

## **Links:**

CSG Justice Center: Frequently Asked Questions: A Look into Court-Based Behavioral Health Diversion Interventions

[https://csgjusticecenter.org/wp-content/uploads/2020/05/JC\\_Fact-Sheet\\_FAQ-A-Look-into-Court-Based-Behavioral-Health-Diversion-Interventions\\_508accessible.pdf](https://csgjusticecenter.org/wp-content/uploads/2020/05/JC_Fact-Sheet_FAQ-A-Look-into-Court-Based-Behavioral-Health-Diversion-Interventions_508accessible.pdf)

Center for Court Innovation: Treatment Courts and COVID 19

[https://www.courtinnovation.org/sites/default/files/media/documents/2020-10/TakingAction\\_TreatmentCourtsCOVID19\\_10022020.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-10/TakingAction_TreatmentCourtsCOVID19_10022020.pdf)

Center for Court Innovation: Resource Coordinators

[https://www.courtinnovation.org/sites/default/files/media/documents/2020-07/takingaction\\_resourcecoordinators\\_07072020.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-07/takingaction_resourcecoordinators_07072020.pdf)

Center for Court Innovation: Relational Framework for Court-Based Treatment

[https://www.courtinnovation.org/sites/default/files/media/documents/2020-04/report\\_the\\_myth\\_of\\_legal\\_leverage\\_04232020.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2020-04/report_the_myth_of_legal_leverage_04232020.pdf)

## **Drug Court**

### Impact of Drug Court Failure on Sentencing and Recidivism

*Gibbs (2020)*: This study examined judicial sentencing patterns of individuals who were unsuccessful in adult felony drug court from 2008 to 2013 (total of 824 participants, with 320 who did not successfully complete the program). The sample was derived from a Midwestern metropolitan adult felony drug court. In this court, those that are unsuccessful are immediately convicted and sentenced, with the court operating on an indeterminate sentencing framework. About one-third of the sample was female and majority Caucasian (64%). Committing a crime during participation, absconding and positive drug screens were all associated with receiving a prison sentence. Participants not sentenced by their drug court judge had a decreased probability of receiving a prison sentence, but increased probability of a jail sentence. Thus, judges who oversaw defendants in the program tended to sentence failure more harshly than judges with no affiliation to the drug court or offender.

*Gibbs & Lytle (2020)*: The study utilized adult felony drug court data from a metropolitan city from 2008-2013. The sample was two thirds male and nearly 70% White. Those failing drug court had a higher likelihood of felony reoffending than those completing drug court. There was no significant difference for misdemeanor offenses. When looking at sentencing outcome (dismissal, probation, incarceration), participants given incarceration or probation had an increased risk of general and felony recidivism compared to those given dismissal.

#### Other Outcomes:

*Kearley & Gottfredson (2020)*: This study was a longitudinal analysis of the Baltimore City's Drug Treatment Court. Drug court participants had fewer arrests and convictions across the 15-year follow up (after controlling for age, gender, race and prior convictions). Additionally, those in the Circuit drug court had better outcomes than those in the District drug court.

*Lilley, DeVall, & Tucker-Gail (2019)*: In a different study by the author (Lilley D., (2017). Did drug courts lead to increased arrest and punishment of minor drug offenses? *Justice Quarterly*, 34, 673-698), findings indicated that drug courts were associated with increased (rather than decreased) arrests for possession of small quantities of illicit substances. To further examine this impact, the authors analyzed drug court implementation and arrest data, along with race-specific arrest information, from U.S. cities with populations over 50,000 from 1990-2006 to determine if there was evidence of a differential impact on minority residents. Findings indicated that following drug court implementation, citywide arrest rates for low-level drug offenses increased substantially among Black (but not White) residents.

*Baughman et al (2019)*: Evaluation of 10 courts located in the state of Ohio (9 drug courts and 1 family court), focusing on the utilization of MAT (medication assisted treatment) and the impact of MAT on mental health and risky behaviors. The sample consisted of 357 participants, mostly male and White. Over 60% had co-occurring substance use and mental health disorders.

Findings indicated

- substance use, mental health symptoms and risky sexual/needle sharing behaviors decreased from intake to discharge
- MAT did not significantly impact the decrease in MH problems, risk behaviors, and drug use
- MAT did not significantly impact the odds of graduation
- Those reporting social support had higher odds of graduation
- Among those reporting substance use at intake, there was improvement to 6 months, but it did not decrease further to termination (with the exception of heroin)

*Shannon (2020)*: Data from the Kansas Specialty Courts was utilized to explore differences between opioid preferring and non-opioid preferring participants. The sample was majority male and White. The factors of interest relate to program completion were predisposing factors (e.g. education, lifetime benzodiazepine use) and program performance (e.g. number of positive drug tests, sanctions).

- In looking at group differences, non-opioid preferring participants were older, had higher lifetime alcohol use, and higher number pre-drug court and misdemeanor convictions

compared to opioid preferring participants. Opioid preferring participants had higher lifetime benzodiazepine, methadone, amphetamine and heroin use, more ancillary and intensive outpatient services, more positive drug tests and received more sanctions compared with non-opioid preferring participants.

- In terms of program completion, the following factors were associated with program completion:
  - non-opioid preferring participants: more days spent in the program, fewer positive drug tests, fewer sanctions, high school education, and no lifetime benzodiazepine use
  - opioid preferring participants: time spent in the program, and number of positive drug tests and sanctions were related to program completion for opioid preferring participants.
- The author highlights the importance of understanding drug of choice and differences in the factors impacting program completion based on opioid use for program planning and practices

## **Mental Health Courts**

### General

*Edwards et al (2020)*: Reviewed challenges in connecting individuals to services and recommendations based on these challenges.

- Challenges: “difficult to treat” diagnoses resulting in exclusion from eligibility (e.g. personality disorders, developmental disorders), right to treatment issues, and services to which offenders are referred rarely address criminogenic needs, least restrictive alternative issues and being mandated to lengthy treatment that might not actually fit the need of the offender
- Recommendations: establishing specialized treatment programs, ensuring treatment programs are informed by RNR model, trauma and cultural considerations, use of integrated case management services, and implementation of flexible treatment mandates

*Simonsson, Farwell, Solomon (2020)*: Judges from the First Judicial District of Pennsylvania participated in a survey to explore the extent to which psychiatric diagnosis, treatment compliance and violence risk influenced judge’s perception of the benefits of MHCs. Compared to defendants with PTSD or no psychiatric diagnosis, schizophrenia and major depression were viewed to likely benefit from MHC. If a defendant was treatment compliant, judges viewed MHC as a beneficial option (independent of type of psychiatric diagnosis). If a defendant was a high violence risk, MHC was not viewed as beneficial (independent of psychiatric diagnosis).

### Participant Views Related to Participation and Voluntariness

*Matejkowski, Han & Conrad (2020)*: Utilized MacArthur Mental Health Court (MHC) data (357 MHC and 348 traditional court participants) to examine the relationship among MHC participation, perceived voluntariness of treatment, mental health services utilization and quality of life. Participation in MHC was positively related to service use and negatively related to perceived voluntariness of treatment. Voluntariness of treatment was not related to service

utilization and mental health service utilization was not related to quality of life. Voluntariness of treatment was positively related to quality of life. Voluntariness of treatment appeared to mediate the relationship between MHC participation and quality of life.

*Canada, Trawver, Barrenger (2020)*: Interview of 26 participants from two Midwestern mental health courts. Usually referred by defense attorney or the judge advocated for participation and was introduced as some form of rehabilitation, a second chance or to avoid incarceration. They generally decided to participate because they wanted to avoid jail, needed access to treatment or some combination of these two. Participants' understanding of MHCs varied with several themes to include: helping sick people, that the MHC is a judicial agreement or contract in which rights to make life decisions are relinquished in exchange for freedom or dropped/reduced charges, and protection of those with mental illness/rewarding compliance. Highlights the importance of understanding how participants enter into MHC's and their decision making/perspectives.

## **Other Problem Solving Courts**

### Veterans Treatment Court

*Herzog, et al (2019)*: Sample of 13 veterans being adjudicated in a VTC in the southeastern U.S. to examine issues related to what participants in VTC perceive as the benefit of participation, how they view court personnel and how their military service may be connected to their legal issues. Participants generally reported an overall positive view of the VTC and several themes emerged which contributed to this positive view:

- Perceptions of benefits: second chance (84.6%), social support and mentors (61.5%), help with sobriety and substance use issues (38.5%), viable alternative to drug court (30.8%), mechanism to securing other resources such as VA benefits or financial help (84.6%)
- Perceptions of court personnel: more personable than traditional court (69.2%), veteran judge with shared military related experience (92.3%)
- All participants indicated that substance abuse was related to their arrest
  - 23.1% indicated no connection between military service and crime
  - 76.9% acknowledged a direct/indirect connection between military service and crime
    - Service related trauma led to substance use which then led to crime
    - Military trains people to seek danger (30.8%)

Based on these themes, the authors developed a model to conceptualize VTC. It begins with *military related trauma*, with attempts to cope with the trauma through substance use. The

substance use is considered *maladaptive coping*, leading to *addiction*. Participants indicated that addiction then led to *crime*, which led to enrollment in the VTC. The positive elements of the court identified by the participants include: social support, securing resources, transparent and personal experience provides a second chance and help with sobriety.

### Family Treatment Drug Court

*Zhang, Huang, Wu, Li, & Liu (2019)*: A meta-analysis on the impact of family treatment drug court (FTDC) on child welfare outcomes showed that among the 16 studies with family reunification outcomes, those participating in FTDC had higher odds of reunification. There was little impact of FTDC participation on foster care reentry or child maltreatment re-report.

*Fessinger et al (2020)*: Comparison of FTDC participants in Lancaster County versus control group. FTDC parents had better compliance with court ordered evaluations and cases closed more quickly for FTDC parents. FTDC parents had more positive perceptions of the court than the control group, including feeling heard and having more positive views of the judge and caseworker. The mandatory nature of the FTDC did not appear to impact perceptions of procedural justice and cooperation/compliance with court orders.

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