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November 6, 2019

The General Assembly of Virginia
Division of Legislative Automated Systems
900 East Main Street
The Pocahontas Building
Richmond, VA 23219

Dear Senators and Delegates:

The Virginia Drug Treatment Court Act (Virginia Code 18.2-254.2) directs the Office of the Executive Secretary of the Supreme Court of Virginia to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia. Please find attached the current annual report.

If you have any questions regarding this report, please do not hesitate to contact me. With best wishes, I am

Very truly yours,

Handwritten signature of Karl R. Hade in black ink.

Karl R. Hade

KRH:atp
Enclosure

VIRGINIA SPECIALTY DOCKETS

December 1, 2019

**Office of the Executive Secretary
Supreme Court of Virginia**

PREFACE

Code of Virginia §18.2-254.2 (Appendix B) directs the Office of the Executive Secretary of the Supreme Court to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia. The section further requires each local specialty docket to submit evaluative reports to the Office of the Executive Secretary as requested and requires the Office of the Executive Secretary to submit a report of such evaluations to the General Assembly by December 1 of each year. This report is submitted in compliance with that requirement.¹

¹ This report includes information on veterans dockets and behavioral/mental health dockets. Information on drug treatment court dockets is reported separately, in accordance with Va. Code § 18.2-254.1.

Contents

SPECIALTY DOCKETS.....	1
Specialty Dockets Approved to Operate in Fiscal Year 2019	2
Veterans Dockets Approved to Operate in Virginia.....	3
Behavioral/Mental Health Dockets Approved to Operate in Virginia.....	4
Virginia Specialty Docket Database	4
APPENDICES	7
Appendix A.....	8
Appendix B.....	11
Appendix D.....	14
Appendix E	15
References.....	21

List of Figures

Figure 1: Specialty Dockets Approved to Operate in Virginia, FY 2019	2
Figure 2: Number of Active Veterans Drug Treatment Docket Participants, FY 2017-2019.....	4

List of Tables

Table 1: Approved Specialty Dockets in Virginia, FY 2019.....	3
Table 2: Sample Elements from the Four Domains	5

SPECIALTY DOCKETS

Specialty Dockets accommodate offenders with specific problems and needs that are not or could not be adequately addressed in the traditional court setting. They have been called by various titles, including therapeutic jurisprudence courts/dockets, problem-solving dockets and problem-solving justice. Specialty dockets seek to promote outcomes that will benefit not only the offender, but also the victim and society. They were developed as an innovative judicial response to a variety of offender problems, including substance abuse and mental illness, as well as problems presented to the courts involving military veterans. Early studies conclude that these types of dockets have a generally positive impact on the lives of offenders and victims, and, in most instances, save governmental authorities significant jail and prison costs (Marlowe, 2010; Rossman & Zwegig, 2013).

Across the country, specialty dockets have experienced exponential growth in recent years. There is a common belief that courts and judges have an obligation to use their resources and best efforts to solve the problems that bring people into court, whether as the accused, the victim, or the witness. Toward that end, specialty dockets generally involve hearings before a judge who, through frequent interaction, utilizes incentives as well as sanctions in order to compel defendants to comply with appropriate treatment and intervention. These dockets are testing new methods of administering justice, recreating ways that state courts address the many factors that contribute to crime. Among these are mental illness, illegal drug use, domestic violence, and child abuse or neglect. The judge works closely with a community-based team of experts in order to develop a specific case plan for each person before the court. The primary goal is to protect public safety through individualized, meaningful treatment.

The Virginia Judicial System mission is “to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.” In response to numerous inquiries about various specialty dockets in Virginia, the Supreme Court of Virginia promulgated Rule 1:25, Specialty Dockets, effective January 16, 2017. The Rule includes the definition of and criteria for specialty dockets, types of specialty dockets, an authorization process, expansion of types of specialty dockets, oversight structure, operating standards, funding, and evaluation.

The Supreme Court of Virginia currently recognizes the following three types of specialty dockets: (i) drug treatment court dockets as provided for in the Drug Treatment Court Act, §18.2-254.1, (ii) Veterans dockets, and (iii) Behavioral/Mental Health dockets. A circuit or district court that intends to establish one or more types of these recognized specialty dockets must petition the Supreme Court of Virginia for authorization before beginning operation of a specialty docket. These specialized dockets are designed to fulfill local needs utilizing local resources.

Veterans dockets serve military veterans with treatment needs who face possible incarceration. These dockets promote sobriety, recovery and stability through a coordinated response with the understanding that the bonds of military service and combat run very deep. Veterans dockets allow veterans to navigate the court process with other veterans who are similarly situated and have common experiences, but also link them with Veterans Affairs services uniquely designed for their needs. Veterans dockets utilize collaboration from the U.S. Department of Veteran Affairs,

volunteer veteran mentors, and veterans' family support organizations. (NDCI, Painting the Current Picture, July 2011).

Behavioral/Mental Health dockets are modeled after drug court dockets and were developed in response to the overrepresentation of individuals with behavioral health disorders in the criminal justice system. Such programs aim to divert eligible defendants with diagnosed mental health disorders into judicially supervised, community-based treatment, designed and implemented by a team of court staff and mental health professionals. Through voluntary admission, eligible defendants are invited to participate in the Behavioral/ Mental Health dockets following a specialized screening and assessment. For those who submit to the terms and conditions of community-based supervision, a team of program and treatment professionals work together to develop service plans and supervise participants.

Preliminary research, although still very limited, demonstrates positive outcomes (Dirks-Linhorst & Linhorst, 2010; Frailing, 2010; National Drug Court Institute, 2011; Steadman, 2005). This research demonstrates that Behavioral/Mental Health docket participants tend to have lower rates of criminal activity and increased linkages to treatment services when compared to defendants with mental illnesses who go through the traditional court system. Veterans docket participants tend to have greater access to community and veteran-specific social services programs, as well as a Veteran Mentor who works to provide additional support throughout the drug treatment process. Together, these resources, coupled with community supervision, lower the likelihood of criminal activity among veterans docket participants when compared to veterans who go through the traditional court system.

Specialty Dockets Approved to Operate in Fiscal Year 2019

Eighteen specialty dockets were approved to operate in FY 2019. Seven (7) approved dockets were veterans dockets, and 11 were mental/behavioral health dockets.

Figure 1: Specialty Dockets Approved to Operate in Virginia, FY 2019

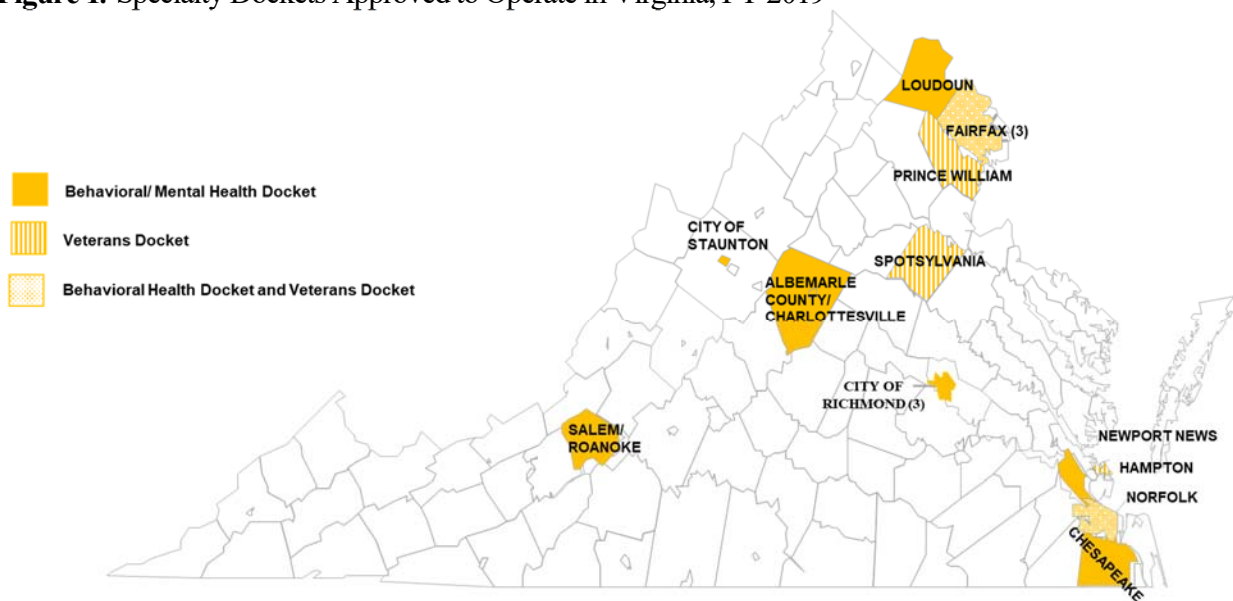


Table 1. Approved Specialty Dockets in Virginia, FY 2019

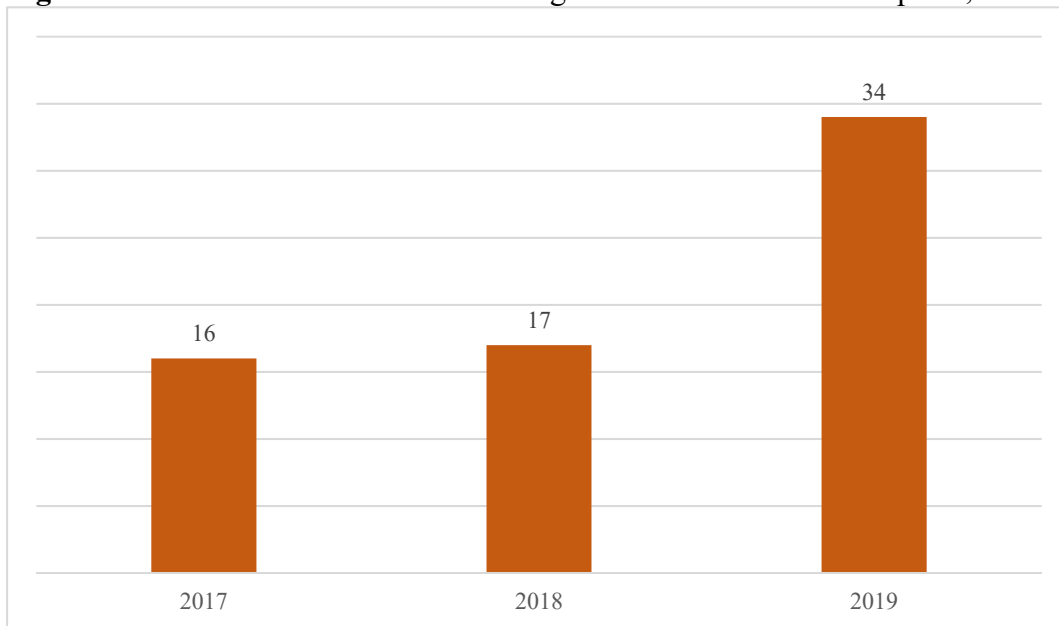
Specialty Dockets	
Veterans Dockets	
Fairfax (3) General District, Circuit and J&DR District Court	<i>n=7</i>
Hampton Circuit Court	
Norfolk Circuit Court	
Prince William General District Court	
Spotsylvania Circuit Court	
Behavioral/Mental Health Dockets	
<i>General District Courts</i>	<i>Circuit Courts</i>
Albemarle/Charlottesville	Richmond
Chesapeake	Norfolk
Fairfax	
Loudoun County	<i>Juvenile & Domestic Relations District Courts</i>
Newport News	Richmond
Richmond	
Roanoke County	
Staunton/Augusta County	

Due to varied implementation timelines, staff resources, and limited participants, substantial data analyses of the effectiveness and efficiency of approved specialty dockets are unavailable; however, preliminary descriptive statistics regarding program acceptance data can be found below. Figures are based on data reported to the Virginia Specialty Docket Database.

Veterans Dockets Approved to Operate in Virginia

Seven veterans dockets were approved to operate in Virginia in FY 2019 and operate in the juvenile and domestic relations district courts. Since FY 2017, the number of active participants in the veterans docket has increased (see Figure 2). The increase in the number of veteran participants may be influenced by the adoption of Rule 1:25, Specialty Dockets, which became effective on January 16, 2017. As more veterans dockets are approved to operate and existing programs expand resources, we anticipate that the number of reported veteran participants will continue to grow.

Figure 2. Number of Active Veterans Drug Treatment Docket Participants, FY 2017-2019



Behavioral/Mental Health Dockets Approved to Operate in Virginia

Eleven Behavioral/Mental Health dockets were approved to operate in Virginia in FY 2019 in various circuit, district, and juvenile and domestic relations district courts. While FY 2019 is the first year for this report, the Behavioral/Mental Health docket module in the Virginia Specialty Dockets Database reports 69 participants as active with 15 graduating during the fiscal year. As more Behavioral/Mental Health dockets are approved to operate and existing programs expand resources, we anticipate that the number of reported Behavioral/Mental Health participants will increase.

The specialty dockets “share a common commitment to the core principles of therapeutic jurisprudence and recognize the important role of the court system in addressing and resolving some of society’s major ills. As the name suggests, they all seek to solve problems rather than merely adjudicate controversies or punish malfeasance. In this way, they all serve the needs of the communities within which they reside.” (NDCI, *Painting the Current Picture*, July 2011).

Virginia Specialty Docket Database

Rule 1:25 requires, “any court establishing a specialty docket to provide the Specialty Docket Advisory Committee the information necessary for the continuing evaluation of the effectiveness and efficiency of all local specialty dockets.” While limited data exists for FY 2019, the Office of the Executive Secretary (OES) continues to develop, implement, and evaluate data collection practices that will aid in future analyses.

Since 2007, OES has hosted the Virginia Specialty Docket Database, a secure database. Specialty docket staff are required to report more than 100 data elements for each program referral and accepted participant. Each data element captures at least one of the four domains of data collection recommended by the Bureau of Justice Assistance (Steadman, 2005):

1. Participants (e.g., How many people were served and what are their characteristics),
2. Services (e.g., What services did participants receive),
3. Criminal Justice Outcomes (e.g., What effects seen in participants' criminal justice involvement), and
4. Mental Health Outcomes (e.g., What effects seen in participants' symptoms and functioning).

Sample elements from the four domains captured by the Database can be found in Table 2. For a full list of data elements, see Appendix E.

Table 2. Sample Elements from the Four Domains

Participants	Services
Criminogenic risk level	Risk and Needs Triage (assessment)
Socio-demographic (i.e., age, gender, race, ethnicity, educational history, housing status)	Referral to mental health treatment
Military status	Referral to Substance Use Disorder treatment
Mental health diagnosis	Referral to employment services
Offense and charge level	Referral to education services
Criminal Justice Outcomes	Mental Health Outcomes
Received additional charges and why	Maintained employment
Days in jail for violations or new charges	Level of engagement in program/services
Received sanctions	Mental health stability at program enrollment
Arrested after docket participation	Mental health stability at program discharge
Length of time between docket and re-arrest	Days in hospital for mental health crisis

To ensure data integrity, OES provides written instructional materials and hosts specialized, intensive trainings for specialty docket team members at least twice per fiscal year. Additional trainings are conducted as resources permit. OES staff regularly reviews all program data, identifies possible areas of concern, and follows up with end users.

As specialty dockets continue to expand, OES plans to produce annual summary reports, as well as evaluation studies to assess the efficiency and effectiveness of these dockets. Future annual

reports will focus primarily on descriptive analyses of participants and longitudinal program outcomes and recidivism, while process and outcome evaluations will be conducted as necessary (e.g., one year after the inception of a new docket; upon request by a docket; upon request by the of the Behavioral/Mental Health Docket Advisory Committee) and as resources allow.

APPENDICES

Appendix A
Rule 1:25 Specialty Dockets

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Monday the 14th day of November, 2016.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective January 16, 2017.

Rule 1:25. Specialty Dockets.

(a) Definition of and Criteria for Specialty Dockets.

- (1) When used in this Rule, the term "specialty dockets" refers to specialized court dockets within the existing structure of Virginia's circuit and district court system offering judicial monitoring of intensive treatment, supervision, and remediation integral to case disposition.
- (2) Types of court proceedings appropriate for grouping in a "specialty docket" are those which (i) require more than simply the adjudication of discrete legal issues, (ii) present a common dynamic underlying the legally cognizable behavior, (iii) require the coordination of services and treatment to address that underlying dynamic, and (iv) focus primarily on the remediation of the defendant in these dockets. The treatment, the services, and the disposition options are those which are otherwise available under law.
- (3) Dockets which group cases together based simply on the area of the law at issue, e.g., a docket of unlawful detainer cases or child support cases, are not considered "specialty dockets."

- (b) Types of Specialty Dockets.* -The Supreme Court of Virginia currently recognizes only the following three types of specialty dockets: (i) drug treatment court dockets as provided for in the Drug Treatment Court Act, § 18.2-254.1, (ii) veterans dockets, and

(iii) behavioral/mental health dockets. Drug treatment court dockets offer judicial monitoring of intensive treatment and strict supervision in drug and drug-related cases.

The dispositions in the family drug treatment court dockets established in juvenile and domestic relations district courts may include family and household members as defined in Virginia Code § 16.1-228. Veterans dockets offer eligible defendants who are veterans of the armed services with substance dependency or mental illness a specialized criminal specialty docket that is coordinated with specialized services for veterans. Behavioral/mental health dockets offer defendants with diagnosed behavioral or mental health disorders judicially supervised, community-based treatment plans, which a team of court staff and mental health professionals design and implement.

- (c) *Authorization Process.* - A circuit or district court which intends to establish one or more types of these recognized specialty dockets must petition the Supreme Court of Virginia for authorization before beginning operation of a specialty docket or, in the instance of an existing specialty docket, continuing its operation. A petitioning court must demonstrate sufficient local support for the establishment of this specialty docket, as well as adequate planning for its establishment and continuation.
- (d) *Expansion of Types of Specialty Dockets.* - A circuit or district court seeking to establish a type of specialty docket not yet recognized under this rule must first demonstrate to the Supreme Court that a new specialty docket of the proposed type meets the criteria set forth in subsection (a) of this Rule. If this additional type of specialty docket receives recognition from the Supreme Court of Virginia, any local specialty docket of this type must then be authorized as established in subsection (c) of this Rule.
- (e) *Oversight Structure.* - By order, the Chief Justice of the Supreme Court may establish a Specialty Docket Advisory Committee and appoint its members. The Chief Justice may also establish separate committees for each of the approved types of specialty dockets. The members of the Veterans Docket Advisory Committee, the Behavioral/Mental Health Docket Advisory Committee, and the committee for any other type of specialty docket recognized in the future by the Supreme Court shall be chosen by the Chief Justice. The State Drug Treatment Court Advisory Committee established pursuant to Virginia Code §

18.2-254.1 shall constitute the Drug Treatment Court Docket Advisory Committee.

- (f) *Operating Standards.* -The Specialty Docket Advisory Committee, in consultation with the committees created pursuant to subsection (e), shall establish the training and operating standards for local specialty dockets.
- (g) *Financing Specialty Dockets.* -Any funds necessary for the operation of a specialty docket shall be the responsibility of the locality and the local court but may be provided via state appropriations and federal grants.
- (h) *Evaluation.* -Any local court establishing a specialty docket shall provide to the Specialty Docket Advisory Committee the information necessary for the continuing evaluation of the effectiveness and efficiency of all local specialty dockets.

A Copy,

Teste:


Clerk

Appendix B

CHAPTER 51

An Act to amend the Code of Virginia by adding a section numbered 18.2-254.2, relating to specialty dockets; report.

[S 1655]

Approved February 19, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-254.2 as follows:

§ 18.2-254.2. Specialty dockets; report.

The Office of the Executive Secretary of the Supreme Court shall develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local specialty dockets established in accordance with the Rules of Supreme Court of Virginia. Each local specialty docket shall submit evaluative reports to the Office of the Executive Secretary as requested. The Office of the Executive Secretary of the Supreme Court of Virginia shall submit a report of such evaluations to the General Assembly by December 1 of each year.

Appendix C

Behavioral/Mental Health Docket Advisory Committee Membership Roster

Co-Chairs:

Honorable Jacqueline Ward- Talevi, Judge, Roanoke General District Therapeutic Docket
Honorable Phillip Hairston, Judge, Richmond Circuit Behavioral Health Docket

Hon. Rupen Shah, Judge
Augusta County/Staunton Therapeutic
Docket, General District Court

Hon. LaBravia Jenkins, Commonwealth's
Attorney, Fredericksburg
Commonwealth's Attorneys Association

Hon. Llezelle Dugger, Clerk
Charlottesville Circuit Court

Hon. Jae K. Davenport, Deputy Secretary
Public Safety and Homeland Security

Leslie Weisman, LCSW
Client Services Entry Bureau Chief
Arlington Community Services Board

Sarah Davis, MA
Forensic MH Consultant/Court-Based
Diversion Coordinator
Office of Forensic Services
Dept. of Behavioral Health &
Developmental Services

Tom Fitzpatrick, Director
Division of Programs and Services
Dept. of Criminal Justice Services

Heather Zelle, J.D., Ph.D.
Assistant Professor of Research
Department of Public Health Sciences
Clinical Psychologist
Institute of Law, Psychiatry, and Public
Policy
UVa Schools of Medicine and Law

Charles A. Quagliato
Division of Legislative Services

Maria Jankowski, Deputy Director
Virginia Indigent Defense Commission

Catherine French Zagurskie, Chief
Appellate Counsel
Virginia Indigent Defense Commission

Wendy Goodman
Administrator of Case Management and
Program Infrastructure
Virginia Department of Corrections

Dean Barker, CSAC
CIT Coordinator, Manager, Forensic
Services
Hampton/Newport News Community
Services Board

Staff:

Paul DeLosh, Director
Judicial Services Department

Anna T. Powers
State Drug Treatment Court Coordinator
Judicial Services Department

Bre'Auna Beasley
Drug Court Analyst
Judicial Services Department

Lori Hogan
Administrative Assistant
Judicial Services Department

Elisa Fulton
Drug Court Training Coordinator
Judicial Services Department

Courtney Stewart
Drug Court Grants Management Analyst
Judicial Services Department

Appendix D
Veterans Docket Advisory Committee Membership Roster

Co-Chairs:

Hon. Penney Azcarate, Judge, Fairfax Circuit Veterans Docket
Hon. Wilford Taylor, Jr., Judge (Ret), Hampton Circuit Veterans Docket

Hon. Lisa Mayne, Judge
Fairfax General District Court

Hon. Ricardo Rigual, Judge
Spotsylvania Circuit Veterans Docket

Hon. Anton Bell, Commonwealth's
Attorney, City of Hampton

Hon. Llezelle Dugger, Clerk
Charlottesville Circuit Court

Hon John Newby, Commissioner
Dept. of Veterans Services

Robert Barrett, Esquire
Associate General Counsel
Performance Food Group, Inc.

Maria Jankowski, Deputy Director
Virginia Indigent Defense Commission

Wendy Goodman
Administrator of Case Management and
Program Infrastructure
Virginia Department of Corrections

Anthony "Tony" Crisp, Executive Director
Hampton/Newport News CSB
Virginia Association of Community
Services Boards

Staff:

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Judicial Services Department

Lori Hogan
Administrative Assistant
Judicial Services Department

Elisa Fulton
Drug Court Training Coordinator
Judicial Services Department

Courtney Stewart
Drug Court Grants Management Analyst
Judicial Services Department

Appendix E

Virginia Specialty Docket Data Elements

Virginia Specialty Docket Database
Data Elements for Referrals
Referral Number
Case Number
Assessment
Locality
Referring Locality
Model
Program
Participant
Created by
Referred Date
Referred By
Phase
Screening Intercept
Reason Referred
Court Record Number(s)
Offense(s)
Created By
Created Date
Other Referral Reason
Employment Status
Education Level
Current School Status
Marital Status
License Status
Housing Status
Recent Housing
Disposition Date
Adjudication Date
Notification Date
Eligible for Drug Court?
Reason Not Eligible
Not Eligible as of
Not Eligible Comment
Willing to Participate?
Reason Not Willing

Defense Attorney
Prosecutor
Date of Arrest
Is Active
Date of Jail Release
Date Rejected
Dates from Referral to Assessment
Days from Assessment to Acceptance/Rejection
Days from Arrest to Enrollment
Days from Enrollment to Jail Release
Demographics
Gender
Race
Ethnicity
Age
Preferred Language
Age at time of Referral
RANT
Drug History
Referral Assessment
Assessment Number
Case Number
Referral Number
Date Assessed
Model
Incarcerated at Assessment
Felony Arrests
Misdemeanor Arrests
Misdemeanor Convictions
Allergies
Diabetes
Vision Problems
Head Injury Hearing Problems
Hepatitis C
HIV Positive
Pregnant
Taking any Prescribed Medication
Smoke
Tuberculosis

Previously in Foster Care
Prior Termination of Parental Rights Ordered
Blackouts
Delirium Tremors
Intravenous Drug Use
Overdosed
Prior In-Patient Treatment
Other Type of In-Patient Treatment
Prior Out-Patient Substance Abuse Treatment
Committed Any Violent Acts
Violent Thoughts
Family History of Crime of Addiction
Attempted Suicide
Thoughts of Suicide
Issues related to Grief and Loss
Diagnosis of Anti-Social Personality Disorder
Abused or Neglected Another Person
Prior Emotionally Abused
Prior Physically Abused
Prior Sexually Abused
Exposed to Alcohol as an Infant
Diagnosed with PTSD
Treated with PTSD
Diagnosed with a TBI
Treated for a TBI
Experienced MST
Military Mentor
Eligible for Benefits
Currently Receiving Benefits
Injury/Disabilities Resulting from Service
Currently Receiving Benefits from Injury/Disability
Military Sexual Trauma Experienced during Service
Military Sexual Trauma Comment
Is Active?
Data Elements for Accepted Cases
Case Number
Docket Number
Color Code
Participant

Program
Locality
Model
Case Phase
Current Phase
Current Status
Date Accepted
Restitution Ordered
Restitution Amount Ordered
Restitution Balance Remaining
Referral Number
Assessment Number
Grants
MAT Prescription Date
MAT Start Date
MAT End Date
Days from Referral to Assessment
Education Level
Days from Arrest to Enrollment
Days from Enrollment to Jail
Release
Next Court Date
Exit Type
Exit Date
Graduation Ceremony Date
Graduation Code
Termination Code
Longest Days Clean
Days in Program
SSI/SSDI Status at Enrollment
Health Insurance Status at Enrollment
Receiving Mental Health Treatment Services at Time of Enrollment
Housing Status at Discharge
SSI/SSDI Status at Discharge
Health Insurance Status at Discharge
Status
Status Name
Start Date
End Date

Description
Days in Status
Phase
Phase Name
Start Date
End Date
Description
Days in Phase
Community Service
Service Type
Service Date
Non-Profit
Service Amount
Hours
Comment
Demographics
Gender
Race
Ethnicity
Age
Preferred Language
Age at time of Referral
Drug Test Results
Test Date
Phase
Enrolled in MAT Program
Test Name
Drug Test Result
Number of Tested Drugs
BAC
Drugs Present
Supervision
Supervision Date
Supervision Type
Units of Service
Provider
Comments
MAT
Prescription

Start Date
End Date
Clinic
Comments
Sanction
Sanction
Reason
Start Date
Completed Date
Comment
Incentive
Incentive Type
Incentive Reason
Date
Comment

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