

Status of Therapeutic Courts

WSADCP Statewide Survey - October 2021

- ▶ 34 responses
- ▶ 16 counties
- ▶ 6 types of Therapeutic Courts:
 - ▶ 16 Adult Drug Courts
 - ▶ 7 Mental Health Courts
 - ▶ 4 Veteran's Courts
 - ▶ 4 Family Treatment Courts
 - ▶ 2 DUI Courts
 - ▶ 1 Community Court
 - ▶ 0 Juvenile Courts



Court Composition

Adult Drug Courts (16)

- ▶ 75% Pre-Adjudication Only
- ▶ 88% Felony Only
- ▶ Pre-Blake Possession Comprised Majority of Cases:
 - ▶ 38% of courts(Property Crimes pre-Blake majority for 50% of courts)

Mental Health Courts (7)

- ▶ 71% Both Pre & Post-Adjudication
- ▶ 43% Felonies Only
- ▶ 43% Felony + Misdemeanor
- ▶ Pre-Blake Possession Comprised Majority of Cases:
 - ▶ 14% of courts (1 court)

Veterans Courts (4)

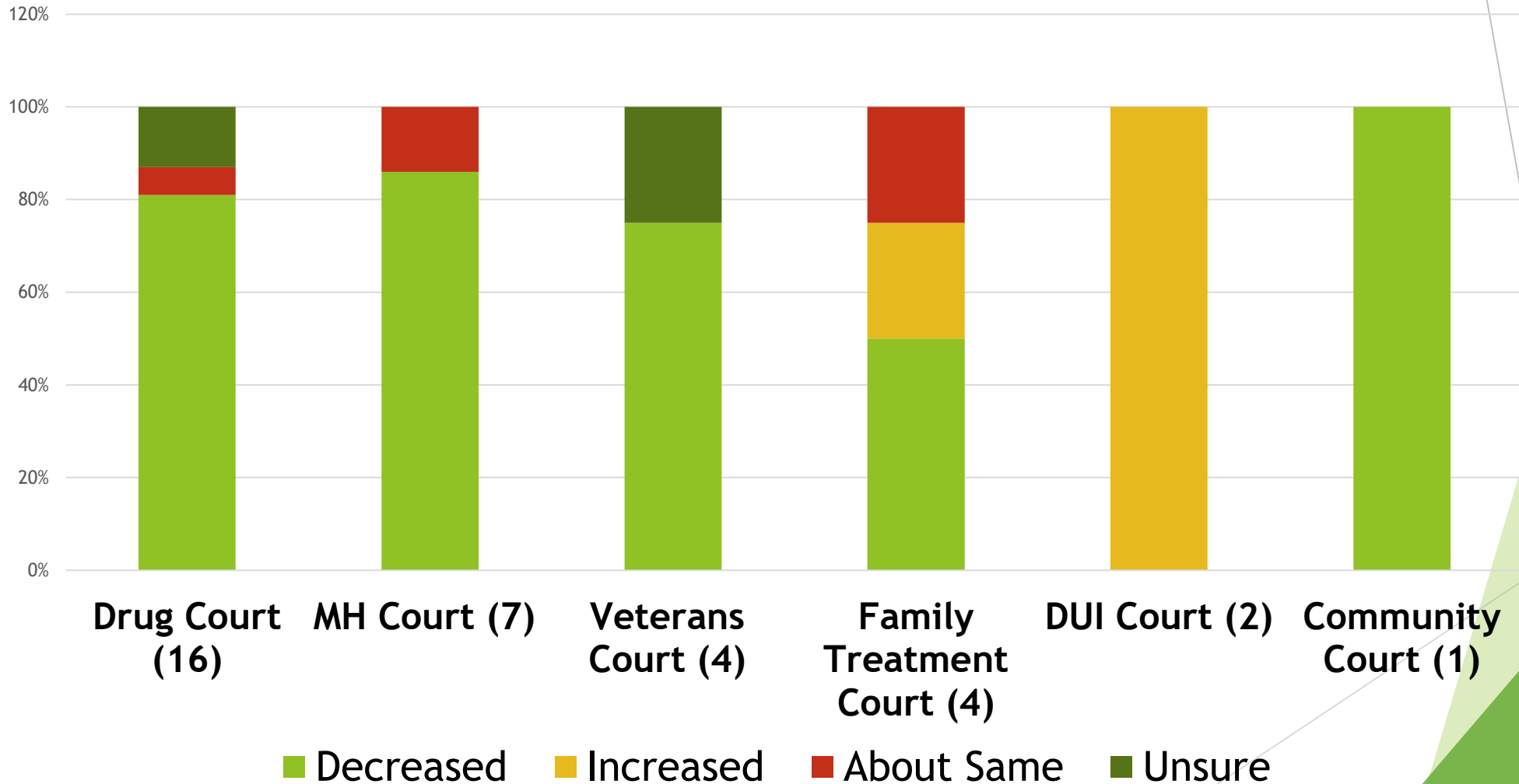
- ▶ 75% Both Pre & Post-Adjudication
- ▶ 50% Both Felony + Misdemeanor
- ▶ Pre-Blake Possession Comprised Majority of Cases:
 - ▶ 25% of courts (1 court)

Current Charges Include:

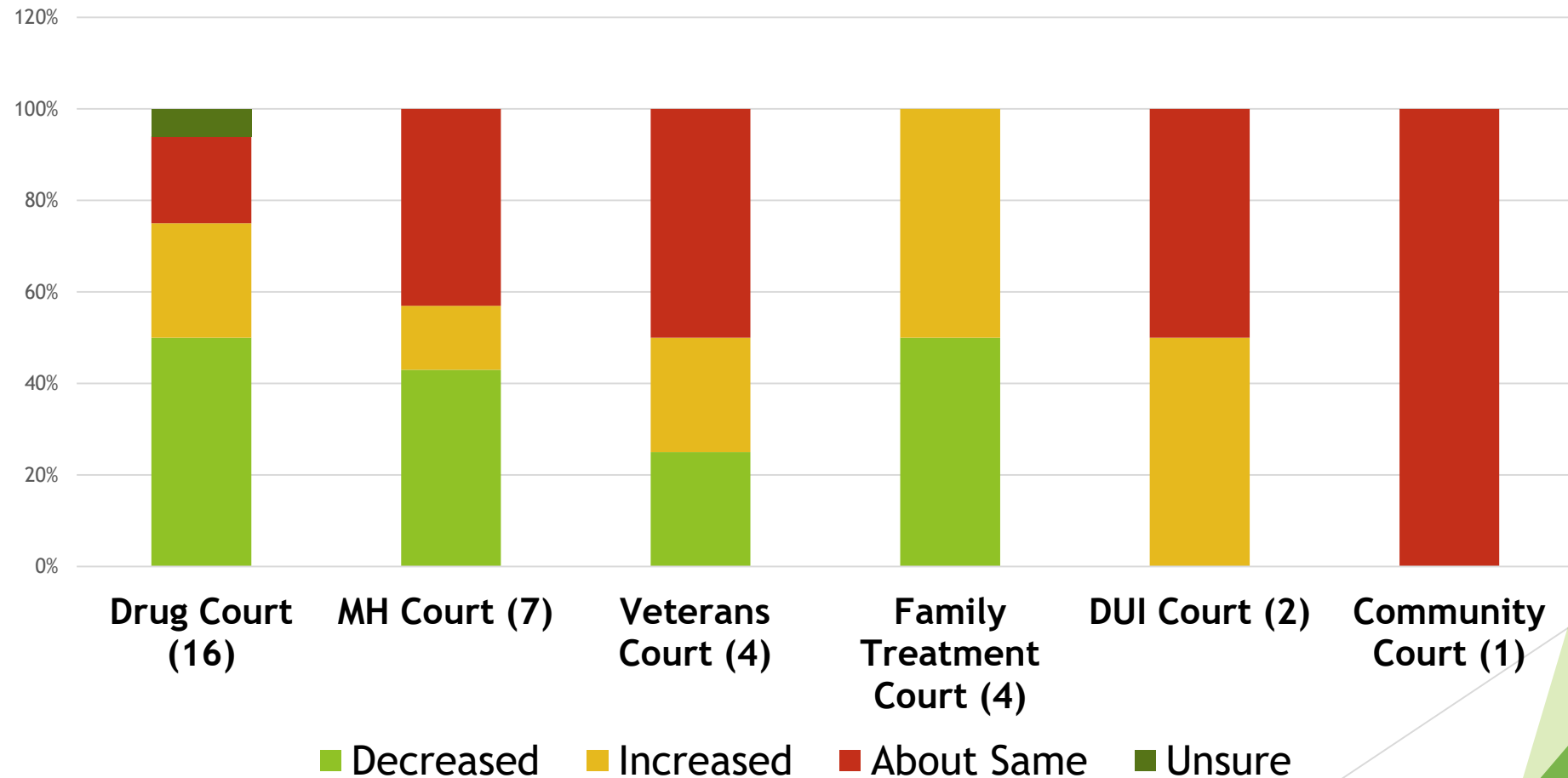
- ▶ Delivery / PWI
- ▶ Property Crimes
- ▶ DUI
- ▶ Domestic Violence
- ▶ Some Assault 2 & 3



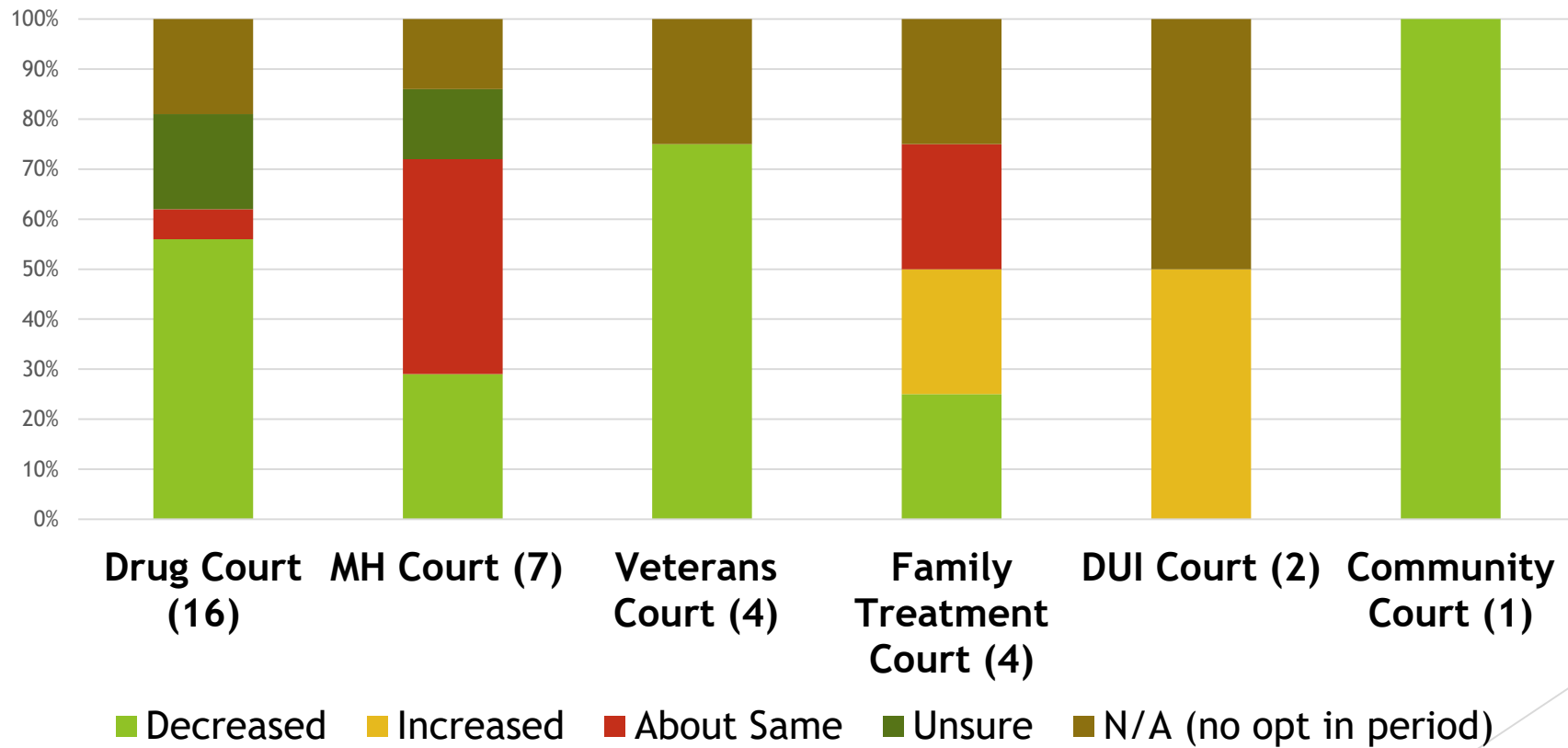
Since February 2020 - Referrals Have Mostly Decreased



In the Past Few Months- Referrals More Likely to Have Increased or Stayed Steady



Since February 2020 - Opt In Rates Have Varied



Decrease in Referrals Due to Blake? Drug Courts Most Likely To Be Impacted

Drug Court (16)

- ▶ 75% yes
- ▶ 19% unsure
- ▶ Estimated 10% to 60% decrease attributed to Blake

Mental Health Court (7)

- ▶ 57% no
- ▶ 43% unsure

Veterans Court (4)

- ▶ 50% no
- ▶ 50% unsure

Family Treatment Court (4)

- ▶ 75% no
- ▶ 25% unsure

DUI Court (2)

- ▶ 57% no
- ▶ 43% unsure

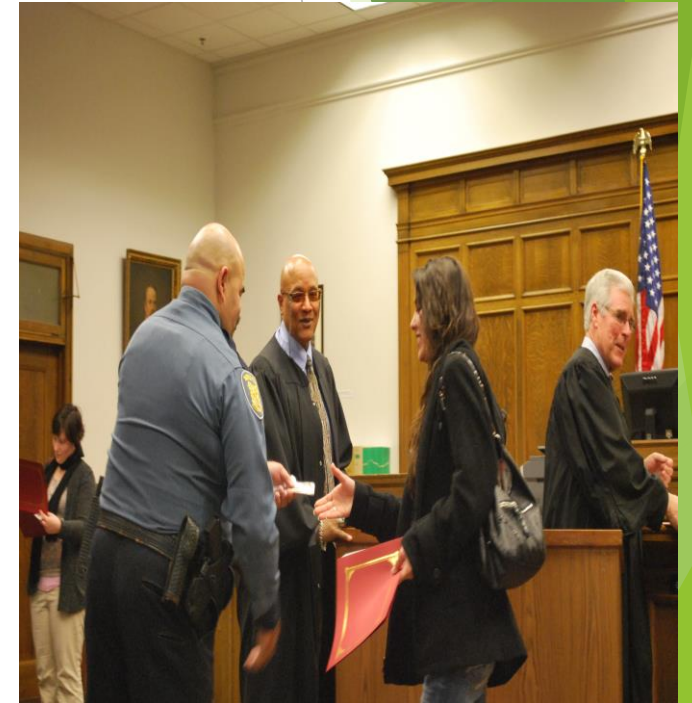
Community Court (1)

- ▶ 100% yes
- ▶ Estimated 10% or less decrease



Blake Impacts Cited

- ▶ Fewer consequences for drug use - harder to maintain recovery.
- ▶ Helped and hurt participants at same time.
- ▶ Possession cases were primary charges for 38% of drug courts.
- ▶ Recalculated sentencing ranges:
 - ▶ Makes opt in less appealing.
 - ▶ Some already in program took credit for time served.



Decrease in Referrals Due to COVID?

Most Courts Impacted

Drug Court (16)

- ▶ 88% yes
- ▶ 6% unsure
- ▶ Estimated range from 10% to 75% decrease due to COVID

Mental Health Court (7)

- ▶ 57% yes
- ▶ 43% unsure
- ▶ Estimated decrease ranges from “small” to 75%

Veterans Court (4)

- ▶ 75% yes
- ▶ 25% unsure
- ▶ One court estimates up to 80% decrease

Family Treatment Court (4)

- ▶ 50% yes
- ▶ 25% unsure
- ▶ Estimated range from 15% to 50% decrease

DUI Court (2)

- ▶ 100% no

Community Court (1)

- ▶ 100% yes
- ▶ Estimated 25% decrease



COVID Impacts Cited for Decreased Referrals & Opt Ins

- ▶ Case filing backlog.
- ▶ Releases from jail pre-court - difficulty contacting, no shows.
- ▶ Virtual hearings - harder to connect with participants, attorneys.
- ▶ Children not in school - less likely to spot abuse/neglect.
- ▶ Decrease in arrests / enforcement.
- ▶ Decrease in warrants issued.
- ▶ Attorneys out of habit of considering therapeutic court option.
- ▶ Attorneys not comfortable referring to virtual program since expectations will change.
- ▶ Generous deals available - engaging in court less enticing.
- ▶ Trial backlog and continuances - participants choose mainstream to delay consequences.



Referrals Generally Expected to Increase When Pandemic Eases

- ▶ Drug Court = 63% yes, 25% unsure.
- ▶ Mental Health Court = 86% yes, 14% unsure.
- ▶ Veterans Court = 75% yes, 25% unsure.
- ▶ Family Treatment Court = 50% yes, 50% unsure.
- ▶ DUI Court = 100% yes.
- ▶ Community Court = 100% yes

Considerations

- ▶ Many eligible cases in filing and trial backlog.
- ▶ Attorneys/defendants more likely to follow through with referrals once trial dates no longer continued.
- ▶ Increased behavioral health needs.
- ▶ Unknown impact of criminal justice reforms, especially if drug court eligibility is not expanded.
- ▶ Which changes will be long-lasting (pre-court jail releases, virtual court, etc.)?



Eligibility Expansion?

Drug Court (16)

- ▶ 50% expanded this year.
- ▶ At least 33% considering expansion.
- ▶ 56% cite barriers.

Mental Health Court (7)

- ▶ 14% expanded this year.
- ▶ At least 14% considering expansion.
- ▶ 14% cite barriers.

Veterans Court (4)

- ▶ 25% expanded this year.
- ▶ At least 25% considering expansion.
- ▶ 75% cite barriers.

Family Treatment Court (4)

- ▶ 50% expanded this year.
- ▶ At least 25% considering expansion.
- ▶ 25% cite barriers.

DUI Court (2)

- ▶ 0% expanded this year.
- ▶ 0% considering expansion.
- ▶ 50% cite barriers.

Community Court (1)

- ▶ 100% expanded this year.
- ▶ 100% considering more expansion.
- ▶ 100% cite barriers.



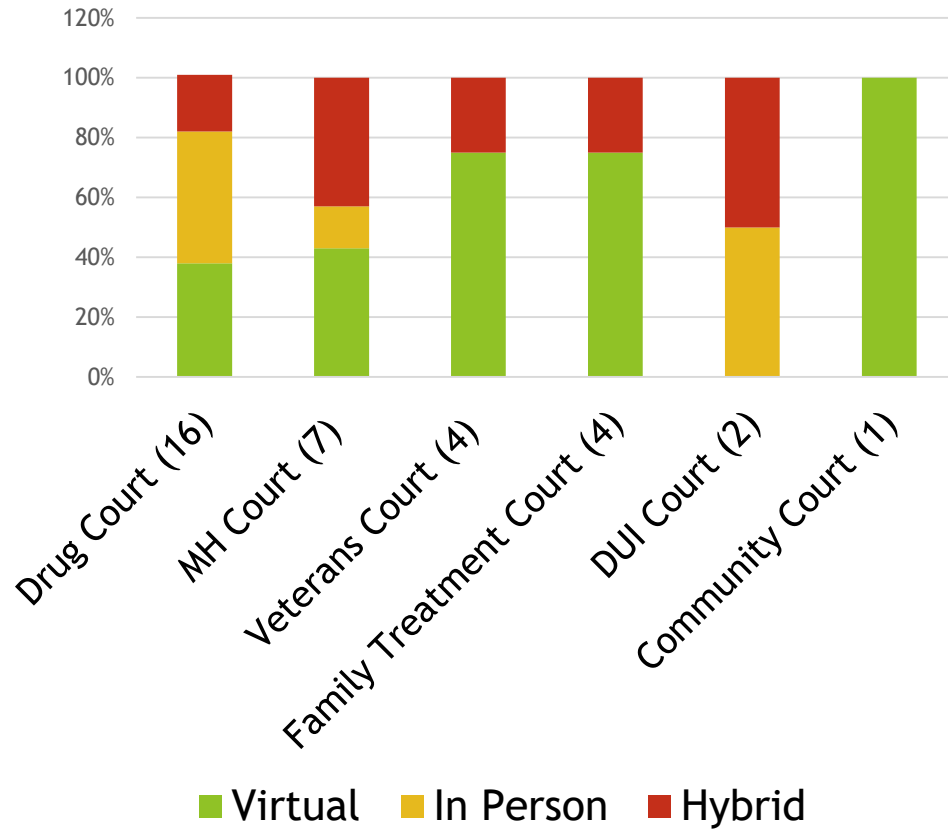
Expansion Barriers Cited

- ▶ Need time to explore options and build consensus.
- ▶ Need new services for expanded population:
 - ▶ DV treatment, anger management, supervision tools, staff training, etc.
- ▶ Concerned about new population with lack of face-to-face services.
- ▶ Budget / staffing cuts.
- ▶ Interested in direct filings from police into court.
- ▶ Lack of support from stakeholders.
- ▶ Specifically, lack of support from prosecutor:
 - ▶ Do not support drug court in general.
 - ▶ Will not refer Delivery/PWI.
 - ▶ Will not refer DUIs.
 - ▶ Low approval rate for referrals - discourages defense from referring.
 - ▶ Individual prosecutor discretion with no formal / objective process for referrals.

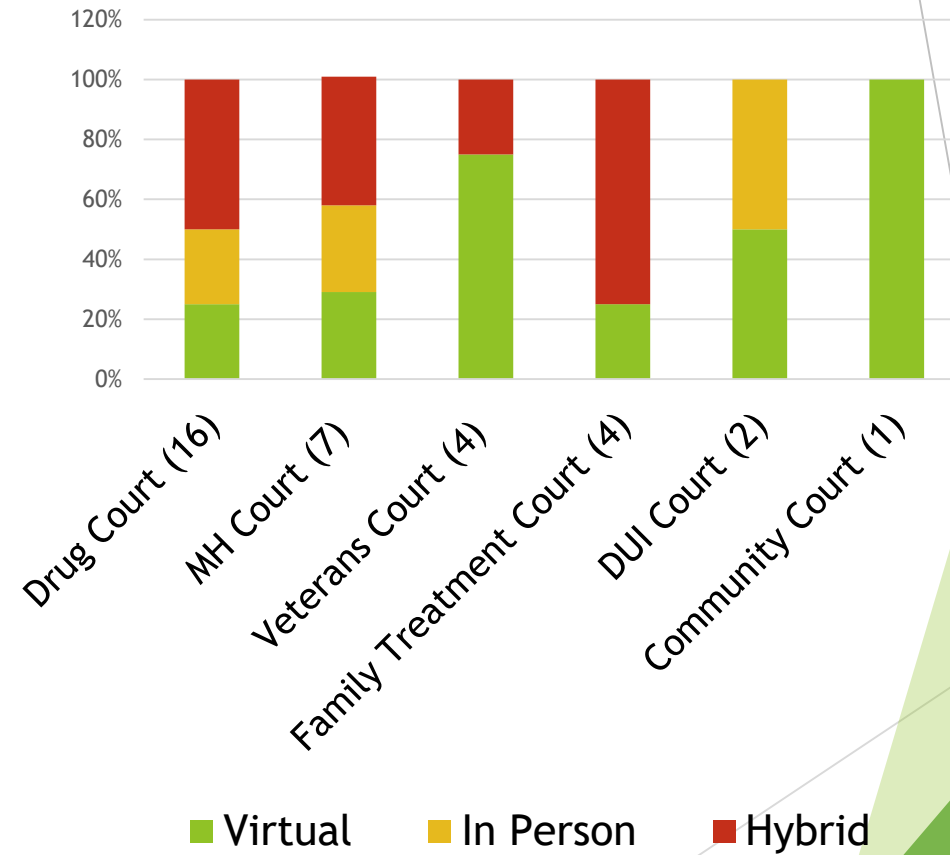


Hearings & Treatment Now

Hearings Primary Mode



Treatment Primary Mode



Barriers to Engagement Cited

- ▶ Stress, isolation, behavioral health impacts pf pandemic.
- ▶ Reduced in-person: Court, Treatment, Sober Support, Case Manager contact.
- ▶ Reduced home visits.
- ▶ Reduced UAs or observation of UAs.
- ▶ Reduced camaraderie with other participants.
- ▶ Employment / income loss.
- ▶ Housing challenges.
- ▶ Childcare issues.
- ▶ Reluctance to participate in treatment/UAs due to COVID exposure concern.
- ▶ Reduced transit availability.
- ▶ Hesitancy to take transit due to COVID exposure concern.
- ▶ Barriers / delays to inpatient access.
- ▶ Reduced mechanisms for structure and accountability.
- ▶ Lack of jail-based treatment option.



Barriers to Engagement continued

- ▶ Treatment delays caused by staff turnover, workforce shortages. Hard to fill vacant jobs.
- ▶ Difficulty establishing rapport due to staff turnover.
- ▶ Lack of phone access.
- ▶ Lack of internet / wifi access.
- ▶ Lack of technology skills for virtual participation.
- ▶ Budget cuts causing staffing reductions.
- ▶ Reduced community programs and resources.
- ▶ Increase fentanyl use and availability in community.
- ▶ Reduced sanction options.
- ▶ Reduced incentive options.
- ▶ Reduced / delayed consequences for:
 - ▶ Criminal activity (filing / enforcement)
 - ▶ Failure to appear in court
 - ▶ Program non-compliance
 - ▶ Opting out of program



Factors That Have Increased Engagement During COVID

- ▶ Increased use of technology for engagement.
- ▶ Increased access to technology (ability to provide phones).
- ▶ Reduced need for transit due to virtual court.
- ▶ Program requirements more manageable for those who live far away.
- ▶ 24/7 virtual support through virtual meetings.
- ▶ Innovative sanctions. (Ex: Beach clean-up, interactive journals.)
- ▶ Reduced use of jail.
- ▶ Innovative incentives.
- ▶ Expanded program services and community resources.
- ▶ Ability to balance work, home, childcare with court obligations.
- ▶ Addition of oral fluid testing.



Innovations Intend to Keep

- ▶ Hybrid court and probation hearings - option to appear virtually.
- ▶ Hybrid treatment - ability to attend virtually if sick.
- ▶ Virtual sober support meetings.
- ▶ Live stream and offer hybrid graduations so family members can attend from afar.
- ▶ Virtual life skills classes.
- ▶ Virtual staffings - provides flexibility and time saving for team.
- ▶ Phones for participants.
- ▶ Creative sanctions.
- ▶ Expanded incentives.



Addressing Overdoses & Widespread Fentanyl

- ▶ Provide Medications for Opioid Use Disorder.
- ▶ Refer to Withdrawal Management (detox).
- ▶ Work closely with MAT providers.
- ▶ Random addition of fentanyl to UAs or added to standard screening.
- ▶ Increased awareness and education in individual counseling sessions.
- ▶ If using fentanyl, more likely to hold in jail until can get into inpatient.
- ▶ Staff training.
- ▶ Narcan distribution:
 - ▶ 50% Drug Court
 - ▶ 43% Mental Health Court
 - ▶ 25% Veterans Court
 - ▶ 25% Family Treatment Court
 - ▶ 0% DUI Court
 - ▶ 0% Community Court



Addressing Mental Health & Suicide Epidemic

- ▶ Screen for suicidal ideation at intake.
- ▶ Require Mental Health screenings or evaluations.
- ▶ Referrals to counseling.
- ▶ Incentivize mental health counseling (give sober support credit).
- ▶ Increased communication with mental health providers.
- ▶ Staff training: Mental Health First Aid, Suicide Prevention, Safety Planning.
- ▶ Talk to participants, send messages, share resources.
- ▶ Provide Trauma treatment services.
- ▶ Dedicated staff to help with resources.



Questions?

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