

The background features a dark blue and black color scheme with abstract geometric elements. A white line graph with four data points is visible on the left side. The data points are connected by a white line, and the points themselves are white circles with a yellow-orange glow. The background also contains faint, semi-transparent grid lines and a large, light blue L-shaped graphic element that frames the text on the right. The overall aesthetic is modern and data-driven.

# PROBLEM-SOLVING COURT PERFORMANCE MEASURES

Gray Barton, Director  
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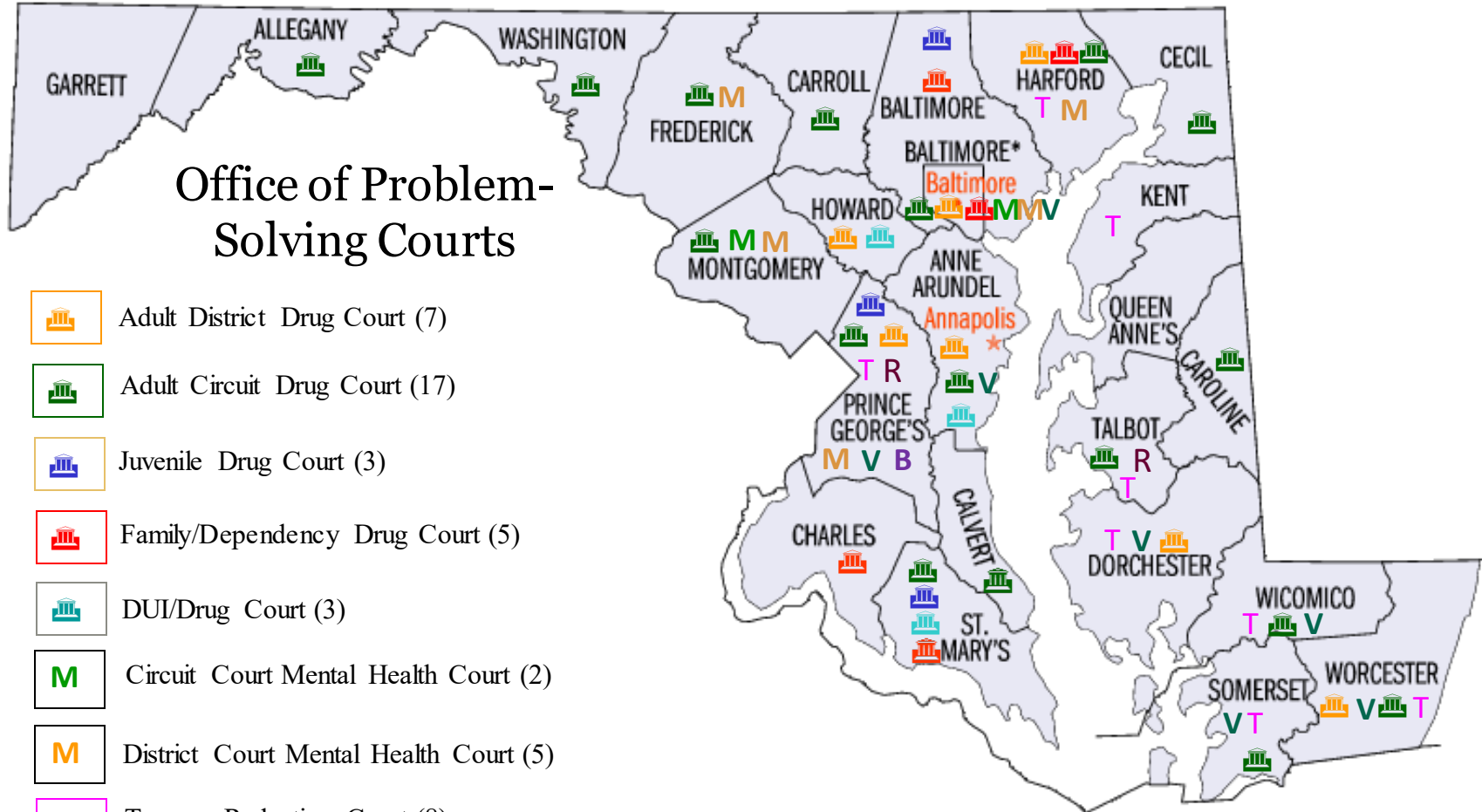
# Problem-Solving Courts












Problem-Solving Courts are specialized dockets within the criminal justice system that seek to address the underlying problem(s) contributing to certain criminal or civil issues. Generally, a problem-solving court involves an integrated approach between a judge, other governmental organizations, and a community service team to develop a case plan and closely monitor a participant's compliance.

# Problem-Solving Court Team



# Operational Problem-Solving Courts in Maryland



-  Adult District Drug Court (7)
-  Adult Circuit Drug Court (17)
-  Juvenile Drug Court (3)
-  Family/Dependency Drug Court (5)
-  DUI/Drug Court (3)
-  Circuit Court Mental Health Court (2)
-  District Court Mental Health Court (5)
-  Truancy Reduction Court (8)
-  Re-Entry Court (2)
-  Veterans Court (7)
-  Back-On-Track (1)

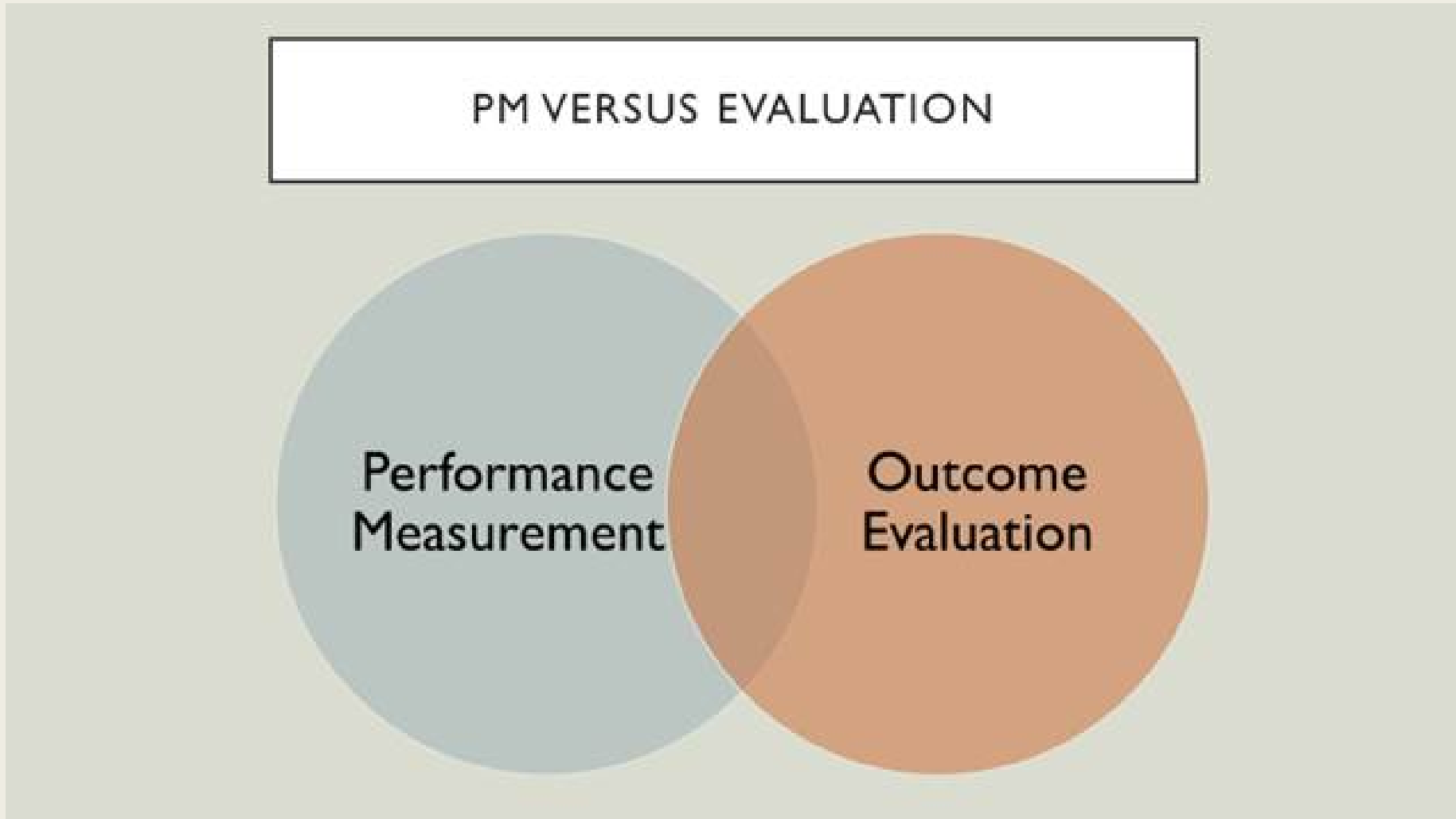
# Why Performance Measurements?

“...has a common sense logic that is irrefutable, namely that agencies have a greater probability of achieving their goals and objectives if they use performance measures to monitor their progress along these lines and then take follow-up actions as necessary to insure success”  
(Poister, 2003).

# Benchmarks



# Performance Measurements vs Outcome Evaluations



# Performance Measurements vs Outcome Evaluations

## PM VERSUS EVALUATION

### **Performance Measurement**

- Goal: Ensure program is accomplishing objectives in support of higher-level goals.
- Effectiveness: Feedback provided
- Time Frame: Continuous
- Resources: Court staff
- Audience: Court staff

### **Both**

- Report Outcomes and Impacts
- Provide Performance Information
- Provide Recommendations for Improving Performance
- Use Same Data Sources

### **Outcome Evaluation**

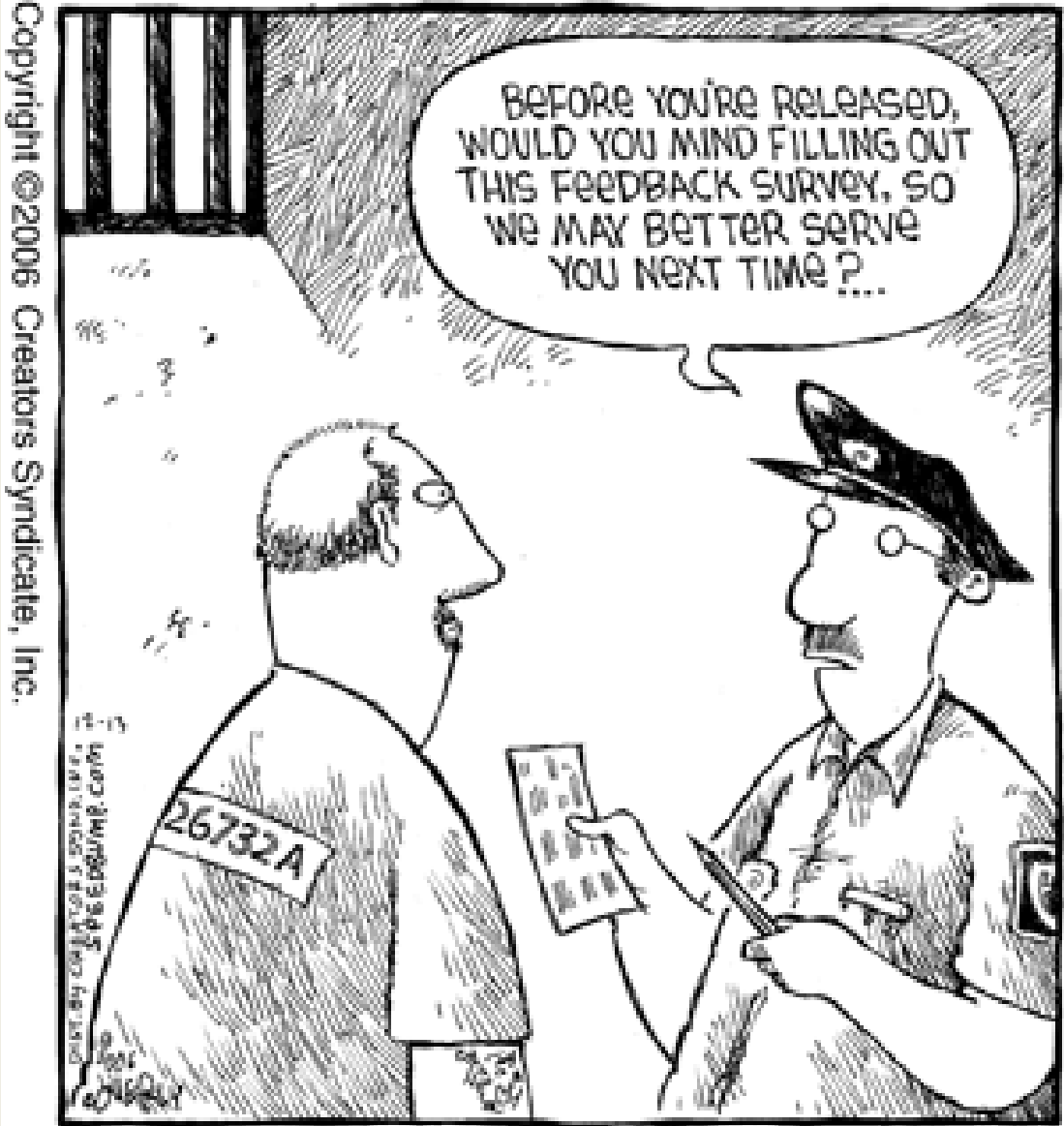
- Goal: Assess extent of changes to target behaviors
- Effectiveness: Program shows value added compared to no program
- Time Frame: Discrete
- Resources: Outside Experts
- Audience: Outside stakeholders



# Philosophy for the Development of Performance Measurements

- The National Center for State Courts (NCSC) philosophy for the development of PMs:
  - 1) Aim for a small number of measurements targeting the most critical of PSC processes that research has demonstrated to be related to key outcomes.
  - 2) Local stakeholders provide guidance regarding which measures will be included and how they are conceptualized to ensure that the measures are informed by local and state-specific practices.
  - 3) Local PSCs are the target audiences for the PMs. These measures are intended to provide information to individual courts to better manage and improve their performance. While the information generated by the PMs will also be useful to state-level policy makers, they are not the primary target audience.
  - 4) PMs are well-documented; detailed specification sheets are written for each PM, documenting data sources, calculations, and interpretation, leaving little equivocation about the implementation.
  - 5) The set of PMs are balanced in the sense that they provide indicators for all critical goals and objectives rather than focusing on a few (e.g., those that are easy to measure).

# Collect Data



# Local and Statewide Stakeholders

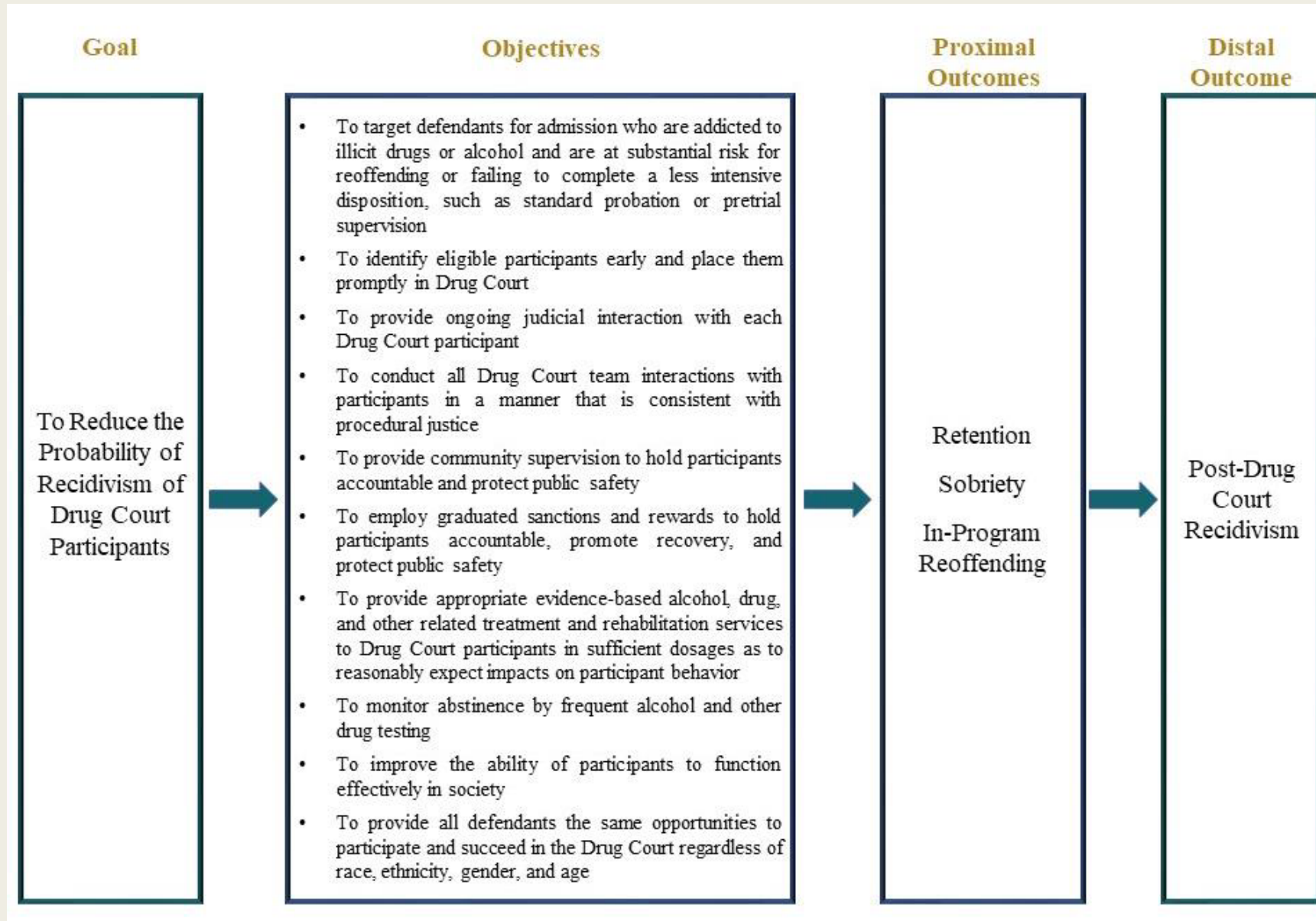
- Provide guidance regarding which measures will be included
- How they are to be conceptualized
- PM Workgroup
  - *Judges*
  - *PSC Coordinators*
  - *AOC Staff (OPSC and Research)*
  - *State's Attorneys*
  - *Public Defenders*
  - *OPD*
  - *Treatment*
  - *Probation*



# Performance Measures Development

- Recommended benchmarks were derived from numerous sources
  - *Adult Drug Court Best Practice Standards* (NADCP, 2013 & 2015)
  - *Ten Key Components of Drug Courts* (NADCP, 1997)
  - *Essential Elements of Mental Health Courts* (BJA, 2007)
  - *High Performance Framework* (Ostrom & Hanson, 2010)
  - *Mental Health Court Performance Measures* (Waters, Cheesman, Gibson & Dazevedo, 2010)
  - *Past Performance as Documented Through SMART Reports*
  - *Previous NCSC work with other states.*
- The Workgroup discussed each measure and benchmark and ultimately reached consensus on statewide recommendations.
- Implementation issues for adoption of NCSC's recommendations are discussed.

# Adult Drug Court Logic Model



# Purpose of Benchmarks

1. Provide guidance for internal program conversations

2. Demonstrate a need for additional resources

3. Help programs identify ongoing challenge

4. Serve as conversation starters with stakeholders

# Adult Drug Court Programs



- Drug/Alcohol related offenses
- Charged and reside in same county
- “High-Risk/High-Need” offenders
- Non-Violent, Mental Health, Education, Employment, and Housing
- Team
  - *Judge, Coordinator, State’s Attorney’s Office, Office of the Public Defender, Treatment, Probation, and Law Enforcement.*



# Maryland Adult Drug Court Performance Measures

[mdcourts.gov/opsc/dtc/evaluationsreports](http://mdcourts.gov/opsc/dtc/evaluationsreports)

- *Objective I—To target defendants for admission who are addicted to illicit drugs or alcohol and are at substantial risk for recidivism or failing to complete a less-intensive disposition, such as standard probation or pretrial supervision.*
- *Objective II—To identify eligible participants early and place them promptly in drug court.*
- *Objective III—To provide ongoing judicial interaction with each drug court participant.*
- *Objective IV—To conduct all drug court team interactions with participants in a manner that is consistent with procedural justice.*
- *Objective V—To provide community supervision to hold participants accountable and protect public safety.*





# Maryland Adult Drug Court Performance Measures Cont.

- *Objective VI—To employ graduated sanctions and rewards to hold participants accountable, promote recovery, and protect public safety.*
- *Objective VII—To provide appropriate evidence-based alcohol, drug, and other related treatment and rehabilitation services to drug court participants in sufficient dosages as to reasonably expect impacts on participant behavior*
- *Objective VIII—To monitor abstinence by frequent alcohol and other drug testing.*
- *Objective IX—To improve the ability of participants to function effectively in society.*
- *Objective X—To provide all defendants the same opportunities to participate and succeed in the drug court regardless of race, ethnicity, gender, and age.*

*Fred L. Cheesman, II, Ph.D.*  
*Nicole L. Waters, Ph.D.*  
*Scott E. Graves, Ph.D.*  
*Kathryn J. Genthon, M.S.*  
*Adrienne M. Tatem*

**NATIONAL CENTER FOR STATE COURTS**  
*September 2017*



# Maryland Adult Drug Court Performance Measures Cont. Proximal (Short-Term and Immediate) Outcomes

- *Objective XI—Improve retention in program*
- *Objective XII—Establish sobriety*
- *Objective XII—Reduce in-program reoffending*

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# Maryland Adult Drug Court Performance Measures Cont. Distal (Long-Term) Outcome

- *Objective XIV—Reduce post-program recidivism*

# Mental Health Courts



Strive to increase public safety and humanely deal with individuals with mental disorders who enter the criminal justice system. These courts are committed to focusing resources, training, and expertise on the unique needs of these individuals.



# Maryland Mental Health Court Performance Measures

[mdcourts.gov/opsc/dtc/evaluationsreports](http://mdcourts.gov/opsc/dtc/evaluationsreports)

- *Objective I—To identify eligible participants early in the adjudication process and promptly connect them with identified services.*
- *Objective II—Participants are expected to improve social functioning with a mental illness, establish a productive life in the community, and establish a network of support.*
- *Objective III—Aftercare is an essential element of mental health courts by preparing participants for successful transition into the community.*
- *Objective IV—To minimize use of jails, which are costly, do not improve outcomes, and are ill-equipped to handle individuals with mental illness.*
- *Objective V—To provide ongoing judicial interaction and oversight with participants so as to hold participants accountable and protect public safety.*



# Maryland Adult Drug Court Performance Measures Cont.

- *Objective VI—To promote stability by ensuring that participants comply with medically prescribed treatment plans.*
- *Objective VII—To effectively collaborate in a team-based environment with key service and treatment providers.*
- *Objective VIII—To reduce the revolving door in the criminal justice system for individuals with mental illness, ultimately improving public safety.*

# Scenario-Based Team Training

- The curriculum was designed to give adult drug court teams (judges, coordinators, state's attorneys, defense attorneys, treatment providers, probation, and law enforcement) the tools they need to manage their programs effectively.
  - *One and ½ day training*
  - *20 operational and planning adult drug courts (March 2019)*
  - *Planning and operational mental health courts (April 30-May 1, 2020)*



# The Training Curriculum

## Four Real World Scenarios

- Designed in consultation with practitioners on staff at NCSC
- Endorsed by problem-solving court practitioners

Each scenario builds in complexity and autonomy

Each contains four steps

- The Challenge
- Clarifying the Issue
- The Initial Response
- Moving to Implement the Plan





# What's The Next PSC?



Questions?

# For More Information

## Office of Problem Solving Courts

[www.mdcourts.gov/opsc](http://www.mdcourts.gov/opsc)

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## *Maryland Adult Drug Court Performance Measures By Objective or Desired Outcome*

### OBJECTIVES

- I *To target defendants for admission who are addicted to illicit drugs or alcohol and are at substantial risk for recidivism or failing to complete a less-intensive disposition, such as standard probation or pretrial supervision*
  - Admissions Classified as:
    - 1. High Risk/High Needs
    - 2. Low Risk
- II *To identify eligible participants early and place them promptly in drug court*
  - Processing Time (average number of days between):
    - 3. Arrest to First Treatment Episode
      - Arrest to admission is further divided by the following subintervals for diagnostic purposes:
        - o Arrest to referral for screening
        - o Referral and eligibility determination
        - o Eligibility determination and admission
        - o Admission to First Treatment Episode
    - 4. Referral to First Treatment Episode
- III *To provide ongoing judicial interaction with each drug court participant*
  - 5. Drug Court Status Hearings Attended
- IV *To conduct all drug court team interactions with participants in a manner that is consistent with procedural justice*
  - 6. Procedural Fairness
- V *To provide community supervision to hold participants accountable and protect public safety*
  - 7. Accountability Contacts
- VI *To employ graduated sanctions and rewards to hold participants accountable, promote recovery, and protect public safety*
  - 8. Sanctions
  - 9. Incentives
  - 10. Ratio of Incentives to Sanctions
  - 11. Response Time Between the Negative Behavior and Response
- VII *To provide appropriate evidence-based alcohol, drug, and other related treatment and rehabilitation services to drug court participants in sufficient dosages as to reasonably expect impacts on participant behavior*
  - 12. Units of Treatment
  - 13. Length of Time in Program

- VIII *To monitor abstinence by frequent alcohol and other drug testing*
  - 14. Weekly Drug/Alcohol Tests Administered
- IX *To improve the ability of participants to function effectively in society*
  - 15. Quality of Residency Status
  - 16. Residential Stability
  - 17. Employment/Education Status
- X *To provide all defendants the same opportunities to participate and succeed in the drug court regardless of race, ethnicity, gender, and age*
  - 18. Access and Fairness
    - o Referral
    - o Admission
    - o Discharge

#### PROXIMAL (SHORT-TERM AND IMMEDIATE) OUTCOMES

- XI *Improve retention in program*
  - 19. Successful Completion
- XII *Establish sobriety*
  - 20. Positive Discrete Drug and Alcohol Tests
  - 21. Positive Continuous Monitoring Tests
  - 22. Time from Last Positive Drug Test to Program Discharge
- XIII *Reduce in-program reoffending*
  - 23. In-Program Reoffending

#### DISTAL (LONG-TERM) OUTCOME

- XIV *Reduce post-program recidivism*
  - 24. Post-Program Recidivism

# Maryland Mental Health Court Performance Measures by Objective

## OBJECTIVES

- I *To identify eligible participants early in the adjudication process and promptly connect them with identified services.*
  - 1. Timeliness between key milestones
- II *Participants are expected to improve social functioning with a mental illness, establish a productive life in the community, and establish a network of support.*
  - 2. Living Arrangement
  - 3. Recovery and Functioning
- III *Aftercare is an essential element of mental health courts by preparing participants for successful transition into the community.*
  - 4. Aftercare
- IV *To minimize use of jails, which are costly, do not improve outcomes, and are ill-equipped to handle individuals with mental illness.*
  - 5. Time Spent in Jail
- V *To provide ongoing judicial interaction and oversight with participants so as to hold participants accountable and protect public safety.*
  - 6. Failure to Appear in Court
- VI *To promote stability by ensuring that participants comply with medically prescribed treatment plans.*
  - 7. Medication Compliance
- VII *To effectively collaborate in a team-based environment with key service and treatment providers.*
  - 8. Information Sharing

Below lists NCSC's proposed outcomes. The outcomes are functions of the extent to which the objectives listed in above are accomplished. Outcomes are designed to measure progress toward the primary goal of mental health courts—to reduce the probability of recidivism and enhance social functioning.<sup>1</sup> Each measure and outcome may not be applicable to all participants. Therefore, the next section references to which track (voluntary and/or competency) each is applicable.

## Maryland Mental Health Court Outcome Measures

### VIII *To reduce the revolving door in the criminal justice system for individuals with mental illness, ultimately improving public safety.*

9. Rearrests
  - A. Percentage of graduated participants who were rearrested
  - B. Average time between arrest for those who were rearrested

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<sup>1</sup> This project includes a complementary evaluation component and relies upon a Maryland Judiciary report from 2010. The report provides an outline of an evaluation of court-based mental health interventions and also provides suggested key outcome variables to consider for adoption. See [https://www.igrs.umd.edu/applied\\_research/Pubs/Methodology%20for%20Evaluating%20Court-Based%20Mental%20Health%20Interventions.pdf](https://www.igrs.umd.edu/applied_research/Pubs/Methodology%20for%20Evaluating%20Court-Based%20Mental%20Health%20Interventions.pdf)