

OJP DRUG COURT CLEARINGHOUSE AND TECHNICAL ASSISTANCE PROJECT

Taking Aim

How to Develop and/or Redefine
Your Target Drug Court Population

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FOREWORD

Defining – and redefining – the target population for a drug court program is one of the most critical and difficult tasks most programs encounter. The process of targeting is complex, necessarily encompassing a diversity of factors, many of which change during the course of a program’s operation.

For programs that are planning drug courts, a panoply of information must be gathered to help narrow the focus for the population that the drug court can most appropriately target. What is the nature of drug-related criminal activity in the community? What types of drugs are being used? What is the demographic background of the arrestees for these offenses? What resources (both criminal justice and treatment) are already being used to address drug use in the community? How effective are they in terms of reducing drug usage and recidivism? What new services are needed to more effectively handle drug-dependent offenders? What additional resources are needed? Given the mission and goals of the drug court and the effectiveness of existing justice system processes and services, what population should/can the drug court target?

For programs that are already operating—even those that have carefully gone through the targeting process during initial program planning—it is not uncommon to find that the numbers of participants entering the program are significantly smaller than the number projected; and/or that a change has occurred affecting the underlying structure of the program, such as legislation that reduces the nature of criminal penalties applicable to certain drug court-eligible offenses or prosecutorial policies that affect the types and volume of offenses that will realistically be feasible for the drug court, given its current eligibility criteria. Or, on the other hand, defendants with much more serious needs are being referred to the drug court than the program was prepared to handle. In many cases, these “red flags” trigger the need to revisit – and possibly redefine – the drug court’s target population.

This *Guideline* has therefore been developed to assist drug court practitioners in initiating the targeting process at the time of program planning, and revisiting it, periodically, during the course of program operations. It addresses the range of information gathering, planning issues, programmatic assessment, and on-going program monitoring that are important to assuring that the targeted population for the drug court is most appropriate in light of the program’s goals, and that it is, in fact, being served after the program becomes operational. The *Guideline* is intended to serve as a resource to help both planning and operating drug court programs to (1) increase the likelihood that they are serving the populations which most need the intensive judicial system supervision and out-patient treatment and community-based services characteristic of the drug court concept; and (2) assist programs in redefining target population goals to accommodate changes in the criminal justice system structure and/or policies; drug usage patterns; and/or treatment resources relevant to the drug court program’s mission and actual experience.

The *Guideline* includes a hypothetical case study to provide a vehicle for applying the concepts discussed in the document. The case study presents an extreme example of a community that did not develop its target population through the systematic targeting process suggested in the

Guideline. Similarly, the “Frequently Asked Questions” at the end of the document are also presented in the context of the characteristics of specific programs discussed in the questions. These examples are intended to provide practical application of the targeting issues discussed; they are by no means intended to limit the focus of the targeting process or this *Guideline*. We encourage readers to use these case studies as an aid to identifying potential additional targeting issues – or ramifications – that may be relevant to their drug court programs in their individual communities.

The title for the *Guideline*, “Taking Aim”, is designed to convey the dynamic nature of the targeting process. Nothing is static. The nature of drug use, arrest patterns, treatment and other resources, and justice system handling of substance-involved offenders is continually changing in most communities. What was a given situation at the time of program planning may well change by the time the program has been operating for six months. Regardless, the issues that are critical to defining the target population, discussed in this report, should be revisited periodically. If “red flags” emerge, they should be revisited promptly.

One final note. A lower than anticipated number of drug court participants in a program can be due to many factors, not just targeting issues. Perhaps the program needs to be better publicized in the community, with special training given to other justice system officials who are potential referral sources; perhaps the incentives for program participation aren’t significant enough when weighed against applicable sanctions for traditional adjudication; perhaps there are gaps in support services (e.g. transportation, child care) or the program, as it is currently configured, is not attracting special racial, ethnic, age, or gender populations. Targeting is therefore but one aspect of the total program planning and on-going program assessment process that drug courts need to conduct.

We wish to thank the many practitioners in drug courts throughout the country who have brought to our attention issues relating to developing the drug court’s target population and problems they have encountered that necessitated revisiting the targeting process. Many of their comments have been incorporated in this report and in the hypotheticals presented.

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I. Introduction: Targeting in the Drug Court Context

The city of Anyplace had a problem: rampant XTC use. Posters advertising all-night “rave” parties, where XTC is often sold, blanketed the telephone poles on Main Street. The media sounded the alarm about the dangers of the drug and its popularity among twenty-somethings. A few people had even been hospitalized for seizures linked to an overdose of XTC.

Something had to be done.

So, the city officials decided to create a drug court, with the capacity to serve 350 participants annually and through which all the local XTC users, abusers, and addicts could get treatment rather than be sent to jail. This would, they thought, solve the problem.

But it didn’t.

Once the Anyplace Drug Court opened up, it attracted very few cases. Of the defendants who did participate (all of whom were college-aged males), the overwhelming majority failed to complete treatment.

The drug court wasn’t working. And the officials were concerned that they were wasting time and money.

What happened in Anyplace can happen anywhere, and there is a host of possible explanations for what went wrong. Why so few cases? Perhaps because, in Anyplace, while XTC use may be prevalent, most drug-related *arrests* involve cocaine and heroin. Or perhaps most of the offenders charged with XTC possession are drug sellers rather than drug users. It’s even possible that most of those arrested for possessing XTC are first-time offenders who aren’t likely to be jailed in any event and therefore are not interested in drug court as an alternative to incarceration. Maybe all of these factors played a role in limiting the drug court’s impact.

As for the lack of treatment success, perhaps the substance abuse treatment provider with whom the Anyplace Drug Court contracted had limited expertise in treating young adult males. Or it could be that the type of substance abuse treatment was appropriate, but the defendants lacked access to other support services they needed in order to stay “clean.”

It’s possible, too, that the Anyplace Drug Court failed because, while there existed the perception that XTC use was a serious problem within the *criminal justice system*, the reality was the opposite.

What’s certain is that the Anyplace officials omitted a crucial aspect of drug court planning

and administration: *the targeting process*. This resource document is designed to help your community create (or re-create) a successful, effective drug court by briefly explaining the value of targeting, suggesting an approach to the targeting process, and highlighting the distinction between the necessary tasks of targeting (i.e., identifying the available drug court population) and defining eligibility (i.e., determining the actual drug court population). The document also includes a “Sample Targeting Analysis” and a section of “Frequently Asked Questions.”

While this document was specifically designed to address the issues and needs associated with adult drug court programs, many of the examples contained can be applied for use by juvenile, family and tribal drug court programs as well. The fundamental principles of targeting are universal and applicable to any drug court program, although the mechanisms of targeting will surely differ based on the structure and scope of the drug court program. These differences involve such matters as the type of data needed, the methods employed to collect it, and the sources of data used. Clearly, in order to identify potential *family* court clients, a jurisdiction would need to examine abuse and neglect/dependency case filings rather than, or perhaps in addition to, gathering statistics about criminal charges. Likewise, planners or individuals involved with the operation of a *juvenile* drug court would focus on the juvenile justice system and would seek to identify treatment providers and other services that are specifically geared toward adolescents.

Drug courts that are already operating may have a variety of reasons for undertaking the targeting process anew. Additional funding, for example, may allow for expanding the drug court docket; targeting will shed light upon the range of potential new clients who may be considered. Alternatively, a drug court may not be attracting a sufficient number of participants; redefining the target population can result in increased enrollment, although other possible reasons for lower than anticipated enrollment should also be investigated.

A. The Purpose of Targeting

Resources, of all kinds, are limited. It can be tempting, as may have occurred in Anyplace, to see the drug court as the solution to a particular drug-related social problem. It can be equally tempting to view the drug court as the answer for all the drug-addicted defendants in your community. Such an orientation, however, is neither desirable or feasible. It is not desirable, because it is quite likely that many drug-involved defendants either do not need the intense supervision of the drug court or are already adequately served by existing diversion/treatment programs. It is not feasible, because most communities are currently ill equipped to handle the total volume of treatment and other services needed by the full range of potential drug court participants.

The targeting process, therefore, is the mechanism through which your drug court team can ensure that the program reaches those defendants whose needs cannot be met by other criminal justice initiatives, as well as those who can be most cost effectively reached through the drug court program and are not already being served. Furthermore, engaging in the targeting process can help provide a baseline against which the program’s impact can be assessed.

Below are some general questions that come into play in the targeting process. The process itself is more thoroughly discussed in Section II, which details the different types of information a program might collect in an effort to properly identify its target population. This data collection activity is likely to be complicated, and it is a good idea to assign the responsibility for overseeing the data compilation to a specific team member. All team members, however, should participate in the process of adapting the targeting strategy presented in this document for use in their jurisdiction and in assessing and analyzing the information obtained.

Likewise, all team members should contribute to the overall drug court planning and assessment processes, of which targeting is only one aspect. Other issues, such as grant requirements, agency priorities, policy considerations, and logistical factors, will necessarily be brought to bear on the definition—or redefinition—of the drug court’s target population and on the program’s design. A number of these issues are discussed in Section III.

1. Who Do We Want to Serve?

A necessary starting point is to gather data about the community as a whole in terms of demographics, extent of substance abuse, and existing treatment resources. The focus then shifts to the criminal justice system, where information is gathered about, among other things:

- Who is committing crimes?
- What kinds of crimes are being committed?
- Which offenders appear to have substance abuse problems?
- Which offenders appear to be amenable to treatment?
- What treatment services are addicted offenders currently receiving?
- How well are they working?
- Who are the offenders who keep coming back into the system, whether as probation violators or by repeatedly committing new crimes?

Once these and similar questions are answered, the team can begin to zero in on the drug court’s ultimate target population.

2. Why Do We Seek to Serve Them?

A critical complement to the targeting process is the identification of program goals. Knowing the ends the program aims to achieve further clarifies the type of offender who should be targeted for drug court participation. Typical program goals include:

- Reducing overall alcohol and drug use in the community;
- Reducing recidivism;
- Reducing the jail population and incarceration costs;

- Curbing low-level drug offenses;
- Reducing the overall crime rate;
- Reuniting families;
- Improving treatment outcomes;
- Improving educational and employment opportunities;
- Improving judicial efficiency;
- Improving the judicial system’s response to drug cases.

After the drug court team articulates and prioritizes the goals for the drug court program, it can review the data concerning the local criminal justice system and determine which segments of the offender population are best suited for the drug court program in light of those goals.

3. How Can We Best Serve Them?

The targeting process also focuses on the community’s treatment resources and ancillary services, and can highlight the existence of special services designed for those who may have special needs (women; adolescents; speakers of English as a second language; gays, lesbians, bisexuals, and transgendered persons; those with limited literacy skills, etc.). By collecting information as to the type and quality of available services for potential drug court defendants, the drug court team can begin the task of matching the offender population with the existing resources so that clients will be well served and program goals met. In addition, by surveying and assessing current resources, the team will be able to identify any potential gaps in services and/or other essential resources and look for ways to fill them.

B. Targeting vs. Eligibility

It is important to note at the outset that “targeting” is not synonymous with “eligibility,” though the two concepts sometimes overlap. Once a drug court’s target population is identified, the task of designing eligibility requirements remains. It may be that an offender who is a member of the targeted group is rendered ineligible for participation for other reasons. For example, a defendant may fit the profile of an ideal drug court participant in terms of criminal history, treatment needs, etc., but may be declared ineligible because he/she resides outside the drug court’s jurisdiction.

* * * * *

Sidebar: Experience has shown that, even after careful planning that includes a thorough targeting process, almost all jurisdictions eventually modify – sometimes more than once – both their target populations and eligibility criteria. Several factors, either alone or in combination, may prompt these modifications: criminal justice legislation may mandate penalties such that drug court

is no longer an option for certain defendants; the local treatment landscape may change in ways that either reduce or expand the services the drug court can offer; changes in law enforcement and/or prosecutorial policies may alter the pool of available candidates; grant monies may be available to support the exploration of new treatment modalities or to serve a particular population, etc.

Targeting, therefore, is an ongoing drug court task, and the types of data collected in the initial targeting exercise (whether conducted during the planning phase or after the drug court has begun operations) should be updated and revisited as the needs, resources, and other community circumstances evolve.

No matter when the targeting process is undertaken, it will proceed most efficiently if all the drug court “stakeholders” play a role in its design and the decisions that ultimately emerge.

II. Taking Aim: The Targeting Process

A. Get the Big Picture: Services Available in the Community At Large vs. Services Required by Drug Court Participants

A key component of the targeting process is to take a look at your community with a wide-angle lens. You'll want to gather information about the population as a whole, the prevalence and nature of documented substance abuse, its impact on the criminal justice system and other segments of your community, and the type of treatment and other services available locally. The value of this type of data collection extends beyond merely providing a snapshot of the community at large. During the information gathering phase, the drug court can begin to forge partnerships with agencies that will deliver services. Furthermore, a thorough understanding of available services is essential to ensure that drug court resources are used efficiently and to avoid duplicating the efforts of other types of programs. This overview of your community -- whether your court is in the planning or operational stages -- will also yield information about the adequacy of existing services and help to highlight any gaps in services that will need to be filled. The end result of this process, undertaken periodically during the life of the program, should be to identify services that are/can be available to participants as well as gaps that need to be addressed. This process will also guide program officials in determining the nature of the target population the program is able to serve.

Much of the "big picture" information can be obtained from public sources. The internet provides access to a wide range of statistical data; you can also ask local libraries, colleges, and government offices not only for their records, but for recommendations regarding other institutions you might wish to contact. Below are suggestions for the types of agencies to connect with in your area and to regularly access during the course of the drug court program's operations

1. Demographic, Substance Abuse, and Treatment Provider Information

a. *The Census Bureau*

The most recent census can provide a wealth of information. You can access data about your area's population as well as racial, ethnic, gender, and economic breakdowns. (Check as to whether this population data includes estimates regarding undocumented residents.) An analysis of migratory trends may also be available.

b. *School Districts*

If you have a juvenile drug court, the local school districts can likely provide you with statistics on the demographic make-up of the student body, drop-out rates, suspensions, substance abuse on school grounds, and other relevant information.

c. *Department of Alcohol and Substance Abuse*

This government entity compiles information about drug use trends, oversees the licensing of treatment professionals and agencies, and monitors their compliance with industry standards. It will have data about the region's treatment capacity (i.e. number of inpatient/residential beds, number and location of outpatient facilities, etc.) and can also direct you to sources of referrals to treatment agencies. This agency should also be able to indicate which providers specialize in serving a particular clientele (e.g., women with young children; heroin addicts; adolescents, etc.) and the nature and level of care they offer. You'll also be able to learn which providers are public, which are private, which are non-profit, which are for-profit and what each charges for various services.

d. *Department of Social Services*

"Social services" is a broad term, and this agency can supply data regarding the amount of money spent on treatment and family services, foster care and other child welfare concerns, in addition to public assistance, housing subsidies, and public health benefits facts and figures. Demographic information regarding recipients of the above services should also be available.

e. *Medical Facilities*

Hospitals and clinics can be the source of information about overdose rates, the frequency and nature of substance abuse related accidents and emergency room visits, drug-addicted or -exposed babies, the number of blood tests that reveal alcohol concentrations over the legal limit, etc. These facilities also often provide detox services, so be sure to inquire about their detox capacity and admission policies.

f. *Veterans' Affairs Office*

There is a significant likelihood that a substantial number of your eventual drug court participants will be veterans. The local VA personnel can inform you about their research, protocols, and services—including the possibility of residential and/or group home placement and other treatment options.

g. *Citizens' Action Groups*

Many communities boast a roster of citizens' organizations dedicated to improving and revitalizing their neighborhoods. While these groups rarely keep statistics, they can be an excellent source of anecdotal information about the quality of life in a particular area, especially in terms of pockets of drug-related activity.

h. Chamber of Commerce

Local business organizations may be able to supply information about drug use in the workplace, any workplace accidents related to substance abuse, and other ways local businesses are affected by drugs. For example, shoplifting and theft by employees, which may be drug-driven, is not always reported to the police.

2. Ancillary Service Information

Substance abuse will rarely be the only issue complicating the lives of your drug court clients. For that reason, it is essential to assess the availability of other services this population typically needs. Here are some suggested avenues for exploration:

a. The Local 12-Step Network

Many treatment providers and drug courts strongly recommend (and sometimes require) that participants attend 12-step meetings. If your drug court plans to utilize this resource, it is essential to be aware of the depth and breadth of this support network. What types of meetings are there (AA? NA? MA?)? Are the needs of special populations (women, youth, gays/lesbians) appropriately served? Are there similar support groups for family members? Are there any programs that can serve as a reasonable alternative to the traditional 12-step framework?

b. Mental Health Services

Many addicts have been the victims of abuse, whether sexual, physical, or emotional. In some cases, depression may underlie or exacerbate substance abuse. Drug court clients, therefore, often need mental health counseling, which can be sought from both public and private entities. You should also get information about fee schedules, whether or not costs can be set on a “sliding scale,” and whether or not Medicaid payments are accepted.

c. Medical/Public Health Services

Many drug court participants have medical, including dental, problems that require treatment. What resources are there in the community that can provide screening for communicable diseases? For treatment of medical and/or dental conditions? For provision of medical equipment and/or supplies (i.e., glasses, crutches, etc.).

d. Housing Alternatives

Safe, sober housing is essential to achieving and maintaining sobriety. The drug court should be familiar with the various types of housing available in the community, including shelters, half-way houses, and other temporary living environments. Some treatment providers may offer “supportive living” situations. You should also look into whether or not a criminal record will disqualify an applicant for public housing.

e. Education and Employment Opportunities

Drug court defendants are apt to be undereducated and under- or unemployed. The drug court should gather information about where clients can receive GED preparation and testing services, vocational and technical training, resume-writing and interview coaching, etc. Local colleges may be willing to offer scholarships or other assistance. It is also a good idea to identify the region’s large employers; many may leap at the opportunity to hire employees who are regularly monitored for drug use. The Federal Bonding Program may also serve as an aid in job placement.

f. Faith-Based and Other Community Organizations

Virtually all communities feature faith-based and other community organizations that advocate for, and attend to the needs of, special populations. These groups can share information about the services their constituencies already use and the services they need that are not currently available. You may also find that these organizations are willing and able to support and reinforce the drug court’s mission and directives.

g. Transportation

Once a drug court is up and running, the participants have many appointments to get to on a daily basis. It is therefore necessary to analyze the public transportation system. How easy or difficult is it for clients to get to the court? To treatment? To meetings with their case manager?

B. Narrow Your Focus: The Criminal Justice System

A thorough analysis of the local criminal justice system is essential to properly identifying your target drug court population. For a variety of reasons, not all drug users find their way into the criminal justice system (as the Anyplace officials learned). You’ll want to obtain data about how the system currently operates and the various methods already employed to provide addicted defendants with treatment. You’ll also want information about the offenders themselves and the nature of the criminal activity in which they engage, and any changes that occur after the program becomes operational. Your ultimate focus will be, of course, on those criminal defendants who are also drug-

involved. Through this process, you should have a better sense of how the drug court can serve both the system itself and those under its supervision.

1. Criminal Justice Agencies

Below is a list of criminal justice agencies you can contact for all or some of the required information. If you find that data is not readily available, you can request that the agencies maintain the necessary records for a period of six months or so, and collect and analyze the results at the end of that timeframe.

a. Law Enforcement Agencies

Local police and sheriff's departments will be able to supply information about the number of people arrested and the types of crimes with which they are charged. They may also be able to tell you about particular neighborhoods within your community that have high crime rates or frequent calls to 911. These agencies may also be able to identify crime patterns or clusters that would be of interest to the drug court. For example, you may learn that a high percentage of the area's petty thefts occur within the three square miles that constitute the local retail district. This group of offenders may prove to be a significant portion of the target population, and the drug court may then garner the support of local merchants who stand to benefit from a successful program.

b. Probation Departments

Some probationers are required to have a substance abuse evaluation and to follow through with any recommended treatment as a condition of their sentence. The probation department can furnish statistics about the number/percentage of clients referred for treatment along with data about those clients who successfully engage in treatment and those who violate probation by failing to complete treatment. Other valuable information is also likely to be available from the probation department, such as the department's caseload, levels of supervision, and racial/ethnic/socio-economic characteristics of the clientele.

c. Prosecutors and Public Defenders

These attorneys are on the front lines of the criminal justice system and can be an excellent source of information regarding offenders and offenses, current sentencing practices and guidelines, and the existing political climate. These attorneys may also give you a sense of the characteristics of drug dependent defendants that appear to be recycling through the justice system and may be amenable to the drug court program. You may also be able to obtain data about how much crime "costs," in terms of court fees and attorney services.

d. Department of Corrections/Jail Administration

The local corrections authorities will have information about incarceration costs, jail-based treatment and health services, the size of the jail population, the average length of stay (both pre-trial and post-conviction), the types of offenders housed, etc.

e. Court Administration/Clerks

Courts keep all sorts of records and can provide data about the number of cases filed, dispositions, charge reductions, court capacity, offender release status, etc. Because one of the selling points of your drug court may be swifter case processing, you should get information about the average length of time from filing to disposition and the number of pre-disposition court appearances.

f. Pretrial Services

The organization or agency in your community charged with making initial bail recommendations will have a great deal of information about those who commit crimes, their ties to the community, their bench-warrant history, and other relevant factors. In addition, some offenders are monitored by the criminal justice system as a condition of pretrial release. The agencies that supervise these offenders can offer information on the number of people they serve, the frequency and nature of violations, drug-testing costs, and the cost and effectiveness of electronic monitoring and other aspects of “house arrest.”

g. Current Court-Ordered Treatment

Many jurisdictions have pretrial/diversion programs through which some defendants receive substance abuse treatment. It is essential to examine these programs so that the drug court does not duplicate services already being provided. You’ll want to be informed as to the eligibility criteria for these programs, their success rates, and whether or not unsuccessful participants might be suitable for drug court.

2. The Offenses

When targeting a drug court population, it is necessary to gather data about the kind of crimes committed in your community. Given the nature of drug court, it is natural to focus first on drug possession and trafficking cases. However, these “drug crimes” are not the only offenses in which the defendants’ substance abuse may be a contributing factor. Here are some other types of offenses to gather statistics about:

- Driving Under the Influence (whether of alcohol or a controlled substance)
- Property crimes such as burglary, larceny, shoplifting, auto theft, possession of stolen goods

- Intimate partner abuse
- Fraud and forgery
- Prostitution
- C Violent crimes such as weapons possession, robbery, sexual assault, homicide, elder abuse, gang activities
- C Probation violations, many of which may be filed because of a failure to engage in substance abuse treatment.

The courts and the local prosecutor are excellent sources of this type of data; they will have information about both closed and open cases. Not all of these offenses will be eligible for your drug court but it is important to compile as comprehensive a picture as possible regarding the nature of crime committed by drug dependent offenders at both the start of your program and during the course of its operation.

3. The Offenders

You'll also want to collect as much information as possible about the people in your community who commit crimes, both during the planning phases of your program and after it has become operational. Many of the above-listed agencies will be able provide you with some data about the offenders they encounter. The drug court team will need to discover as much as it can about:

- Gender (What percentage of the population is male? Female?)
- Race/Ethnicity (What is the racial/ethnic breakdown of offenders? Do trends indicate an increase in criminal activity among members of any group?)
- Age (Into what age range do the majority of offenders fall?)
- Alcohol and drug use (What is the rate of substance abuse? What appears to be the drug of choice for the majority of offenders?)
- Criminal history (What percentage of offenders have prior arrests/convictions? Misdemeanors? Felonies? Violent offenses? What percentage are probation violators?)
- Treatment history (What percentage of offenders have previously been in treatment?)
- Mental health history (How many offenders are dually diagnosed?)
- Medical history (How many offenders have communicable diseases? Have visited the emergency room recently?)
- Education level (Do most offenders have GEDs? High school diplomas? Vocational training? College credits/degrees?)
- Employment status (Are most offenders employed? What skills are represented? Any military veterans?)

C. Zoom In: Your Target Population

Regardless of whether your drug court is in the planning stage or already operational, chances are it will be difficult at first to obtain much of the information listed above in Section II.B. Most jurisdictions probably do not maintain records about arrestees' substance abuse/treatment history, military service, education level, and mental health condition as a matter of course. Because this data is particularly useful in determining the nature and level of care your drug court clients will – or do -- require, it is helpful to create a system through which this information can be acquired.

If your program is in the planning stages one suggested method is to work closely with the agency in your community that makes initial bail recommendations. Often, defendants who are detained prior to their first court appearance are interviewed to determine whether they should be released on their own recognizance or required to post bail. This is an excellent point in the adjudication process at which to gather information about the treatment needs of your arrestee population. You should also make sure that this data is compiled once the program is implemented so that you can monitor the delivery of services to program participants as well as identify gaps in resources.

If your drug court is already operational, you should analyze the data you've collected about past and present participants to identify resources needed as well as gaps that need to be addressed. If this data is not readily available, you should also look into augmentations that may be needed in the program's information system capabilities to assure its ready accessibility on a regular basis..

Through this analysis, you can combine what you've learned about offender needs with what you've learned about how well those needs are being met through traditional channels. (If your drug court is operational, you'll also have information from and about past and present participants and the extent to which the program has met their needs.) What does all this data indicate about your community, its criminal justice system, and its offender population? How well they are being served by the traditional supervision and treatment system? By the drug court program? For example, are young males with drug problems regularly violating probation or drug court conditions? Perhaps they should be targeted for drug court supervision or, if already in the drug court, for special services?. Is the pretrial diversion program successful for moderate drug users but less so for those who use drugs on a daily basis? For older rather than younger persons? Perhaps the drug court will target young, "hard-core" drug addicts. Are there excellent treatment facilities in the area for MICA (mentally ill/chemically addicted) clients? Perhaps the drug court can be of service to that segment of the offender population as well.

The questions the planning committee asks and answers at this stage will be dictated by what the collected data reveals; there isn't a prescribed method for interpreting and analyzing information of this type that will work for all localities. However, two considerations apply in virtually every situation: 1) the drug court should not duplicate existing services, but should focus on unmet needs;

and 2) all data must be reviewed in light of the drug court program's goals.

It is, in fact, the jurisdiction's goals that will play the largest role in identifying the target population. The drug court may be an excellent means through which to attain those desired ends, and the knowledge gleaned from the data collected during the targeting process can help the community define, refine, and prioritize those goals – as well as revisit them after the program becomes operational -- with much greater precision.

III. Eligibility and Aspects of Program Design: Matching Offenders and Resources

Identifying the target population merely answers the question of who among your offender population might benefit from participation in drug court. It is also necessary to determine who *can* participate, given the local political climate and policy considerations, legal constraints, funding restrictions, and limits on available treatment and other resources. The drug court team will have to explore how to best accommodate the broadest possible segment of the targeted group in light of three areas of concern: Court/legal system issues, treatment/services issues, and practical issues.

A sample *Targeting Analysis* is provided in Section IV, geared to the issues “Anyplace” officials addressed in order to determine how their program should be revised. Among the issues they looked at were: total case filings by offense type and method of disposition, including Violations of Probation; demographic information on offenders; and data relating to potential needs for services (i.e., treatment, education, family, etc.). The following are the range of considerations that this type of analysis may generate.

A. Legal System Considerations

Your targeting process likely revealed the kinds of crimes committed by your target population and other factors that are inextricably linked to the criminal justice system. Now is the time to come to consensus as to how the drug court will function within the legal realm and, if the program is already operational, what changes may be needed.

1. Determining the Appropriate Jurisdiction

What is the appropriate jurisdiction for the drug court? The answer to this deceptively simple question will have many ramifications. Will the drug court accept only misdemeanor cases? If so, will a significant portion of the target group be thereby excluded? Perhaps felonies should be covered as well. It’s important, too, that the drug court judge have all the powers necessary to run an effective program: the power to issue bench warrants, the power to incarcerate, etc.

2. Point of Intervention/Legal Status of Participants

At what point in the adjudication process should the drug court intervene? What legal status will participants have while in the program? Upon graduation? The legal representatives on the drug court team (which should include, at a minimum, an experienced judge, prosecutor, and defense attorney) will have to reach an agreement as to the point in the adjudication process at which the drug court option is available to defendants, the participants’ legal standing while in drug court, and

the legal benefit earned for successful completion of the program. (The drug court will not be able to attract an adequate number of participants if the legal benefit conferred upon graduation does not put them in a substantially better situation than could have been achieved in a traditional criminal court.) There are several options to choose from, and many drug courts employ a combination of approaches in order reach a broad range of participants. The decisions your team members reach will, of course, depend upon the results of your targeting process as well as any local political and/or policy considerations.

One of the key components of drug court programs is that “[e]ligible participants are identified early and promptly placed in the drug court program.”¹ The aim is to reach defendants at the point when they’re most likely to be receptive to treatment, i.e., while they are still in the grip of the crisis that typically accompanies an arrest.

a. Pre-Plea/Diversion

In this design, defendants can enter and complete drug court without entering a guilty plea. If a client completes the program, the charge is dismissed.

This approach has the clear benefit of involving the defendant very early on in the judicial process, providing treatment immediately, and reducing court preparation time for both prosecution and defense. However, prosecutors may be reluctant to agree to a diversion program for anyone other than first-time offenders, and first-time offenders may be adequately served by existing diversion programs and are unlikely to require the intense supervision drug court provides.

b. Post-Plea/Pre-Sentence

In this model, a defendant must plead guilty prior to entering the program. At that time, sentencing is deferred in order to give the defendant the opportunity to successfully complete drug court. Upon successful completion, the defendant receives some legal benefit that ranges from a reduction in the level of offense and a lesser sentence to withdrawal of the guilty plea and dismissal of charges.

To accomplish the goal of enrolling defendants in drug court as soon as possible following their arrests, the prosecution and defense must agree to expedite the discovery process so that all pleas are entered in a knowing, intelligent, and voluntary manner.

c. Post-Conviction

¹*Defining Drug Courts: The Key Components.* (NCJ 171140). Washington, DC. U.S. Department of Justice. 1997.

The drug court is often also available to defendants at the time of sentencing. This typically occurs in three situations: 1) a probation-eligible defendant is required to complete drug court as a condition of probation; 2) a probation violator who would otherwise receive a previously suspended incarceration sentence is instead placed in the drug court program; or 3) a defendant who has already served a period of incarceration is enrolled in drug court as a condition of “re-entry.”

The obvious drawback to the post-conviction approach is that treatment is significantly delayed. Furthermore, a post-conviction model does nothing to relieve congested court dockets (which may be a program goal). Finally, in the post-conviction situation, participants receive little legal reward, so they may be less motivated to comply with the demands of drug court.

3. Statutory/Funding/Policy Considerations

Will certain offenders or offenses be ineligible by operation of law? Because of funding restrictions? Because of political or policy concerns? Certain members of your target population may ultimately be ineligible for drug court because of the nature of the charges that bring them before the court or because of their criminal histories.

a. Sentencing restrictions

Some crimes are subject to mandatory incarceration and, therefore, anyone charged with such an offense would not be eligible for drug court. For other offenses, statutory maximum incarceration periods may be so short that there is little incentive for a defendant to choose drug court participation over a jail or prison sentence. Even though experience indicates that certain defendants actively want treatment and will choose it without regard to possible legal benefits or sanctions, it makes sense to attach a significant legal benefit to completion of the drug court program in order to make the program attractive to a wide range of defendants.

b. Charging practices

Some defendants may, at first glance, appear to be ineligible for the drug court because of the nature of the charges they face. Both defense counsel and the drug court prosecutor should carefully examine accusatory instruments and discovery materials to ensure that otherwise appropriate candidates are not excluded from the program because they have been “overcharged.”

c. Funding restrictions

Your drug court funding source may set limits as to who can enter the program. For example,

if your drug court receives federal funds, your program cannot accept defendants who have committed “violent offenses” as that term is defined in the funding guidelines.

d. Political/policy restrictions

Prosecutors and judges, many of whom are elected officials, face significant public scrutiny. They may think that those who commit certain offenses should be excluded from drug court, perhaps because they pose a risk to community safety or may attract negative media attention. Defense counsel, of course, will want the program to be available to as many clients as possible.

Compromise on these issues is essential. For example, suppose the prosecutor, who will be running for re-election in the fall, wants to exclude all defendants charged with felony-level drug sales, felony-level property crimes, or weapons possession (whether a felony or a misdemeanor). The public defender says these types of cases make up a quarter of the office caseload, and that many of the defendants are likely to be prime candidates for drug court. After discussing both viewpoints, the team decides to deny admission to those charged with felony drug sales and/or weapons possession, and to make decisions about the property crime cases on an individual basis. Furthermore, the team commits to reviewing this issue after the drug court has been in operation for a year, to see whether the policy should be adjusted.

B. Treatment/Services Issues

The nature and availability of substance abuse treatment in your region is a critical avenue of exploration for your drug court planning committee. In the targeting process, you gathered a large amount of information regarding local treatment providers. Whether your program is in the planning or operational stage, you need to make choices about which treatment providers can best serve the needs of your target population, as well as to determine whether there are gaps in available treatment services that must be filled or needs that simply cannot be met.

1. Choosing Your Treatment Provider(s)

Substance abuse treatment is not an area in which “one size fits all.” Women’s treatment needs differ from men’s treatment needs. Juveniles and older adolescents do not always respond well to the same treatment techniques that may be successful with adults. A significant percentage of your target group may be “dually diagnosed;” that is, some may be both chemically addicted and mentally ill and therefore need additional services as part of their treatment. Race and ethnicity may also play a role in determining what type of treatment has the best chance for success.

It is essential, therefore, that the treatment providers working with the drug court are cognizant of these issues, that they are capable of delivering (or making referrals to) developmentally based, culturally relevant services. In addition, you may want to consider whether

the provision of supplemental services -- such as acupuncture, nutrition education, and recreational activities -- makes some treatment provider more attractive than others.

Other considerations will also come into play, especially in larger jurisdictions that are likely to have access to a number of different treatment providers. Bear in mind that not all clients will require the same level of treatment; you'll want to be sure that the providers you choose to work with offer a range of treatment protocols. The number of treatment providers you decide to involve in the program is also an area for discussion. Having several treatment options available might increase the number of clients the drug court can properly serve. It is also true, however, that involving a large number of treatment providers will may create logistical and administrative difficulties. You will also need to keep in mind that the experience of the past may not be fully reflective of future needs. All of these issues (and any others that arise) should be examined before final decisions are made.

2. Identifying Gaps and Shoring Up Support

Chances are, your drug court participants will need to avail themselves of many other services in your community. If your court is operational, the adequacy of area services should be a topic of continuous review. If your drug court is in the planning stages, you should examine these services in light of the target population to make sure that the basics are in place or, if something is missing, brainstorm ways to fill the gaps.

The local probation department can be an excellent source of information about the services available to offenders in your community, their adequacy and efficacy, as well as service gaps. Local treatment providers and community groups can also provide perspective on these issues. Operational drug courts should also consider consulting past and present participants: since they are the consumers of these services, they are in an excellent position to evaluate their adequacy and to identify those additional services they feel should be available.

For example, does your target population include women with young children? If so, affordable day care options will be a necessity. What already exists in your community? Will it be helpful for your drug court clients? (The best source of information about community services are those who use them; be sure to check periodically with your drug court clients as to how well their needs are being met.) In addition, many addicts will require the support of their families and the community in order to achieve and maintain sobriety. Do you have a mechanism in place for reaching out to family members? Is your program connected with faith-based and other community organizations to which clients might already belong and which can provide additional support?

A lack of public transportation can be a barrier to drug court participation for some defendants. What does your community offer? Is it convenient to treatment and other drug court-linked locations? Are there volunteer groups or faith-based organizations that might help solve transportation problems?

It is likely that a portion of your target population suffers from HIV/AIDS, hepatitis C, and other medical conditions that are often associated with intravenous drug use. Does your community have support groups for those affected by these diseases? Are there clinics to treat them?

C. Practical Issues

Some members of your target population will become ineligible for drug court on the basis of purely practical concerns. At the planning stage, the committee should seek to minimize the number of clients affected by such issues while bearing in mind that it is impossible to design a drug court that can serve every member of the target group.

1. Court Capacity

As discussed above, the drug court must operate within the constraints of the existing legal system. There may simply be a limit on the number of participants your drug court can reasonably accept. Adding a new docket will place some pressure on court schedules, court personnel, and judicial and attorney resources. Therefore, all of these persons should be consulted so that the drug court causes minimal disruption to overall case processing.

2. Hours of Operation

What time will drug court convene? During what hours is treatment available? The answers to these questions sometimes mean that defendants who work full-time or attend school are, in effect, ineligible for the program. Flexibility, on the part of the court and the treatment providers, goes a long way toward solving this problem.

Some courts hold both morning and afternoon sessions and allow defendants to choose the one that best fits their work/school schedule. Other courts have daytime and evening sessions. Still other courts call the cases of employed defendants first, and then allow them to leave to get back to work.

3. Costs

How much does it cost to be a drug court participant? Many defendants must pay for treatment, for drug testing, for court fees, etc. The best way to address this issues, as with many of the other issues raised in this document, depends upon the particulars of your situation. Some things to consider are: Can “sliding scale” fees be set? Will partial payment be accepted? Can defendants earn a reduction in their bill as a reward for maintaining sobriety?

4. Individual Circumstances

Some defendants may have needs so great that the drug court finds itself unable to serve

them. Courts may feel ill-equipped to handle defendants who have severe mental health diagnoses, serious medical needs, or who are in methadone maintenance programs. It is important, however, that the drug court comply with state and federal anti-discrimination laws. The team should include, or consult with, someone well-versed in the Americans with Disabilities Act and other relevant statutes.

IV. Sample Targeting Analysis

Because every jurisdiction is unique, it is not possible to prescribe a step-by-step process that can lead each community directly to the appropriate target population for its drug court program. What follows is a hypothetical targeting analysis that could have been undertaken by the officials in “Anyplace.” It highlights the types of data a community might want to consider in developing a target drug court population. Your jurisdiction, however, will want to modify this analysis so that it reflects the realities of your community.

A. Criminal Justice Data

Had the Anyplace officials taken a look at their criminal caseload, the following is what they might have found and the decisions they might have made:

Anyplace Circuit Court: Criminal Caseload: FY 2001

I. Total Felony Cases:

Filed:	3,182
Dismissed/Nolle Prossed:	- 442
Trial: Not Guilty	<u>- 82</u>
Remaining	2,658
Cases involving violence: (homicide, rape, arson, robbery, etc.):	- <u>960</u>
Remaining Cases:	1,698
Nondrug cases or cases inappropriate for drug court (e.g., embezzlement, weapons violations, etc.):	<u>- 462</u>
Potential Drug and Drug Related cases:	1,236

II. Breakdown of Potentially Eligible Drug Court Cases Filed/Disposed:

[Anyplace officials have decided they want to focus their analysis initially on cases involving charges of drug possession; drug trafficking/sales (small amounts); theft; and Violations of Probation. If this analysis does not yield a sufficient pool of potentially eligible cases, local officials will expand their analysis to include other drug-related offenses.]

Drug Possession:	950
1 st offense:	150 (eligible for DA Diversion)
2 nd offense:	350

3 rd offense:	280
4 th + offense	170

Drug Trafficking/sales (small amounts):	40
1 st offense:	12
2 nd offense:	26
3 rd + offense:	2

Theft:	236
no drug involvement:	<u>- 56</u>
drug involvement:	180
1 st offense	65
2 nd offense	45
3 rd + offense	110

Total Caseload Potentially Eligible For Drug Court Program	
Drug Possession Offenses	950
Drug Sales/Trafficking (small amounts)	40
Theft (with drug involved defendant)	<u>180</u>
Total:	1,170 cases

III. Violations of Probation (VOPs):

Total VOPs filed:	850
VOPs inappropriate for drug court (e.g., because of original charge, nature of violation, and/or defendant is not drug involved)	<u>-350</u>
Remaining VOPs	500

VOPs involving Drug Possession Cases and drug trafficking (small amounts):	400
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VOPs involving Theft/Property Offenses:	
Total offenses:	75
Cases in which defendant is Not drug-involved	<u>-45</u>
VOP Theft cases potentially eligible for Drug Court	30
	<u>30</u>

Total potentially drug court-eligible VOP caseload 430

Reasons for Violation:

New Offense: violent offense/case inappropriate for drug Court	-60
New Offense: drug possession/drug sales (small amounts)/Theft	180
Failure to complete treatment	<u>190</u>
Total VOP caseload potentially eligible for drug court	370

IV. Summary:

Cases Potentially Eligible for Drug Court:	
Drug Possession:	950
Drug Trafficking/sales (small amounts)	40
Theft (involving drug-involved defendant):	<u>180</u>
Total Cases:	1,170
Violations of Probation (VOPs)	<u>370</u>
Total Cases Potentially Eligible for the Drug Court	1,540

Issues Raised by the Caseload Review:

There are potentially 1,170 cases filed and an additional 370 VOP cases which might be eligible for the drug court program, for a total of 1,540 cases. The maximum capacity for the drug court program will be 350 participants during the first year. Anyplace officials will therefore need to determine which of the potentially eligible drug court cases will comprise the drug court caseload and which will not be considered—at least for the first year.

Here are some of the considerations they might have made:

Drug cases eligible for the prosecutor's diversion program were excluded:	-150
Cases involving second and third offenses were excluded because treatment services were available through probation services (These services will be reviewed, along with the probation supervision provided to determine any enhancements that may need to be made to make them more effective)	-630
Drug Sales (small amounts)	
C Exclude first and second offenders because treatment services	

were available through Probation (a similar review of treatment and probation services will be made for these cases also)	- 38
Theft cases not involving drug use were excluded:	- 56
Theft cases involving drug use for first and second offenders were excluded because treatment services were available through Probation (a similar review of treatment and probation services will be made for these cases as well)	<u>-110</u>
Total Case Filings Excluded from drug court program:	984
Remaining potentially eligible cases:	
252	

Violations of Probation:

Local officials decided to include the projected 190 VOPs that entailed failure to complete treatment but to exclude VOPs that entailed new arrests until some experience was gained with defendants who had current cases filed and improvements were made, as appropriate, in the provision of treatment and supervision services for non-drug court defendants (see above).

This initial analysis resulted in a projected 252 cases comprising new case filings being eligible for the drug court and an additional 190 cases comprising VOPs for Failures to Complete Treatment, for a total of 442 potential cases, with 350 slots available. However, local officials recognize that, even with this analysis, there may be a number of factors that will affect the pool of defendants eligible for the drug court once the program begins—changes in law enforcement arrest policies/practices; sentencing practices; and criminal activity generally. The officials are also cognizant that it will take some time for the drug court to reach its client capacity, and that slots will continually open up as clients either successfully complete the program or are voluntarily or involuntarily terminated from the drug court. Therefore, they will need to review case filing and VOP information periodically and make adjustments in their criminal justice targeting decisions, as necessary.

In addition, to the extent that the drug court is a voluntary program (e.g., not a condition of probation), local officials will need to review the frequency with which participants elect to enter the drug court and, if the frequency is less than anticipated, determine the reasons for its rejection. Finally, local officials will also need to review the progress of participants in the program and, to the extent participants are not progressing as anticipated, determine the reasons for their lack of success—particularly as these reasons may relate to the resources and treatment services available.

The current District Attorney has announced she will not seek re-election in 2002. Depending upon the orientation of the new DA, local officials may also need to rethink their targeted population to assure the DA's support for the program. The high frequency of VOP's is a potentially fruitful area to explore—either for program modification and/or expansion. Local officials feel, however, they will be in a better position to address this issue after some program

experience has been gained and other modifications for nondrug court probationers are made.

B. Treatment and Ancillary Service Needs

The Anyplace officials learned that there was very little information currently available about offenders' substance abuse treatment histories. The jurisdiction also didn't have data concerning other aspects of offenders' lives: education, employment, military status, language skills, dependent children, etc.

With the cooperation of the local probation department, a subdivision of which regularly conducts pre-arraignment interviews with arrestees, Anyplace officials gathered what information they could about the offender population's treatment and service needs. For a period of four months, all persons arrested and detained for drug court-eligible offenses (as determined by the analysis of criminal justice system data undertaken in section IV.A.) were asked a series of questions designed to elicit the relevant information.

Bearing in mind that those held in jail pending arraignment represent only a small portion of those arrested, the Anyplace officials also requested that the Probation Department compile the same data on all of those currently under its supervision for drug court-eligible crimes. The officials then reviewed both data sets with the help of local treatment professionals.

These surveys yielded data regarding 385 individuals. The Anyplace officials recognized that, while the information collected could not provide a perfectly accurate portrait of their eventual drug court clients, it did give them a sense of the types of individuals who would eventually enroll in drug court and the types of services they would require.

Here are some of the results of the Anyplace data collection efforts:

Gender		
Males		63%
Females		37%
Race/Ethnicity		
White		37%
African-American		28%
Latino/Hispanic		17%
Asian		8%
Native American		3%
Other		7%
Age		
18-24		19%
25-34		42%
35-44		27%

45-54	10%
54+	2%
Drugs of choice (Almost 3/4 indicated more than one preferred drug)	
Alcohol	23%
Marijuana	82%
Crack/Cocaine	68%
Heroin	44%
Methamphetamine	27%
One or more the above	71%
Treatment history	
No prior treatment	39%
One failed treatment attempt	18%
Two failed treatment attempts	32%
Three or more failed attempts	11%
Education level	
Less than GED	41%
GED/High school diploma	52%
Some college	5%
College degree	2%
Employment status	
Unemployed	58%
Employed part-time	19%
Employed full-time	23%
Parental status	
No children	36%
Children (not in the home)	18%
Children (in the home)	46%
Military status	
No military experience	96%
Military veteran	4%
Primary language	
English	86%
Spanish	12%
Other	2%

C. Available Resources/Gaps in Resources

Because one of the goals of the Anyplace drug court is to supervise clients in the community, it is decided that, with rare exceptions, all clients will need to be appropriate for outpatient treatment. Anyplace has three not-for-profit substance abuse treatment providers, each of which can furnish outpatient treatment for approximately 125 clients; one of them also has a 36-bed long-term residential treatment facility. Participants who first require detoxification will be referred to the local hospital.

The data gathered indicates that Anyplace can expect to have a significant number of women in the program, many of whom are the primary caregivers for young children. Only one of the treatment providers currently has a women's group in place and none of them have the space to offer child care for their clients. The other treatment providers will institute counseling plans geared toward women, while the officials will seek out low-cost, reliable child care options in the community.

The 12-step network in Anyplace has several AA and NA meetings that clients can choose from. There is also an MA (Marijuana Anonymous) group that is designed primarily for people in their late teens or early 20s. However, during the data collection stage, the probation officers learned that a significant number of African-American clients who had tried AA and NA in the past found it unhelpful, in part because the overwhelming majority of group members were white. Anyplace officials, therefore, will investigate the possibility of instituting a new self-help group run by and intended for clients of color.

Finally, because nearly half of the individuals represented by the data above do not have a high school diploma or a GED, and because more than half are unemployed, the Anyplace officials want to be prepared to meet participants' education and employment needs. They will hire an education specialist who can administer diagnostic tests and provide GED instruction; they expect that this person will also be able to direct clients to local literacy instruction providers. They will also work closely with the local branch of the state labor department, which offers job readiness training, application submission/resume-writing services, and job interviewing workshops in addition to listing job opportunities.

* * * * *

V. Putting Your Targeting Analysis Into Practice

The preceding sample targeting analysis is merely an illustration of the types of data drug courts should collect and a suggestion of how it might be analyzed, both at the time of program

planning and periodically after the program has been implemented. The information compiled during this process should provide local officials with a foundation for determining the universe of offenders whom the program should target. Based on the availability of resources and a variety of other considerations discussed in this report, it is likely that local officials may have to restrict program participation and therefore develop program eligibility criteria.

“Blank” sample Targeting Analysis forms are included in the Appendix, which are designed for communities to use as a guideline for their targeting process. Separate sample forms are provided for communities which are *planning* drug courts and those which are revisiting their targeting process *after implementation*.

The information gathered during this process will probably be incomplete and, in any event, should be continually updated on an ongoing basis. Monitoring of participant progress in the drug court can also highlight special services certain participants need as well as other issues emerging that may effect the nature of the population the drug court targets and/or gaps that need to be filled in order for it to meaningfully serve its targeted population.

Can Anyplace officials be confident that they’ve targeted the right population and lined up all the necessary services? Probably not; they’ll have to wait and see how the actual drug court population evolves and modify the program, as experience warrants. Despite their best attempts to determine the nature of the target population the program can serve and the range of participant needs to address, it is very likely that new needs will emerge as program experience unfolds. They can be confident, however, that they’ve engaged in a structured assessment of their criminal justice system and the available treatment resources and other services. They can be confident, that is, that they have a solid foundation on which to build and revisit the targeting process on a regular basis.

VI. Conclusion: Keep Looking Forward. . .and Backward

The targeting process never ends. After your committee has worked through the process during the planning stages, it is necessary to remain vigilant; your community will not remain static and neither will the drug court's target population. Once the drug court has been operating for six months or so, take a look at the current participants. Then look back at the results of your targeting process. How well do they match up?

For example, if your targeting research revealed that approximately 50% of your target population consists of substance-abusing females with non-violent criminal histories, you should be enrolling roughly that proportion of females among your drug court participants. If that's not occurring, then perhaps eligibility requirements or other aspects of program design need to be modified to attract those members of the target population who are currently under-represented.

If, after review, you are satisfied that the drug court has hit its initial target, it may be time to look forward and consider whether or not the target population can be expanded. For example, if drug court had previously been open only to those with drug possession charges, perhaps a certain amount of success with members of that subgroup would result the local prosecutor's willingness to open up the program to some offenders charged with drug sales (provided that, for instance, the quantity is under a certain weight).

Every committee that engages in the targeting process will produce different results. There is no right or wrong target population; the right target for your community depends entirely on your community's unique characteristics. It is essential, however, that every community aiming to establish an effective drug court seek out its target. Give it your best shot!

VII. Frequently Asked Questions

1. Isn't targeting the same as developing eligibility criteria?

Targeting is actually a much broader undertaking than the development of eligibility criteria. The targeting process, during which you gather information about your community in general and the local criminal justice system in particular, helps you identify and define the size of the offender population that *could* benefit from drug court participation: those defendants who have drug problems that are not being addressed through existing programs and services.

When you create eligibility criteria, you are determining which offenders will be offered the opportunity to enter the drug court—a subgroup of the larger target population. For example, your planning committee may decide that, because of the extent of local resources being expended for the program, the drug court cannot accept persons who do not reside in the county. Chances are, some defendants who live outside of the county will be members of your target population, but they would ultimately be ineligible for drug court because of the planning committee's policy decision.

2. We don't have any data about substance abuse by the offender population in our town. Can we just skip that part of the targeting process?

Information about substance abuse among the offender population cannot be left out of the targeting equation. Without it, you run the risk of duplicating services already rendered by other criminal justice initiatives that provide some form of treatment. In addition, you cannot design an effective program without first having a good idea of the kind of treatment your eventual clients will require.

The proper approach in this situation is to start collecting the data now. In cooperation with those local agencies that have frequent contact with defendants (i.e., pre-trial services, probation), you can begin to gather the necessary information. After six months or so, you should have a good sense of the extent and nature of the substance abuse that goes on among those in your community who are charged with potentially drug court-eligible crimes.

3. We diligently went through the targeting process and designed our drug court for 200 participants. We've been operating for six months, and only 35 people have enrolled. What did we do wrong?

Defining your target population is only the first step in reaching drug court clients. It's essential, too, to publicize the program within the criminal justice community. Do judges and attorneys understand the program and how to refer defendants? What about other potential sources of referrals?

It's entirely possible that your drug court team did nothing wrong in identifying your program's target population; a lower than expected enrollment may be, but is not necessarily, the result of an inadequate targeting process. For example, your eligibility criteria may be too restrictive in light of the types of cases currently in the system. If your program accepts only first-time offenders, for example, and most of them are being offered a less-intense diversion program as a matter of prosecutorial policy, your drug court "numbers" will be quite low. Or, it's possible that law enforcement policies or priorities have changed and that,

consequently, fewer persons committing drug court-eligible offenses are actually being apprehended. It may be, too, that your program does not offer sufficient incentives for participation or that the program and its benefits are not being clearly explained to potential participants.

Perhaps the best way to determine the reason for low enrollment is to go directly to the source. Those defendants who elect not to participate in the program can supply the reasons for why that is so. Obtaining such feedback should be a standard part of the opt-in/opt-out process.

If you have ruled out other possible explanations for low enrollment, then a fresh targeting process may be warranted.

4. Based on the most recent available data (which was nearly 18 months old), we decided on a target population of defendants who have no more than two prior convictions and whose drug of choice is crack/cocaine. Since implementing our drug court, however, there seem to have been some significant shifts in the offender population: There seems to be a high percentage of methamphetamine users, and many more women than before. What do we do?

Your situation is an excellent illustration of the ongoing nature of the targeting process. As the characteristics of the offender population evolve, so will the characteristics of your target group. And, as your clients change, it may be necessary to adjust the program's services as well. For instance, given the factors outlined above, you'll want to make sure that your treatment providers are skilled in dealing with meth users and that your program has a reliable method of testing for meth use. You'll also want to ensure that your program's treatment and services adequately address any special needs that women may have.

5. After going through the targeting process, we identified a target population of defendants with 2 or fewer prior convictions who were currently charged with drug possession, drug trafficking (in small amounts), and/or forgery of checks or drug prescriptions. Not long after the program began, our community elected a new district attorney who wants to restrict the drug court to first-time offenders charged with drug possession. But those defendants make up less than 10% of our arrestee population, and the data shows that, historically, only 20% of these arrestees have re-offended. We're not going to have many participants. Must we abandon the drug court?

Try some education and persuasion instead. It could be that the newly elected prosecutor doesn't thoroughly understand the drug court concept and the program's benefits for her office. Point out that the intense supervision the drug court provides can actually enhance public safety. It might be helpful, too, to suggest that the prosecutor contact her counterpart in another jurisdiction that has a strong, successful drug court. If she isn't really interested, perhaps you could request technical assistance services to review the program and specify that one of the reviewers should be an elected prosecutor who has developed a drug court in their home jurisdiction.

You may also be able to reach a compromise by designing two drug court "tracks." A pre-plea/diversion track for the first-time offenders the district attorney favors and a post-adjudication track for those defendants with significant criminal histories. Probation violators, provided they are otherwise eligible,

might be good candidates for your drug court. While recommendations for sentencing may be made by the prosecutor and the defense counsel, the Judge will ultimately make the case disposition and can consider the drug court as a sentencing option.

6. Our state has new legislation that significantly reduces the criminal penalties for the drug possession offenses that make up the majority of the cases on our current drug court docket. We expect that, in the near future, our target population will shrink drastically because of this initiative. How can we respond?

The situation in your jurisdiction highlights one of the primary themes of this document: that defining a target drug court population is not a one-time task, but rather an ongoing process that can be affected by a variety of factors. Changes in arrest practices, charging policies, and sentencing trends, funding fluctuations, an increase or decrease in the number of local treatment providers, and the election or appointment of new public officials are just a handful of the possible circumstances that may require an adjustment in your target population. One approach you might take to the situation you currently face is to update and re-examine the the criminal justice system information you collected during your initial targeting exercise. You'll need to subtract those cases/offenders that will fall under the new legislation, but you may find, in this process, categories of offenses/defendants you'd previously excluded because your team focused largely on simple possession cases.

As has been mentioned throughout this document, it's impossible to prescribe a method for analyzing this information that will be applicable to all jurisdictions; every community has different resources, different priorities, different goals, and different challenges. However, one premise appears to hold true across the board: there are typically more defendants who *could* benefit from the drug court's supervision than the program is able to accommodate at any one time. Therefore, if segments of your target population are precluded from enrolling in the program because of factors beyond the drug court team's control, it's quite likely that you'll be able to fill those empty slots. It may simply take some creativity and compromise to locate your new targets.

Appendices:

Sample Targeting Analysis Worksheet: Programs Being Planned

Sample Targeting Analysis Worksheet: Programs Already Operating

Sample Targeting Analysis Worksheet

Jurisdictions Planning a Drug Court

A. Criminal Justice Data

Criminal Caseload: FY _____

Task One: Caseload Analysis:

Total Felony and/or Misdemeanor Cases Filed

Filed: _____

Dismissed/Nolle Prossed: - _____

Trial: Not Guilty - _____

Remaining Cases: _____

Cases involving violence: (homicide, rape, arson, robbery, etc.): - _____

Remaining Cases: _____

Nondrug cases or cases inappropriate for drug court

(e.g., embezzlement, weapons violations, etc.): - _____

Net Potential Drug and Drug Related cases: _____

Violations of Probation (VOPs)

Total VOPs filed: _____

VOPs inappropriate for drug court (e.g., because of original charge, nature of violation, and/or defendant is not drug involved): - _____

Remaining VOPs: _____

VOPs involving Drug Possession Cases and drug trafficking (small amounts): - _____

VOPs involving Theft/Property Offenses

Total offenses: - _____

Cases in which defendant is Not drug-involved: - _____

VOP Theft cases potentially eligible for Drug Court: - _____

Total potentially drug court-eligible VOP caseload: _____

Reasons for Violation

New Offense: violent offense/case inappropriate for Drug Court: - _____

New Offense: drug possession/drug sales (small amounts)/theft: - _____

Failure to complete treatment: - _____

Net VOP caseload potentially eligible for drug court: _____

These cases will represent the universe of eligible cases. Further analysis will need to be made to determine:

- (1) how many different defendants are represented in these cases; and
- (2) how many of these defendants have drug involvement

This analysis should provide the net number of potentially eligible drug court defendants for the past year:

Task Two: Review Possible Changes Affecting the Future Criminal Caseload

Have there been any developments that might affect the criminal case filings (new prosecutor/prosecutorial charging policy; statutory changes; budgetary crises affecting law enforcement line officers, etc.)? If so, project the impact of these changes.

The results of the analysis of Tasks I and II will yield the projected number of potentially eligible drug court defendants. If this number exceeds the planned capacity of the drug court, the following additional analysis outlined in Task III will need to be conducted.

Task Three: Further Breakdown of Potentially Eligible Drug Court Cases Filed/Disposed

Identify the potential charges that might be eligible for the drug court (e.g., drug possession; drug trafficking-small amounts; forgery; etc.); identify the number of defendants charged with these offenses, and indicate the number of prior convictions of these defendants:

Based on the results of this analysis, the team can determine the types of offenses and extent of criminal history of potentially eligible defendants the program should target.

Issues to Consider in Caseload Review:

Is there a prosecutorial diversion program applicable to first offenders or others who have less serious charges? If not, could one be developed? (A diversion program might be a much less resource intensive approach to handling the less seriously involved offender.)

Are adequate treatment services already available to certain defendants? Could minor changes in the current service delivery and supervision process adequately address the needs of these defendants? If so, which ones? (These defendants can be excluded from the drug court or, in the alternative, brought into the drug court after they have not succeeded in the traditional treatment program.)

B. Treatment and Related Service Needs:

Defendants' Treatment Needs (sample): FY: _____

Note: Most jurisdictions do not have information readily available regarding the treatment needs of non-drug court defendants since comprehensive screening and assessment is rarely conducted as part of the traditional adjudication process. Therefore, for jurisdictions planning a drug court, it will probably be necessary to conduct a screening of a sample of defendants in the system, either pre-trial or in probation status who are charged with offenses that will be eligible for the drug court. Probation staff and local community groups should also be consulted to provide perspective on the major strengths and gaps in treatment and related services in your community.

Listed below are the principal areas for which information should be compiled

Gender	<u>No.</u>	<u>%.</u>		
Males				
Females				
	<u>Male</u>		<u>Female</u>	
Race/Ethnicity	No.	%.	No.	%.
Caucasian	_____	_____	_____	_____
African-American	_____	_____	_____	_____
Latino/Hispanic	_____	_____	_____	_____
Asian	_____	_____	_____	_____
Native American	_____	_____	_____	_____
Other	_____	_____	_____	_____
Age	No.	%.	No.	%.
18-24	_____	_____	_____	_____
25-34	_____	_____	_____	_____
35-44	_____	_____	_____	_____
45-54	_____	_____	_____	_____
54+	_____	_____	_____	_____
Drugs of choice	No.	%.	No.	%.
Alcohol	_____	_____	_____	_____
Marijuana	_____	_____	_____	_____
Crack/Cocaine	_____	_____	_____	_____
Heroin	_____	_____	_____	_____
Methamphetamine	_____	_____	_____	_____
Other	_____	_____	_____	_____
(specify)				
One or more the above	_____	_____	_____	_____
(specify)				
	<u>Male</u>		<u>Female</u>	
Treatment history	No.	%.	No.	%.
No prior treatment	_____	_____	_____	_____

One failed treatment attempt	_____	_____	_____	_____
Two failed treatment attempts	_____	_____	_____	_____
Three or more failed attempts	_____	_____	_____	_____
Mental Health Conditions	No.	%.	No.	%.
(please describe)	_____	_____	_____	_____
Physical Health Conditions	No.	%.	No.	%.
(please describe)	_____	_____	_____	_____
Education level	No.	%.	No.	%.
Less than GED	_____	_____	_____	_____
GED/High school diploma	_____	_____	_____	_____
Some college	_____	_____	_____	_____
College degree	_____	_____	_____	_____
Employment status	No.	%.	No.	%.
Unemployed	_____	_____	_____	_____
Employed part-time	_____	_____	_____	_____
Employed full-time	_____	_____	_____	_____
Prior Incarceration	No.	%.	No.	%.
Local jail	_____	_____	_____	_____
State Prison	_____	_____	_____	_____
Fed. Facility	_____	_____	_____	_____
Parental status	No.	%.	No.	%.
No minor children	_____	_____	_____	_____
Minor Children(not in the home)	_____	_____	_____	_____
Minor Children (in the home)	_____	_____	_____	_____
Military status	No.	%.	No.	%.
No military experience	_____	_____	_____	_____
Military veteran	_____	_____	_____	_____
Primary language	No.	%.	No.	%.
English	_____	_____	_____	_____
Spanish	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____

C. Available Resources/Gaps in Resources

Note: Most drug courts find that, even with the best of planning, participants frequent evidence treatment and related needs that were not anticipated. Below is a list of information elements on treatment and other community resources which programs planning for a drug court should compile and update periodically. This list will provide a foundation for identifying potential service providers that can support the drug court program as well as gaps that will need to be filled..

Outpatient Substance Abuse Treatment Providers:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential):

_____ Services for Persons with Mental Health Conditions

_____ Special Services for Women

_____ Special Services for Men

_____ Other Special Services: (foreign language speaking, special needs, etc.)

Capacity:

Criteria for Acceptance:

Length of Time for Program Entry:

_____ Costs for Services:

Restrictions:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential)

_____ Services for Persons with Mental Health Conditions

_____ Special Services for Women

_____ Special Services for Men

_____ Other Special Services: (foreign language speaking, special needs, etc.)

Capacity:

Criteria for Acceptance:

Length of Time for Program Entry:

_____ Costs for Services:

Restrictions:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential)

_____ Services for Persons with Mental Health Conditions:
_____ Special Services for Women:
_____ Special Services for Men:
_____ Other Special Services: (foreign language speaking, special needs, etc.)
Capacity:
Criteria for Acceptance:
Length of Time for Program Entry:
_____ Costs for Services:

Restrictions:

(Attach additional sheets if necessary)

Other Services (Indicate name, location, services, fees, and restrictions):

Mental Health

Public Health Services (including screening and treatment of infectious diseases)

Vocational

Educational

Job-Readiness

Job Training

Life Skills

Other (specify):

NA/AA meetings:

Sample Targeting Analysis Worksheet

Jurisdictions Operating a Drug Court

A. Criminal Justice Data

Task One: Caseload Analysis for Drug Court-Eligible Offenses:

Offenses Eligible for the Drug Court

Anticipated No. of Drug Court Cases: _____

Actual No. of Drug Court Cases: _____

If the actual number of drug court cases is significant less than the number anticipated, a review of the case filings for the period should be conducted to determine whether there were fewer than anticipated cases filed that were eligible for the drug court:

Total Felony and/or Misdemeanor Cases Filed

Filed: _____

Dismissed/Nolle Prossed: - _____

Trial: Not Guilty - _____

Remaining Cases: _____

If the pool of remaining cases appears large enough to meet the original targeted capacity for the drug court, a review should be made of the screening and referral process to determine the reasons for the drop-off between the number of defendants potentially eligible for the drug court and the number actually enrolled. If the drop-off is due to the screening and referral process (e.g., delay in screening); or other aspects of the program's operation (e.g., no incentive to participate, etc.), focus should be on those elements of the program rather than the targeting process. If, however, the drop-off is due to the lack of a sufficient pool of eligible participants (e.g., too many with prior violent offense histories, etc.) focus should be on expanding the eligibility criteria.

Task Two: Caseload Analysis of Other Offenses Potentially Eligible for the Drug Court

Other Felony and/or Misdemeanor Cases Filed Potentially Eligible for the Drug Court:

Filed: _____

Dismissed/Nolle Prossed: - _____

Trial: Not Guilty - _____

Remaining Cases: _____

Cases involving violence: (homicide, rape, arson, robbery, etc.): - _____

Remaining Cases: _____

Non-drug cases or cases inappropriate for drug court (e.g.,
embezzlement, weapons violations, etc.): - _____

Net Additional Potential Drug and Drug Related cases: _____

Violations of Probation (VOPs):

Total VOPs filed:	_____
VOPs inappropriate for drug court (e.g., because of original charge, nature of violation, and/or defendant is not drug involved):	- _____
Remaining VOPs:	=====
VOPs involving Drug Possession Cases and drug trafficking (small amounts):	- _____
VOPs involving Theft/Property Offenses	
Total offenses:	- _____
Cases in which defendant is Not drug-involved:	- _____
VOP Theft cases potentially eligible for Drug Court:	- _____
Total potentially drug court-eligible VOP caseload:	=====
Reasons for Violation	
New Offense: violent offense/case inappropriate for Drug Court:	- _____
New Offense: drug possession/drug sales (small amounts)/theft:	- _____
Failure to complete treatment:	- _____
Net VOP caseload potentially eligible for drug court:	=====

These cases will represent the universe of additional cases that could be potentially eligible for the drug court. Further analysis will need to be made to determine:

- (1) how many different defendants are represented in these cases; and
- (2) how many of these defendants have drug involvement

This analysis should provide the net number of additional defendants who entered the system during the past year who might be potentially eligible for the drug court:

Task Three: Review Possible Changes Affecting the Future Criminal Caseload

Have there been any developments that might affect the criminal case filings (new prosecutor/prosecutorial charging policy; statutory changes; budgetary crises affecting law enforcement line officers, etc.? If so, project the impact of these changes.

The results of the analysis of Tasks II and III will yield the projected additional number of potentially eligible drug court defendants. If this number exceeds the planned capacity of the drug court, the following additional analysis outlined in Task IV will need to be conducted.

Task Four: Further Breakdown of Potentially Eligible Drug Court Cases Filed/Disposed:

Identify the potential additional charges that might be eligible for the drug court (e.g., drug possession; drug trafficking-small amounts; forgery; etc.); identify the number of defendants charged with these offenses, and indicate the number of prior convictions of these defendants:

Based on the results of this analysis, the team can determine the types of offenses and extent of criminal history of potentially eligible defendants the program should add to its target population.

Issues to Consider in Caseload Review:

Is there a prosecutorial diversion program applicable to first offenders or others who are charged with potentially drug court-eligible offenses the program is considering? If not, could one be developed? (A diversion program might be a much less resource intensive approach to handling the less seriously involved offender.)

Are adequate treatment services already available to certain defendants? Could minor changes in the current service delivery and supervision process adequately address the needs of these defendants? If so, which ones? (These defendants can be excluded from the drug court or, in the alternative, brought into the drug court after they have not succeeded in the traditional treatment program.)

B. Treatment and Related Service Needs:

Defendants' Treatment Needs (sample): FY: _____

Note: If you are considering modifying your drug court population, you should attempt to compile demographic information on the population you are targeting and the substance abuse and other needs they present. The information you have gathered during the period of operation for your drug court will be very helpful in this regard. However, expanding the eligibility criteria for the drug court may result in bringing in participants with additional treatment and other needs. To project the services necessary to address these needs, you should review a sample of defendants in the system who are charged with the offenses that will be eligible for the drug court. Probation staff and local community groups should also be consulted to provide perspective on the major strengths and gaps in treatment and related services in your community that can address these needs.

Listed below are the principal areas for which information should be compiled on additional defendants, charged with the additional offenses which will be added to the drug court eligibility criteria, and who may now be eligible for your drug court program:

Gender	<u>No.</u>	<u>%.</u>		
Males				
Females				
Race/Ethnicity	<u>Male</u>		<u>Female</u>	
	No.	%.	No.	%.
Caucasian	_____	_____	_____	_____
African-American	_____	_____	_____	_____

Latino/Hispanic	_____	_____	_____	_____
Asian	_____	_____	_____	_____
Native American	_____	_____	_____	_____
Other	_____	_____	_____	_____
Age	No.	%.	No.	%.
18-24	_____	_____	_____	_____
25-34	_____	_____	_____	_____
35-44	_____	_____	_____	_____
45-54	_____	_____	_____	_____
54+	_____	_____	_____	_____
Drugs of choice	No.	%.	No.	%.
Alcohol	_____	_____	_____	_____
Marijuana	_____	_____	_____	_____
Crack/Cocaine	_____	_____	_____	_____
Heroin	_____	_____	_____	_____
Methamphetamine	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____
One or more the above (specify)	_____	_____	_____	_____
Treatment history	No.	%.	No.	%.
No prior treatment	_____	_____	_____	_____
One failed treatment attempt	_____	_____	_____	_____
Two failed treatment attempts	_____	_____	_____	_____
Three or more failed attempts	_____	_____	_____	_____
Mental Health Conditions (please describe)	No.	%.	No.	%.
	_____	_____	_____	_____
Physical Health Conditions (please describe)	No.	%.	No.	%.
	_____	_____	_____	_____
	<u>Male</u>		<u>Female</u>	
Education level	No.	%.	No.	%.
Less than GED	_____	_____	_____	_____
GED/High school diploma	_____	_____	_____	_____
Some college	_____	_____	_____	_____
College degree	_____	_____	_____	_____
	<u>Male</u>		<u>Female</u>	
Employment status	No.	%.	No.	%.
Unemployed	_____	_____	_____	_____
Employed part-time	_____	_____	_____	_____
Employed full-time	_____	_____	_____	_____

Prior Incarceration	No.	%.	No.	%.
Local jail	_____	_____	_____	_____
State Prison	_____	_____	_____	_____
Fed. Facility	_____	_____	_____	_____
Parental status	No.	%.	No.	%.
No minor children	_____	_____	_____	_____
Minor Children(not in the home)	_____	_____	_____	_____
Minor Children (in the home)	_____	_____	_____	_____
Military status	No.	%.	No.	%.
No military experience	_____	_____	_____	_____
Military veteran	_____	_____	_____	_____
Primary language	No.	%.	No.	%.
English	_____	_____	_____	_____
Spanish	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____

C. Available Resources/Gaps in Resources

The experience gained during the initial period of your drug court operation should provide guidance regarding treatment resources and gaps relevant to your existing drug court population. Before considering expansion of the drug court population, identify the strengths and gaps in treatment and related services currently experienced. The drug court team and, particularly, those involved with screening, referral and case management, are excellent sources for this information. In addition, probation staff and community groups can provide important perspective regarding resource strengths and gaps.

Below is a list of information elements on treatment and community resources which should be compiled to assist you in determining the additional treatment and other service capacity existing in your community to accommodate additional drug court participants. This list will also provide a foundation for identifying potential service providers that can support the drug court program as well as gaps that will need to be filled.

Outpatient Substance Abuse Treatment Providers:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential):

_____ Services for Persons with Mental Health Conditions

_____ Special Services for Women

_____ Special Services for Men

_____ Other Special Services: (foreign language speaking, special needs, etc.)

Capacity:

Criteria for Acceptance:

Length of Time for Program Entry:

_____ Costs for Services:

Restrictions:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential)

_____ Services for Persons with Mental Health Conditions

_____ Special Services for Women

_____ Special Services for Men

_____ Other Special Services: (foreign language speaking, special needs, etc.)

Capacity:

Criteria for Acceptance:

Length of Time for Program Entry:

_____ Costs for Services:

Restrictions:

Name and Location: _____

Services provided: (please T appropriate line(s) and describe below)

Nature of service (Detox, Group, Individual, short-term residential)

_____ Services for Persons with Mental Health Conditions:

_____ Special Services for Women:

_____ Special Services for Men:

_____ Other Special Services: (foreign language speaking, special needs, etc.)

Capacity:

Criteria for Acceptance:

Length of Time for Program Entry:

_____ Costs for Services:

Restrictions:

(Attach additional sheets if necessary)

Other Services (Indicate name, location, services, fees, and restrictions):

Mental Health

Public Health Services (including screening and treatment of infectious diseases)

Vocational

Educational

Job-Readiness

Job Training

Life Skills

Other (specify):

NA/AA meetings