these data elements.**

3. Identify and justify a comparison group for measuring the relative change in post-program recidivism outcome measures. The comparison group should be as similar as possible to the drug court participants.

4. Describe the procedures for collecting comparison group data on court processing, individual characteristics, rearrests, and other outcome measures if available.

5. Describe the specific data elements to be collected and analyzed for the outcome evaluation, and how these data will be used for program operation and management.

6. Describe how the outcome evaluation will assist the drug court in assessing the effectiveness of its operations, and how the findings could be used to change and improve the court's operations.

7. Describe the products expected from the evaluation.

Appendix 3

Drug Court Grantee
Reporting Requirements and
Data Collection Survey*

* Excerpted from DCPO's *Fiscal Year 2002 Program Application Kit*. The survey instrument expired in March 2002; therefore, grantees no longer need to submit this data collection survey to DCPO. The latest survey is presented here as an example of a minimum data set that may be useful to drug court programs.

Drug Court Grantee Reporting Requirements

All recipients of Drug Courts Program Office grants are required to submit the following reports:

Financial Status Reports (SF 269A)

Financial status reports (SF 269A) are due quarterly on the 45th day following the end of each calendar quarter. A report must be submitted every quarter the award is active, even if there has been no financial activity during the reporting period. The final report is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns will be withheld if financial status reports are delinquent.

Categorical Assistance Progress Reports

Recipients of funding are required to submit an initial and then semiannual progress report. The progress reports describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved application for funding. Progress reports must be submitted within 30 days after the end of the reporting periods, which are January 1 through June 30 and July 1 through December 31 for the life of the award. A final report, which provides a summary of progress toward achieving the goals and objectives of the award, significant results, and any products developed under the award, is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package.


Drug Court Grantee Data Collection Survey

To ensure that grant recipients are collecting critical information about their drug court programs for evaluation purposes and to assist in the national evaluation of drug courts, grant recipients that receive funds to implement or enhance a drug court are required to submit the Drug Court Grantee Data Collection Survey on a semiannual basis. The survey periods run January 1 through June 30 and July 1 through December 31. The surveys are due 60 days after the end of the report period; that is, no later than August 31 and February 28, respectively. These data will capture baseline information on both drug courts and defendants. NOTE: This is no longer a requirement for DCPO; however, the form is attached for reference by jurisdictions interested in using it as a starting point to identify data elements.

Single Audit Report

Recipients who expend \$300,000 or more of Federal funds during their fiscal year are required to submit an organizationwide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accounting Office Government Auditing Standards. The audit report currently is due to the Federal Audit Clearinghouse no later than 9 months after the end of the recipient's fiscal year.

OMB NO. 1121-0226
EXPIRES 3/22/01

 <p>U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS DRUG COURTS PROGRAM OFFICE WASHINGTON, D.C. 20531</p>	<h2 style="margin: 0;">DRUG COURT GRANTEE DATA COLLECTION SURVEY</h2>																								
<p>DIRECTIONS: As a Drug Courts Program Office discretionary grantee, you are required to complete this survey. This form must be completed on a semiannual basis and submitted with your progress reports due at the end of January and July of each year. Complete Section I and update only as necessary. Update Section II at the end of January and July each year. If a grant is for multiple jurisdictions, each jurisdiction must complete the survey individually.</p>																									
I. BASELINE INFORMATION																									
A. GENERAL INFORMATION																									
<p>(A). REPORTING PERIOD MONTHS: January – June Year _____ July – December Year _____</p>	<p>8. TYPE OF DRUG COURT GRANT</p> <p><input type="checkbox"/> Single Jurisdiction Implementation</p> <p><input type="checkbox"/> Single Jurisdiction Enhancement</p> <p><input type="checkbox"/> Multi-Jurisdictional Implementation</p> <p><input type="checkbox"/> Multi-Jurisdictional Enhancement</p>																								
<p>(B). DRUG COURTS PROGRAM OFFICE GRANT NUMBER _____</p>	<p>9. GRANT AWARD PERIOD _____ to _____</p>																								
<p>(C). DATE SURVEY WAS COMPLETED _____</p>	<p>10. DATE DRUG COURT PROGRAM STARTED _____</p>																								
<p>1. GRANTEE NAME (As it appears on Official DCPO Award document)</p>	<p>11. DATE STARTED WITH DCPO FUNDING (If different) _____</p>																								
<p>2. TITLE (Grantee)</p>	<p>12. AMOUNT OF GRANT AWARD _____</p>																								
<p>3. ADDRESS (Grantee)</p>	<p>13. NAMES AND POSITIONS OF KEY PERSONNEL</p>																								
<p>4. TELEPHONE (Grantee)</p>	<p>14. SIZE OF JURISDICTION: (Population of county or city served by court). Indicate the geographic jurisdiction served by the court.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">Yes/No</th> <th style="width: 30%; text-align: center;">Name of Jurisdiction</th> <th style="width: 30%; text-align: center;">Population</th> </tr> </thead> <tbody> <tr> <td>State</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Multi-county</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>County</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>City</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>Tribe</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </tbody> </table>		Yes/No	Name of Jurisdiction	Population	State	_____	_____	_____	Multi-county	_____	_____	_____	County	_____	_____	_____	City	_____	_____	_____	Tribe	_____	_____	_____
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<p>6. E-MAIL (Grantee)</p>																									
<p>7. NAME AND ADDRESS (Of person completing this form). (Please include Title and Telephone, Fax and E-Mail address)</p>																									
B. DRUG COURT INFORMATION																									
<p>15. TYPE OF DRUG COURT (Check all that apply)</p> <p><input type="checkbox"/> Adult</p> <p><input type="checkbox"/> Juvenile</p> <p><input type="checkbox"/> Felony</p> <p><input type="checkbox"/> Misdemeanor</p>	<p>16. IN GENERAL, WHICH APPROACH DOES THE DRUG COURT FOLLOW? (Check one)</p> <p><input type="checkbox"/> Deferred Prosecution: Adjudication is deferred and the defendant is diverted to the treatment program after being charged.</p> <p><input type="checkbox"/> Postadjudication: Adjudication occurs, but the sentence is deferred or pronounced and the defendant enters the treatment program.</p> <p><input type="checkbox"/> Other (Specify) _____</p>																								

<p>17. WHO IS ELIGIBLE TO PARTICIPATE IN THE DRUG COURT PROGRAM? (Check all that apply)</p> <p><input type="checkbox"/> Adult male</p> <p><input type="checkbox"/> Adult female</p> <p><input type="checkbox"/> Juveniles</p> <p><input type="checkbox"/> Nonviolent offenders</p> <p><input type="checkbox"/> Violent offenders (Past or present)</p> <p><input type="checkbox"/> Offenders with substance (i.e. controlled or other addictive substances) addiction</p> <p><input type="checkbox"/> Offenders without substance addiction</p> <p><input type="checkbox"/> First-time offenders</p> <p><input type="checkbox"/> Repeat offenders</p> <p><input type="checkbox"/> Probation violators</p>	<p>21. ARE THE FOLLOWING GRADUATION REQUIREMENTS? (If yes, provide the time period.)</p> <p>Number of months drug free _____</p> <p>Number of months without rearrests _____</p> <p>Number of months employed _____</p> <p>Other (Specify) _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																																																																		
<p>18. WHAT IS THE LENGTH OF THE PROGRAM?</p> <p>Number of months _____</p> <p><i>If actual average length to graduate is different, indicate (number of months)</i></p> <p>_____</p>	<p>22. SINCE THE PROGRAM BEGAN, WHAT IS THE TOTAL AMOUNT OF FUNDING FOR EACH OF THE FOLLOWING TYPES THAT THE PROGRAM HAS RECEIVED? (Check all sources that apply after amount of funding.)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 10%; text-align: center;">Amount Received</th> <th style="width: 10%; text-align: center;">Year(s) Received</th> </tr> </thead> <tbody> <tr> <td colspan="3">a. 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<p>19. DOES THE DRUG COURT HAVE PHASES? (If yes, list them and give the length of each phase.)</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Phase</th> <th style="width: 40%;">How Long</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	Phase	How Long	_____	_____	_____	_____	_____	_____	_____	_____	<p>23. WHICH OF THE FOLLOWING STATEMENTS BEST DESCRIBES ANY FEES CHARGED TO PARTICIPANTS (By the court or by any contractors providing services), EITHER CURRENTLY OR IN THE PAST?</p> <p><input type="checkbox"/> Participant fees are charged currently. (Continue with Question 24)</p> <p><input type="checkbox"/> Participant fees were charged previously, but are not currently. (Continue with Question 24)</p> <p><input type="checkbox"/> Participant fees have never been charged. (Skip to Question 25)</p>																																																								
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<p>20. SERVICES THAT ARE AVAILABLE TO DRUG COURT PARTICIPANTS (Check list)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td><input type="checkbox"/> Detox</td> <td><input type="checkbox"/> Child care</td> </tr> <tr> <td><input type="checkbox"/> Day reporting center</td> <td><input type="checkbox"/> Family therapy/ services</td> </tr> <tr> <td><input type="checkbox"/> Outpatient</td> <td><input type="checkbox"/> Mental health</td> </tr> <tr> <td><input type="checkbox"/> Inpatient</td> <td><input type="checkbox"/> Individual counseling</td> </tr> <tr> <td><input type="checkbox"/> Academic/training schools</td> <td><input type="checkbox"/> Group counseling</td> </tr> <tr> <td><input type="checkbox"/> Job training</td> <td><input type="checkbox"/> Primary health care</td> </tr> <tr> <td><input type="checkbox"/> Employment services</td> <td><input type="checkbox"/> Housing</td> </tr> <tr> <td><input type="checkbox"/> Parenting classes</td> <td></td> </tr> </table>	<input type="checkbox"/> Detox	<input type="checkbox"/> Child care	<input type="checkbox"/> Day reporting center	<input type="checkbox"/> Family therapy/ services	<input type="checkbox"/> Outpatient	<input type="checkbox"/> Mental health	<input type="checkbox"/> Inpatient	<input type="checkbox"/> Individual counseling	<input type="checkbox"/> Academic/training schools	<input type="checkbox"/> Group counseling	<input type="checkbox"/> Job training	<input type="checkbox"/> Primary health care	<input type="checkbox"/> Employment services	<input type="checkbox"/> Housing	<input type="checkbox"/> Parenting classes																																																				
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<p>24. WHAT IS/WAS THE PURPOSE AND AMOUNT OF EACH FEE CHARGED TO PARTICIPANTS?</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%; border-bottom: 1px solid black;">Description/purpose of fee</td> <td style="width:40%; border-bottom: 1px solid black;">Amount of fee</td> </tr> <tr> <td style="border-bottom: 1px solid black;">_____</td> <td style="border-bottom: 1px solid black;">\$ _____</td> </tr> <tr> <td style="border-bottom: 1px solid black;">_____</td> <td style="border-bottom: 1px solid black;">\$ _____</td> </tr> <tr> <td style="border-bottom: 1px solid black;">_____</td> <td style="border-bottom: 1px solid black;">\$ _____</td> </tr> <tr> <td style="border-bottom: 1px solid black;">_____</td> <td style="border-bottom: 1px solid black;">\$ _____</td> </tr> </table>	Description/purpose of fee	Amount of fee	_____	\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	<p>25. HOW IS DRUG COURT DATA GATHERED AND COMPILED?</p> <p><input type="checkbox"/> Manually</p> <p><input type="checkbox"/> Automated</p> <p><input type="checkbox"/> Both</p>
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_____	\$ _____										
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II. DRUG COURT PARTICIPANT/PROGRAM INFORMATION

<p>26. NUMBER OF PARTICIPANTS:</p> <p>From the start of the program _____</p> <p>From the start of the grant _____</p> <p>For current reporting period _____</p>	<p>29. FROM THE TIME THE PROGRAM BECAME OPERATIONAL TO THE PRESENT, FROM THE BEGINNING OF THE GRANT TO THE PRESENT, AND FOR THE CURRENT REPORTING PERIOD (If different) HOW MANY PEOPLE:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">Since program start</td> <td align="center">Since grant start</td> <td align="center">For current reporting period</td> </tr> <tr> <td>a. Have been admitted to the drug court program?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>b. Have completed the program?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>c. Have failed to complete the program because they:</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td> (1.) Have been terminated?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td> (2.) Have voluntarily withdrawn?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td> (3.) Have died while in the program?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>d. Are currently enrolled?</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> </table>		Since program start	Since grant start	For current reporting period	a. Have been admitted to the drug court program?	_____	_____	_____	b. Have completed the program?	_____	_____	_____	c. Have failed to complete the program because they:	_____	_____	_____	(1.) Have been terminated?	_____	_____	_____	(2.) Have voluntarily withdrawn?	_____	_____	_____	(3.) Have died while in the program?	_____	_____	_____	d. Are currently enrolled?	_____	_____	_____
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<p>27. TOTAL CAPACITY:</p> <p>From the start of the program _____</p> <p>From the start of the grant _____</p> <p>For current reporting period _____</p>																																	
<p>28. NUMBER OF GRADUATES FROM THE DRUG COURT PROGRAM:</p> <p>From the start of the program _____</p> <p>From the start of the grant _____</p> <p>For current reporting period _____</p>																																	

<p>30. PROVIDE THE FOLLOWING DEMOGRAPHIC INFORMATION ABOUT PARTICIPANTS IN THE PROGRAM SINCE THE BEGINNING OF THE GRANT, SINCE THE BEGINNING OF THE PROGRAM, AND FOR THE CURRENT REPORTING PERIOD (If different).</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center" colspan="3">Number of persons:</td> </tr> <tr> <td></td> <td align="center">Since program start</td> <td align="center">Since grant start</td> <td align="center">For current reporting period</td> </tr> <tr> <td>Age 12-16</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Age 17-18</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Age 19-21</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Age 22-30</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Age 31-40</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Age 41 or over</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Number of males</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Number of females</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Number of drug-free babies born to participants</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> </table>		Number of persons:				Since program start	Since grant start	For current reporting period	Age 12-16	_____	_____	_____	Age 17-18	_____	_____	_____	Age 19-21	_____	_____	_____	Age 22-30	_____	_____	_____	Age 31-40	_____	_____	_____	Age 41 or over	_____	_____	_____	Number of males	_____	_____	_____	Number of females	_____	_____	_____	Number of drug-free babies born to participants	_____	_____	_____	<p>31. PROVIDE THE NUMBER OF PARTICIPANTS OF THE FOLLOWING RACIAL OR ETHNIC DESCENT:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center" colspan="3">Number of persons:</td> </tr> <tr> <td></td> <td align="center">Since program start</td> <td align="center">Since grant start</td> <td align="center">For current reporting period</td> </tr> <tr> <td>African American</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Hispanic/Latino</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Asian/Pacific Islander</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Native American</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Alaskan Native</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Caucasian</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Other</td> <td align="center">_____</td> <td align="center">_____</td> <td align="center">_____</td> </tr> </table>		Number of persons:				Since program start	Since grant start	For current reporting period	African American	_____	_____	_____	Hispanic/Latino	_____	_____	_____	Asian/Pacific Islander	_____	_____	_____	Native American	_____	_____	_____	Alaskan Native	_____	_____	_____	Caucasian	_____	_____	_____	Other	_____	_____	_____
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<p>32. HOW LONG DO YOU PLAN TO FOLLOW UP ON THE PROGRESS OF DRUG COURT PARTICIPANTS AFTER GRADUATION?</p> <p>6 months <input type="checkbox"/> 18 months <input type="checkbox"/> 12 months <input type="checkbox"/> Other _____</p>	<p>38. NUMBER OF PARTICIPANTS ARRESTED OR CONVICTED AFTER GRADUATION:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">0-6 months after graduation:</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Since program start</td> <td style="text-align: center;">Since grant start</td> <td style="text-align: center;">For current reporting period</td> </tr> <tr> <td>Drug offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Other nonviolent</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Violent offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Traffic offense:</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Driving while under the influence</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td> Other (please describe)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td></td> <td style="text-align: center;">7-12 months after graduation:</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Since program start</td> <td style="text-align: center;">Since grant start</td> <td style="text-align: center;">For current reporting period</td> </tr> <tr> <td>Drug offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Other nonviolent</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Violent offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Traffic offense:</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Driving while under the influence</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td> Other (please describe)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td></td> <td style="text-align: center;">13-18 months after graduation:</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Since program start</td> <td style="text-align: center;">Since grant start</td> <td style="text-align: center;">For current reporting period</td> </tr> <tr> <td>Drug offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Other nonviolent</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Violent offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Traffic offense:</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Driving while under the influence</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td> Other (please describe)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>		0-6 months after graduation:				Since program start	Since grant start	For current reporting period	Drug offense	_____	_____	_____	Other nonviolent	_____	_____	_____	Violent offense	_____	_____	_____	Traffic offense:				Driving while under the influence	_____	_____	_____	Other (please describe)	_____	_____	_____		7-12 months after graduation:				Since program start	Since grant start	For current reporting period	Drug offense	_____	_____	_____	Other nonviolent	_____	_____	_____	Violent offense	_____	_____	_____	Traffic offense:				Driving while under the influence	_____	_____	_____	Other (please describe)	_____	_____	_____		13-18 months after graduation:				Since program start	Since grant start	For current reporting period	Drug offense	_____	_____	_____	Other nonviolent	_____	_____	_____	Violent offense	_____	_____	_____	Traffic offense:				Driving while under the influence	_____	_____	_____	Other (please describe)	_____	_____	_____
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<p>34. NUMBER OF PROGRAM PARTICIPANTS EMPLOYED AT GRADUATION:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Part-time (under 30 hrs/wk)</td> <td style="text-align: center;">Full-time (30+hrs/wk)</td> </tr> <tr> <td>From the start of the program</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>From the start of the grant</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>For current reporting period</td> <td>_____</td> <td>_____</td> </tr> </table>		Part-time (under 30 hrs/wk)	Full-time (30+hrs/wk)	From the start of the program	_____	_____	From the start of the grant	_____	_____	For current reporting period	_____	_____																																																																																					
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<p>35. NUMBER OF PERSONS FOR WHOM BENCH WARRANTS WERE ISSUED, WHO HAVE NOT BEEN PICKED UP, AND HAVE BEEN IN BENCH WARRANT STATUS FOR OVER 60 DAYS.</p> <p>From the start of the program _____ From the start of the grant _____ For current reporting period _____</p>																																																																																																	
<p>36. NUMBER OF PARTICIPANTS ARRESTED OR CONVICTED WHILE IN THE DRUG COURT PROGRAM:</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Since program start</td> <td style="text-align: center;">Since grant start</td> <td style="text-align: center;">For current reporting period</td> </tr> <tr> <td>Drug offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Other nonviolent</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Violent offense</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Traffic offense:</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Driving while under the influence</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td> Other (please describe)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>		Since program start	Since grant start	For current reporting period	Drug offense	_____	_____	_____	Other nonviolent	_____	_____	_____	Violent offense	_____	_____	_____	Traffic offense:				Driving while under the influence	_____	_____	_____	Other (please describe)	_____	_____	_____																																																																					
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<p>37. NUMBER OF CLIENTS WHO REENTERED THE DRUG COURT PROGRAM, AFTER COURT/SELF TERMINATION OR GRADUATION:</p> <p>From the start of the program _____ From the start of the grant _____ For current reporting period _____</p>	<p>39. NUMBER OF PARTICIPANTS WHO REMAIN DRUG FREE AFTER GRADUATION (If information is available):</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Number of participants</td> <td style="text-align: center;">Point in time (days/months) after graduation during which data is collected</td> </tr> <tr> <td>From the start of the program</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>From the start of the grant</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>For current reporting period</td> <td>_____</td> <td>_____</td> </tr> </table>		Number of participants	Point in time (days/months) after graduation during which data is collected	From the start of the program	_____	_____	From the start of the grant	_____	_____	For current reporting period	_____	_____																																																																																				
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Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, D.C. 20531; and to Public Use Reports Project, 1121-0190, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Notes

1. Drug Courts Program Office, *Defining Drug Courts: The Key Components*. (See bibliography for full citations of most reports listed in footnotes.)
2. *Ibid.*, quoting directly from pp. 10, 11, 22, 24, 30, and 37.
3. Barry Mahoney, *Drug Court Monitoring, Evaluation, and Management Information Systems*, p. 12. This DCPO report documents the outcomes of focus group meetings on drug court MIS issues held in March 1997 in New York, NY, and September 1997 in Washington, DC, which were convened by The Justice Management Institute in cooperation with DCPO.
4. A May 2001 report by the Office of Justice Programs' Drug Court Clearinghouse and Technical Assistance Project at The American University, titled *Background Information on State Court Administrative Office Activities in Support of Local Drug Court Programs*, noted that at least 10 States are developing State-level drug court information systems and at least 5 States are developing information systems for local drug court programs.
5. For example, California's Drug Court Partnership Act of 1998 (CAL HEALTH & SAFETY CODES § 11970) and the Comprehensive Drug Court Implementation Act of 1999 (CAL HEALTH & SAFETY CODES §§ 11970.1–11970.4) require the State Judicial Council to develop an evaluation design and provide the statutory authority for a reporting requirement in furtherance of the evaluation design. California's much publicized proposition 36, more properly known as the Substance Abuse and Crime Prevention Act of 2000, requires an annual study "of the implementation process, a review of lower incarceration costs, reductions in crime, reduced prison and jail construction, reduced welfare costs, the adequacy of funds appropriated, and any other impacts of issues the department can identify" (CAL HEALTH & SAFETY CODES § 11999.9). Funding is also provided for a long-term study to evaluate the effectiveness and financial impact of drug courts (CAL HEALTH & SAFETY CODES § 11999.10).
6. The report cited in *supra* note 4 reveals that in 17 States, the OCA has oversight of drug court evaluation activities, and in 7 States, the OCA has direct responsibility for the conduct of drug court evaluations.
7. 42 U.S.C. § 290dd-2, and 42 C.F.R. pt. 2.
8. 42 U.S.C. § 290dd-2 applies to any drug court that "holds itself out as providing, and provides, alcohol or drug abuse diagnosis, treatment or referral for treatment."
9. 42 C.F.R. § 2.31(a) specifies nine elements that must be included in a written

consent (all of which are applicable to criminal drug courts):

- (1) The specific name or general designation of the program or person permitted to make the disclosure.
- (2) The name or title of the individual or the name of the organization to which disclosure is to be made.
- (3) The name of the patient.
- (4) The purpose of the disclosure.
- (5) How much and what kind of information is to be disclosed.
- (6) The signature of the patient or, when required for a patient who is a minor, the signature of a person authorized to give consent.
- (7) The date on which the consent is signed.
- (8) A statement that the consent is subject to revocation at any time except to the extent that the program or person who is to make the disclosure has already acted in reliance on it. (Note: This element should not be included in consent forms in criminal drug courts, but it must be included in juvenile and family drug court waivers. See 42 C.F.R. § 2.35.)
- (9) The date, event, or condition upon which the consent will expire if not revoked. This date or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

For more information on Federal consent requirements, see Jeffrey Tauber et al., *Federal Confidentiality Laws and How They Affect Drug Court Practitioners*, p. 9. See also Rebecca Holland, *Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations*.

10. The consent form and qualified service organization agreement are from DCPO's

Fiscal Year 2002 Program Application Kit, pp. 62–63. The sample intergovernmental agreement and MOU are available through the Office of Justice Programs' Drug Court Clearinghouse and Technical Assistance Project at The American University Web site at www.american.edu/spa/justice/publications/intgov_agr_jun.htm and www.american.edu/academic.depts/spa/justice/publications/memo_under_jun.htm.

11. U.S. General Accounting Office, *Drug Courts: Overview of Growth, Characteristics, and Results*.

12. The Justice Research Center developed *A Self-Evaluation Manual and Case Management System for Adult Drug Courts* under Grant No. SJI-98-N-128 from the State Justice Institute. The manual accompanies a CD containing the Case Management System 2000 software, which is available from the Justice Research Center, 591 Lighthouse Avenue, Suite 24, Pacific Grove, CA 93950.

13. Felix Lopez, *Confidentiality of Patient Records for Alcohol and Other Drug Treatment*.

14. 42 U.S.C. §§ 290dd-3, ee-3, and 42 C.F.R. pt. 2.

15. 42 C.F.R. §§ 2.52, 2.53.

16. See *supra* note 10.

17. Drug Courts Program Office, *Fiscal Year 2002 Program Application Kit*, pp. 38–40.

18. *Ibid.*, pp. 111–115.

19. For example, TCP/IP (Transmission Control Protocol/Internet Protocol) communications protocols and browser user interfaces.

20. Robert Gibson and Owen M. Greenspan, *Public Domain Drug Court Software: Functions and Utility*.

21. See *supra* note 12.

22. Information from the FBI-administered Interstate Identification Index is subject to strict controls of access and secondary dissemination—even between justice agencies. Each State has a designated official, typically within the State police, known as the National Crime Information Center Control Terminal Officer, who should be consulted on issues involving access and dissemination of information from the national system. Every State has an agency that serves as a central repository for criminal records information and can assist in resolving questions associated with access and dissemination of information from the State’s criminal records database. Both the Interstate Identification Index and State central repository are based on fingerprint-based arrest information. Some jurisdictions will choose to rely on a statewide court-administered database. On the local level, police and court records may be the primary source of criminal information about a program candidate or participant.

23. Page 107 of DCPO’s *Fiscal Year 2002 Program Application Kit* describes the term “violent offender” as a person who either (1) is charged with or convicted of an offense, during the course of which offense or conduct (A) the person carried, possessed, or used a firearm or dangerous weapon, (B) there occurred the death of, or serious bodily injury to, any person, or (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

24. *Ibid.*, p. 109.

25. James A. Inciardi, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, p. 19.

26. *Ibid.*, p. 18.

27. For a more complete discussion of the assessment process and the various techniques and instruments that may be employed, see Roger H. Peters and Elizabeth Peyton, *Guideline for Drug Courts on Screening and Assessment*, and the following reports published by the Center for Substance Abuse Treatment: James A. Inciardi, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, and Ken C. Winters and Jonathan M. Zenilman, *Simple Screening Instruments for Outreach for Alcohol and Other Drug Abuse and Infectious Diseases*.

28. For a detailed discussion of the relationship between psychiatric disorders and alcohol and other drug use problems, see Richard K. Reis, *Assessment and Treatment of Patients with Coexisting Mental Illness and Alcohol and Other Drug Abuse*.

29. See *supra* note 25.

30. *Ibid.*

31. Staffings are drug court team meetings at which individual participant progress is reviewed and possible sanctions, incentives, and rewards are discussed.

32. Drug Courts Program Office, *Fiscal Year 2002 Program Application Kit*, p. 38.

33. See appendix 2 for additional information on application requirements relating to evaluation.

34. Drug Courts Program Office, *Fiscal Year 2002 Program Application Kit*, p. 111.

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