



ROBERT M. BELL
CHIEF JUDGE

COURT OF APPEALS OF MARYLAND
ROBERT C. MURPHY COURTS OF APPEAL BUILDING
361 ROWE BOULEVARD
ANNAPOLIS, MARYLAND 21401-1699

November 1, 2008

Hon. Ulysses Currie, Chair
Senate Budget & Taxation Committee
3 West, Miller Senate Building
Annapolis, Maryland 21401-1991

Hon. Norman H. Conway, Chair
House Appropriations Committee
Lowe House Office Bldg., Rm 131
Annapolis, Maryland 21401-1991

Re: Problem Solving Courts

Dear Chairman Currie and Chairman Conway:

As directed in the 2007 Joint Chairmen's Report, enclosed is the Annual Report of the Office of Problem Solving Courts for Fiscal Year 2008. As you will see, these court programs seek to address the behavioral manifestations associated with drug and alcohol addiction, mental health problems, and habitual truancy.

While noted only briefly in the report, emerging circumstances have raised concerns about the future viability of drug courts in Maryland. Specific issues related to the inconsistencies with the level of referrals to juvenile drug courts by the Department of Juvenile Services and the problems associated with legal representation by the Office of the Public Defender that affects all drug courts present severe challenges to the continuation of these valuable programs.

In September 2008, the Circuit Court for Dorchester County suspended the operation of its juvenile drug court due to the lack of adequate referrals from the Department of Juvenile Services. There are other juvenile drug courts in a similar situation. Many programs are able to accept higher volumes of participants but for the lack of referrals. If the capacity of these programs cannot be expanded, the Judiciary will need to assess its current investment.

Collaterally, the Office of the Public Defender has raised due process concerns within the drug court programs and, despite efforts to accommodate changes to individual court processes, that office refrains from supporting either the expansion of present capacity in existing programs or participating in the development of new programs. Compounding this situation is the recent budget deficit experienced by the Office of the Public Defender, which promises to impact adversely on that office's ability to provide adequate representation in existing drug court programs.

While the Judiciary appreciates the problems confronting Juvenile Services and the Public Defender, we are compelled to communicate our concerns about these problems to the Budget Committees at this time. We will continue our attempt to resolve these critical drug court issues with the parties.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert M. Bell". The signature is written in a cursive, flowing style.

Robert M. Bell

cc: Judicial Cabinet
Judicial Council
Honorable Jamey H. Hueston
Honorable Kathleen Gallogly Cox
Faye D. Gaskin
Kelley O'Connor
Gray Barton
Jennifer Moore
Flora Arabo

ANNUAL REPORT

Problem-Solving Courts

Fiscal Year 2008



Administrative Office of the Courts

Office of Problem-Solving Courts

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In 2002, the Maryland Judiciary established the Drug Treatment Court Commission (Commission) for the purpose of supporting the development of drug court programs throughout Maryland. This action was taken in response to the grim reality that more than half of all individuals arrested in Maryland are alcohol or other drug dependent. The human cost associated with such addictions is inestimable, but the cost to the State with respect to crime and the collateral health care consequences is in the billions of dollars. In 1994, one of the first drug courts in the country was initiated in Baltimore City. Since that first program, there have been 40 other drug courts started in Maryland. In addition to drug courts, there are now 3 Mental Health Courts and 5 Truancy Reduction Courts implemented as pilot programs.

The Commission was recognized as the lead agency in the Judiciary's effort to operate and maintain drug treatment court programs in the State. Commission members included: Circuit and District Court Judges, legislators, representatives from the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Department of Public Safety and Correctional Services, State's Attorney's Offices, the Office of the Public Defender, and the Governor's Office of Crime Control and Prevention.

In December of 2006, Chief Judge Robert M. Bell issued an administrative order to establish a Judicial Conference Committee on Problem-Solving Courts to institutionalize and continue the work of the Commission. These courts, such as drug treatment, mental health, and truancy reduction courts have grown as the public and the government look to the courts to help address the problem of crime through non-traditional methods.

Judicial Conference Committee on Problem-Solving Courts

The mission of the Judicial Conference Committee on Problem-Solving Courts is to promote, oversee, and sustain a comprehensive and collaborative approach for court-involved persons through the development, implementation, and operation of Problem-Solving Courts. The Committee supports and facilitates the access and delivery of effective and appropriate treatment and other community based services to achieve positive measurable results. The Committee ensures that Problem-Solving Courts employ best practices by providing evidenced-based training, technical assistance, research, funding, and technical support.

This fiscal year, the Committee focused on defining problem-solving courts, developing components of problem-solving courts, and instituting rules for courts in establishing new problem-solving court programs.

Definition of Problem-Solving Courts

The Committee established the following definition for the Judiciary to follow when identifying Problem-Solving Courts. ***Problem-Solving Courts address matters that are under the court's jurisdiction through a multidisciplinary and integrated approach***

that incorporates collaboration between courts, government agencies, and community organizations.

Components of Problem-Solving Courts

The Committee established the following components of Problem-Solving Courts, which the Judiciary uses to further identify problem-solving courts.

- 1. Team approach with the court leading the effort.*
- 2. Integrated services with court system processing.*
- 3. Early identification, prompt screening, assessment, and placement of services.*
- 4. Access to a continuum of services.*
- 5. Ongoing judicial interaction with each participant.*
- 6. Coordinated strategy including use of incentives and sanctions to promote participant compliance.*
- 7. Employment of a non-adversarial process while protecting the due process rights of participants.*
- 8. Frequent monitoring and reporting of participant behavior.*
- 9. Partnership with public agencies and community-based organizations to facilitate delivery of services, program effectiveness, and generate local support.*
- 10. Use of management information systems to evaluate achievement of program goals and gauge effectiveness.*
- 11. Continuing interdisciplinary education of judges, partners, staff, and community.*
- 12. Commitment to cultural competency and diversity issues.*

Problem-Solving Courts Rules and Application

The majority of the Committee's year went into developing and implementing operating guidelines for problem-solving courts. These guidelines apply to any Problem-Solving Court that intends to provide services, on or after March 19, 2008. They instruct courts on proper notification procedures as well as a standard application in establishing a new program. To view the entire Rules and Application for Problem-Solving Courts in Maryland, please go to <http://mdcourts.gov/opsc/index.html>.

Future plans for the Problem-Solving Courts Committee include collaboration with the Mental Health and Addictions Judicial Conference Committee to identify projects of mutual interest and clearly establish future goals of each committee so as not to duplicate the efforts of these committees. The Committee also intends to develop a long-term strategy for problem-solving courts.

Office of Problem Solving Courts

The Office of Problem Solving Courts (OPSC) is a department in the Administrative Office of the Courts and is responsible for assisting the problem-solving courts in

developing and maintaining a judicially led collaborative therapeutic system. OPSC has overseen the creation of problem-solving programs in 20 of the 24 political subdivisions in Maryland and works with public and private stakeholders to develop and establish best practices in problem-solving courts.

Drug Courts

Drug courts are specialized dockets that are responsible for court involved drug-using individuals through comprehensive supervision, drug testing, treatment, and immediate sanctions and incentives. They bring the full weight of all active parties (judges, state's attorneys, defense bar, substance abuse treatment specialists, law enforcement personnel, supervision monitors, and community leaders) to bear, increasing the likelihood the drug-using individual will acknowledge and accept responsibility for their legal obligations and substance abuse problem. Drug courts ensure consistency in judicial decision-making and enhance the coordination of agencies and resources, increasing the cost effectiveness of programs.

There are 41 operational drug courts as of June 2008 in Maryland and over 2,100 in the U.S.

- 20 Adult Drug Courts, 14 Juvenile Drug Courts, 3 DUI/Drug Courts, and 4 Family/Dependency Drug Courts.
- 20 of 24 jurisdictions either have operational drug courts or are planning a drug court.



Picture 1. Baltimore City Family Recovery Court Graduation

Drug Court Funding Summary

In FY 2008, \$5.6 million were appropriated to the Judiciary principally for the allocation of grants through the Office of Problem-Solving Courts. In the past fiscal year, the Judiciary awarded forty-two (42) drug court grants to nineteen (19) counties and

Baltimore City. The allocated funds were granted, in part, to operational drug courts to support the following operational needs.

Drug Court Program Staff

- Drug Court Coordinator
- Drug Court Case Manager – Adult Drug Courts
- State’s Attorney, Paralegal
- Family Resource Specialist – Family and Juvenile Drug Courts
- Local Law Enforcement – Officer Overtime
- Participant Locator – Family Recovery Court
- Family Reengagement Specialists – Family Recovery Court

Drug Court Participant Services

- Vocational Training/Referral Services
- GED or High School Diploma Fees and Supplies
- Drug Testing Supplies and Services
- Education Assistance for non-credit/certificate courses
- Aftercare Services
- Housing
- Child Care
- Parenting Courses
- Marital and Family Services
- Community Service Projects
- Transportation – court and supervision assignments
- Art Programs
- YMCA
- Goodwill Industries and Cooperative Extension Service

Additional costs associated with operation of the Office of Problem-Solving Courts included contracted services from NPC Research to continue the evaluation of drug courts statewide, the Annual Drug Court Winter Symposium, monthly trainings, professional development series, technical assistance, other professional accredited in-state functions, office equipment, and in-state business travel.

Drug Court Oversight Committee - Subcommittee Reports

Training

Roles Training

In 2008, the Office of Problem-Solving Courts, with the assistance of Goodwill Industries of the Chesapeake, developed and presented the first annual roles training for Drug Court Case Managers. The roles training was conducted over a period of six months with classes held approximately every two weeks. The curriculum consisted of 80 hours of training and included various partnering agencies such as Health Department Case Managers, Probation Agents, and Department of Juvenile Services Case Managers.

The curriculum provided technical support for the Drug Court Case Managers to describe, train, and advise the role of a case manager including full day courses on Motivational Interviewing, Introduction to Treatment, Introduction to the Clinical Assessment Tools and American Society of Addiction Medicine (ASAM) Criteria, Case Notes Development, Ethics, Confidentiality, Case Plan Development, and Supervision and Response Techniques.

Annual Drug Court Winter Symposium

The 5th Annual Drug Court Winter Symposium was held at the Judicial Education and Conference Center in Annapolis on February 5-6, 2008. The symposium hosted over 275 drug court team members over the course of a two-day training session. The symposium provided sessions for Adult, DUI, Juvenile and Family Drug Courts and has increased in size each year.

Drug Court 101/102

In FY 2008, the OPSC continued to provide an introduction to drug court titled *Drug Court 101*. The course is a three-hour non-credit course that is provided to introduce new and existing staff to the Office of Problem-Solving Courts, the problem-solving court model, and the Key Components of Drug Court. The courses are provided at the Judiciary Education and Conference Center and to date this course has been provided to over 125 drug court colleagues.

In FY 2008, the Judiciary also added a second course titled Drug Court 102. This 3-hour non-credit course is provided to illustrate the specifics of drug court roles and responsibilities. This course provides a description of the scope and duties of each primary role of the drug court team. To date the Judiciary has provided this course to approximately 100 participants since its inception.

National Drug Court Institute

The Judiciary partnered with National Drug Court Institute (NDCI) by hosting the Judicial, Prosecutor, Community Supervision, and Defense Counsel drug court roles training in 2008 at the Judicial Education and Conference Center in Annapolis. By hosting the drug court practitioners' trainings in Maryland, the Maryland Drug Courts practitioners were able to receive some of the best evidence-based training afforded to drug court professionals. NDCI has emerged as the preeminent source of cutting-edge training and technical assistance to the drug court field, providing research-driven solutions to address the changing needs of treating substance-abusing offenders. This year, Annapolis hosted over 250 drug court professionals from virtually every U.S. state and territory.

Monitoring and Evaluation Subcommittee

The subcommittee is chaired by Judge Kathleen L. Beckstead, Wicomico County District Court, and includes members from the Division of Probation and Parole, Office of the Public Defender, Drug Court Coordinators, and Judges. The subcommittee has

embarked on an in-depth discussion about the *Drug Court Certification Process*. The committee has been charged with examining structure and administrative soundness including, but not limited to, the training of staff in a timely manner, the purpose areas, distribution of funds, and the documentation and interpretation of policies and procedures and contracts within each drug court program.

In late 2008, the certification application and process will be presented for approval to the Drug Court Oversight Committee. It is the intent of this certification process to incorporate the creation and implementation of corrective action plans to which the evaluation recommendations and changes can be measured. Upon completion of the certification process, the certification shall be good for a period of four (4) years. Three (3) years are to continue operations and corrective action plan implementation and the fourth year will be to allow any additional evaluations to be completed and prepare for the deadline to be recertified.

Partnership and Collaboration

This subcommittee is chaired by Judge Neil Axel, Howard County District Court, and is tasked with planning and instituting strategies for increasing access to the services and benefits of the drug court population. The six (6) domains of case management and ancillary services are Housing, Employment, Health and Hygiene, Legal, Family, Fiscal, and Vocational.

In FY 2008, the subcommittee completed an employment letter to provide drug court teams a format to advise a perspective employer on behalf of the program that the participant is in a particular drug court program and the basic conditions and responsibilities of such a program. The second task begun in FY 2008 was the research into a single case management tool to evaluate participant's needs. Thirdly, the committee has contacted the State Personnel Office, Department of Labor and Licensing, and Department of Business and Economic Development to explore our State's employer's likelihood to offer job opportunities to ex-offenders who are successful at their transition out of the justice system.

In FY 2008, the Judiciary structured an agreement with Goodwill Industries of the Chesapeake to develop a statewide workforce development plan for Drug Courts. In FY 2008, the OPSC worked directly with Goodwill Industries to create a statewide list of individual county workforce development resources, staff positions to provide training and employment services and supervision, engage business to incorporate and allow apprenticeship opportunities for the men, women and children in drug court. This project's results are due to the OPSC in October of 2008.

Sustainability

The subcommittee is chaired by Judge Kathleen G. Cox, Baltimore County Circuit Court, and discusses issues that are directly related to the sustainability of drug courts. This year, the committee experienced a hold on meetings in order for the Oversight Committee to address the concerns set forth by the Office of the Public Defender. The meetings are to resume in November of 2008.

Management Information System

A statewide management information system facilitating the collection and standardization of data regarding drug court outcomes has been developed in collaboration with the Alcohol and Drug Abuse Administration. As early as the summer of 2002, the Judiciary identified the development of an automated system for collecting drug court statistics as a key priority for Maryland, which is an essential component in the collaborative nature of problem-solving courts.

The OPSC began the Statewide Maryland Automated Record Tracking system (SMART) implementation and training with every operational drug court program in FY 2007. The OPSC established multiple goals to maintain the highest level of integrity in data collection.

MIS Development

Institutionalize and nearly complete implementation of SMART in all operational programs during FY 2008.

SMART User Group

Developed Drug Court/SMART Users Group for technical assistance with the application and usage of SMART.

Though SMART has been developed to address the data collection needs of Adult, DUI, and Juvenile drug courts, the OPSC is exploring the expansion to address Family Dependency Drug Courts and Mental Health Court programs.

Evaluations

The Judiciary contracted with an outside evaluator, NPC Research, to perform rigorous evaluations on drug courts in Maryland. In FY 2008, NPC Research completed thirteen (13) evaluations in eight (8) different jurisdictions and Baltimore City. The Judiciary makes all evaluations available on the Office of Problem-Solving website. For more detailed information please go to <http://mdcourts.gov/opsc/dtc/reports.html>. The following list includes the FY 2008 completed evaluations:

- Baltimore City Circuit Court Adult Drug Court – Process Evaluation
- Baltimore City District Court Adult Drug Court – Process Evaluation
- Caroline County Circuit Court Juvenile Drug Court – Process Evaluation
- Dorchester County Circuit Court Juvenile Drug Court – Process Evaluation
- Frederick County Circuit Court Adult Drug Court – Process Evaluation
- Goodwill Industries of the Chesapeake Employment Enhancement Program
- Harford County District Court Adult Drug Court – Outcome/Cost Benefit
- Harford County Circuit Court Family Recovery Program –Outcome/Cost Benefit
- Harford County Circuit Court Juvenile Drug Court – Process Evaluation

- Montgomery County Circuit Court Juvenile Drug Court – Process Evaluation
- Prince George’s County Circuit Court Juvenile Drug Court – Process Evaluation
- Talbot County Circuit Court Juvenile Drug Court – Process Evaluation
- Wicomico County Circuit Court Adult Drug Court – Process Evaluation

The Judiciary uses the recommendations within the evaluations to hold the drug court programs and the OPSC accountable while remaining transparent and forthright about the documented accomplishments and ongoing improvements.

During FY 2008, the Judiciary consulted with the Department of Legislative Services (DLS) to discuss the methodology and precise definitions of the drug court evaluation terminology. These meetings were planned to establish a precedence to identify and calculate the cost savings within the Judiciary’s evaluations. Evaluations in FY 2009 will address the issues discussed by the Judiciary and DLS.

NPC Research provides a thorough and consistent methodology to evaluate and report out on each program. The three ways the drug court programs are evaluated and studied assessed are as follows:

Process Evaluations

Process evaluations report the results and recommendations directly related to how the drug court program conducts business as it relates to the written policy and procedures, the perception, compliance and communication of the drug court team and the general adherence and application to the fundamental guidelines of a problem-solving court. Process evaluations are based upon three (3) data collection components: key stakeholder interviews, parent focus group, and courtroom and operations team observations.

Outcome Studies

Outcome studies report the results and recommendations directly related to the comparison between case outcomes of drug courts verses business as usual with in the existing court and criminal justice system. Outcome studies examine whether or not the various systems under the drug court model present evidence of a systematic difference and improvement in the case outcomes after the implementation and operation of the drug court model.

Cost Benefit Analysis

Cost Benefit Analysis reports the results and recommendations directly related to assigning cost to the operation of the drug court model compared to the traditional case processing system. Cost Benefit Analysis establishes a position on the expense and or savings associated with the drug court model. It attributes a system savings and cost avoidance in localized systems such as child welfare, probation and parole, reduction in crime, reduction in the expense attributed to incarceration, child support paid, restitution received and reducing foster care placements.

Evaluation Results Summary

Harford County Family Recovery Court

In March 2008, an evaluation completed by NPC Research compared child welfare, treatment, and criminal justice outcomes and cost savings for parents that received services within the Family Recovery Court (FRC) between April 2004 and April 2006 to comparable families that did not receive these services. On average, during the child in need of assistance (CINA) case, non-FRC children were in foster care more than 3 times as long as FRC children. Children in families served by the FRC spent 136 days in foster care as compared to 443 days for children in non-FRC served families.

FRC families were twice as likely to be reunited than non-FRC families, whereas 60 percent of FRC families achieved reunification, 30 percent of non-FRC families achieved reunification. FRC parents were almost 3 times as likely to complete treatment than non-FRC parents: 85 percent of FRC parents completed treatment, while just 29 percent of non-FRC parents completed treatment.

While there was no difference in the percent of parents arrested on drug charges after the start of their CINA cases, of those parents who were arrested, FRC parents were arrested on average 1.5 times, whereas non-FRC parents were arrested on average 3.6 times. Of those parents who were arrested, FRC parents spent an average 26 days in jail, and non-FRC parents spent an average of 120 days in jail.

Because FRC families utilized less foster care and were more likely to achieve reunification, FRC cases were less costly to the child welfare system than other CINA cases. Moreover, as FRC parents spent less time in jail, the total cost savings per year of Harford County FRC operations was nearly \$317,000, or approximately \$12,000 per served family.

Harford County District Court Adult Drug Court

In April 2008, NPC Research identified the following outcomes of the Harford County District Court Adult Drug Court:

Program participants were significantly less likely to be re-arrested than offenders who were eligible for the program but did not participate. Drug Court participants were arrested half as often as the comparison group. In the 24 months following entry to the program 13 percent of graduates and 18 percent of all drug court participants were re-arrested while 31 percent of the comparison group was re-arrested.

The total criminal justice system cost savings per participant after 2 years was \$2,767 per drug court participant, regardless of whether or not they graduated. The savings generated by drug court participants due to decreased substance use and decreased criminal activity can be expected to continue to accrue, repaying investment in the program and beyond. Taken together, these findings indicate that the Harford County District Court Drug Court is both beneficial to drug court participants and beneficial to Maryland taxpayers.

County	Location	Type of Program	Year Est.	Current number of Participants *	# Entered Program	# Graduated	# Administratively Discharged	# Discharged w/o Violation	# Unsuccessfully Discharged
Anne Arundel	Circuit Court	Adult	Dec-05	46	22	5	1	0	4
Anne Arundel	Circuit Court	Juvenile	Mar-02	26	18	12	0	3	2
Anne Arundel	District Court	Adult	Feb-97	135	94	30	0	0	33
Anne Arundel	District Court	DUI	Jan-05	27	8	2	0	0	2
Baltimore City	Circuit Court	Adult	Oct-94	796	118	81	4	3	2
Baltimore City	Circuit Court	Family	Aug-05	117	84	17	0	0	38
Baltimore City	Circuit Court	Juvenile	Sep-98	65	19	1	0	1	2
Baltimore City	District Court	Adult	Mar-94	446	154	39	11	43	70
Baltimore County	Circuit Court	Juvenile	Mar-03	43	21	13	8	0	8
Calvert	Circuit Court	Juvenile	May-06	13	2	1	0	0	2
Caroline	Circuit Court	Juvenile	Jul-04	9	0	2	2	0	0
Carroll	Circuit Court	Adult	Apr-07	31	14	1	0	0	5
Cecil	Circuit Court	Adult	Jun-06	51	15	0	0	0	6
Charles	Circuit Court	Juvenile	May-06	10	5	5	0	0	3
Dorchester	Circuit Court	Adult	Jul-04	8	2	0	0	0	3
Dorchester	Circuit Court	Juvenile	Jul-04	2	1	0	0	0	1
Frederick	Circuit Court	Adult	May-05	32	8	8	0	0	1
Harford	Circuit Court	Adult	Jan-04	2	2	4	0	0	2
Harford	Circuit Court	Family	May-04	28	17	6	1	11	3
Harford	Circuit Court	Juvenile	Oct-01	27	14	4	8	1	1
Harford	District Court	Adult	Nov-97	13	9	11	0	0	4
Harford	District Court	DUI	Jan-05	10	5	7	1	0	1
Howard	District Court	Adult	Jul-04	15	6	1	0	0	3
Howard	District Court	DUI	Jul-04	28	16	8	0	0	0
Montgomery	Circuit Court	Adult	Nov-05	53	10	0	0	0	1
Montgomery	Circuit Court	Juvenile	Nov-05	17	7	1	0	0	1
Prince George's	Circuit Court	Adult	Aug-02	110	24	10	0	0	4
Prince George's	Circuit Court	Juvenile	Aug-02	25	8	0	4	0	4
Prince George's	District Court	Adult	Aug-02	110	24	10	0	0	4
Somerset	Circuit Court	Juvenile	Apr-06	5	2	4	0	0	0
St. Mary's	Circuit Court	Juvenile	Feb-04	19	8	5	0	0	7
Talbot	Circuit Court	Juvenile	Oct-04	15	7	2	3	0	2
Talbot	District Court	Adult	Jan - 08	7	0	0	1	0	1
Talbot	Circuit Court	Family	Aug - 07	3	0	1	0	1	1
Washington	Circuit Court	Adult	Jun-07	11	2	0	0	0	0
Wicomico	District Court	Adult	May - 08	2	2	0	0	0	0
Wicomico	Circuit Court	Adult	Sep-05	35	19	2	2	3	1
Worcester	Circuit Court	Adult	Dec-05	8	8	0	1	1	0
Worcester	Circuit Court	Juvenile	Oct-05	15	17	4	0	4	0
Worcester	District Court	Adult	Dec-05	12	8	3	0	0	0
Worcester	Circuit Court	Family	Jun-07	6	4	2	0	0	0
Total				2433	804	302	47	71	222

Number of participants as of June 30, 2008

Source: Maryland Judiciary

Drug Court DVD

In collaboration with the Judicial Conference Committee on Public Awareness, a DVD entitled *Maryland's Drug Courts* was completed to illustrate the aspects and variety of opportunities available with Drug Court Programs. The Drug Court DVD highlights the Adult, Juvenile, Family Recovery and DUI Drug Courts in the State of Maryland. The DVD has been given to all of Drug Court Coordinators and is available to anyone upon request to the Office of Problem-Solving Courts.

Drug Court Month

In FY 2008, the Judiciary hosted its fourth annual drug court month. This year the OPSC recognized the Prince George's County Circuit Court Adult Drug Court program for its services. The program held a drug court graduation and celebration in honor of its participants, a drug court team basketball match, a community picnic, and various other drug court activities to provide information to the community. The Judiciary commemorated this award with a plaque presented to the Prince George's County Circuit Court.

Report on Executive Partners

Department of Parole and Probation

In FY 2008, the Department of Public Safety and Correctional Services (DPSCS), Division of Parole and Probation assigned a Supervisory Agent to oversee the Probation Agents in Drug Court. This position is known as the Problem-Solving Court Liaison and is intended to keep the Division in direct contact with the OPSC Staff, drug court agents, and other business with problem-solving courts. Further, the Division has worked to complete the first step in administering a statewide initiative to have every drug court affiliated DPP agent trained to effectively use SMART for all supervisory drug court activities.

The Division of Parole and Probation presented its first "Drug Court Agent of the Year" award to an agent in the Baltimore City Adult Drug Court. This award emphasizes the Division's commitment to its' agents work and its' continued support of the adult drug court in the State of Maryland.

Department of Juvenile Services

In FY 2008, the Judiciary noted insufficient referrals to juvenile drug court programs around the State. The Judiciary intends to explore this issue with the Department to identify barriers in referring eligible youth to participate in juvenile drug courts. The Judiciary continues to work with the Department to determine its willingness to train and then utilize the SMART system required by drug courts and supported by ADAA and other partners.

Office of the Public Defender

In the Spring of 2008, the Office of the Public Defender (OPD) reviewed the manuals and contracts of all drug courts. Upon completion of their review, they documented their legal and programmatic concerns. As a result, the Judiciary requested drug court programs to review policies and procedures to ensure compliance with due process rights of the participant. Many of the programs modified their policies to satisfy OPD concerns.

By the end of June, however, the Office of Public Defender had instituted a Specialty Court Policy that restructured OPD representation. The OPD decided to continue to represent only those defendants who have, as of May 2008, signed agreements in any existing specialty court.

Alcohol and Drug Abuse Administration

In FY 2008, the Judiciary and the Alcohol and Drug Abuse Administration (ADAA) entered into the second year of a collaborative agreement to provide funding and services to drug court programs. The Judiciary provided ADAA with funding to supplement the treatment needs that could not be met by the ADAA budget alone. The Judiciary, through a memorandum of understanding, granted approximately \$745,000 to ADAA for substance abuse treatment services for drug court clients. In FY 2008, ADAA was allocated within their own budget, one million dollars specifically for drug court treatment. To date, the two agencies have worked together to assure that services and funding are reviewed and allocated in the most efficient, effective way possible.

Goodwill Industries of the Chesapeake

In FY 2008, the Judiciary and Goodwill Industries entered into the second year of a collaborative agreement. The partnership in 2008 included an expansion from Baltimore City and Wicomico County to include the Anne Arundel County Drug Court Programs. In addition to the traditional role of Goodwill Vocational Training Services, the partnership included two additional tasks.

The first task was a vocational resource survey of each county to determine the availability of workforce development services accessible by the drug court population. The results of this will assist the OPSC in assessing and determining the scope of resources and funding needed to adequately sustain the drug court program participants.

The second task was the co-authoring and facilitating of the 2008 roles training for drug court case managers. The curriculum incorporated technical training and assistance over the course of 10 one-day sessions. This training is intended to be held annually with drug court case managers who work for the courts, the Division of Parole and Probation, local health departments, and the Department of Juvenile Services.

Cooperative Extension Service – University of Maryland

The Judiciary and the University of Maryland's Cooperative Extension Service continued its partnership in FY 2008. This year, drug court programs organized life skill courses that included leadership workshops, citizenship, outdoor projects, fiscal responsibility, health and hygiene, personal care, public speaking, agricultural, and intellectual projects all designed based on the interests and skill set of the participant.

Cooperative Extension is essential because the materials and services are written at a 5th to 8th grade reading level, are inexpensive to programs, and incorporate the participants into community programs not directly affiliated with the justice system. The Consumer Science Division staff provide a skill set that assist juveniles and their families with essential family services. Also available to participants are Extension Agents that specialize in the community planning of programs of both urban and rural agriculture and domestic projects. The project choices range in interests level and include but are not limited to, community outreach programs, cooking, animal sciences, learning to care for a pet, building a lawn business, become a leader in the community, gaining skills to be a successful and responsible babysitter, helping your parents at home, sewing, woodworking, and electronics.

What's Next for Drug Courts?

The Judiciary will continue to provide an independent statewide evaluator to all drug court programs. Drug Courts continue to participate in program evaluations that include process, outcome, and cost benefit analysis. The Monitoring and Evaluation Subcommittee will be preparing a document to assist drug court teams to implement the recommendations of those evaluations. The strength and evolution of the problem-solving courts shall ultimately be reflected in our ability to institute the recommendations from these evaluations.

In FY 2009, the OPSC will complete at least two additional roles trainings with the Department of Parole and Probation and the Office of the Public Defender. In FY 2008, the OPSC devoted time to collaborate with the Judicial Conference Committee responsible for the Maryland Judicial Conference. In FY 2009, OPSC shall develop judicial training to educate new and experienced drug court judges.

Each year, the OPSC evaluates the use of drug court funding to assure maximum use of available resources. With each year we continue to question the use of positions to their full capacity, maintaining programs at full capacity, providing the greatest level of supervision possible.

Mental Health Courts

The first Mental Health Court in Maryland began in 2002. There are presently three District Court Mental Health Dockets throughout Maryland. These programs in Baltimore City, Harford, and Prince George's Counties are based on the problem-solving court model. Mental Health Courts have enabled the criminal justice system to take more notice of mental

health and behavioral conditions as a factor in the coordination of care, thus utilizing treatment and rehabilitation services as a diversion from traditional criminal justice system responses.

Addressing a defendant's mental health and substance abuse issues can reduce recidivism, hospitalization, and lengthy incarcerations. According to the Department of Justice, approximately 16 percent of the prison or jail population has a serious mental illness compared to 5 percent of the general population.¹ Collaterally, 75-80 percent of the defendants entering the criminal justice system have a substance abuse disorder.²

Mental Health Oversight Committee

The Mental Health Oversight Committee is comprised of key members throughout statewide agencies, in order to effectively supply leadership and intact confidence in judiciary matters relating to mental health court processes.

The mission of the Mental Health Courts Oversight Committee is:

“To support, provide leadership, technical assistance, funding, promote, and that the State of Maryland is made safer through the collaboration of multi-disciplinary, government and private sector organizations and individuals working together to establish working guidelines to assist other Maryland jurisdictions in creating Mental Health Courts based on best practices, experience, and cost effective judiciousness, along with a penchant for impartiality, and fiscal responsibility”.

The Committee established the following components of Mental Health Courts, which will assist the Judiciary to guide any future mental health court program.

- 1. Team approach with the court leading the effort.**
- 2. Integrated Services with court system processing.**
- 3. Early Identification, prompt screening, assessment, and placement of participants.**
- 4. Access to a continuation of services.**
- 5. Ongoing judicial interaction with each participant.**
- 6. Coordinated strategy including use of incentives and sanctions to promote participant compliance.**
- 7. Use of a non-adversarial process while protecting the due process rights of participants.**
- 8. Frequent monitoring and reporting of participant behavior.**
- 9. Partnership with public agencies and community-based organizations to facilitate delivery of services, program effectiveness, and generate local support.**

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (2000). *Prison and Jail Inmates at Midyear 2000*. Washington, DC: Beck, A.J. & Karberg, J.C.

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (1997). *Correctional Populations in the United States 1997*. Washington, DC.

- 10. Use of management information systems to evaluate achievement of program goals and gauge effectiveness.**
- 11. Continuing interdisciplinary education of judges, partners, staff and community.**
- 12. Commitment to cultural competency and diversity.**

In FY 2008, the Mental Health Oversight Committee created and finalized long-term goals to accomplish. These goals were to:

- Identify and recommend evidence-based practices that will improve the response of the public mental health system and the criminal justice system to people with mental illnesses or co-occurring substance use disorders or both who are involved in the criminal justice system.
- Improve policymaker and legislator understanding of criminal justice and mental health issues, and how they affect the fiscal well being and public safety of State and local interests and government.
- Provide recommendations regarding changes and reforms in the judicial system that will produce tangible, identifiable, long-term solutions to the problems associated with untreated mental illnesses or co-occurring substance use disorders or both.
- Communicate with national experts and organizations to insure that that the State of Maryland benefits from the experiences of other states and judicial systems.
- Identify and promote services and programs that will minimize gaps within and across the criminal justice and mental health systems, reduce recidivism, and enhance community reintegration of persons involved with the justice system who experience mental illnesses or co-occurring substance use disorders or both.
- Promote access to high-performing, evidence-based mental health and substance abuse services in the community.
- Identify and recommend the development of services and programs that establish cost-effective, graduated continuums of care and response that include both prevention and intervention strategies.
- Promote coordination and delivery of comprehensive, integrated mental health and substance abuse services across a diverse array of service providers and stakeholders in the criminal justice and mental health systems.
- Identify and promote services and programs that enable consumers and family members to make informed decisions that support recovery and enable people with mental illnesses or co-occurring substance abuse disorders or both to fully and productively participate in life in the community.

- Identify and promote effective, efficient, responsive, and timely services and programs that incorporate consumer input into service development and delivery, and promote choice and independence.
- Identify and promote services and programs that are culturally, ethnically, and gender sensitive.
- Identify and promote effective, evidence-based treatments and services addressing a broad range of health and social needs, including housing, occupation, and economic self-sufficiency in the community, when and where they are needed.

Training

Fall Mental Health Court Training Seminar

The Office of Problem-Solving Courts has set a date for a Judiciary-hosted court training module dedicated strictly to Mental Health Courts and the further training of their team members. Mental Health Court trainings will be conducted next year with inclusion of such topics as confidentiality, co-occurring disorders, forensic intervention techniques, effective treatment and aftercare planning, as well as other topics that affect the courts directly and indirectly.

Training Assistance

Also in FY 2008, the Office of Problem-Solving Courts provided resources for judges and court staff requesting attendance to trainings held in-state by other agencies. Registration fees were paid for Mental Health Court affiliated judicial partners to attend a Mental Hygiene Administration hosted training that focused on forensics and other mental health issues.

Mental Health Court Evaluations

In partnership and collaboration with the Department of Court Research and Development within the Administrative Office of the Courts, three-process evaluations will be undertaken within the three operational Mental Health Courts. The evaluations for Baltimore City and Harford County are nearing completion of the pre-evaluation phase of the evaluation. Prince George's County will begin their process evaluation in the first quarter of FY 2009. The first phase of the process evaluation includes:

- Approval of the research protocol
- A Comprehensive literature review
- Development of pre-evaluation interview tools
- Interviews with court team members and treatment providers

The second phase of the evaluation will be a process evaluation. The methods employed at this stage will consist of:

- Identifying sources for data collection
- Collecting the data related to the program process
- Analyzing the collected data

The final phase of the evaluation will be the outcome evaluation. This will assess the extent to which the mental health court has achieved its objectives. The methods employed by the researchers at this phase will consist of:

- Identification of a representative sample of the population that utilize the program
- Development of a data collection plan
- Collection and analysis of the data

The process evaluation will be completed and a final report should be completed and submitted by Spring 2010.

Mental Health Progress by Jurisdictional Location

Baltimore City

The Mental Health Court program in Baltimore City has been in existence since 2002. The mission statement includes:

“... Strive to humanely and effectively address the needs of individuals with mental disorders who enter Baltimore’s criminal justice system.”

The court began with the consolidation of all cases on a single docket following an order for a competency evaluation. This made it possible to work with supporting agencies to assure that the mental health community develop service plans for individuals who could possibly return to the community and still receive necessary services.



Picture 2. Baltimore City Mental Health Court Team

Harford County

Five years ago, the Criminal Justice Coordinating Council and mental health workgroup identified the development of a Mental Health Court Diversion Program as a priority in Harford County. The Criminal Justice Coordinating Council includes representation from the County's Executive Office, the Office of the Public Defender, local law enforcement agencies, the Division of Parole and Probation, the health department, and local social services department were instrumental in identifying gaps in services within the county and devising a plan of action.

The overarching goal of the program is to divert mentally ill offenders from the criminal justice system. The objectives for the program include reducing the number of times mentally ill offenders come into contact with the criminal justice system; improving the mental health of defendants and developing more comprehensive linkages to services for the mentally ill defendant.

The program currently is limited to only a few participants due to a lack of support and internal issues within the Office of the Public Defender.

Prince George's County

The Mental Health Court Program in Prince George's County was designed to increase the collaboration and cooperation between the mental health treatment system, the criminal justice system and the court system by addressing the needs of individuals with mental disorders. The program, using a problem-solving approach to court processing in lieu of more traditional court procedures, offers defendants with mental illness or mental retardation an opportunity to obtain an array of services, from evaluation to a judicially supervised treatment plan, designed and implemented by a team of court staff and mental health professionals. The goals of the program are:

- Early identification
- Expedite case processing
- Improve access to public mental health treatment services
- Improve the quality of life for people with mental illness charged with certain crimes
- Reduce recidivism
- Diversion from incarceration when appropriate
- Improve linkages between the criminal justice system and the mental health system
- Make more effective use of criminal justice and mental health resources
- Improve Public safety
- Improve data collection and tracking to evaluate program.

The court currently has completed over 250 evaluations on court-involved individuals. Future plans include the increase of staff, presentation of training seminars for law enforcement and service providers, increase program capacity, and offer a wider range of support services to program participants.

What's Next for Mental Health Courts?

For FY 2009, the Office of Problem-Solving Courts has set the following goals:

Grant Funding

The Judiciary will seek to sustain current program funds and acquire additional resources to fund additional programs.

Data Collection

Facilitate the development of technologies to enhance data collection.

Glossary of Terms

Compilation of a uniform set of terminology for the mental health related agencies to alleviate any confusion among and between agencies.

Training

Conduct and make available to participants at least 3-5 trainings annually, dealing with topics that are informative, controversial, and have a great substantive and educational basis.

Evaluations

Support the continuation of an evaluation plan to provide process and outcome information to key stakeholders who span component of the criminal justice and treatment service system.

Growth and Expansion of Programs

The Office of Problem-Solving Courts will assist the present programs in their expansion efforts and facilitate the planning for new programs.

Truancy Courts

In 2004, the General Assembly created the Truancy Reduction Pilot Program. The Truancy Reduction Pilot Program is codified at 3-8C-01 through 3-8C-10 of the Courts and Judicial Proceedings Article. The Truancy Reduction Pilot Program enjoyed the support of local Boards of Education and began in Wicomico County in January 2005. The Truancy Reduction Pilot Program is a proactive approach designed to address the causes of truancy and improve the student's attendance, achievement, and attachment to the school. It is important to remember that the Truancy Reduction Pilot Program is designed to be a proactive intervention rather than a punitive reaction

Truancy in Maryland is defined per the Education Article of the Annotated Code of Maryland Section 7-301 as:

... Anyone who is 5 years old must attend school until age 16, any child that has more than 20 days of absence, whether excused or other, is deemed truant ...

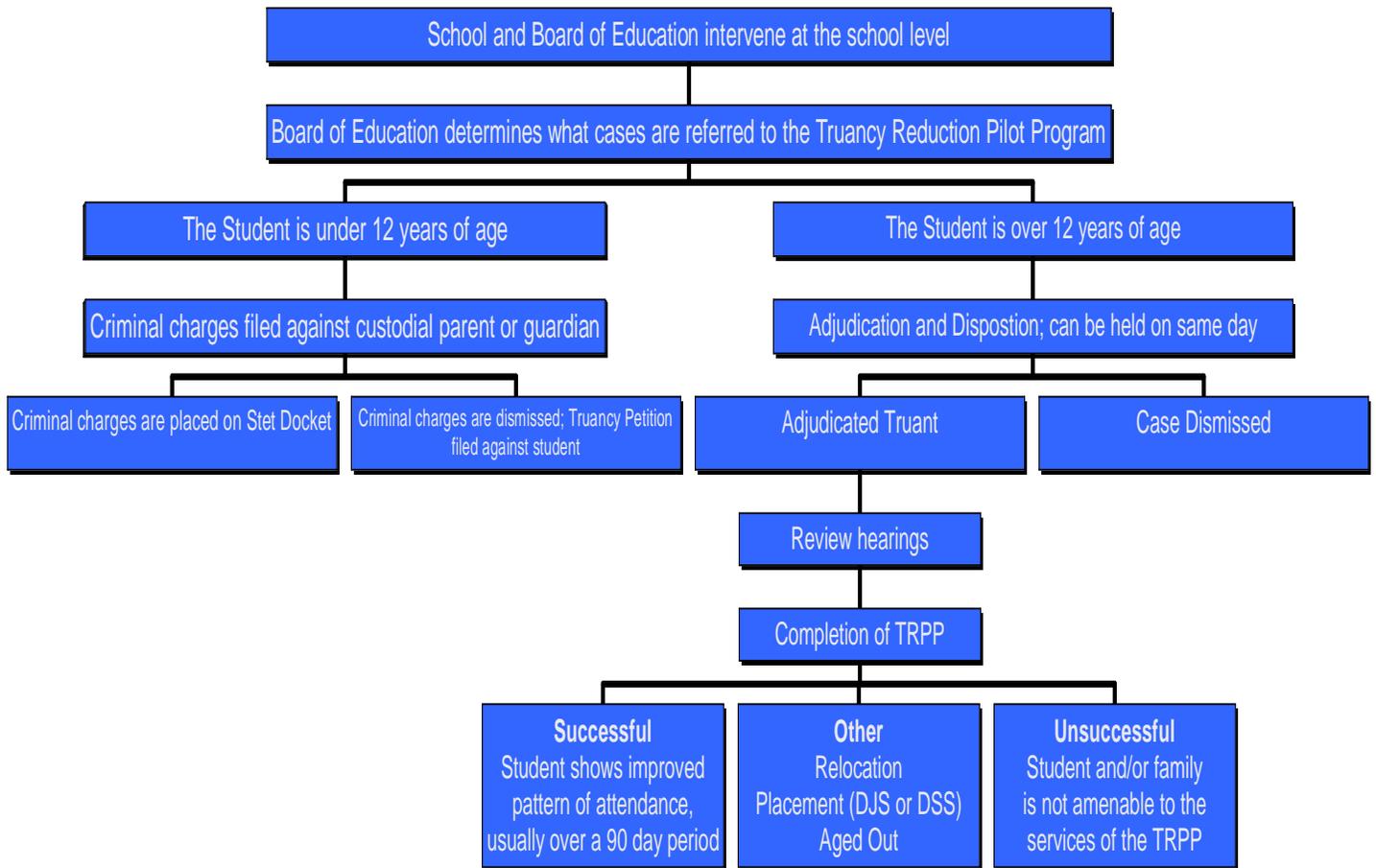
The Truancy Court program applies a nurturing manner that will ultimately build a relationship between the family, the school and master or judge. A social worker, counselor, or case manager works with the families to determine the reasons for poor attendance and makes referrals for community-based services when appropriate.

Truancy Court Process

Once a child misses a significant amount of school and amasses 20 absences, whether excused or not, the school intervenes. Such school interventions include, but are not limited to:

- Phone calls to parents/guardians
- Letters to parents/guardians
- Student conferences
- Parent conferences
- Home visits
- Referral to school based teams designated to address attendance issues and development of individual plans
- Referrals to local agencies

There are currently four stages within the Truancy Reduction Pilot Program: *Adjudication, Disposition, Review, and Completion.*



Adjudication

Adjudication occurs when all measures to assist the truant youth have been exhausted, and the master or judge is left with no recourse but to deem the youth truant. If a child is found to be truant, the master or judge is able to develop an individualized program of guidance and supervision, including services for the youth.

Disposition

The master or judge tailors the order to the individual student, situation and educational needs. Following the hearing, the student and family meet with the program coordinator to review the process and address any questions or concerns.

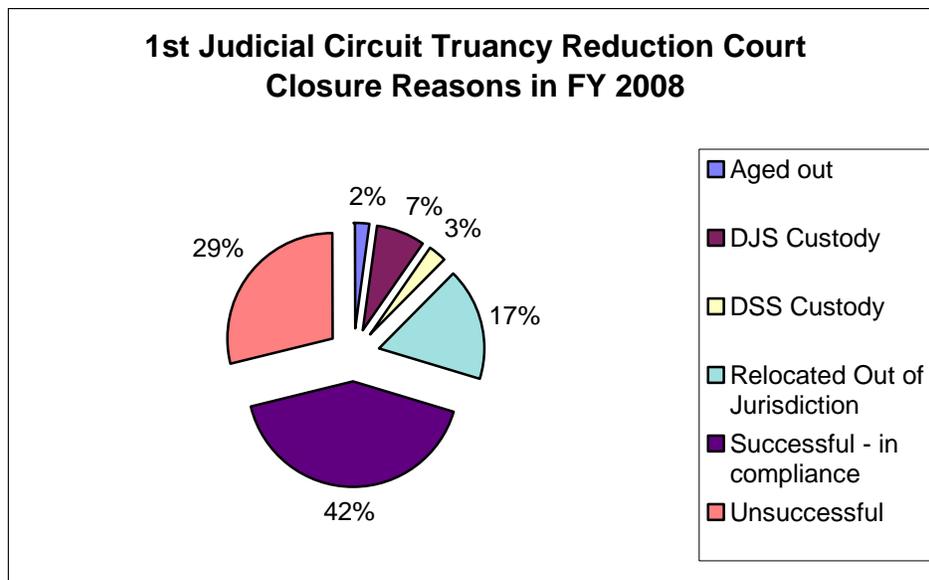
Many disposition alternatives are available: School-Based (attend school, make-up work, summer school, etc.); Community-Based (community service, apology letters, mentors, etc.); and Mental and Medical Assistance-Based (family/individual counseling, substance abuse counseling, anger management, etc.).

Review

The review process may be one of the most integral portions of the judicial interaction with the participants. During this process, the student is given the ability to obtain praise and a good old fashioned “pat on the back” for successful maturation throughout the process. These hearings are held regularly initially. Thereafter, the frequency of the Review Hearings is based on the student’s progress and willingness to comply with the Court’s requirements. The Court uses a mixture of positive reinforcements and negative consequences to gain compliance.

Completion

The final stage of the program is successful or unsuccessful completion. Success is



measured by an improved pattern of attendance. The benchmark set forth in the initial agreement calls for 90 days of attendance with no unexcused absences. Unsuccessful completion occurs when a student has unexcused absences, there is a lack of amenability to services, or there is a motion by the Board of Education to close the case.

What’s Next for Truancy Courts?

The OPSC will focus on program evaluation during FY 2009. A process evaluation of the Baltimore City program will be completed in December 2008. The next step in evaluation of the effectiveness of this program will be an outcome evaluation that will require 6 to 9 months to complete.

In the interest of informing statewide policy regarding the most appropriate and effective role of courts in truancy intervention, a comparative analysis of alternative approaches to truancy intervention approaches will be conducted. A comparison of the Truancy Reduction Pilot Project on the Lower Eastern Shore, the Baltimore City Truancy

Court Program, and the BSMART program in Baltimore City is proposed. These programs represent distinct models of truancy intervention. Funding is being pursued for this purpose. It is anticipated that this study will take 15 months and will be initiated concurrent with the ongoing evaluations of program currently in operation.