An empty classroom with rows of wooden chairs and a whiteboard. The room is brightly lit by large windows with blue curtains. A whiteboard is visible on the right side of the room.

# Where Did All Our Clients Go? How to increase participant numbers in your treatment court

Shannon Carey, Ph.D., Laura Hunter, Ph.D.

# Consider

- Is your treatment court at capacity in terms of the number of participants the team and providers can serve?
- How was this number originally determined?
- What do you believe may be barriers to entry?
- How might your phase structure and program requirements affect program entry or retention?



# Overview

## **Increasing treatment court enrollment**

- Determining #s in your eligible population
- Updating your eligibility criteria
- Getting buy-in
- Getting the word out

## **Increasing Retention**

- Maximizing engagement
- Matching services to needs
- Using behavior modification tools
- Individualized services (based on assessment)



# Increasing Program Enrollment

## Common Barriers to Treatment Court Enrollment

- Eligibility criteria are not well defined or are too narrow
- Key referral partners:
  - Do not have buy-in to the treatment court
  - Do not have a clear idea of treatment court eligibility
  - Do not have a system for identifying potential participants
- Potential participants do not have a positive impression of the treatment court

# Eligibility Criteria

## Review your eligibility criteria



Best Practice Standards (p. 2): *The treatment court serves high-risk and high-need individuals. These are individuals who*

- (1) are at significant risk for committing a new crime or not successfully completing less intensive dispositions like probation, and*
- (2) have a moderate to severe substance use disorder (and/or a serious or persistent mental health disorder or other significant treatment needs).*

There are two parts to eligibility:

1. Eligibility based on legal charges/criminal history
2. Eligibility based on assessed risk and need  
(“risk” = criminogenic needs and “need” = clinical needs)

# Legal Eligibility/Criminal History

## **Best Practice Standards (p. 3):**

*The treatment court may exclude candidates from admission based on their current charges or criminal history if empirical evidence demonstrates that persons with such charges or histories cannot be served safely or effectively in a treatment court.*

Charges or a history of selling drugs or violence should not be excluded automatically.

- Legal eligibility should be broad – have few charges that are ruled out; otherwise, everything is in.
- Violence charges should be reviewed on a case-by-case basis to determine threats to community safety.

**Note:** Do not automatically disqualify previous treatment court participants.



# What charges are you currently taking?

**If you are mainly focused on possession charges, you are missing candidates who need treatment court the most.**

Treatment courts are designed to deal with the most difficult high-risk people. Eligibility should include more serious charges, particularly felonies associated with heavier sentences. Go for the people who are bound for prison.

***“Are you mad at them or are you afraid of them? If you’re mad at them, they should probably be in a treatment court. People you’re afraid of belong in jail and prison.” – Prosecutor, Chico, CA***

Treatment courts that take more serious charges have double the reductions in recidivism (*Carey, Mackin, & Finigan, 2012*).

# Look up the numbers in your jurisdiction

Find crime statistics (<https://ocjs.ohio.gov/research-and-data/data-reports-and-dashboards/crime-in-ohio-counties>)

- Look for statistics on arrests, case filings, or convictions that include drug charges (current or prior) — # of crimes/100K X county population
- Ask your partners for their statistics. Data sources include:
  - Probation (risk/need assessment results)
  - Jail/Pretrial (screeners)
  - Prosecutor filings
  - State Patrol
  - Local Law Enforcement
  - Administrative Office of the Courts
- This will give you a ballpark idea of the number of people who could be eligible for your program

“Considering that 70% to 80% of all offenders are estimated to have substance use disorders, it is clear that drug courts are serving a very small percentage of potential clients (perhaps 5% or less).”

# What charges are you currently taking?



Look for patterns of charges: theft, forgery, possession, misbehaving while under the influence, fraudulent access of an electronic device (ATMs).



These charges tell you that someone is desperate for small amounts of money, which may be an indication of substance use. Send them for screening.

# Risk and Need Eligibility

## Target Population is High-Risk and High-Need Participants

High Risk = likely to be rearrested or fail on standard probation (past behavior predicts future behavior)

High Need = serious and persistent substance use, mental health, or trauma disorder and other significant treatment or social service needs, such as traumatic brain injury

- Validated Assessments: For criminogenic risk and clinical needs
- Individuals are not disqualified because of co-occurring mental health or medical conditions, inadequate housing, or because they have been legally prescribed psychotropic or SUD medications.
- Eligibility and exclusion criteria should be objective and specified in writing.
- Do NOT use subjective criteria/personal impressions/“suitability” considerations (treatment readiness, attitude, likelihood of success) to determine eligibility.



# *Early* Proactive Outreach: Speed Matters

- Use proactive efforts to identify and engage potential participants early
  - Screen ASAP
  - Most likely to accept entry and be successful
  - Candidates spending weeks/months in pretrial detention may be sentenced to time served and may be uninterested in further criminal justice system involvement
- Potential participants may get new disqualifying charges or abscond during period prior entry
- The sooner services are provided, the sooner people can start healing. The longer we wait, the sicker people get – continued use, more exposure to trauma.
- Better outcomes when individuals enter within 2 months of arrest or violation.



# Screens



Use screens for quick determination of risk and need, and then a full assessment to determine eligibility, case plan, and services

Example: The RANT Screen

- Provides you with a designation of high or low risk and high or low need
  - If an individual scores as high risk, you should follow up with a full risk assessment
  - If low risk, no need for a full assessment
  - If an individual scores as high need, you should follow up with a full clinical needs assessment
  - If low need, no need for a full assessment
- Screen allows you to efficiently review a large population for potential participants

# Screens



Work with partners to find where in the process you can get these screens done

- pre-trial services
- case workers or screening staff at the jail or at arraignment
- defense attorney at arraignment
- probation if people are referred after sentencing

- Use full assessments to confirm eligibility
- Use assessment results to determine individual case plans – matching services to specific needs based on both the risk assessment and the clinical assessment (this is key for participant retention)
- **To increase program enrollment,** consider expanding eligibility to different risk and need levels and creating **separate tracks** in your treatment court to appropriately treat people at each risk and need quadrant

# Assessments



# RISK IS CONTAGIOUS!

TRACKS HELP PREVENT MIXING AND MAKE IT EASIER TO MATCH SERVICES TO NEEDS FOR EACH GROUP

MULTIPLE TRACKS – THE BASICS

High Risk

Low Risk

High Need

Low Need

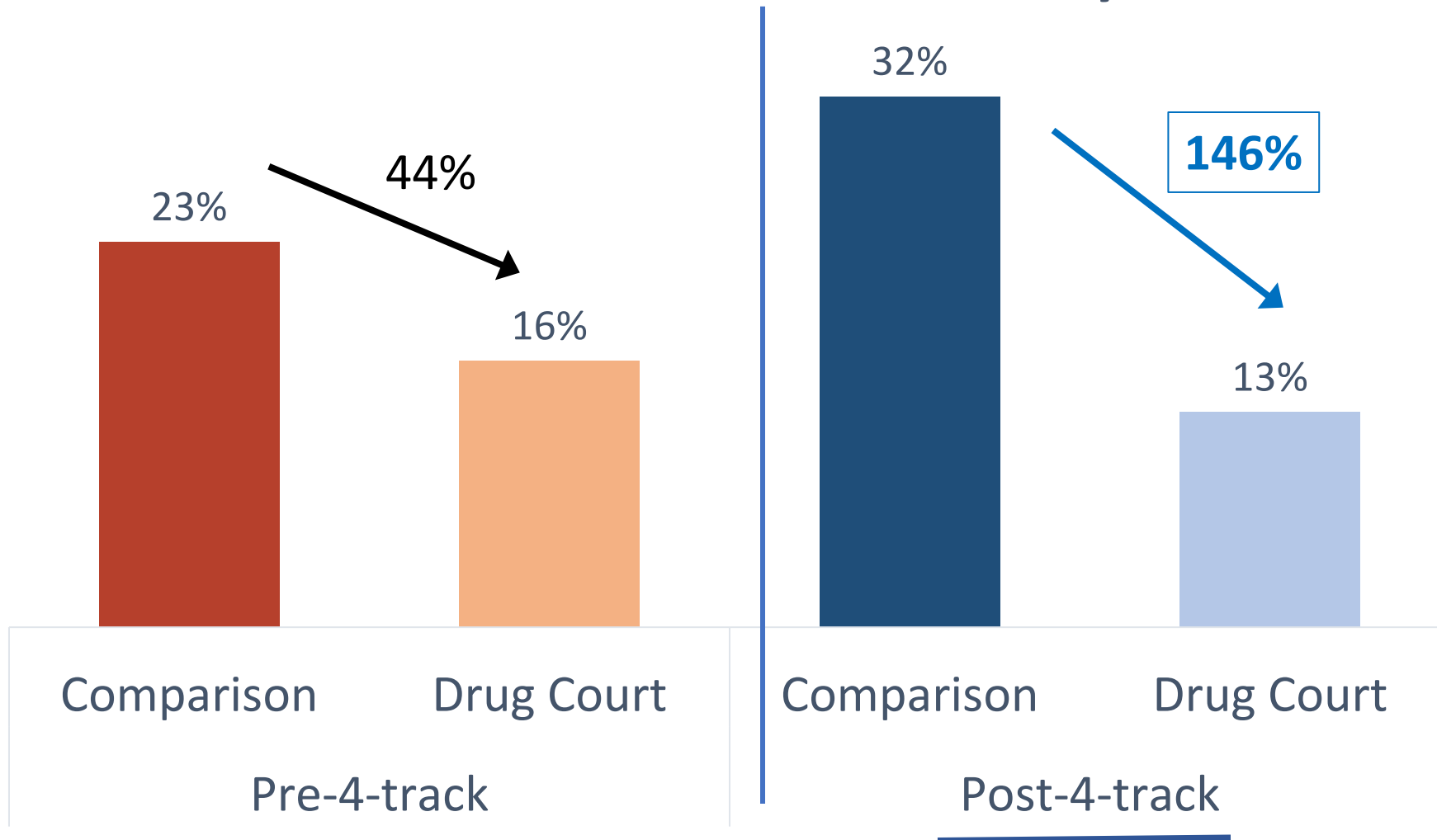
<p><u>High Risk (Q1) Track 1</u> Likely to be rearrested <u>High Need</u> Mod to severe MH/SUD</p>	<p><u>Low Risk (Q2) Track 2</u> Unlikely to be rearrested <u>High Need</u> Mod to severe MH/SUD</p>
<p><u>High Risk (Q3) Track 3</u> Likely to be rearrested <u>Low Need</u> Mild to no MH/SUD</p>	<p><u>Low Risk (Q4) Track 4</u> Unlikely to be rearrested <u>Low Need</u> Mild to no MH/SUD</p>

# MULTIPLE TRACKS – THE BASICS

	High Risk	Low Risk
High Need	<u>Standard Track</u> Accountability, Treatment & Habilitation	<u>Treatment Track</u> Treatment & Habilitation
Low Need	<u>Supervision Track</u> Accountability & Habilitation	<u>Diversion Track</u> Secondary Prevention

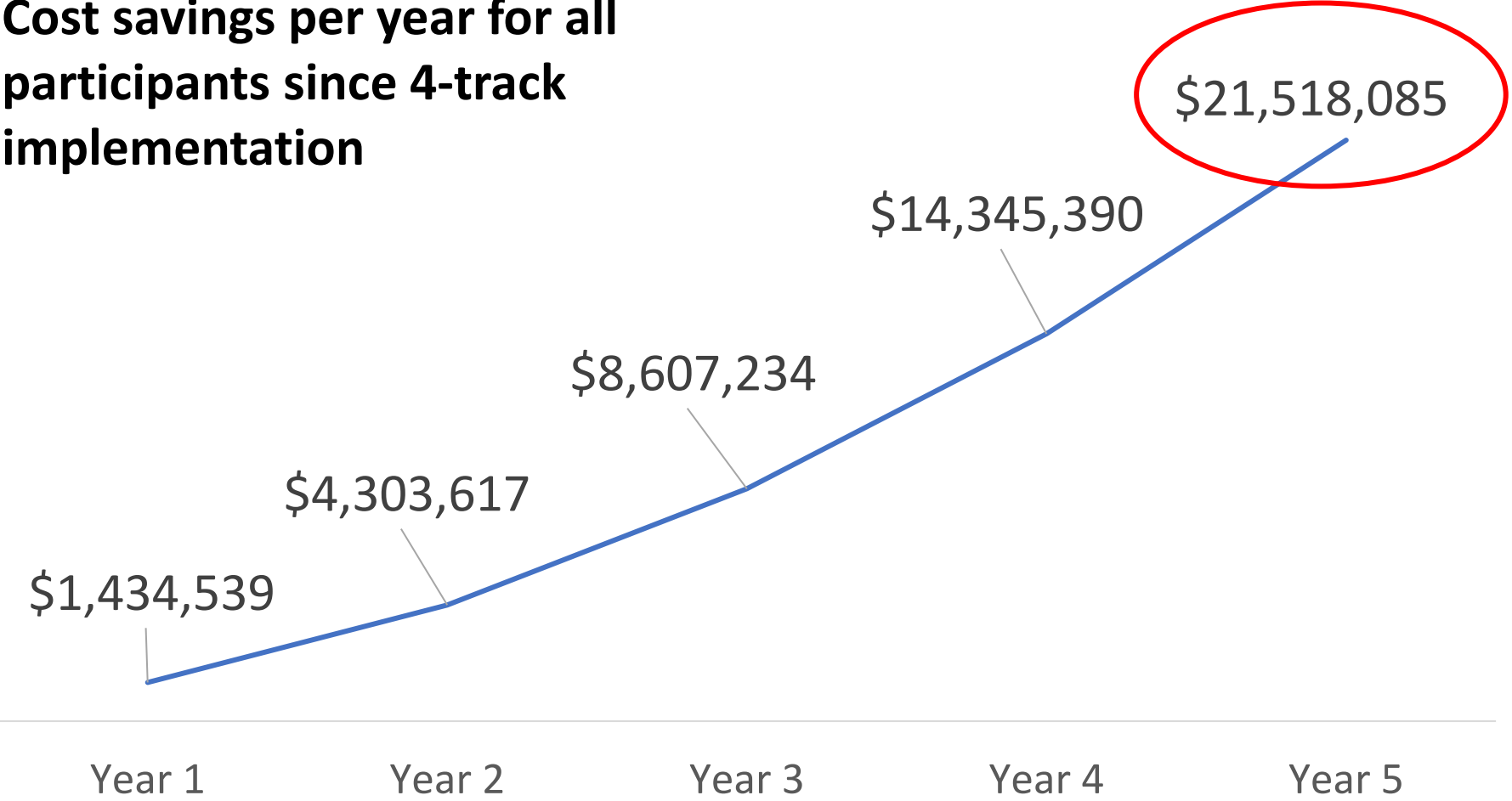
# Recidivism Outcomes 4-tracks ADC - MO

## Rearrests at 2 Years Post Entry

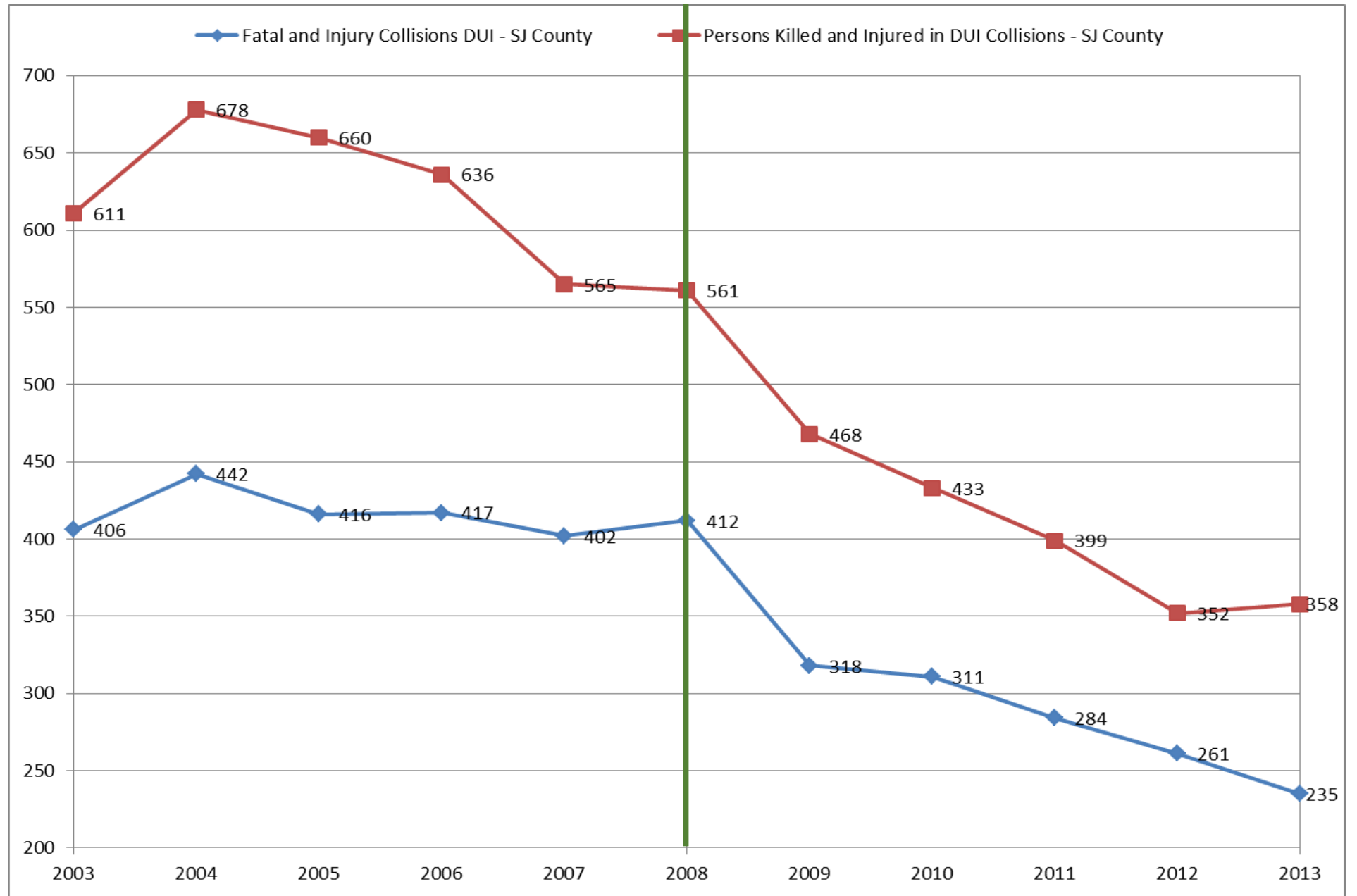


# COST SAVINGS ALL 4 TRACKS

**Cost savings per year for all participants since 4-track implementation**



# Multi-Track DUI Court (California)



# Getting Buy-In



- You'll need partner buy-in on your eligibility criteria and program support, particularly if you have people who are not supportive of treatment courts
- Regularly engage all your potential referral sources (judges, defense attorneys, prosecutors, law enforcement, jail staff, treatment professionals, pretrial services officers, probation, etc.) to educate and sell them on your program
- Provide fact sheets on the treatment court's purpose and success data
  - If you don't have data from your own program, use data from state or national sources (<https://allrise.org/about/treatment-courts/>)
- Ensure potential referral sources have your written eligibility criteria and work with them to develop an organizational process for screening and referral

## Prosecutor

- Show prosecutor the treatment court success data
- Work with prosecutor to develop the legal eligibility
- Provide **written** legal screening criteria for quick review and referral

In a CA court - When individuals at first appearance were put on the first available treatment court calendar (within 7 days)

warrants decreased by 50% and enrollment and retention increased.\*

\*Ensure that a defense attorney available to talk before treatment court appearance and prosecutor agree on limited immunity (anything they discuss cannot be used against them or charged as a new crime)

## Getting Buy-In Examples



## Prosecutor

*Portland's rocket docket* – DA's Office had a deputy DA assigned to review cases as they came in for potential treatment court eligibility before arraignment

Defense attorney attended arraignments and explained the program – given immunity

Participants entered treatment court within 3 days

*Buffalo's opioid court* – Jail screened everyone right after booking, anyone with risk of overdose sent to court same day

*Cut death rate in half*

# Getting Buy-In Examples



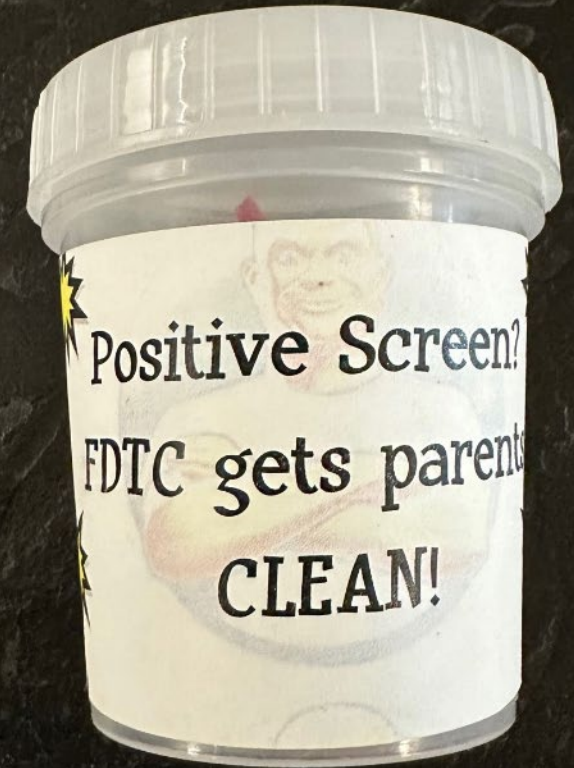
# Getting Buy-In

## Probation

- Coordinator sent an email to probation – you know that guy on your caseload that's driving you crazy and is like having an ongoing root canal? Those are the people we specialize in. Send them on over!

## Defense Attorneys

- Reach out to the defense bar – provide fact sheets
- If your program has the ability to expunge charges upon completion, that can be a huge selling point. What about decreasing or waiving jail time, or probation length?
  - How many defense attorneys win cases with clients who have possession charges or have committed crimes due to their drug use? Getting clients to graduation and case expungement is a win!




# Who else needs to buy-in?



## Potential Participants!

- Your referral sources (including current and former participants) need to have a message that makes your treatment court sound like a great option
- Enter Social Marketing



*View the program from a participant perspective*

*“All we hear about at the beginning are ‘rules, rules, rules,’ but no mention of benefits.”* - participant

---

### **The message:**

“So, there’s this drug court program. It’s really hard. You have to go to treatment several days a week. And you should feel privileged to get that treatment.

You have to stop using. They will drug test you several days a week, and you have to go see a probation officer and case manager regularly too.

You also have to go to court twice a month and talk to the judge. If you miss an appointment or screw up, they’ll put you in jail.

If you work really hard at it, you might graduate and then you might get time off your jail sentence or time off probation. If you fail, you’ll have to serve your sentence. So, what do you think? Ready to try it?”

## **Sample from Participant Handbook**

You signed a contract and agreed to program rules. You should follow the court's instructions. You should respect all staff members. Appearances in court, drug testing, and attending self-help meetings are required. You must follow your treatment plan. Treatment plans are examined often to make sure they meet your needs. You may receive education and job training, mental health assessments, health department services, and other opportunities and services.

You are required to appear in court on a regular basis. Each time you appear, the judge will receive a progress report from your probation officer and treatment provider. If you cannot be in court to meet with the judge, you must tell your probation officer as soon as possible so the judge can give you permission to be absent. If you do not meet with the judge as planned and the judge has not excused your absence, this is a crime. A warrant will be issued for your arrest.

**Strategy:** Use social marketing principles and techniques to understand the perspective of potential participants and to enhance their access and retention in your program.

- **Product** enhancements
- A **price** which reflects benefits > costs  
*(What's in it for them?)*
- **Promotional** messages
- A **place** or environment which supports the behavioral changes



# Credibility of the Messenger



- Peers and others with lived experience are most likely to be viewed as reliable sources of information about the pros and cons of participation
- Candidates may be more receptive to information conveyed by peers, perceiving the peer as helping them make an independent decision
- Clinically trained professionals (e.g., counselors, social workers) may have strategies that enhance motivation and reduce treatment ambivalence and pessimism about recovery

# HOW DO WE ENHANCE OUR PRODUCTS?

## Learn More About Your Participants:

### Conduct exit interviews

- TCI exit interview form - <https://allrise.org/sample-documents/sample-document-exit-interview/>

### Conduct focus groups with current participants

### Form a community advisory group



# PROMOTION – THE MESSAGE

*What language are you speaking?*



Think of your promotional message not as what you put into it, but as what the consumer takes out of it.

(Reeves, 1961)

*We tell them about the benefits of the program, but they don't seem to hear us.  
(staff communication)*

## Sample Intake Script

Hi, my name is Shannon, and I am the program coordinator for Anytown treatment court. I want to let you know that I am very happy you are here with me. I know you may have had a difficult time lately, and I appreciate you giving me the opportunity to talk about our program and answer any questions you may have.

Before we start, I want to check-in. How are you doing?

You may already be able to tell, but treatment court is very different from other court experiences.

- Our goal and the reason we exist is to help you.
- What that help looks like is going to be different for each person.
- We want to keep you out of jail.
- We want to clear your record of the case that brought you here.
- If you need a job, we'll help you get one.
- If you need help finding and keeping a place to live, we'll do what we can to make it happen.
- We have a team in place that will be with you every step of the way, and no matter what comes up for you while in the program, we are ready to assist.
- **We won't give up on you.**

# Making Enhancements to Promotional Materials

Examples:

Use the 'inmate grapevine'

- Educate jail staff about benefits of program
- Create benefits brochure to distribute at jail
- Display posters
- Have program staff meet with incarcerated individuals



# Using Social Marketing to Enhance your Program Message

Colorado  
18<sup>th</sup>  
Judicial  
District

**PARTNERING FOR CHANGE**

RECOVERY COURT, WELLNESS COURT, VETERANS TREATMENT COURT, VETERANS SUPPORT COURT, SOBRIETY COURT

**BENEFITS OF PROBLEM SOLVING COURTS**

- Creative Approaches
- Level of Support
- Prison Diversion
- You Have a Voice
- Housing Support
- Harm Reduction
- Access to Treatment
- Young People in Recovery
- Fees Waived
- Incentives
- Evidence Based

created by [name] 2014

# ALL RISE BROCHURE

**COURT PERSONALIZATION NOTE:**

*NADCP can provide images from our archive, or you can use your own images. Images should display diversity reflecting the community you serve.*



## What's next?

If you are interested in learning more or would like to give treatment court a shot, talk to your lawyer and let them know. You can also reach out to our program coordinator at [CONTACT INFO HERE].

**COURT PERSONALIZATION NOTE:**

*Use this area on the back cover to add your court logo and primary contact email, phone number or website.*

## Is Treatment Court Right for You?

The decision to enter treatment court is not an easy one, and we understand that you have a lot to consider right now. We encourage you to get as much information as possible. We are available to answer any questions you may have.



**COURT PERSONALIZATION NOTE:**

*Use this area on the front cover to add your court logo and primary contact email, phone number or website.*

FOLD

## What is Treatment Court?

Treatment court is for people who are in the justice system because of a substance use or mental health disorder. We want to keep you out of jail because we believe you have value and belong in your community. **Our goal is to provide you with the treatment, structure, and support you need to change your life.**

Treatment court is very different from traditional court because a skilled team works together to provide you with the support you need.

In treatment court, our goal is to:

- Keep you out of jail.
- Clear your record of the case that brought you here.
- Help you find work
- Help find you a place to live if you need it
- Help get you back to school if that is what you want
- Help you have a better relationship with your family

## What do we ask of you?

You may have heard that treatment court is a challenge. For some, this may be true. But all we ask of you is that you show up, try, and be honest.

**We understand the nature of addiction. You may stumble along the way. That is ok. If you are honest and you show up for your appointments, we will do everything we can to get you back on track.**



## How it works?

Our program is divided into X phases. As you progress in treatment, you will move up in phase towards your graduation.

**Phase 1:** Description

**Phase 2:** Description

**Phase 3:** Description

**Phase 4:** Description

**Phase 5:** Description

### COURT PERSONALIZATION NOTE:

*Add descriptions of phases. Keep these short and positive, focusing on the benefits of each phase and the benchmark for advancing.*

*"I had heard of drug court but wasn't really sure what it was. When I started I was really nervous but the team helped me understand that they were there to support me. And they were! Any time I needed something I knew I could ask. I graduated last year and now have a job and my own house. This program works!"*

– JACK T.

### COURT PERSONALIZATION NOTE:

*Include 3-4 short testimonials from graduates. They should emphasize being skeptical at first but ultimately finding the program helpful. Ensure diversity in testimonials.*

*"Drug court isn't easy. But that's ok. They help you with everything and understand if you mess up. They just want to see you try your hardest. And treatment was only part of what they did. Before I graduated drug court they helped me get my GED. Now they are helping me apply to college!"*

– JUANITA L.

FOLD

# Increasing Retention

## Common barriers to retention

- Lack of engagement
- Lack of appropriate risk-need-responsivity (RNR)
  - Services don't match individual participant needs
  - Services aren't responsive to participant differences
- Lack of incentives and appropriate use of behavior modification tools

# Retention starts with Engagement

*Engagement starts with human connection*

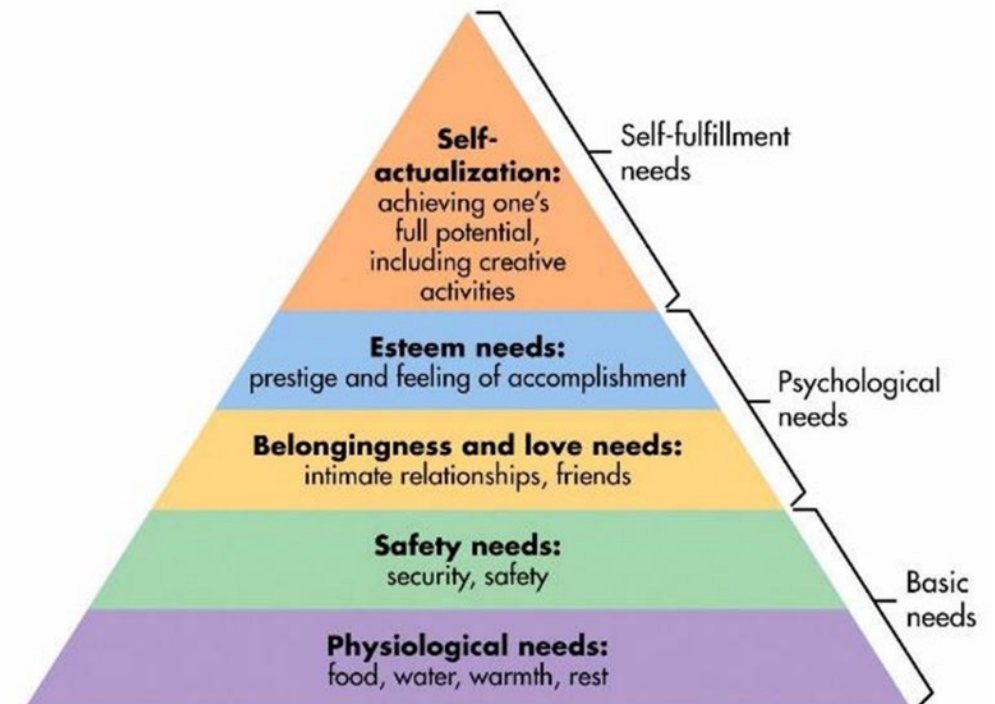


# HUMAN CONNECTION LEADS TO ENGAGEMENT AND BEHAVIOR CHANGE

- Research recognizes the importance of belonging and human connection as a basic human need and as something necessary for success

**Definition of Connection:** “The energy that exists between people when they feel seen, heard, and valued; when they can give and receive without judgement; and when they derive sustenance and strength from a relationship.” – Brene Brown, *The Gifts of Imperfection*

## Maslow's Hierarchy of Needs



# HUMAN CONNECTION & BEHAVIOR CHANGE

## *We are neurologically wired for connection*

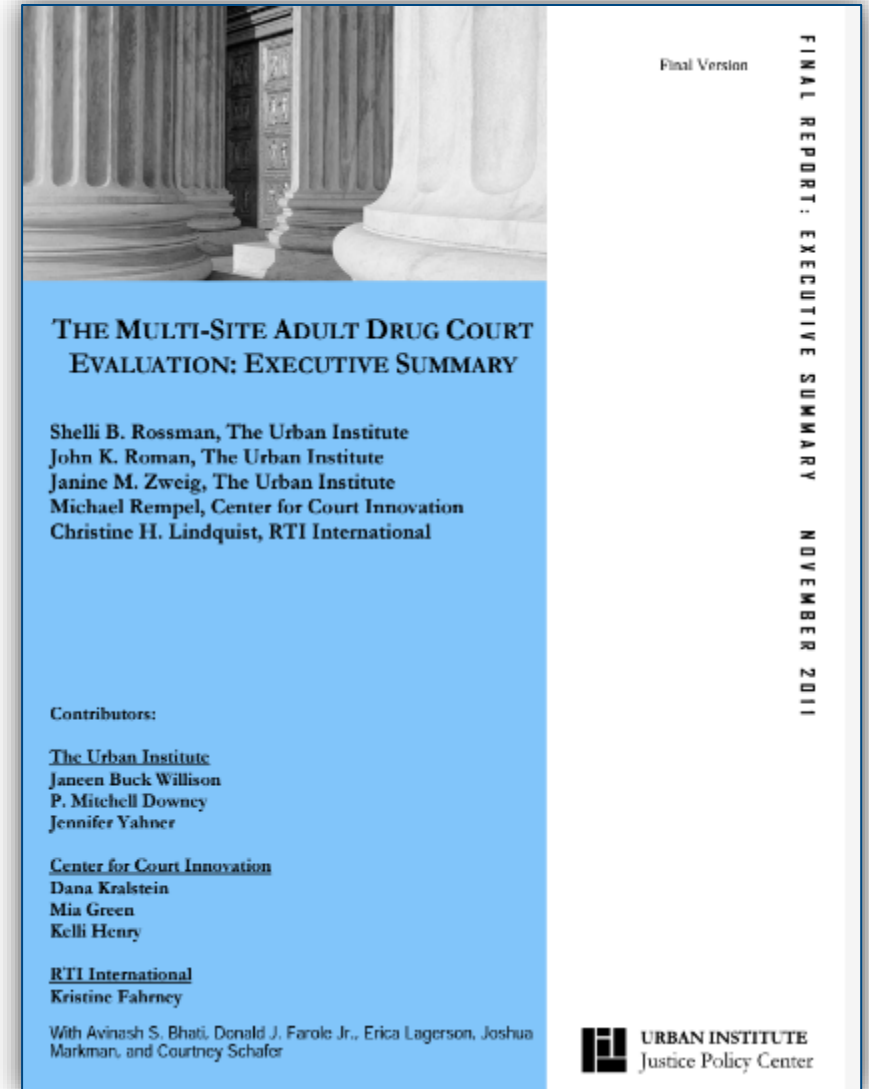
In brain imaging studies **Perceived Social Isolation** was associated with changes in connectivity between and within different portions of the brain associated with:

- Diminished **executive function**
- Decreased ability to **sustain attention** which impacts **working memory, executive control, and maintaining task sets**
- Hypervigilance to **social threat** and diminished **impulse control**



# NATIONAL TREATMENT COURT STUDY (“MADCE”)

- **What are some of the mechanisms through which treatment courts work?**
  - Positive attitudes towards judge = better outcomes
  - Judge with more positive demeanor = better outcomes
  - Higher levels of judicial supervision = fewer crimes & fewer days of drug use reported
- The relationship between the judge and participants matters for improving outcomes – be positive and find something you genuinely like about each participant!



## CREATIVE INCENTIVES THAT PROMOTE CONNECTION AND ENGAGEMENT

- Short encouragement videos from the judge and team members
- Conversations in court (virtual or in-person) about goals, strengths, successes, and actions participants can take to become successful
- Letters from the team
- Quick encouraging text messages from team members
- Certificates



**YOU'RE #1!  
GO 1<sup>ST</sup> AT  
COURT REVIEW!**



# Matching Services to Assessed Need

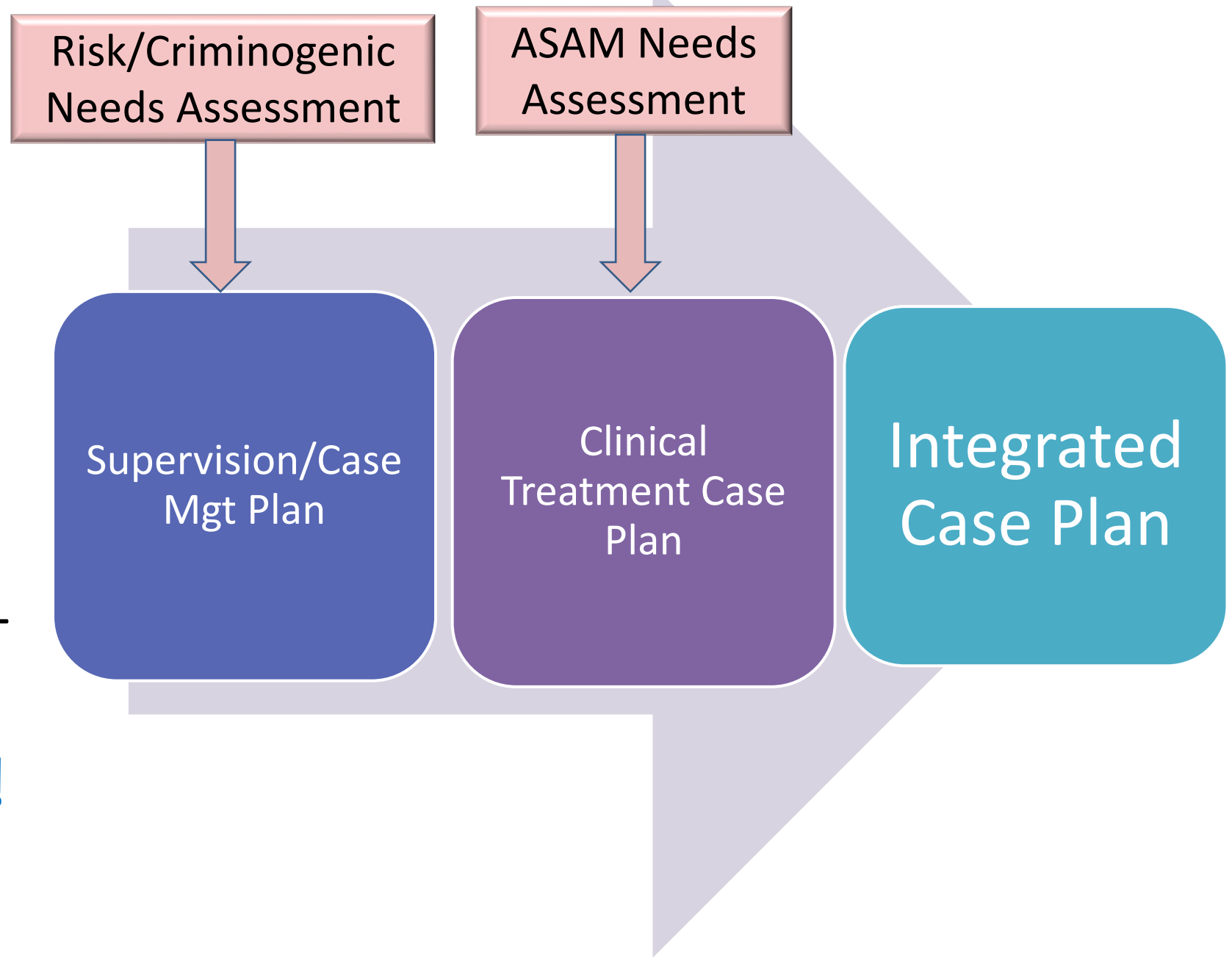
*Collaborative Case Planning*



USE ASSESSMENT RESULTS TO CREATE THE CLINICAL CASE PLAN AND THE SUPERVISION CASE PLAN

THEN COMBINE PLANS FOR AN INTEGRATED CASE PLAN FOR THE PARTICIPANT

SHARE WITH THE TEAM!!



# Assessments Should Lead to Action!

Dynamic Risk Factor (Central 8)	Need/Case management/Services	Service Examples
History of antisocial behavior (Criminal History)		
Antisocial personality pattern (Check trauma history)		
Antisocial cognition		
Antisocial associates		
Family and/or marital discord		
Poor school and/or work performance		
Lack of engagement in leisure activities (prosocial activities)		
Substance use		

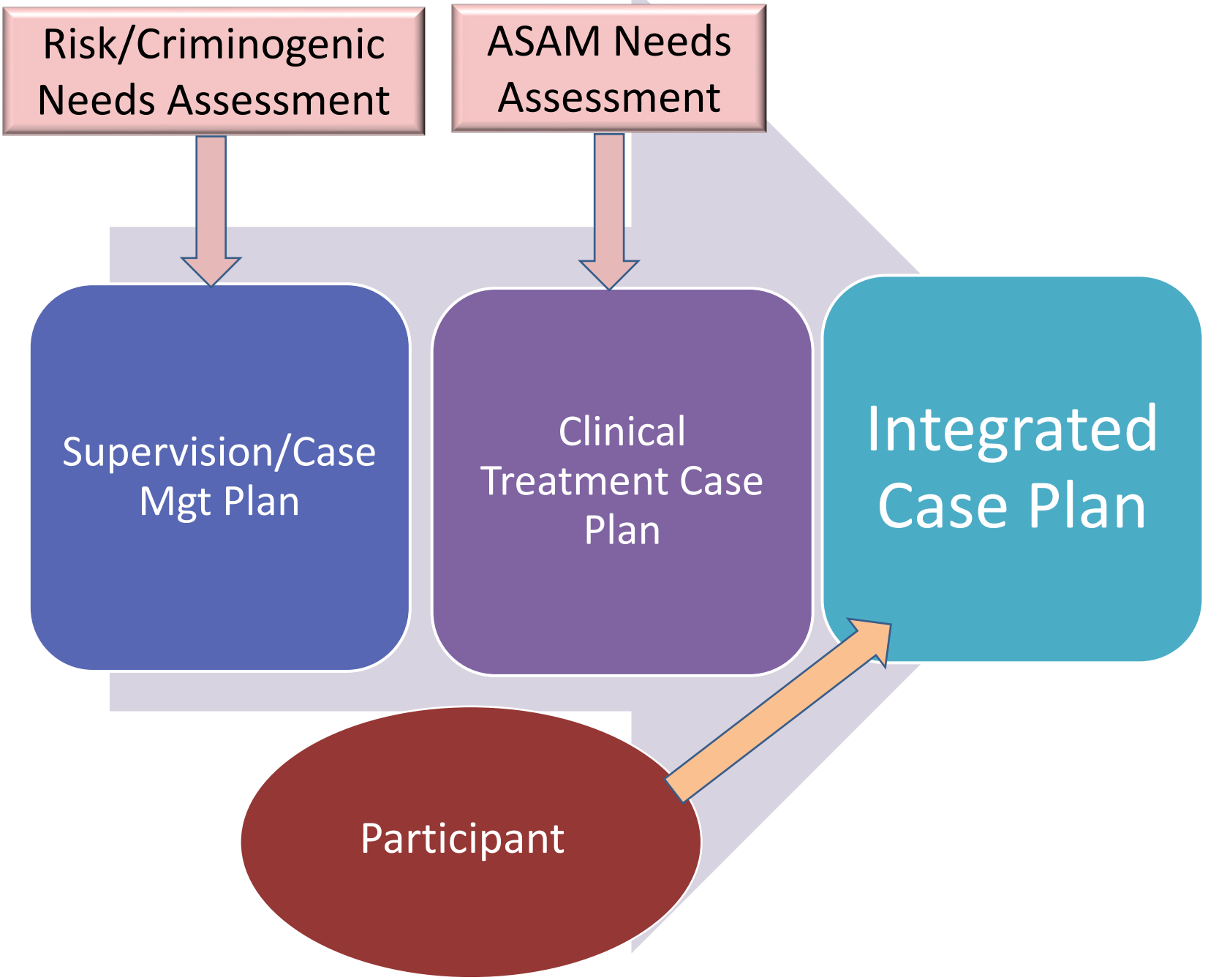
# Assessments Should Lead to Action!

Dynamic Risk Factor (Central 8)	Need/Case management/Services	Service Examples
History of antisocial behavior (Criminal History)	Build and practice positive/healthy behaviors	By intervening in the 7 below
Antisocial personality pattern (Check trauma history)	Learn problem solving skills, practice anger management	CBT (Seeking Safety)
Antisocial cognition	Develop more pro-social thinking	MRT, Thinking for Change
Antisocial associates	Reduce association with criminal others (learn refusal skills)/increase time with pos peers	Peer Mentors, sober community activities
Family and/or marital discord	Reduce conflict, build positive relationships	Family therapy
Poor school and/or work performance	Work on good employee/study/performance skills	Job skills training, GED, community college
Lack of engagement in leisure activities (prosocial activities)	Connect participants with peer support and prosocial activities in the community	Sober community support groups, faith community
Substance use	Reduce use through integrated treatment	SUD treatment, education

Use Assessment Results to Create the Supervision Case plan and the Clinical Case Plan

Then combine key focus areas and goals from those plans for an Integrated (simplified) case plan for the participant

**SHARE THE PLAN WITH THE TEAM!!**



**Completing case plans is a process with the participant's full input including:**

- **MATCHING PARTICIPANT ABILITIES AND STEPPING UP OVER TIME**
- Case planning is dynamic, NOT static
- Case plans should change over time
  - Requirements increase as participants learn new skills
  - Requirements may decrease or adjust if participants need more assistance (smaller, more manageable goals)
  - Adjust requirements due to participant life changes



**Completing case plans should be seen as a process with the participant's full input including: (Continued)**



- Wording of the goals that address relevant dynamic risk factors.
- Identifying how working on each relevant risk factor will help achieve their personal long-term goals (not the just the tx court's).
- Brainstorming and have input on the action steps.
- Identifying the barriers and obstacles to working in the action steps.
- Identifying incentives that will help them work on the actions steps and achieve the goal.

# Responses to Behavior

*Use all the tools available for responding to participant behavior to increase retention and effect long term change*



# Treatment Court Tools That Motivate Behavior Change

## Service Adjustments

TREATMENT ADJUSTMENTS  
address underlying causes,  
treat behavior due to disease,  
teach new skills (HELP)

+

SUPERVISION ADJUSTMENTS  
provides crucial information  
about client behavior and  
progress, includes testing and  
case management, holds  
clients accountable (HELP)

+

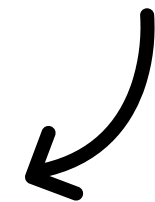
TEACHING RESPONSES/  
LEARNING ASSIGNMENTS  
helps client understand the  
need to change and how to  
do it (HELP)



INCENTIVES  
increase engagement, reinforce  
prosocial behavior and  
development of new skills

+

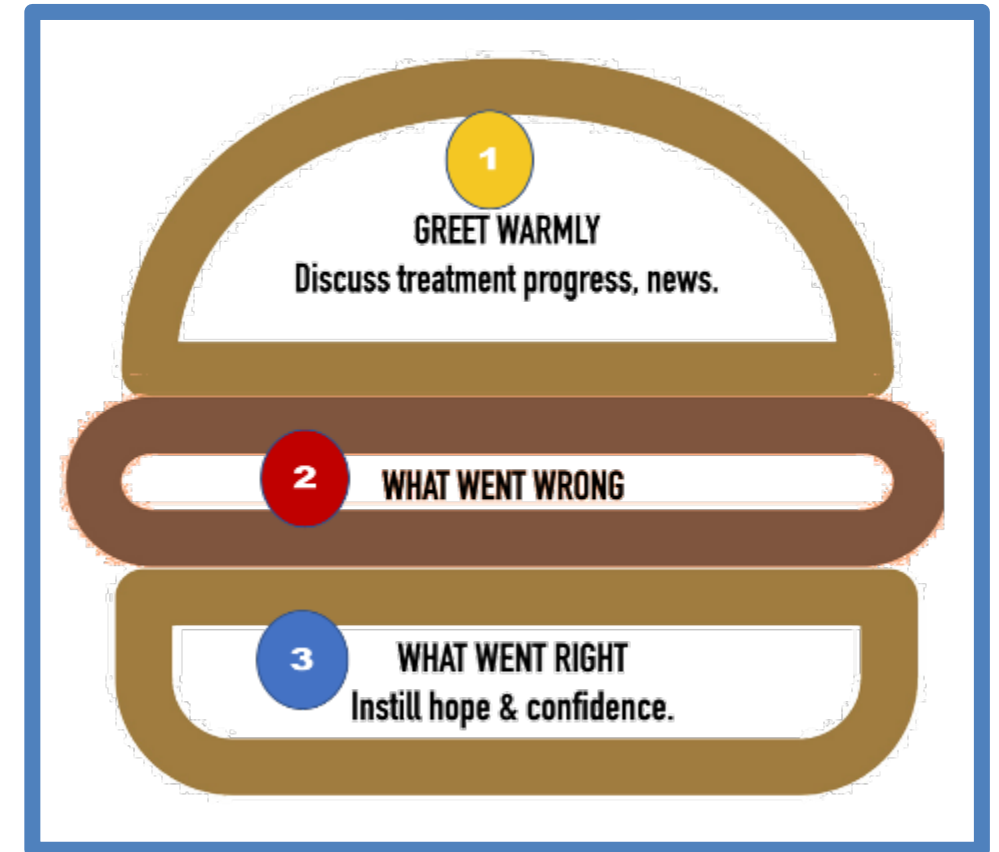
SANCTIONS  
stop undesired behavior (in the  
short term)



**We use these tools in unison!**

# Receiving Both an Incentive and a Sanction? Yes!

- We never miss an opportunity to reinforce positive behavior – even if other things went wrong
- We will carefully explain WHAT behaviors we are responding to
- What do we want the participant to learn? Is our response the best way to teach it?



**We avoid confusion by being SPECIFIC and helping clients see how change helps THEM achieve THEIR goals!**

# End on a Positive Note

- Ending on a negative does NOT motivate change – it stifles change
- Positive messages motivate change
- Show the client that you see the “big picture”
- She’s a good person who made a mistake. Don’t let mistakes define the individual
- Highlight their efforts, progress – despite current setbacks
- Talk about what they did right this week
- Demonstrate progress HAS been made:
  - Ask, “How would you have reacted to this 6 months ago?”
- Instill HOPE!



# Summary

- **Ways to Increase Enrollment**
  - Determine #s in your eligible population
  - Define your eligibility criteria and put it in writing
  - Get buy-in from your partners and participants
- **Ways to Increase Retention**
  - Maximize engagement through incentives and genuine positive regard
  - Match services to needs
    - Individually responsive services
  - Use your behavior modification tools





## Questions?

*Contact:*

- *Shannon Carey, Ph.D.*  
[carey@npcresearch.com](mailto:carey@npcresearch.com)
- *Laura Hunter, Ph.D.*  
[hunter@npcresearch.com](mailto:hunter@npcresearch.com)