



Therapeutic Court and Behavioral Health

Judges in the trial courts throughout the country effectively utilize therapeutic courts to remove a defendant's or respondent's case from the criminal and civil court traditional trial track and allow those defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or other issues before the court. Therapeutic courts decrease recidivism, improve the safety of the community, and improve the life of the program participant and the lives of the participant's family members by decreasing the severity and frequency of the specific behavior addressed by the therapeutic court.

Principles of Community-Based Behavioral Health Services for Justice-Involved Individuals, Substance Abuse and Mental Health Services Administration

Nationally:

- Drug courts produce significant reductions in drug relapse. In the year prior to the 18-month interview, drug court participants were significantly less likely than the comparison group to report using all drugs (56 percent versus 76 percent) and also less likely to report using “serious” drugs (41 percent versus 58 percent).
- Drug courts produce significant reductions in criminal behavior. In the year prior to the 18-month interview, drug court participants were significantly less likely than the comparison group to report committing crimes (40 percent versus 53 percent), and of those who committed any crime, drug court participants committed fewer.
- Drug court participants experience select benefits in other areas of their lives besides drug use and criminal behavior. At 18 months, drug court participants were significantly less likely than comparison offenders to report a need for employment, educational, and financial services, suggesting that drug court participation addressed those needs. Further, drug court participants reported significantly less family conflict than comparison offenders.

The Multi-Site Adult Drug Court Evaluation: The Impact of Drug Courts, URBAN INSTITUTE Justice Policy Center

In Washington State:

The Department of Social and Health Services conducted a series of analyses examining the experiences of recipients of treatment funded by the Criminal Justice Treatment Account (CJTA). The CJTA pays for chemical dependency (CD) treatment for offenders who are chemically dependent or have a substance abuse problem that could, if untreated, lead to addiction. Outcomes of the study found that offenders who were participants of drug court programs had significantly better outcomes than offenders receiving substance use disorder treatment alone without Court supervision.

- Over the three-year follow-up period, drug court participants were less likely to be incarcerated during the follow-up period than individuals in the comparison group (17 versus 23 percent).

- Controlling for other factors leading to arrest, drug court participants were twice as likely to remain free of arrest as those in the comparison group (30 versus 15 percent).
- Nearly universal participation in chemical dependency treatment was obtained by drug court participants (97 percent compared to 46 percent in the comparison group).
- Drug court participants were over 3 times more likely to enter treatment within 90 days and 4 times more likely to be in treatment—primarily outpatient—for 90 or more days.
- The reductions in crime observed in this analysis translate into a net benefit to taxpayers and society of approximately \$22,000 per participant—or about \$4.02 in benefits per dollar spent.

Drug Court Outcomes: Outcomes of Adult Defendants Admitted to Drug Courts Funded by the Washington State Criminal Justice Treatment Account, DSHS Research and Data Analysis Division Olympia, Washington

Though not as researched as drug courts, mental health courts do appear successful in achieving their goal of reducing recidivism and improving community safety. Based on outcomes measuring new criminal activity (arrests and charges for new crimes) in King County, mental health court participants fared better than similar individuals who were not referred to the program and proceeded through traditional criminal proceedings. Notably, the court appears to be breaking the cycle of criminal involvement for a significant number of hard-to-serve individuals with extensive prior criminal justice involvement.

- Mental health court participation led to fewer arrests and charges for new crimes and reduced days of incarceration.
- Mental Health Court participants received more outpatient mental health treatment, substance use disorder treatment, and had fewer inpatient psychiatric hospitalizations.
- Mental Health Court participants experienced 1.4 fewer outpatient emergency department visits during the one-year follow-up.

The Impact of Mental Health Court on Recidivism and Other Key Outcomes, DSHS Research and Data Analysis Division Olympia, Washington

In Kitsap County:

- Behavioral Health Court participants reduced jail bed days from 1,991 pre-program participation to 385 during program participation, an 81% reduction.
- Ninety percent of Drug Court graduates have remained conviction-free for at least 5 years (entire program history).
- A total of 86% of Behavioral Health Court graduates, tracked for 18 months, remain charge free.
- Seventy five percent of juveniles who successfully completed a therapeutic court program remained conviction-free at their one-year anniversary in 2019. A total of 69% who successfully completed the program remained conviction-free at their 18-month anniversary.
- In 2019, a total of 145 participants in Kitsap County Therapeutic Courts successfully completed their programs, resulting in the dismissal of their charges.

Mental Health, Chemical Dependency and Therapeutic Court Annual Report 2019, Kitsap County Department of Human Services

Consequences of Criminal Justice Involvement:

Criminal Justice involvement creates social and economic barriers for individuals reentering into society including:

- 60% of formerly incarcerated individuals remain unemployed one year after release.
- For those who do find work, the resultant pay cuts are staggering. Formerly incarcerated men take home 40% less pay annually, resulting in an average earnings loss of nearly \$179,000 by age 48.
- Federal law includes a mandatory ban on access to public housing for people with certain types of convictions and grants discretion to local housing authorities to deny housing based on any criminal activity.
- Incarceration also reduces access to education. Many inmates are illiterate and roughly 40% of inmates lack a high school diploma or GED.

Collateral Consequences of Criminal Convictions: Judicial Bench Book, American Bar Association, Office of Justice Programs

Family members of incarcerated individuals are often referred to as “hidden victims” — victims of the criminal justice system who are neither acknowledged nor given a platform to be heard. These hidden victims receive little personal support and do not benefit from the systemic societal mechanisms generally available to direct crime victims, despite their prevalence and their similarities to direct crime victims.

Hidden Consequences: The Impact of Incarceration on Dependent Children, National Institute of Justice

Treatment of Individuals in Therapeutic Courts:

Drug treatment courts are the most common treatment court and show positive outcomes among participants completing the programs. This model has been adapted by other problem-solving courts, including mental health courts, tribal wellness courts, veterans’ courts, and domestic violence courts. The focus of these courts is to address the underlying mental health and substance use issues.

- Not only are treatment courts effective and humane, they save considerable money for taxpayers. Treatment courts produce benefits of \$6,208 per participant, returning up to \$27 for every \$1 invested.
- The average national completion rate for treatment courts is nearly 60%, approximately two-thirds higher than probation and more than twice the rate of probationers with substance use disorders.

National Association of Drug Court Professionals.

In addition to treatment services, recovery support services (RSS) address major barriers to success for individuals in recovery from substance use disorders, such as employment or job training, basic needs and transportation. When treatment, employment, re-arrest and incarceration rates during the 12 months following admission to drug court between drug court participants receiving recovery support services and those who were not, it was found that the addition of recovery support services enhances the success of the drug court model and increases the likelihood that a drug court participant will be engaged in treatment, employed, and arrest free.

Drug Court and Recovery Support Services: Washington Court and Recovery Enhancement System Outcome Evaluation DSHS Research and Data Analysis Division Olympia, Washington