

TREATMENT COURTS AND COVID-19: THE SEARCH FOR A NEW NORMAL



INNOVATIONS AND CHALLENGES OVER TIME 2020 – 2021



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SUMMARY AND RECOMMENDATIONS

In the summers of 2020 and 2021, NPC Research conducted virtual interviews with all active Bureau of Justice Assistance (BJA) treatment court grant recipients as a part of the training and technical assistance provided by the National Drug Court Institute (NDCI) and Justice for Vets (JFV) two divisions of the National Association of Drug Court Professionals (NADCP) to understand how treatment court teams were adapting to the changes resulting from the COVID-19 pandemic. Following is a list of the key findings and recommendations resulting from these interviews.

- **Most teams preferred virtual staffing** as this decreased travel time and allowed more team members to attend regularly. Many courts reported plans to keep virtual staffings going forward. While some programs complained of “zoom fatigue”, virtual staffings appear to be the wave of the future, so technical assistance around ways to **keep team members engaged on video calls and promote efficient staffings** would be beneficial.
- Most teams found virtual court sessions with participants challenging, although many **innovative programs found ways to keep virtual court engaging** through activities such as online incentives and splitting the court session up into smaller groups so the judge and team can see all participants on one screen. Trainings and technical assistance activities that **allow teams to share innovative and practical practices in virtual court with the teams that are struggling** may help improve virtual court options for all treatment courts.
- Team members **liked being able to check in more casually** (frequently and more briefly) with participants and other team members. This is something that can and should continue. Treatment courts would benefit from training or TA to **emphasize appropriate communication** (e.g., judges and participants should not be communicating without attorneys aware or present) and **using technology options to ensure privacy** where needed.
- Many BJA treatment court grantees **implemented new creative practices to continue to stay connected with participants** and provide services while dealing with the restrictions against in-person activities and other challenges resulting from the pandemic, while other treatment courts struggled with the challenges and were unable to find solutions. Even when most activities can be

performed in-person, treatment court teams would benefit from **trainings based on the lessons learned from innovative programs on how to translate common practices previously performed in-person to a virtual platform** due to benefits and efficiencies in staying connected with participants when they are not in front of the team, particularly courts in rural areas. Specifically, some courts need assistance with how to:

- Obtain devices and internet access for participants (such as grant programs to purchase devices or gaining devices from organizations that provide them for free, and finding locations such as coffee shops or churches, sometimes extending wifi out into the parking lots where participants can access free internet access)
 - Perform virtual intakes including risk and need assessments and introductions to the treatment court process
 - Stay connected with participants using available technology such as phones and computers to send texts, brief video chats and inspirational messages
 - Provide incentives during court virtual court sessions (e.g., displaying a certificate on the screen using PowerPoint, showing the A team list on screen, providing online gift cards, having participants applaud each other or do fist bumps on the screen)
 - Monitor participant activities remotely such as using GPS to ensure participants are located where they are supposed to be and performing home visits virtually using cell phone cameras
 - Perform random drug tests remotely such as remote breath tests using cell phones or observing oral swabs over a video call
- The risks associated with jail stays as well as the refusal of some jails to take participants during COVID-19 helped many courts to stop using jail sanctions unless it was deemed absolutely necessary. This led to **treatment courts providing more incentives to encourage engagement and a focus on therapeutic responses to support recovery**. The treatment courts reported that they found these response to be more effective than jail was in the past. This supports research demonstrating that jail is generally not an effective response to behavior and this new trend should continue to be supported in training and TA activities.
- Most treatment courts interviewed reported **that some participants do better with virtual interactions** while others are better in person. In the future, as programs move forward with the return to in-person activities, treatment courts should consider **continuing to allow participants to engage in program requirements virtually** (such as treatment sessions and court appearances), particularly those who have anxiety disorders, assess as being inappropriate for groups, or live far from the courthouse or treatment – as long as they demonstrate the ability to adhere to program requirements while participating virtually.

In the spring and summer of 2022, a third round of interviews will be performed with the same BJA grantees, as well as new 2021 grantees, to learn more about how courts continue to adapt in a world where the only constant is change. This third set of interviews in 2022 will provide additional insight on the evolution of processes within courts as they continue to serve at-risk participants during these strenuous and uncertain times.

FULL REPORT



TREATMENT COURTS AND COVID-19: THE SEARCH FOR A NEW NORMAL

More than a year after the declaration of a national emergency on March 13th, 2020, treatment courts are still working to find a new normal as the pandemic continues. Juggling local COVID-19 caseloads, judicial preferences, and participant and team comfort and health concerns, courts are trying to meet the needs of each participant while protecting team member and participant health and safety. Treatment courts and affiliated agencies continue to be challenged with changing social distancing guidelines and mandates set by their respective states and jurisdictions.

Background: To learn about how courts were adapting to the pandemic, NPC Research reached out in the summer of 2020 to conduct virtual interviews with all active Bureau of Justice Assistance (BJA) treatment court grant recipients as a part of the training and technical assistance provided by the National Drug Court Institute (NDCI) and Justice for Vets (JFV). Then, in summer of 2021, another round of interviews was performed with these same BJA grant recipients as well as courts with new BJA awards to understand how treatment courts were continuing to adapt over the course of the pandemic. The interviews focused on learning about the changes in practices and policies that occurred for each program over time in addition to successes and challenges related to:

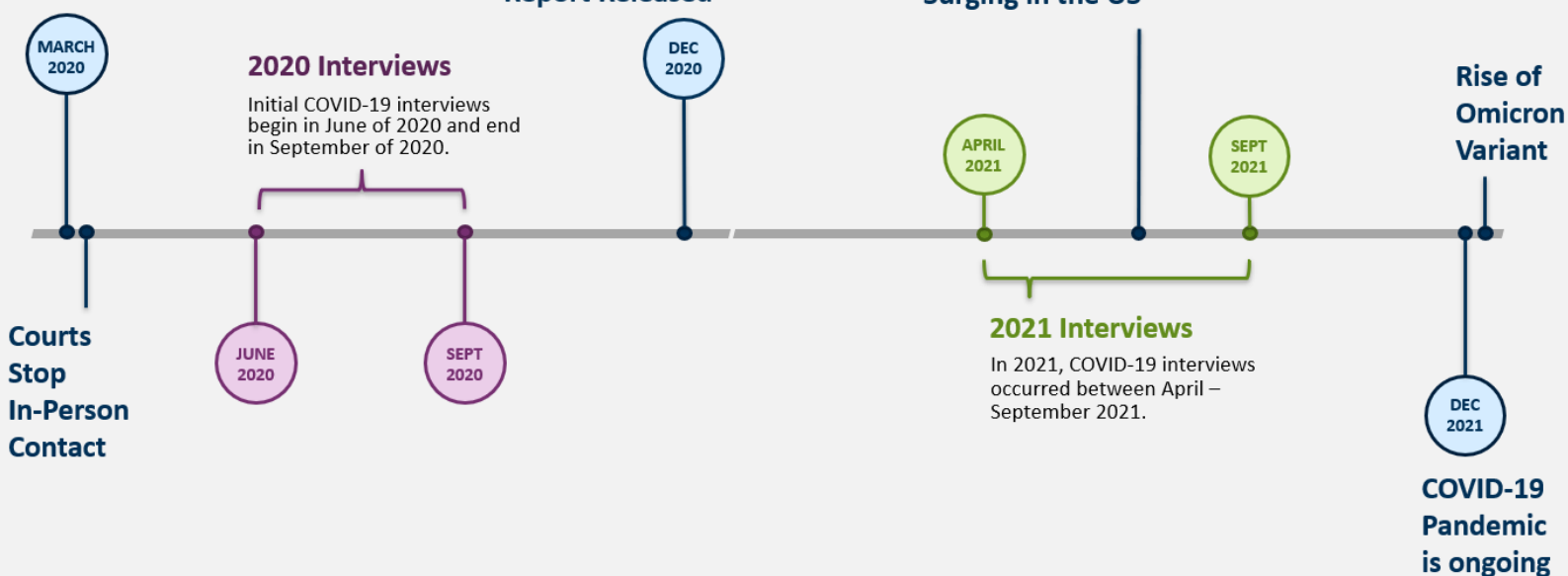
- ▶ Communication among team members and with participants
- ▶ Monitoring participant progress
- ▶ Conducting treatment court sessions and staffing activities
- ▶ Responding to participant behavior
- ▶ Engaging participants in treatment and recovery services

SUMMER OF 2021 WAS A TIME OF FLUX

The first round of COVID-19 Impact interviews was completed with 172 active BJA treatment court grantees in 2020. In 2021, a second round of interviews was performed in 184 treatment courts, 126 were follow-up interviews from the courts that were interviewed in 2020 and 58 were first-time interviewees (either new BJA grantees or existing grantees who were not interviewed in 2020). More information about the sample can be found in Appendix A.

The second-round interviews occurred between April and September of 2021, which coincided with several fluctuations in the COVID-19 landscape across the United States. First, a majority of people above the age of 16 years old became eligible to receive a COVID-19 vaccination during the spring of 2021. The corresponding increase in vaccination rates, combined with low COVID case numbers across the U.S. enabled many states to repeal mask and social distancing mandates indoors, as well as other mandates related to gathering in large groups. In July of 2021, the highly contagious Delta Variant of COVID-19 began surging, causing hospitals to quickly become overwhelmed. Many states then reinstated mask and meeting restriction mandates and continually reevaluated safe capacity for services. For many courts, this resulted in a return to virtual operations or reduction in the number of people that could be in a space at one time. These changing mandates and corresponding adaptations in courts' operations resulted in meaningful differences in responses to interview questions based on the *date* that an interview was conducted between April and September.

COVID-19 Shutdowns happen across the US



REFERRALS



HIGHLIGHTS: REFERRALS BOUNCE BACK FOR SOME AND CHALLENGE OTHERS

- ▶ There were mixed reports about how referrals were impacted by the pandemic in different courts. The unexpected duration of the COVID-19 pandemic continued to result in low numbers of referrals for some courts whereas other courts received similar numbers of referrals as they had pre-COVID
- ▶ Backlogs in criminal court proceedings, changes in policies around misdemeanor classification, and limits on probation and parole all contributed to lower numbers of referrals to treatment courts
- ▶ For some treatment courts, using technology to assist with treatment court assessments and intakes helped expedite the intake process and required less time from court staff and from the participant (e.g., no travel is required). In some courts, the virtual intake process led to fewer no-shows at the assessment appointment.

Technology Used During the Referral and Intake Process



Some intake interviews were completed with potential program participants over the phone or on video platforms

Jails with video conferencing technology allowed for some intake interviews to be completed over virtual platforms



Some documents were sent to incoming participants via email, along with the program handbook

When documents were sent via email, DocuSign could be used to obtain legal signatures



Participant Referrals Continued to be Challenging for Some Programs While Others Saw Higher Attendance Rates for Assessments Using Virtual Platforms

Changes to the federal, state, and local policies regarding bail, probation, parole, and criminal charge categories combined with the back log of criminal court proceedings all contributed to lower referral numbers for many treatment courts. Many courts reported in 2021 that they improved the number of referrals they received compared to the beginning of the COVID-19 pandemic. Courts continued to use virtual platforms to assess potential participants and complete necessary intake paperwork. Some courts found that participants were more likely to attend virtual assessments than in-person, while others found the opposite.

While some courts reported referral rates rivaling pre-COVID times, other courts experienced continued barriers to increasing participant enrollment



Referral Delays Occurred Due to Criminal Court Backlogs and Policy Changes

Although some courts reported in summer of 2021 that they were receiving as many referrals as they were before the onset of the pandemic, many other courts continued to describe the referral process as challenging, resulting in a severe decrease or a halt to referrals entirely.

In many jurisdictions, the continued back log of criminal court dockets was problematic for treatment courts because normal cases that would be referred post-adjudication were being processed at a much slower pace. Additionally, fewer arrests continued to take place in many areas in 2021 because of restrictions to jail capacities. When arrests were occurring, some courts reported jails turning inmates out quickly because of overcrowding or mounting COVID-19 risks. State policy changes regarding bail reforms, limits on probation and parole, and the changing of many substance-related crimes from felony to misdemeanor offenses all impacted the number of referrals made to treatment courts. Unfortunately, the lack of referrals did not mean less people needed the treatment provided by treatment courts and some programs saw this impact directly, individuals in the criminal justice system on drug charges continued to engage in criminal activities while waiting without treatment or case management for their past cases to be adjudicated.

“We just had a guy recently that ended up going to the VA and making threats and exhibiting some dangerous behavior, so he ended up getting arrested and now he'll probably do long term prison. Which is a real shame because he obviously needs our help, but we just weren't able to get him in the program in a quick manner.”

Technology Assisted Intakes were Overwhelmingly Positive



Most courts did not change their intake procedures during COVID-19, often resulting in decreased numbers of new participants. However, those that did change the process found creative solutions for virtual intakes. Virtual intake procedures, such as phone or virtual interviews, web-based clinical screenings, and the use of emailed documents and e-signatures were for the most part, a success. Some courts had memorandums of understanding (MOUs) with local jails to conduct meetings with potential participants virtually. For courts that were still conducting many operations virtually, some preferred to meet potential participants in-person to develop an initial report before seeing them virtually for treatment and other court services.

“ [When conducting] jail screenings – I really love how we are able to do Zoom with them. ”

Innovative Practices

Gaining New Participants

- ▶ Courts used email to send new participants still in the jails the court handbook and any documents they needed to sign
- ▶ DocuSign was used by several courts that utilized email to help participants sign necessary documents
- ▶ Some courts had to put a Memorandum of Understanding (MOU) in place with jails in order to use video technology to contact potential participants
- ▶ To improve personal connections in courts that were still operating virtually, intakes were occasionally done in person. This helped establish initial rapport between the participant and the court team member



STAFFING AND COURT



STAFFING AND COURT

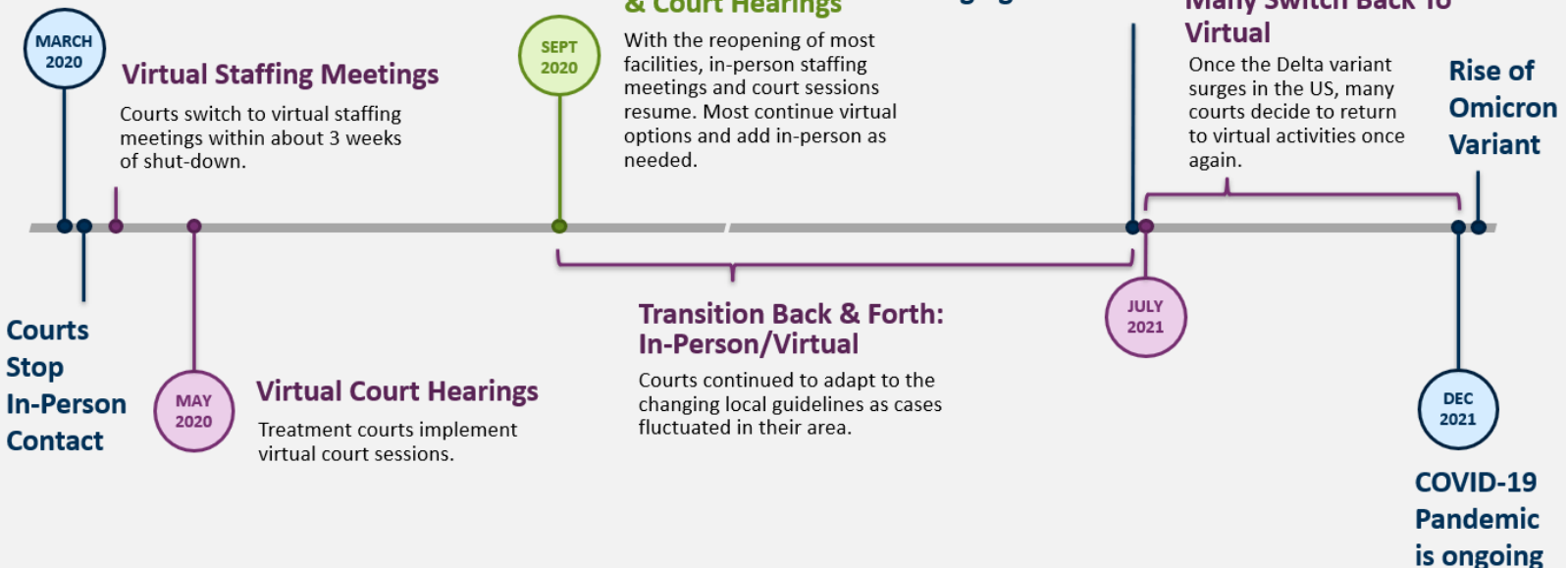
Word clouds were created using text from all interviewees. In answering questions about staffing and court, the words that were used to describe their experiences most frequently are displayed in the largest text. For staffing and court in 2020, “Zoom” was the number one word spoken most often – signifying the newly common engagement in this virtual platform. When describing staffing and court in 2021, “Person” was most frequently reported word, indicating the frequent discussion of the importance of the personal connection including in-person contact.



HIGHLIGHTS: TEAMS PREFER VIRTUAL STAFFING BUT VIRTUAL COURT HAS MIXED REVIEWS

- ▶ Virtual staffing allowed for higher attendance from court staff and other team members
- ▶ After over a year of using virtual platforms, many courts indicated that they were used to using technology to communicate and that it had benefits over in-person meetings, however, for other programs bandwidth, Wi-Fi, and disrupted connections continued to make communication unclear and virtual staffing difficult at times
- ▶ In the future, most courts intend to continue offering a virtual option for staffing meetings to eliminate barriers of transportation and allow team members more flexibility
- ▶ Both virtual and in-person court proceedings came with a set of challenges for team members and participants such as lack of participant engagement when online and following COVID protocols, such as masking and social distancing, when in-person
- ▶ Most courts are actively working towards in-person court sessions to bolster the personal connection between participants and team members and to improve overall court decorum
- ▶ Some courts are considering using virtual court as a regular practice for appropriate participants, such as those with social anxiety disorders or those who live far from the courthouse, as long as those participants are successfully adhering to program requirements

COVID-19 Shutdowns happen across the US



Staffing: Team Member Attendance Greatly Improved When Courts Went Virtual

Staffing meetings are a crucial time for treatment court team members to review participant progress and create a plan for responding to participant behavior. Initial shut-downs due to COVID-19 shifted most staffing meetings around the country to virtual formats. A year into the pandemic, even when social distancing mandates were removed, many courts continue to hold virtual staffing meetings because of the convenience it offers to team members to join regardless of conflicting schedules or travel requirements. Although some courts are meeting in-person for staffing meetings (or plan to in the future), a virtual option for joining each meeting remains an option to continue to promote increased attendance. Courts have worked to improve virtual platforms to reduce technology issues for staff.

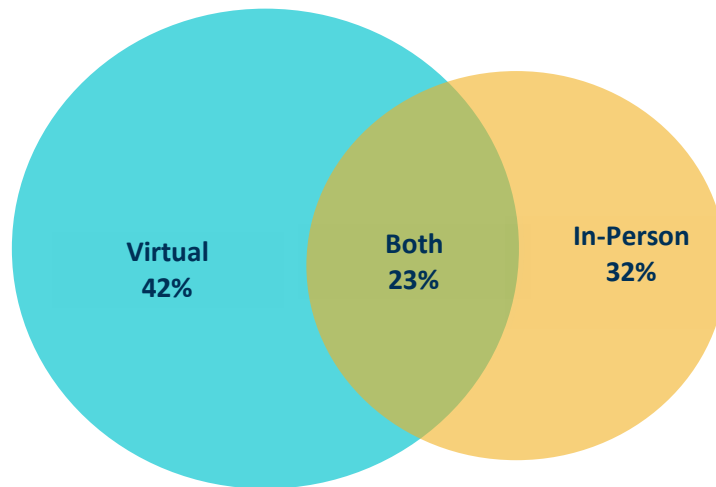
What Worked

- ▶ Continuing to provide a virtual option for attending staffing meetings when courts returned to in-person operations
- ▶ Having or gaining access to larger spaces for staffing meetings to comply with social distancing requirements
- ▶ Having the option to meet in-person to promote personal connections between team members and improve communication
- ▶ Utilizing email regularly among team members to send electronic materials or meeting reminders



The decision for courts to have in-person staffing meetings was often determined by staff preferences and the number of COVID-19 cases in a local area. Some courts preferred meeting virtually because it allowed team members to attend that did not typically attend pre-pandemic because of scheduling (e.g., additional treatment providers). Meeting virtually also reduced travel time for staff and allowed them to move through meetings without side chatter, which made the meetings more efficient. However, these side conversations were often valuable pieces of team communication, which many staff felt like was lacking during virtual meetings. Additionally, technology continued to be a common complaint about meeting virtually. Although most team members were tech savvy after a year of virtual meetings, bandwidth and spotty Wi-Fi connections continued to be problematic for communication.

Virtual staffing is still most prevalent in current operations in 2021



Virtual staffing meetings continued to be popular with **65% of courts** reporting that they either held staffing **virtually or in a hybrid format***



Staffing meetings were more likely to **stay virtual** than court sessions as restrictions eased. Although **17%** of programs reported transitioning back and forth between virtual and in-person.

** 1 court reported holding staffing by phone and 3 courts reported not holding staffing currently*

Court Session: Treatment Courts Anticipate Continuing with a Virtual Option to Join Court Proceedings

Court hearings provide space for participants to interact with the judge, which studies have found to be one of the most influential factors for participant success in the program. At the beginning of the COVID-19 pandemic, most courts met virtually to continue to interact with participants with just two courts reporting that they continued operations in-person (and throughout the pandemic). Many courts have since returned to in-person operations, with larger spaces or split dockets being used to adhere to social distancing in jurisdictions with social distancing mandates. In addition to in-person precautions, virtual options for attendance still exist to reduce barriers for participation. Personal comfort levels were respected by allowing participants and employees to choose to meet in-person or online.

What Worked

- ▶ Offering a virtual option so that participants with jobs, childcare needs, or transportation barriers could still attend court
- ▶ Allowing participants to choose whether they joined court virtually or in-person assisted in reducing court room-based anxiety for participants and enabled others to seek out in-person accountability
- ▶ Implementing a Zoom training during participant orientation for court mitigated some technology issues and set expectations for virtual behavior
- ▶ Setting up a “Mental Health Breakroom” during court, which allowed for virtual court moderators to take a participant into a private virtual room with a Mental Health Professional and the participant’s attorney to address mental health concerns as they occurred



“The benefit is it doesn’t give the participant an excuse of not attending court.”

“It is both a drawback and an asset that Zoom sessions are less formal.”

Despite Continued Challenges, Virtual Options for Court Appearances Remained

Most courts were forthcoming with the fact that there are continued challenges associated with virtual court participation. Participants struggled with distractions in the home environment (e.g., family interruptions or house chores) and with disengagement based on Zoom fatigue and the lack of direct supervision in the virtual environment. In some cases, court disengagement looked like participants smoking during court, connecting to virtual court in inappropriate locations (like in bed), or appearing in virtual court under the influence of substances.



About **half of treatment courts** transitioned back and forth between in-person and virtual court sessions **more than once**

Participants and team members also felt that there was a lack of personal connection between the team and participants as well as lack of connection between the participants themselves. Participants felt a lesser sense of community with fellow participants and felt that dishonesty and distraction were easier to get away with when interacting with team members. Team members also reported that the lack of ability to assess participants' body language or scrutinize participants for general wellness (e.g., practicing basic hygiene, weight loss or gain, or injuries) was challenging, which led to concerns that participant needs were not being met.

“The other drawback is missing those physical cues in communication. The face to face before and after court - you’re missing that.”

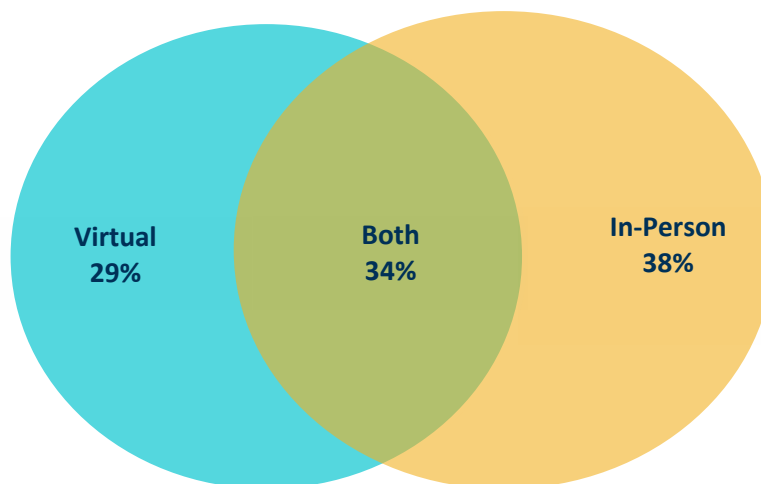
Despite these challenges, providing participants with a virtual court option was still beneficial for courts. **More than half of all courts** reported continuing to offer virtual court options. Similar to staffing, virtual court attendance eliminated transportation barriers, allowed participants to join court during a break at work, and allowed participants to remain connected to court staff while in residential treatment or when out of town (on approved travel). Additionally, virtual court was often a comfort for participants with mental health concerns, such as anxiety disorders, which can relate to feelings of discomfort in group settings. Allowing these participants to join court virtually enabled them to experience lower anxiety in the court room, which resulted in more earnest engagement.

Returning to In-Person Meant Returning to a New Normal

Many courts indicated that they were **“back to normal”** for court operations but reported that “normal” often meant a different reality than they experienced before COVID-19. This new normal often included some participants and team members returning to court in-person with remaining team members and participants appearing virtually. Other treatment courts managed to have all participants back in-person by splitting the court into several sessions to allow for proper social distancing. Having a larger space available to host court, depending on the size of the program, was an asset since more participants were allowed to return in-person at the same time.

Protocols for vaccination status, continued mask use, temperature checks, and cleaning procedures varied across programs. Many courts continued to require masks to be worn by participants that were not vaccinated and continued to provide hand sanitizer or conduct temperature checks for those that came into court. These procedures were all a part of the new normal that allowed treatment courts to be conducted in-person, while maintaining participant and team member safety.

In summer of 2021 treatment courts were roughly evenly split between conducting court sessions virtually only, in-person only or a hybrid approach



How court was conducted reflected local COVID-19 cases, staff and participant comfort levels, and local mandates.

Innovative Practices

Leveraging Technology

- ▶ **Virtual incentives:** Some courts changed incentive strategies to virtual versions of what they had previously done. For example, conducting an online wheel-spin instead of a fishbowl drawing or having a team member draw from the fishbowl and read out the result in front of the camera. Changing to e-gift cards allowed teams to email or text gift certificates to participants. Teams showed PowerPoint slides with participant certificates of advancement or other awards so all participants could see individual incentives, and then a hard copy was mailed to the participants (effectively incentivizing the participant twice)
- ▶ **Zoom breakout rooms:** Courts used the breakout feature in zoom to allow participants who were struggling during the court session to meet immediately one on one with a therapist
- ▶ **Virtual home tours:** To help team members assess participant wellbeing, some courts had participants use their camera to show team members where they lived during virtual meetings. The participant often enjoyed discussing their family members or beloved pets
- ▶ **In-person part time:** One court had everyone meet virtually during the first court appearance of the month, then split participants into smaller groups that were able to meet in-person the rest of the month. This gave participants a sense that they were engaged in a larger community but allowed them to safely bond in-person with a subset of program participants
- ▶ **Text chats:** Participants were able to use the chat feature on various virtual platforms to encourage other participants during court
- ▶ **Zoom training:** One court created a Zoom training that occurred during every new participant's court orientation. This allowed team members to set expectations for virtual appearances and mitigate any initial technological issues the participant may have



MONITORING PROGRESS AND SUPPORTING ENGAGEMENT



HIGHLIGHTS: CHECKING IN MORE OFTEN, LEVERAGING TECHNOLOGY AND KICKING THE JAIL HABIT

Monitoring

- ▶ The increase in calling, texting, and emailing with participants that started during the COVID-19 pandemic allowed for more frequent and casual communication between team members and between team members and participants
- ▶ Most courts were back to performing drug tests as per Best Practice Standards, with some courts adding new substances to testing procedures or additional monitoring practices such as GPS tracking

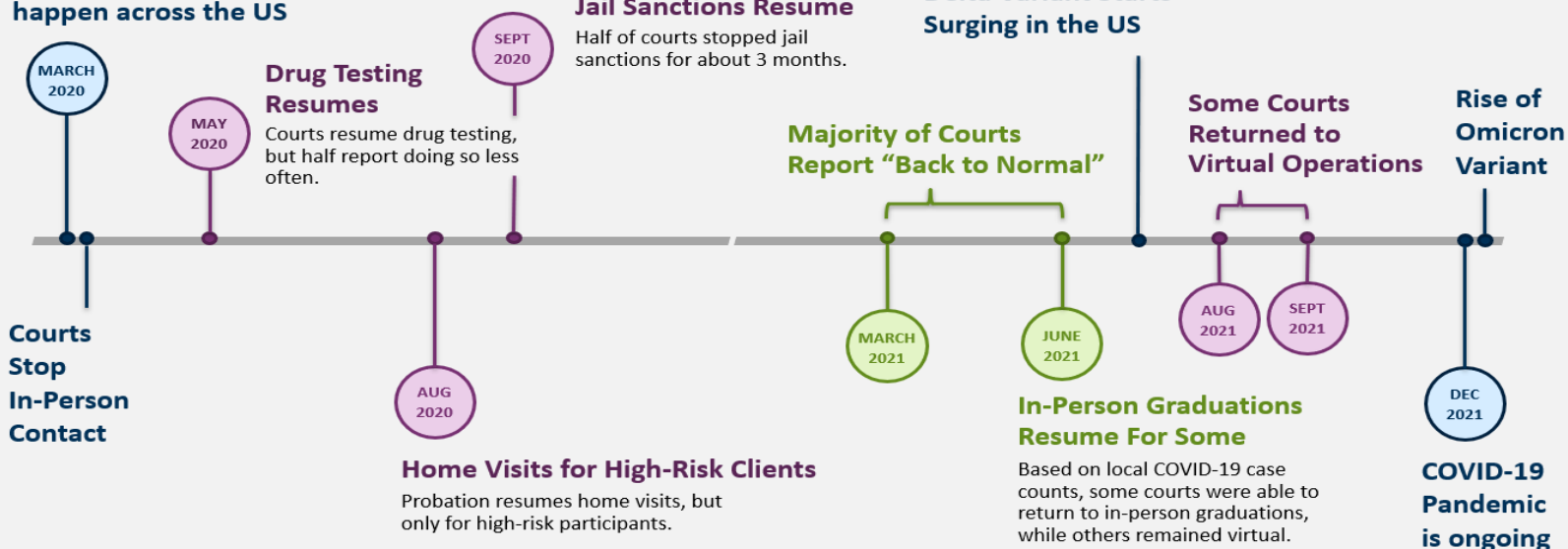
Responses to Behavior

- ▶ Regardless of virtual or in-person status, most courts mentioned the effectiveness of judicial praise as an incentive for positive participant behavior
- ▶ Jails refusing to take participants due to COVID risk helped courts get creative with other types of sanctions and more focus on incentives, effectively “kicking the jail habit”, which aligned better with Best Practice Standards

Graduations

- ▶ Offering virtual links for family members to come to virtual court and participate in graduation ceremonies allowed for an increase in familial support, even if the family members lived at a distance
- ▶ Many courts were innovative in how they adapted court requirements to hybrid environments; utilizing technology like remote breathalyzers, observing oral drug tests through video, doing brief video or text check-ins, using the phone camera to perform a virtual home visit, and developing virtual buddy check-in programs between participants.

COVID-19 Shutdowns happen across the US

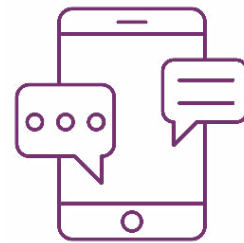


Virtual Communication Improved with Practice While Returning to In-Person Brought New Challenges

With public agencies having different COVID-19 back to work policies and protocols, virtual communication was still an important way that team members communicated with each other and with participants. Some courts facilitated the use of virtual communication by providing technology to both team members and participants or implementing more reliable and safe technology options, such as Google Voice phone numbers for team members. However, engaging participants who started when courts were fully virtual was challenging when returning to in-person due to the lack of flexibility in in-person operations that these participants were used to.

What Worked

- ▶ Continuing casual and more frequent communication through virtual platforms, such as texting, emailing, or calling a participant's cell phone to supplement the side conversations that may occur in-person
- ▶ Offering virtual options for those that benefitted from virtual participation to promote continued engagement
- ▶ Utilizing texting and emails to remind other staff of meetings or deadlines
- ▶ Changing to more reliable forms of virtual technology (like Zoom) to decrease issues with technology
- ▶ Adding new types of technology to improve participant monitoring if in-person monitoring was less available (i.e., Kiosk check ins, remote breathalyzers)



Communication Increased Between Team Members and with Participants in All Treatment Courts

Regardless of if courts were meeting in-person, virtually, or through a hybrid approach, increased casual communication remained (e.g., through text message, emails, or quick phone calls). Team members liked being able to check in more frequently and more briefly with participants and other team members. This level of communication promoted “fluidity” between team members and allowed participants to be more comfortable in reaching out to team members if they needed something.

“One participant went out of state for a funeral of a grandmother and had a hard time with his family members. He was able to call into court activities to help him stay sober and on-track.”

“‘Have you sent a picture of yourself at work? Do that please’, So that is happening – they may send a picture like ‘here I am on a forklift’ or ‘here I am washing dishes’. It has been great and I don’t see that going away.”

Virtual communication in general benefited those who had a harder time attending court related requirements in-person. For example, people who did not have driver’s licenses, participants that lived rurally, and individuals participating in residential treatment programs were all still able to communicate with members of the treatment court team.



80% of interviewees reported utilizing **video to communicate with participants** and **84%** reported utilizing **in-person office visits**, indicating that hybrid options for communicating are popular

Virtual Treatment Court Set Participants Up to Expect More Flexibility

For participants that entered treatment courts during COVID-19 related shutdowns, when all activities were virtual, returning to in-person communication was often more challenging than teams expected. These participants only knew treatment court proceedings and practices through the virtual lens and did not expect the increased time commitment and intensity that comes with in-person operations. Participants that started virtually expected more flexibility from court attendance, such as being able to engage in court on their lunch break at work or in the more casual manner that they attended court at home. Further, the lack of personal connection between some new participants and their peers and the treatment court team attributed to the virtual environment made overall engagement in the court process more difficult.

“There really is something missing when you can’t see a person face to face.”

“...In our business, meeting face to face and putting our eyes on someone is key, so ultimately there is something missing but I think its [virtual communication has] been very effective.”



Drug Testing – Back to Business as Usual

Random and frequent drug testing is an objective method for monitoring and providing feedback to participants regarding progress with their substance use disorder. During COVID-19 related shutdowns, many courts had to deviate from drug testing best practices by reducing the frequency of testing per participant, having set (rather than random) times for drug testing, or having unobserved tests. By Summer of 2021, most courts reported being back to, or closer to, normal drug testing procedures. Oral swabs and sweat patches will continue to be used more often by some courts who found that having additional drug testing options was beneficial to participants. Several courts also added testing for additional substances to the traditional drug test panels to further assist participants with recovery.

What Worked?

- ▶ Contracting with drug testing resources outside of the court itself that had increased testing capacity and returned to in-person operations sooner allowed for testing to resume faster
- ▶ Adding supervision and drug testing methods, such as GPS breathalyzers or video monitored drug tests, helped keep participants on track with their recovery
- ▶ Returning to Best Practice Standard requirements for drug testing ensured participants were receiving the appropriate credit for sobriety time
- ▶ Continuing to use alternate testing methods, such as oral swabs, for participants with shy bladders or sexual trauma, allowed those participants to have an alternate means to drug testing that did not trigger previous trauma

A Return to Best Practices in Drug Testing

In 2020, over half of the treatment courts interviewed reported stopping drug testing entirely. Almost all of the remainder had decreased the frequency or used testing methods that did not require close proximity to participants. In summer of 2021, **95%** indicated that they had returned to performing urine drug testing at the frequency that they tested prior to the pandemic. Additionally, many courts that had stopped randomized testing indicated that they had returned to using previous systems such as *the color line*¹ to randomize drug testing for participants and that testing was, once again, being observed. One benefit of the pandemic is that some treatment courts tried new and different types of monitoring activities and drug testing types, many of which courts indicated they will keep even after operations reach a new normal. For instance, some courts heavily relied on oral swabs during COVID-

¹ The color line is a call-in system where participants are assigned a color and if they call the color line it tells the participant if their color has been chosen for drug testing on that day. Participants then have a certain amount of time to complete the drug test.

19 related shutdowns and will continue to use them as appropriate for certain participants, such as if the participant has a shy bladder, if the participant experienced sexual trauma, or if someone from the same gender as the participant is not available to witness a urine analysis test. Tools such as SCRAM and GPS monitors also continue to be used to gather information on participant substance use or location while reducing exposure to COVID-19.

“We really wanted to make drug testing the hallmark of our program. It was a huge priority to make it safe and keep that as a number one priority.”

Drug Testing Procedures Varied According to Local COVID-19 Mandates

Drug testing schedules continued to be tricky for some locations where COVID-19 case numbers continued to be high, with some drug test providers not working over the weekends or holidays. Capacity of testing facilities was also reduced by physical spaces being unable to accommodate the same number of people due to social distancing guidelines. During testing, many courts reported still requiring staff and participants to wear masks, use hand sanitizer, or stand behind plexiglass barriers to ensure health and safety. In addition, some drug testing providers experienced the same financial hardships due to COVID-19 as other businesses resulting in closure, which required courts to seek out new providers.



Reducing the frequency of drug testing was the most common change that occurred during COVID-19



New Substances Added to Drug Testing Panels

With hardships from the pandemic continuing to cause stress in participants' lives and trends in drug use constantly changing as well as the use of new designer drugs, courts wanted to be aware of additional substances that participants may be using. Courts indicated that some participants were increasing the use of a legal substance called Kratom, which functions similarly to an opioid at high doses or stimulant at low doses. Although legal, this substance is an addictive psychoactive substance that inhibits participant's recovery, which prompted several courts to begin testing for Kratom use regularly. Other courts indicated that they began testing for Fentanyl and Ketamine, which could more likely lead to overdose. One court also added tobacco testing and participants could earn rewards if they were able to quit smoking by a certain phase in the program.

“ We also have tobacco testing...our marshals and sober home give them incentives. If they stop smoking prior to phase 3; they get some of their fees waived. ”



Incentives and Sanctions Get Creative During the Pandemic

Treatment courts focus on the use of a variety of incentives and sanctions to influence participant behavior. In particular, jail has traditionally been used as a common sanction, in spite of research demonstrating its lack of effectiveness and potential harm. During the height of COVID-19 outbreaks, jails were generally considered a high-risk environment leading to many jails temporarily closing and courts second guessing whether they should put a participant in that environment. Many courts began relying more heavily on creative incentives to keep participants engaged and focused on more frequent virtual contact with supervision and treatment. Although most local jails had reopened after the initial few months of COVID-19 spread; treatment courts were still leaning towards the use of therapeutic responses and increasing incentives for participants. This change in the long-standing use of jail combined with many continuing virtual operations into 2021 resulted in courts continuing to find new and creative responses to participant behavior.

What Worked?

- ▶ Using jail as a last resort and only for when participants were a danger to others to limit COVID-19 exposure – and because other responses were working better
- ▶ Assigning therapeutic responses to participants, such as writing a reflection paper on a topic relevant to the participant's life to help them reflect on a recovery experience
- ▶ Emphasizing conversations with the judge and focusing on praise or disapproval from the bench for specific behaviors. A majority of courts indicated that judicial praise as an incentive was one of the most effective incentives courts had at their disposal
- ▶ Incentivizing positive behavior with additional gift cards for needed items, such as gasoline, toiletries, and vouchers for public transportation to help support COVID-19 related financial needs



COVID-19 Pushed Courts to ‘Kick the Jail Habit’

The Best Practice Standards advocate the use of therapeutic responses instead of jail sanctions. The risks associated with jail stays as well as the refusal of some jails to take participants during COVID-19 helped many courts to stop using jail sanctions unless it was absolutely necessary. Jail was typically deemed necessary if a participant was dangerous to themselves or others.² Some jails were also requiring 14-day quarantines in the jail to take place for individuals who were newly incarcerated, which eliminated short-term jail stays as a viable option. Courts got creative and worked to assign more therapeutic (or teaching) responses rather than sanctioning participants. For instance, many participants were assigned to write reports, which were typically based on learning about a new topic or engaging in reflection on what they learned from treatment. The creativity required to sanction participants during COVID-19 was considered challenging for a lot of courts who struggled to know what would make the most meaningful sanctions. Things like house arrest, writing thank you letters to local health care workers, or completing online homework were all mentioned as responses received by participants instead of jail sentences.

“During COVID, jails wouldn’t take people unless it was extreme. We got creative and focused more on the type of violation [the participant had] and how to address it. We used paper writing, researching topics, and time logs – things that were going to teach them, not just punishment.”

Courts Implementing New and Effective Incentives



32% of interviewees said they have continued to implement new incentives **since last year**

There was a learning curve to providing immediate incentives during virtual court participation. Mailing things like certificates or gift cards was a viable option but lacked the immediacy most courts and participants desired from incentives. However, the **reportedly most effective incentive, was verbal praise from the judge**. Regardless of court being held in-person or virtually, the praise provided by judges was impactful for participants. And courts began to use the virtual technology to provide

² Although best practice is not to put someone in jail if they are a danger to *themselves* as preventive detention is considered unconstitutional and the Americans with Disabilities Act prohibits discrimination based on a disability (such as having a substance use or other mental health disorder).

certificates during court by showing the participants their certificate on a PowerPoint slide and then mailing the certificate afterwards, effectively incentivizing the participant twice. Gift cards also remained popular, with courts using these incentives to help supplement participants' needs with gift cards for food, gas, or transportation, many of which can be sent through email or text. Several courts reported increasing the amount of money they loaded onto a gift card during COVID-19 and reducing treatment court related fees to assist participants with financial hardships.

“I still think the judge giving them a ‘you're doing great’ and a smile is one of the best incentives...you can actually see their face and see that smile and see them...praise.”

Once courts returned to in-person operations, virtual appearances were used as an incentive for good behavior (while also being used with participants when group settings were inappropriate – such as for those with social anxiety) along with being seen first during court sessions, which allowed participants to leave early. Not needing to stay for an entire court session and not having to travel to and from the courthouse allowed participants to save time. Incentives that courts used before COVID-19 also continued to be used, such as sobriety coins, candy, raffles, and nights off from curfews.

“We actually switched to asking them what they want and using intake to see what motivates them. So, a client just got roller blades last week; because his kiddos wanted to roller blade.”



Graduation Ceremonies Varied from Creative Virtual or In-Person Socially Distant Options to Releasing Participants without Fanfare

Graduations are a special time for participants to be recognized by team members, family, the community, and peers for successfully completing a treatment court program. During COVID-19 related shutdowns, some courts held graduations virtually while others created special outdoor graduations such as “drive-in” graduations in parking lots. Others released participants from the program without a formal graduation. In 2021, many courts were still unable to host graduations in-person, which some team members perceived as a more meaningful way to celebrate participants’ accomplishments. Virtual graduations were often reported to be less celebratory because they did not include the same ‘fan fair’ (treats, speakers, guests) as in-person graduations.

What Works?

- ▶ Providing virtual links to graduation ceremonies for participants to send to out-of-state family and friends regardless of graduation being in-person or virtual
- ▶ Evaluating graduation requirements and having flexibility with requirements for participants during the pandemic
- ▶ Working to make graduations special whether held virtually or in-person and socially distant (e.g., inviting local government guest speakers on Zoom, presenting awards and certificates on PowerPoint slides and mailing them afterwards, performing a graduation in a park or church parking lot, or building a stage outside for an outdoor event)
- ▶ Adding beneficial requirements to graduations such as, budgeting courses or additional peer support activities

Courts Continued to Strive for In-Person Graduations

At the time of the interviews, **2 out of every 5 courts** conducted graduations fully in-person. **One out of every 4** courts that reported continuing to have virtual graduations only were doing so because of local health and safety requirements rather than by preference.



Creative Approaches to Graduations Ceremonies Were Appreciated

It took time for team members to figure out how to combine the desire to have a fulfilling graduation ceremony for participants while continuing to follow COVID-19 guidelines for participant and staff safety. The courts that reported putting in more effort to enacting creative ideas, such as outdoor graduations in special places (e.g., parks, the beach, drive in movie theatres), also seemed the most satisfied with the graduation experience. Even when courts remained virtual, creative approaches to recognizing the accomplishment of the graduates was appreciated. For instance, one court invited the

state governor to attend a virtual graduation ceremony, the governor then gave an impromptu speech that was impactful for the participants and team members alike. Other virtual techniques like photo slide shows of the graduates and inviting family members to attend virtually helped participants feel celebrated while graduating from treatment court.

“We have a group called Summer Nights Cruise - they set up our parking lot and participants came in their cars and tuned in to their radio station...all the cars would blow their horns when a graduate was called. We also held one outside the justice center and got a stage and fountain and chairs. An auction company loaned us the chairs and speaker system.”

Graduation Requirements Were Modified in Some Courts

Changes to opportunities for community service and the ability to participate in other common requirements, such as end of program projects, led **1 in every 3 interviewees** to report changing requirements for graduation. Courts addressed community service requirements in a variety of ways. Some courts did not hold it against the participant if not all community service hours were completed, whereas, other courts accepted new activities, such as sending letters to residents of nursing homes, making masks or gloves for caregivers, or cleaning the courthouse or the jail, as community service hours. Based on financial hardships associated with COVID-19, some courts waived the requirement to have all court fees paid before graduation. Others waived GED and driver's license requirements based on challenges in getting either of these tests scheduled. While some courts removed requirements for graduation, other courts added beneficial activities, such as completion of a budgeting course or continued contact with a peer support specialist throughout their time in a program.



Innovative Practices

Monitoring Progress and Supporting Engagement

- ▶ Team members used forms of casual communication (e.g., texting, emailing, calling) to stay in frequent contact with participants
- ▶ Asking participants to send pictures of themselves at work to the court staff to check-in regarding their location
- ▶ Using a file portal that all participants had access to for sending important documents
- ▶ Hosting graduations outside was a well-regarded way to get all participants together and engage in graduation traditions safely
- ▶ Courts adapted various hybrid graduation options based on local ordinances:
 - Family members and friends on zoom with team members and participants in-person
 - A few team members and the graduating participants in-person and everyone else on zoom
 - A few team members, the graduates, and limited guests in-person with everyone else online
- ▶ Some courts added new and different requirements to achieve graduation, such as finishing a budgeting course or participants having continued virtual contact with a peer support specialist
- ▶ Many creative incentives were implemented:
 - Several courts adopted positive recognition programs for participants where participants were recognized as being a VIP or being a member of the honor roll. These participants often got to choose special things during court, such as playing an introduction song or being addressed first during court proceedings
 - One court incentivized participants' good behavior by paying for all December drug tests
 - Some courts created Drug Court specific apparel items that were included as raffle prizes (e.g., hats, sweatshirts, masks)
- ▶ Creative volunteering or services for the community were also implemented:
 - Sewing masks for, or writing letters to, the elderly in care facilities
 - Helping treatment court alumni with yard work projects
 - Writing thank you notes to community health care workers



TREATMENT AND RECOVERY SUPPORT

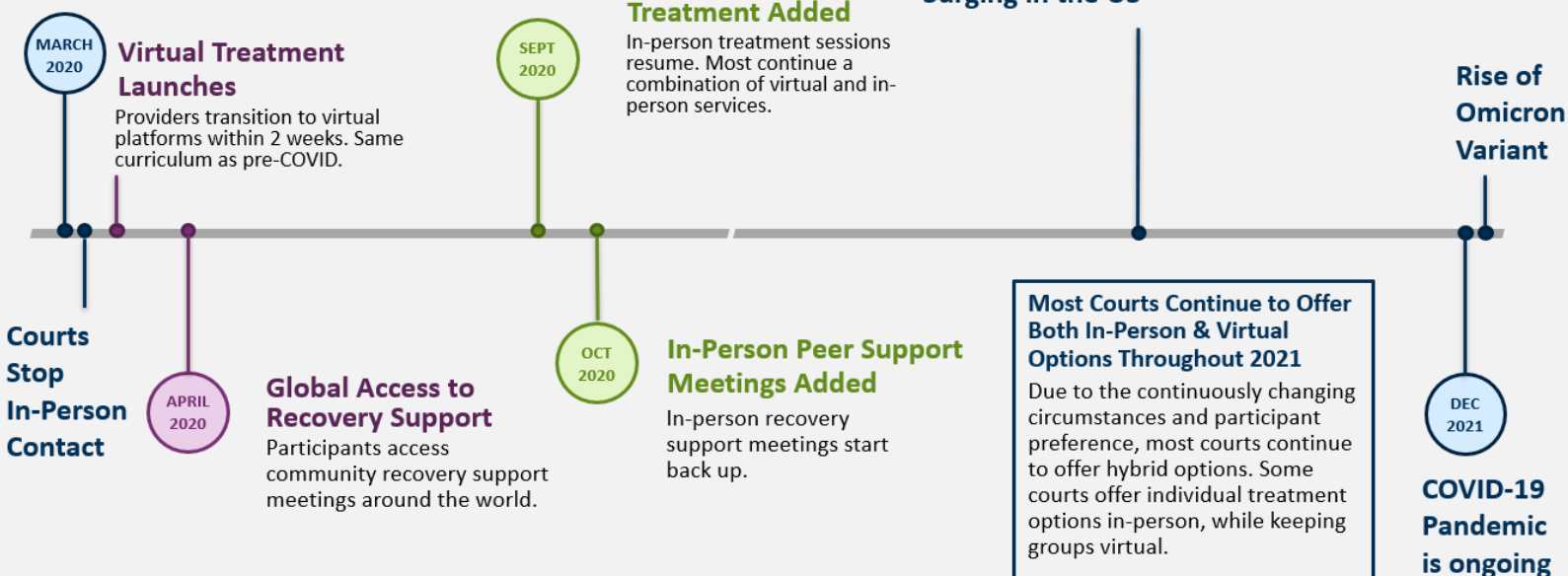


TREATMENT AND RECOVERY SUPPORT

HIGHLIGHTS: FLEXIBLE TREATMENT AND RECOVERY SUPPORT ATTENDANCE OPTIONS INCREASED ENGAGEMENT

- ▶ A mix of virtual, in-person, and hybrid treatment and community recovery support meetings were occurring across courts based on local COVID-19 guidelines
- ▶ Courts encouraged participants to discuss how they wanted to attend treatment with the provider and to attend recovery support meetings either virtually or in-person based on comfort to bolster positive engagement
- ▶ Group treatment was usually the last treatment activity to return to in-person based on the size of the group and the size of the space where the group met because of social distancing guidelines
- ▶ Virtual and hybrid options allowed participants to continue to attend recovery meetings that fit into their schedule, such as before or after work or on the weekends
- ▶ Treatment providers were sensitive to participants that were in crisis or needed extra support by allowing in-person meetings regardless of how other meetings were being hosted

COVID-19 Shutdowns happen across the US



Flexibility is Key to Treatment Engagement

The stress associated with the COVID-19 pandemic on treatment court participants urged treatment providers to transition to virtual sessions quickly at the beginning of the pandemic. In 2021, when in-person options returned, flexibility for participants to engage with treatment either in-person or virtually based on schedules and comfort levels increased engagement. Group sessions continue to adapt to social distancing guidelines or virtual etiquette when online.

What Worked?

- ▶ Allowing participants agency to choose if attending treatment or community support meetings virtually or in-person
- ▶ Offering virtual treatment and support meeting options that were available at varying hours allowed participants to attend treatment even if they were traveling, sick, or had scheduling conflicts, resulting in increased attendance
- ▶ Hybrid treatment options kept waiting room numbers down, which helped enable social distancing to continue in treatment offices



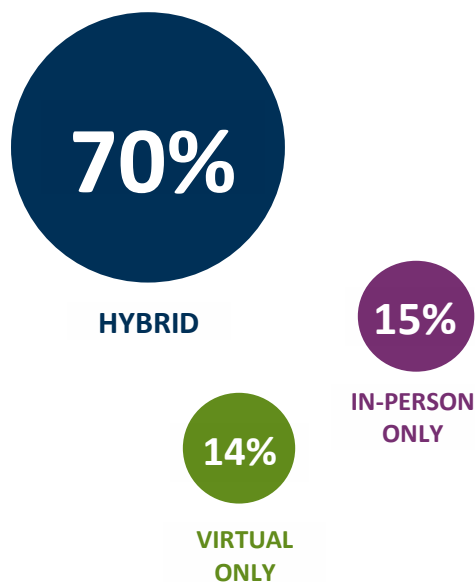
Matching Participants to the Appropriate Mode of Treatment Matters

Like team members, participants often had preferences between attending court related activities (e.g., treatment) either virtually or in-person. Virtual treatment appealed to those that had barriers to travel, those that had unmet childcare needs, or those with busy schedules. For instance, participants could attend treatment virtually during a break at work or without driving for several hours if they lived rurally. Other participants felt more comfortable opening up to treatment providers when they were virtual because it was less anxiety provoking to be vulnerable in their own safe space. Having the choice to negotiate the best setting for individual participants for treatment allows those that engage better virtually to continue virtually and empowers others who are not fulfilled by virtual treatment to attend in-person. The most reported reason for why participants wanted to attend treatment in-person was to have a more personal connection with the provider and to ensure the anonymity of being in an enclosed office.

“They find [virtual attendance] more convenient...they utilize lunch breaks. Call from their cars...they don't miss work hours.”

Virtual Treatment was Problematic for Some Providers and Participants but Not Others

Some treatment providers continued to only provide virtual treatment services to court participants. For those that needed or wanted in-person options, this continued virtual treatment proved to be problematic. Participants that desired in-person treatment often cited that they lacked a personal connection with their virtual provider. Treatment providers also mentioned struggling to read participant body language via virtual treatment, which felt limiting. Other participants were continuing to act inappropriately during virtual sessions, such as joining a treatment session in a public setting, turning cameras off, smoking, or talking with another person at home. Additionally, some participants continued to experience technical difficulties with bandwidth and low-quality Wi-Fi, which interrupted services. Virtual groups were also problematic because participants interrupted each other or didn't talk because they were worried about speaking over one another.



A small percentage of courts were still conducting treatment either **fully in-person** or **fully on video/virtual**.

Peer Recovery Support Meetings Worked Best When Offered Both Virtually and In-Person

Community recovery support is a vital part of participant recovery and overall wellbeing. Many participants enjoyed virtual recovery meetings during COVID-19 because they had access to meetings that happened anywhere, at any time. Many meetings transitioned back to in-person but kept online options open to those who wanted them. Courts were also flexible and encouraged participants to attend the types of meetings that were meaningful to their own recovery.

What Worked?

- ▶ Attending virtually helped some participants feel more anonymous in meetings, which enabled them to share more and feel more comfortable
- ▶ Allowing participants to explore meetings that were specific to their needs helped them engage more with the meetings (e.g., gender or sexuality specific meetings)
- ▶ Making meaningful relationships to assist participants in gaining individual mentors was best done in-person because it was easier to create deeper personal connections

Virtual Meetings Continue to be Popular Among Participants

Similar to other types of court activities, challenges such as travel barriers, scheduling conflicts, and lack of childcare were all mitigated by allowing participants to attend peer support meetings virtually. Virtual recovery meetings also provided flexibility for participants to attend a recovery meeting whenever they needed to, including in the middle of the night. Participants could personalize their recovery meetings. For example, a participant could seek out gender or sexuality specific recovery meetings, which could provide them additional moral support, or find meetings in other countries where they felt more kinship with others in the group. Some felt more anonymous in meetings when they were held virtually, which made them more likely to share personal experiences. In contrast, some participants had the opposite concern since meeting attendees could be logging on from any location around the world and may not be in a private space. It was also difficult for some courts to track attendance for virtual meetings, which required some creativity by team members to obtain attendance logs without compromising anonymity.



76% of interviewees reported that Peer Recovery Services for their participants are available **both in-person and virtually**

Innovative Practices

Treatment and Recovery Support Meetings

- ▶ Courts advocated for participants to seek out additional venues for supplemental treatment, such as peer coaches, support advocates, and self-help platforms
- ▶ One court created their own in-house recovery meeting called “Monday Meetings”, which was open to all participants to provide a quality peer recovery support option
- ▶ Courts required reflection papers for each recovery meeting which both verified attendance and helped participants reflect on and reinforce what they learned
- ▶ Setting up outdoor meeting spaces around fire pits, so people could still gather safely and gain support
- ▶ A new “Day of Outpatient” program started by the treatment provider to give participants an intensive day of treatment if needed
- ▶ Treatment provider set up kiosks in their building so that people who don't have internet can virtually go to court from one of their conference rooms



TRANSITIONS



CONTINUING TO TRANSITION IN AN UNPREDICTABLE WORLD

HIGHLIGHTS: UNCERTAINTY PLAGUES TRANSITION PLANS

- ▶ While some courts were able to successfully transition back to in-person activities, other transitioned back and forth between in-person and virtual.
- ▶ Many courts were in constant communication about fluctuations in COVID-19 local cases and were working with oversight agencies (e.g., health authorities, governors, supreme courts) to determine how operations should proceed
- ▶ Some courts were able to get additional grant funding for technology to use for virtual participation (this meant technology for both staff and participants, depending on the court) in order to improve virtual service provision
- ▶ Sustainability plans for court funding helped some courts feel confident about continued funding
- ▶ Courts that had more grant-based funding and were not up for grant renewal felt more financially secure

Courts Face Many “Unknowns”

Phrases like “going with the flow”, or “rolling with the punches” were mentioned frequently in interviews regarding plans for virtual or in-person court operations in the future. Several courts still operating fully virtually were waiting on local COVID-19 cases numbers to decrease or government representatives, health agencies, the CDC, or the supreme court to indicate what was next for the transition to in-person. During the time span of the interviews, April through September of 2021, several events related to COVID-19 impacted how courts were able to proceed with operations. First, vaccines became more accessible to the general population, allowing for people to start entering communal spaces again, such as offices or the courthouse, with less concern about contracting the virus. A few months later, masking and social distancing mandates were removed in most states, allowing for more comfortable in-person contact until the spread of the Delta Variant in July of 2021 when mask and social distancing mandates were reinstated in many places. The surge of the Delta variant caused several courts to return to virtual operations to stop the spread of the virus. These events led **80% of interviewees** to report that transition plans fluctuated at some point during the pandemic.

“We're partners with the human services and health dept so they keep us updated regularly about trends and spikes which drove some of our decisions about going in person then back to virtual, then in person again.”

Funding was also a source of unease for many courts. Courts reported not knowing what their funding would look like in the next 12-months or not knowing if current grant applications would be funded based on possible COVID-19 related budget cuts. Courts with ongoing grant funding (that was not up for renewal) reported being in the best financial position. Additionally, the courts that had spent time creating sustainability plans felt more confident in continued operations.



Roughly a quarter of Interviewees said that their funding was impacted due to COVID-19

Innovative Practices

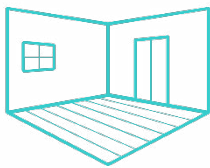
Transition Planning and Funding

- ▶ Putting funding where it was needed by reallocating travel costs towards program expenses
- ▶ Using available funds to provide the equipment needed so participants and team members could best operate virtually:
 - iPads for participants to use for virtual participation
 - Laptops for employees to work from home
 - Cell phones, Wi-Fi, data plans, or phone minutes for participants
- ▶ Providing technology through linking participants to a government resource that provided free phones and local internet providers that provided free internet if there were school aged children in the home
- ▶ Using funds reallocated from travel budgets or other activities that didn't happen due to the pandemic to purchase needed items, such as recovery journals, sweat patches, and urine hats
- ▶ Buying PPE for participants, such as masks, hand sanitizer, and gloves with reallocated funds
- ▶ Refocused funding to pay to continue parenting courses, hire translators, pay for Zoom, or conduct small evaluation projects
- ▶ A few problem-solving courts came together and used extra funding not used during COVID to buy buildings for recovery homes



Highlights of Innovative Practices

Following are examples of innovative practices implemented by programs that rose to the challenges resulting from the COVID pandemic and resulting changes in local policies



The creation of “virtual breakout rooms” for participants to jump in and out of to talk with counselors if mental health concerns come up during court

Starting a treatment court orientation for family members so they can understand the treatment court model and be supportive of the participant in court



Using remote breathalyzers with GPS capabilities to help support participant recovery

Encouraging participant engagement in drug court month. One court had participants film themselves on phones and send the videos to a production company to make a TV commercial for their court, the commercial then aired on local television



Creating “Treatment Court Swag” with the treatment court logo, including treatment court masks given as incentives. These masks were very popular with staff and participants

Creating a protocol that flags participants that are in jail and eligible for treatment court to help potential participants connect with the program



Creating a court-specific community peer recovery group specifically to address stress related to COVID to make sure that participants had a place they felt comfortable going to [either in-person or virtually] when COVID spread provoked uncertainty

Inviting the Governor of their state to attend a graduation and the Governor gave a short impromptu speech that was impactful for the participants



Employing a cultural advisor who taught participants how to sew masks for the elderly as a community service opportunity

Supporting healthy relationships. One court had two participants get married in court. It was the first sober marriage in that court with other participants present



NEXT STEPS: FLEXIBILITY AND BEING NIMBLE



As another year plagued with COVID-19 and related restrictions comes to an end, it is unclear when COVID-19 cases will be low enough across the United States to see universal restrictions lifted. A new normal, including COVID-19 vaccines and caution around larger group gatherings, may be longer lasting than originally anticipated. Through the 2021 COVID Impact interviews, courts were continually adapting to new mandates and doing their best to align their efforts with the needs of participants. The ability to be flexible and nimble (moving quickly

with changing needs) with how services are administered and allowing participants to be empowered to make choices regarding *how* they receive services in the future, will continue to be vital for court success. The continued use of technology to increase virtual options (e.g., support meetings, court sessions, etc.) and improve remote case management is allowing programs to provide more consistent services, regardless of these changing requirements.

In the spring of 2022, a third round of interviews will be performed with the same BJA grantees, as well as new grantees, to learn more about how courts continue to adapt in a world where the only constant is change. This third set of interviews in 2022 will provide additional insight on the evolution of processes within courts as they continue to serve at-risk participants during this strenuous and uncertain time.



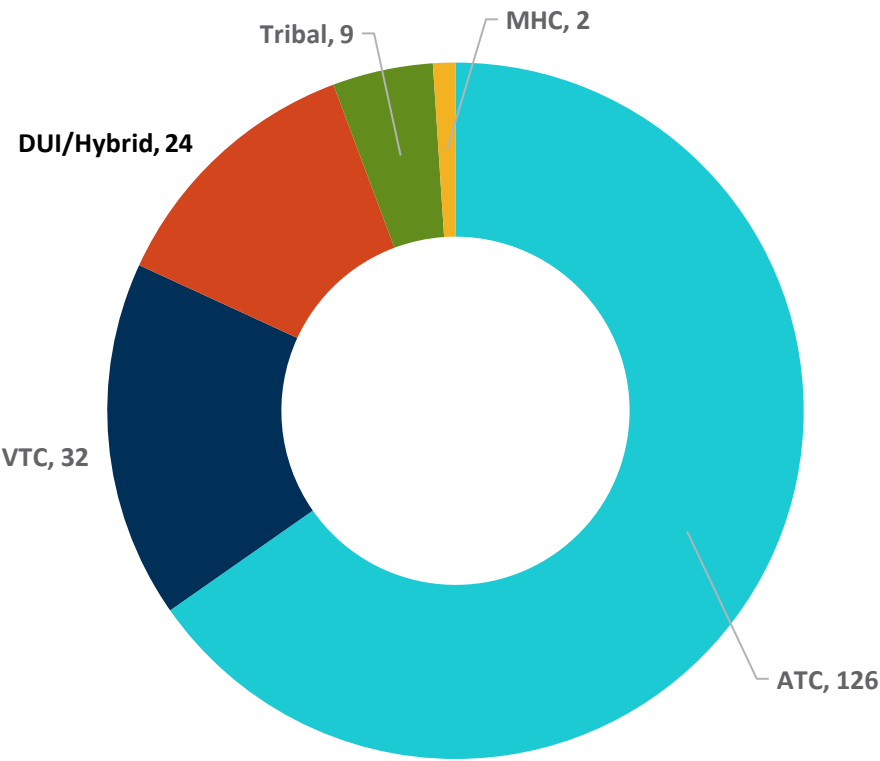
APPENDIX A

SAMPLE DESCRIPTION

NPC Research conducted 184 COVID-19 Impact Interviews in 2021. Of these interviews, 126 were follow-up interviews representing 73% of courts that were interviewed last year (n=172), and 58 were first-time interviews. The interviews were conducted between April and September 2021.

About two-thirds of BJA TTA grantees interviewed were traditional adult treatment courts (ATC) and 17% were Veterans Treatment Courts (VTC). The remaining 15% of courts were divided among Driving Under the Influence (DUI) courts (or hybrid drug-DUI courts), Tribal Healing to Wellness Courts (THWC), and Mental Health Courts (MHC).

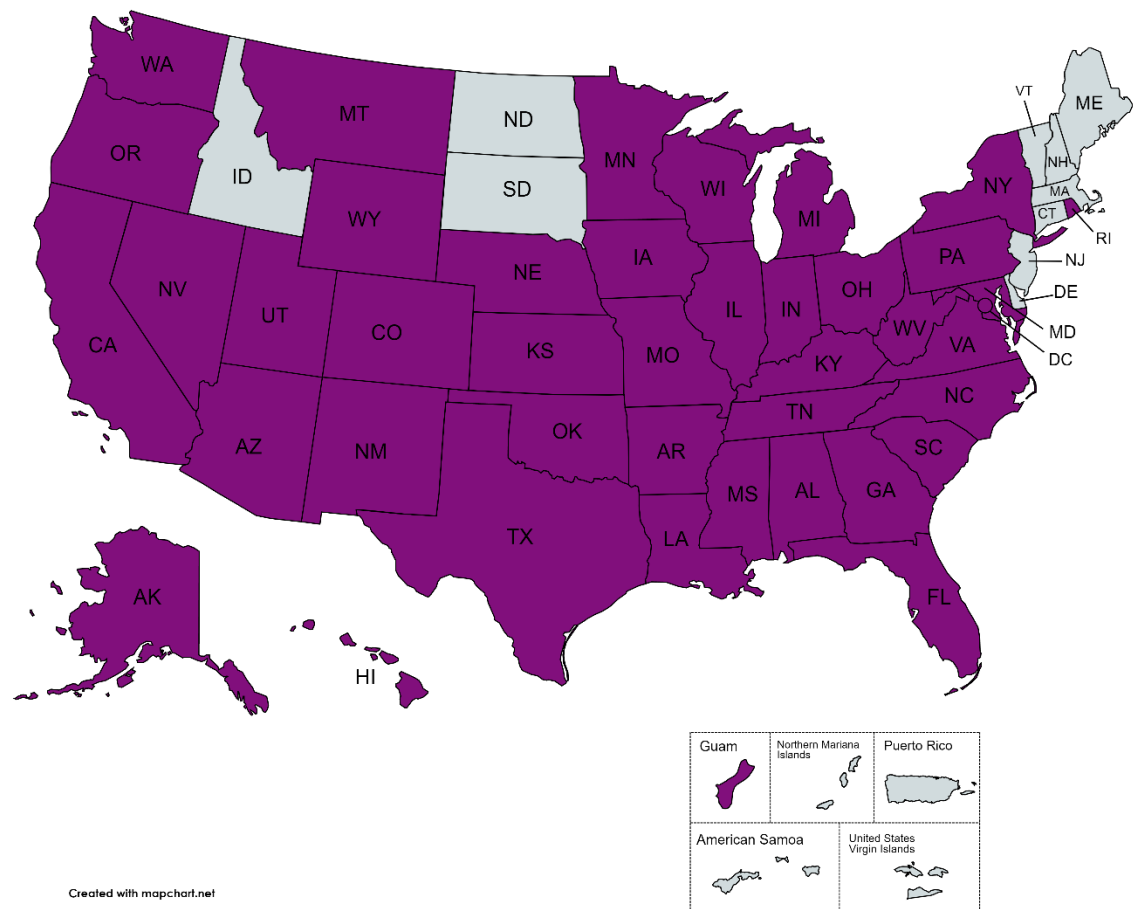
Exhibit A1. Court Type Represented in the Interview Sample



One interview per court was conducted, usually with the program coordinator (program coordinators represented 76% of all interviewees, followed next by “others” (14%)).³ Some grants applied to more than one court in the jurisdiction, in which case all courts were offered interviews.

Courts from 39 states and Guam participated in the interviews (see purple highlighted states in Exhibit A2).

Exhibit A2. States Represented in the Interview Sample



³ “Others” included court administrators, regional supervisors, case managers, directors, and program managers.

METHODOLOGY

To maximize the information from each COVID-19 impact interview, the qualitative analysis software NVivo 12 was used to assist with manually coding each interview. First, each interview was converted into an excel dataset (separated by follow-up interviews and first-time interviews) and then the lead qualitative analyst read a random sample of 20 responses per interview question and determined four to five themes per question. The theoretical framework, Grounded Theory, was utilized by letting the themes emerge as the interviews were read then updating themes as new information was understood from the interviews. Once initial themes were created, they were entered into NVivo as “codes”. The lead qualitative analyst then read each interview response by question and coded the responses into whichever theme was most appropriate. When all the interviews were coded, summaries were created based on the content of each theme. To further understand the results, additional summaries were created that summarized successes and challenges faced by courts and highlighted innovated practices courts were participating in. A second qualitative analyst then coded a subsample of interviews (both follow-up and first-time interviews) and made comparable summaries. The two qualitative analysts met three times to discuss themes and findings based on the individual coding and summarizing. Summary information was then combined with the findings from both analysts and used to outline this report.