

Teaming and Conflict within Drug Court Teams: Findings and Recommendations

Prepared for:

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I. Purpose and Background

Our project focuses on understanding and addressing the conflicts that arise within drug court teams in the State of New Hampshire. Drug courts bring together a diverse staff comprised of team members from various professional backgrounds. Differences in opinion within such teams are inevitable—and indeed, in many cases, productive—and effective courts manage these differences to avoid negative impacts on participants and the community at large. Our team seeks to propose strategies and systems for a team environment in which these diverse perspectives enhance the court’s effectiveness, rather than prove a stumbling block.

At this juncture, drug courts are expanding to every county in the State of New Hampshire, with additional state funding and administration to aid in that process. In population, level of funding, and community circumstance, each court has the task of applying a set of best practices to a unique situation. Statewide Drug Offender Program Coordinator Alex Casale offers support and guidance to each drug court as they build a collaborative team, and helps to manage conflicts that arise.

In addition to the expansion of drug courts throughout the state, the hiring of Heather Kulp as the Alternative Dispute Resolution Coordinator for the New Hampshire Judicial Branch provides additional impetus to consider team dynamics. While Ms. Kulp has no direct responsibility for the Drug Court Program, her expertise in dispute resolution and facilitation has been called upon several times for team-specific consultations, and there is an opportunity to define her role in supporting the respective courts.

The Harvard Negotiation & Mediation Clinical Program (“HNMCP”) focuses on cutting edge work in dispute systems design, negotiation, mediation, and facilitation. HNMCP’s clients include U.S.-based and international private corporations, judicial systems, non-profit organizations, government agencies, and community groups. HNMCP provides Harvard law students with the opportunity to get hands-on experience through working with clients from outside the law school for class credit; HNMCP focuses specifically on projects involving conflict management and dispute systems design.

II. Questions Presented

- (1) What are the types of conflicts or negative team dynamics that arise within drug court teams; and
- (2) How can coordinators working at the state level support drug court teams to proactively address these issues?

The drug court model is intentionally interdisciplinary, bringing together the insights and resource of addiction treatment, law enforcement, parole, and legal professionals. Our clients recognize that some differences of opinion are to be expected, given the diversity of perspectives in a staffing meeting.

Not all conflicts, however, are created equal; some disputes can breed distrust and erode team member buy-in. Our clients, operating at the statewide level, have asked us to leverage our position as outside parties to identify these counter-productive intra-team conflicts, and articulate strategies to prevent and mitigate them.

III. Assessment Methodology

In preparation for this project, we familiarized ourselves with the New Hampshire Drug Court Mission¹, Adult Drug Court Best Practice Standards², Core Competencies Guide: Adult DCPI Training³, and Defining Drug Courts: The Key Components⁴. We also considered relevant supporting documents provided by our clients about the structures and the components of the New Hampshire Drug Court System. We consulted literature from the field of alternative dispute resolution on group dynamics and team theories. Bearing in mind the court's focus on participant and community safety we have attempted to focus our recommendations and assessments not upon collaboration for its own sake, but upon the dynamics that specifically shape participant outcomes in court program admission, sanctioning, incentives, and termination decisions.

¹ Superior Court of New Hampshire: Drug Offender Program, NEW HAMPSHIRE ADULT DRUG COURT POLICIES & PROCEDURES, <https://www.courts.state.nh.us/drugcourts/docs/Drug-Court-Policy-Procedure.pdf>.

² Nat'l Ass'n of Drug Court Prof'ls (NADCP), ADULT DRUG COURT BEST PRACTICE STANDARDS VOLS. 1 & 2, <http://www.nadcp.org/standards/> (last visited Apr. 19, 2018).

³ Nat'l Drug Court Res. Ctr., CORE COMPETENCIES GUIDE ADULT DCPI TRAININGS, <https://ndcrc.org/resource/core-competencies-guide/> (last visited Apr. 19, 2018).

⁴ NADCP: Drug Court Standards Comm. & U.S. Bureau of Justice Assistance, *Defining Drug Courts: The Key Components: Drug Courts Resource Series* (2004).

Client Meetings

We have held weekly calls with our clients, Alex Casale and Heather Kulp, and have had ongoing e-mail consultations with them. These weekly meetings have been vital for clarifying their guiding questions, and their own positions within and toward the county drug court teams.

Interviews

In order to best understand the intra-team dynamics, we conducted twenty-four (24) interviews across the Cheshire, Merrimack, and Hillsborough South Superior Court drug court teams. We focused predominantly on Cheshire and Hillsborough South at our clients' suggestion, as well as for their geographic accessibility. In addition, we spoke with some members of the Merrimack team to complement this data. While we were able to conduct several in-person interviews, the vast majority of them took place via telephone or video conference.

Included within our pool of interviewees consisted of:

- Drug Court Coordinators
- Probation and Parole Officers
- Case Managers
- Judges
- Evaluators
- Police Officers
- Public Defenders
- Prosecutor
- Corrections Personnel
- Treatment Staff

We developed an interview protocol with input from our clients (Appendix A to this report), which covered: 1) background and involvement with the Drug Court system; 2) specific roles within a team and interactions with other members; 3) processes to discuss disagreement and manage conflicts; 4) major advice and suggestions to the Drug Court team or the general system.

At the outset of these interviews, clinic team members took care to establish a norm of anonymity and confidentiality. Each interviewee was assured that the notes from the conversation would not be shared directly with anyone outside of this project's team, and that any information included in the report would be anonymized. Beyond withholding names and obviously identifying information, in practice this meant that we would not associate a county with the interviewee's role in a quote, or vice-versa.

Site Visits

We were further able to travel to New Hampshire on four occasions to observe drug court proceedings, as well as to conduct several in-person interviews. We were invited to observe the latter half of a quarterly policy meeting in Merrimack County (at which one of our clients, Alex Casale, was present),

with the understanding that only participants' initials would be used during the meeting. One team member was also able to visit a court staffing meeting, while another observed a public court session.

Survey

We designed an online survey about the specific roles and team dynamics within a Drug Court team. We circulated the survey to all the Drug Court teams in the state of New Hampshire, including ones that which we did not approach for personal interviews.

In the survey, we asked both quantitative and qualitative questions. For the former, we were very interested in team members' perceptions of the frequency and type of conflicts within their teams. For the latter, we asked about specific conflicts/disagreements that happen in a team and how the team dynamics are affected by them. We were also interested in any procedures established by teams to avoid or deal with the disagreements directly.

We received seventy-one (71) total survey responses from eight different counties, as shown in Fig-1 below. The responses covered nine different roles on the drug court team in the proportions shown below in Fig-2.

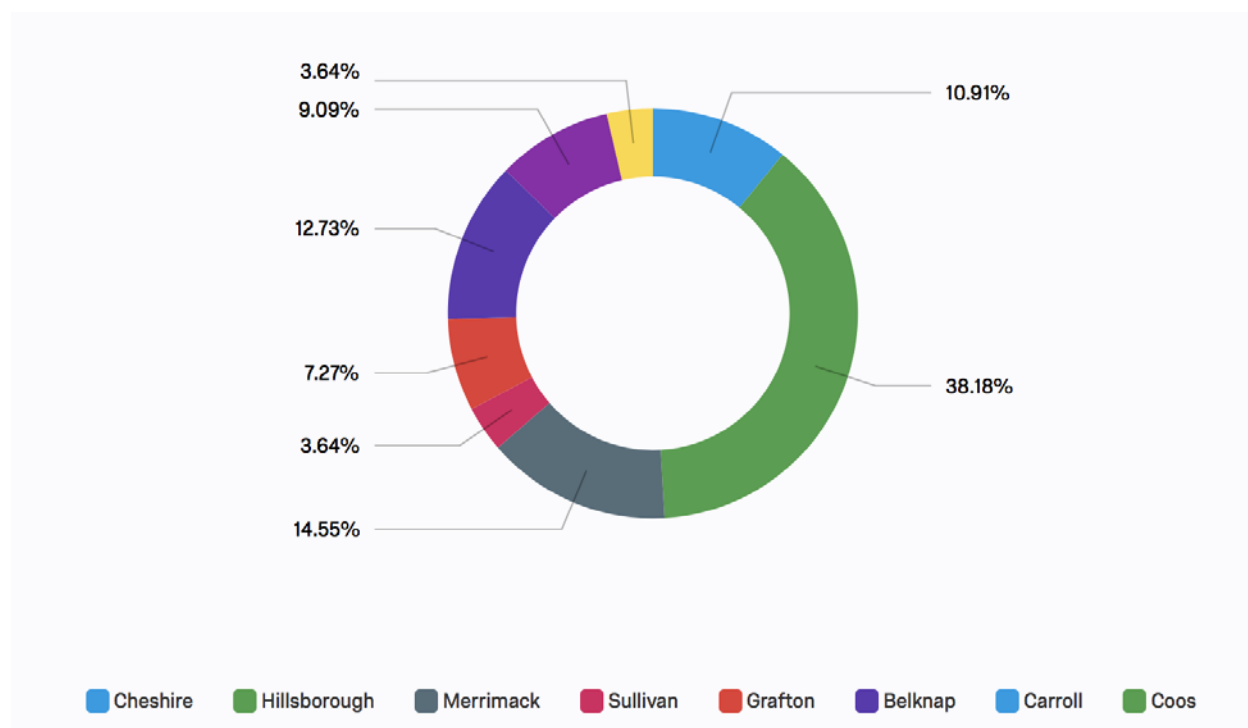


Fig-1 The response percentages of each county in New Hampshire

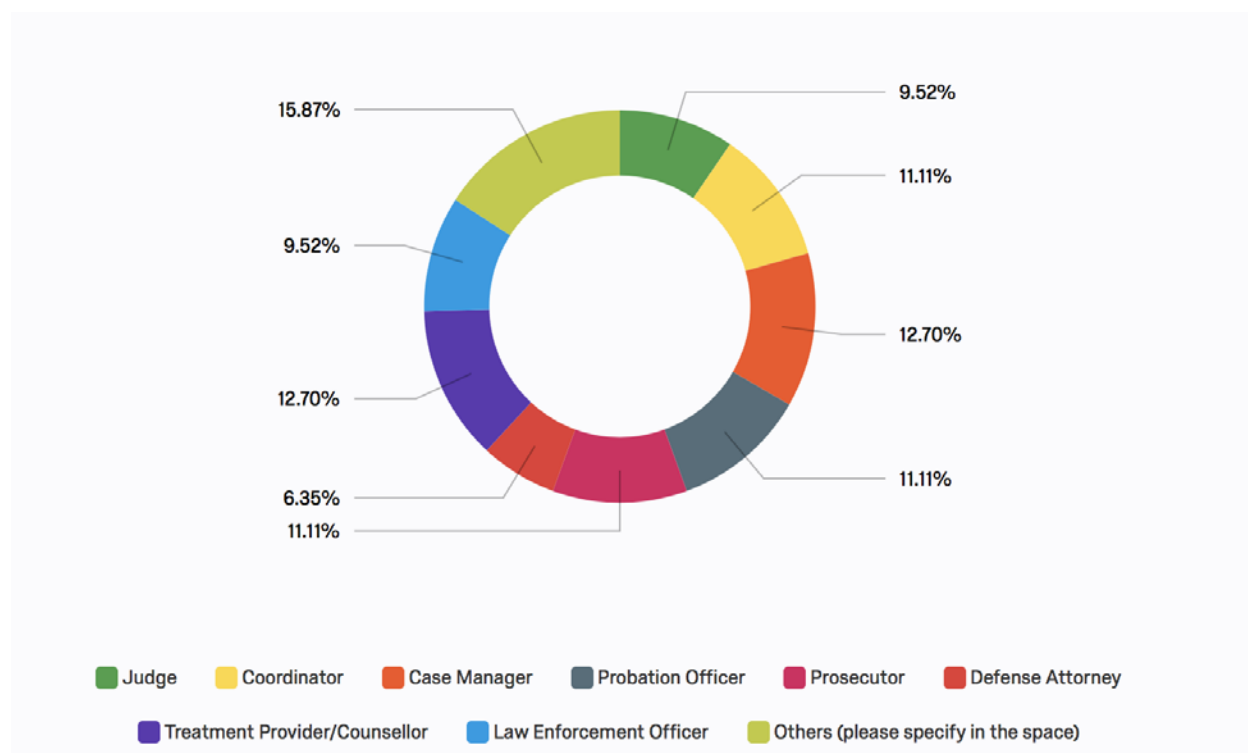


Fig-2 The percentages of each role represented in the survey responses

IV. Limitations

While we are confident that our methodology gave us an accurate picture of common dynamics on New Hampshire Drug Court Teams, there are some limitations to our findings and recommendations that must be taken into account.

First and foremost, while our pool of interviewees was wide, and covered a range of roles, it was not exhaustive. While we were able, in the aggregate, to cover all the roles common to drug court teams, we were not able to interview every member of each team. As a result, we may--for example--miss some insights into case management from a given team altogether.

Second, logistical concerns prevented us from observing as many drug court staffing sessions as would have been ideal. Navigating the concerns of confidentiality and HIPAA proved more difficult than imagined at the outset of this project. While we have canvassed team members for their experiences of these meetings, we recognize that our findings on team dynamics would be stronger with a more robust set of first-hand observations.

Third, something is inevitably lost in extrapolating from our data about specific teams to a statewide program. While we believe that our findings illuminate certain issues driving conflict, due to differences in caseload, regional resources, and even team personalities, not all of them will apply to any given

team in New Hampshire; further, some of these recommendations are derived directly from strategies certain counties have found effective in preventing and mitigating counter-productive conflict.

Finally, we are aware that some recommendations will be easier to implement than others. Our clients do not have unlimited resources--and even if they did, they have limited authority to require any team to follow-through on said recommendations. We have chosen to offer a broad menu of potential interventions here, lifting up longer-term ideals for the future of this still-developing model even while pursuing immediately actionable items.

IV. Findings

1. Team Members Generally Expect and Appreciate Intra-team Disagreement

Our interviews and surveys indicated that for the most part, team members feel empowered to speak their mind, and embrace disagreement over decisions as a central part of the drug court process. As one evaluator remarked, “‘agree to disagree’ is what makes this whole thing work.” That sentiment was broadly echoed by team members across the spectrum of roles; few expressed surprise or personal animosity over colleagues advocating for steps that differ from their own preferences and opinions on addiction treatment. Most expressed an understanding that the best decisions are reached by considering all sides of a multi-faceted problem such as substance abuse. Most inquiries about contentious disputes, in fact, ended with some variation of “we talk it out, and come to a resolution.”

2. Conflict Simmers Rather than Boils

To our surprise, the word “conflict” found little resonance with the vast majority of the individuals we interviewed. Anecdotes of heated confrontation or personal animosity were rare in our interviews and survey data. That being said, the fact that drug courts are not marked by eruptions of rancor or resentment does not mean that there are not tensions and disputes to manage. Many participants shared frustrations and experiences that have made them question the efficacy of drug court, or their own added-value to the program. Those sentiments, left unaddressed, can certainly influence decisions regarding participants, and potentially lead to long-term impacts upon the culture of the team.

3. Conflict Emerges During Admission, Sanctioning, and Termination Deliberations

Encouragingly, the majority of drug courts team members were satisfied with the process for key drug court decisions, namely: Admitting new participants to the program; Sanctioning non-compliant participants; and Terminating participants from the program. Over 71% of survey respondents felt that the decisions made by the teams in these areas align with the overall goals of the drug court program.

Most team members also spoke highly of the collaborative process within their teams. In particular, they feel that the multi-stakeholder opinion-sharing approach resulted in productive discussion, in which “everyone there is to have a voice...not only to have a chair.”

Despite this broad consensus, there were some recurring concerns around these decision-making processes that influenced team members’ views of the court program as a whole, and their role in it.

a) Sanctioning Discussions are Seen as Inefficient

Sanctioning discussions can be lengthy, and some team members do not feel that these discussions are very effective. One mentioned that “discussion of a sanction against a specific participant may take up half of the time reserved for the staff meeting,” and other members reflected that the time spent on overlong sanction discussions might be better used on other issues.

In the survey, disagreements over the level of sanctions appropriate for a non-compliant participant were the most common type of conflict, accounting for 34% of the total disagreements. Although most people agreed that this kind of disagreement is integral to the function of the drug court, they find sometimes the discussion can be frustrating because it is hard to find criteria to apply for the specific cases directly. Further, some team members may feel less inclined to join the discussion when they perceive that one particular role on the team has the “final word” in persuading the judge.

b) Admissions: Disagreement over Criteria for Admission to Drug Court

Most of the team members are satisfied with the current participant admission process and procedure in their team, but around 20% of survey-takers found that the admission issue is a source of major disagreement within their team. Specifically, some team members mentioned a lack of clear criteria on when to accept a participant, and observed that appropriate candidates for the drug court program are consistently vetoed by other team members. On all but one court in New Hampshire, prosecutors have veto power over any admissions to drug court, a power that is not always seen as being wielded wisely. This, our findings revealed, decreases the willingness of court staff to advocate for individuals who, in their judgment, might benefit the most from the drug court program. As one respondent noted: “...sometimes even when I make a recommendation, the prosecutor will not consider it, and I feel less inclined to make the proposal next time.”

Some of the team members also expressed frustration at the resistance to accepting participants who had ever dealt drugs. “The world,” noted one public defender, “does not neatly divide into dealers and users.” There is a clear constituency within the drug program that perceives even some potential participants who are summarily excluded from the drug court program to be squarely within the “high-risk, high-need” category. This, too, creates conflict and resentment at those who hold the veto power, as their judgment is elevated above the rest of the team.

c) Terminations: Decision-making lacks Clear Criteria

Although there are general guidelines on when to terminate a participant according to the Best Practices⁵, nearly 30% of survey respondents rated the matter a source of major disagreement. It is one of the most significant and time-consuming decisions that a court must sometimes make, but we also encountered a desire for a more procedurally grounded understand of when and how this becomes an appropriate step. Several team members did not fully understand some procedural steps such as the role of the public defender in such a discussion, while others felt that termination was reached out of frustration and anger rather than a longer-term view of progress and likelihood of future success. The question of termination, almost by definition, asks team members to draw a proverbial line in the sand, and make a statement about how far they are willing to go with a participant. Also at stake, therefore, is the trust of one's colleagues, who will base future decisions upon the content of that statement.



4. Conflict Is Driven by the Tension of Dual Roles

One key theme that emerged from our interviews is that the drug court model creates unhelpful conflict when the demands of the project impinge upon the other professional obligations and material interests of the constituent organizations. We find the framing of this tension as an organizational “culture clash” overly simplistic. While no one comes to the table without some prior philosophical or professional commitments, the vast majority of team members that we spoke to across the professional spectrum indicated a willingness--in principle--to explore new methods of confronting addiction and its concomitant social problems, and a belief that drug court is a good method for *some* participants.

Where the commitment to collaboration becomes strained, however, is when the court's actions and recommendations tangibly impinge upon the *other* responsibilities of the host organization outside drug court. If decisions of the court are seen by a team member--or, just as importantly, said team member's colleagues--as siphoning resources away from non-drug court related projects, resentment and skepticism can set in, undercutting engagement with the collaborative model. Interviewees also reported tension with colleagues in their respective host organizations, and pressure from supervisors and co-workers who are skeptical of drug court's efficacy.

Our interviews surfaced this tension in the following discrete ways:

⁵ See *supra* note 2, NADCP, BEST PRACTICE STANDARDS VOL. 1, 28–33.

a) Conflict is Exacerbated by Competition for Scarce Resources

With the exception of coordinators and some addiction treatment professionals, no one on drug court teams is detailed to drug court full-time, and the demands of court are often an added burden upon their work hours and intellectual bandwidth. Said one probation and parole officer: “I have all [the] drug court participants, plus the graduates, and a full caseload. We’re a cheap state, that doesn’t want to spend money on anything... There are staff that feel that the workload that is expected is unreasonable. What is probation getting out of it? We’re getting nothing, we didn’t get a staff increase, only more work.” Indeed, “unrealistic caseloads” were a regular feature of our interviews, as was a sense that it simply wasn’t possible to help participants in the way that members would like to. Measures that some courts and counties have taken to ameliorate this, such as additional staff, or a reduction in non-drug court responsibilities to compensate, were cited by interviewees as increasing their commitment to and satisfaction with drug court.

Beyond the scarcity of time and money, interviewees also expressed concern that drug court treatment programs had negative externalities for other, non-drug court interventions. For instance, in counties where detox, urinalysis, and treatment facilities are limited, participants must use jail facilities for lack of alternatives. One corrections officer expressed concern about the potential health risks to drug court participants from incarceration, as well the fact that drug court participants had different expectations and guidelines they had to follow, creating the perception of inconsistent treatment that negatively impacted the House of Corrections as a whole. Another team member expressed frustration that participants were being pulled from what they considered to be effective in-prison programs in favor of drug court, undermining the integrity of the existing program and the stability of the core group.

b) Team Members Must Navigate Conflicting Confidentiality Standards

A central premise of drug court is that team members share information about participant behavior, progress in treatment, and attitude toward the process, in order to make fully informed incentive, sanctioning, and termination decisions. It is for this reason that current best practices require the presence and participation of a full spectrum of treatment, legal, and law enforcement disciplines during staffing.⁶ However, some team members have legal or professional obligations to confidentiality that can interfere with this deliberative process. For instance, treatment providers are bound by principles of confidentiality in the therapist-client relationships that require discretion in what they share of a participant’s progress. Law enforcement, by the same token, may be operating ongoing investigations in which a participant surfaces as a central or peripheral figure of interest. “I might have John Doe in an investigation and know they’re using, or dealing,” said one law enforcement officer, “but I can’t say anything in court and risk them getting a sanction, because that could blow someone’s cover.”

⁶ See Shannon M. Carey et al, *What Works? The Ten Key Components of Drug Court: Research-based Best Practices*, 8 Drug Ct. Rev. 6, 24–25 (2012).

Team members voiced an understanding of this difficulty for some of their colleagues, and we heard no reports of pressing for such information. The difficulty, however, is that decisions a person at the table knows to be based upon incomplete information lack legitimacy. The same law enforcement officer shared the difficulty of "...sitting in a discussion, and listening to treatment talk about 'progress' when I know that they were involved in a crime in which someone died [of an overdose]." The exercise itself, from that position, can seem farcical, and erode commitment to the drug court model over the long run.

c) Conflict Emerges Through Directly Competing Professional Duties

It bears repeating that team members across the spectrum of professions, by and large, express "buy-in" to the drug court mission, and confidence that it can be a far better choice for some participants than other, primarily carceral models. However, that commitment is challenged when drug court decisions undercut the foundational goals of these respective organizations. Simply put, it is one thing to ask a treatment professional, or a police officer, or a prosecutor to use discretion in pursuit of the best long-term outcome for a participant. It is another, however, when foundational concerns such as public safety, or the maintenance of a therapeutic alliance, is perceived to be imperiled by a decision.

In our interviews, we noted that many team members were described by their colleagues as having biases that were seen to reflect some essential trait reflective of their profession. "Black and white thinking" and "old-school" were monikers attached to police officers several times, while treatment professionals were described by their law enforcement counterparts as lacking an awareness of "criminal thinking," and having a naivete about the "reality" of the situation in the community.

However, a deeper dive into the self-described thought process behind positions on sanctioning or terminating participants paints a different picture. In our interviews with law enforcement and probation officers, for instance, we rarely heard language that we would describe as 'black and white'. Officers, in fact, were widely in support of treatment, and did not opine that carceral deterrence would be a 'solution' for drug abuse. The skepticism of drug court that we encountered from this discipline was rooted in a concern for immediate public safety. Said one officer: "I can count on both my hands the number of parents who don't want jail – parents are constantly asking for jail – they're taking care of grandchildren and are exhausted." The belief that jail can provide stability prior to managing the semi-independence of drug court was widely voiced. "[Drug court is a] state-sanctioned pass to continue to use and endanger their families" said another. "They need to get safe from themselves..." before any meaningful change can happen. Other officers focused on the physical dangers that drug abuse posed to other people, such as lethal fentanyl residue on surfaces in public areas, or theft in the service of funding a drug addiction. The particular belief that selling drugs to other participants should be met with immediate termination was widespread on the law enforcement end of the spectrum, since it "sabotages someone else's recovery."

By the same token, the treatment professionals and case managers we spoke with differed little from any of their colleagues in their expectation of manipulation and dishonesty on the part of participants.

They also expressed a keen awareness of the safety implications of allowing those in the throes of addiction to have a high degree of freedom to be in the community while receiving treatment and supervision--not least of which was the possibility of deaths from overdose. Indeed, one treatment professional voiced a sentiment that would not have seemed out of place in our notes from a law enforcement interview: "Jail sanctions don't feel therapeutic, but what's important about them is giving people an opportunity to stabilize and reflect, and why they did want to be admitted into this program at all. Where am I now, and how have I wound up here—it's a harsh reality check...but it's hard to get this population sometimes to respect these boundaries without such harsh sanctions..." The primary distinction between these two "camps" was in their respective time horizons; The confidence that deceit and disengagement with the system will "catch up to them in the end" was a feature of treatment conversations, as was the fear that the therapeutic alliance necessary with a participant could be imperiled by overly aggressive sanctions. One issue that surfaced in both interviews and observed meetings was the question of whether visits to treatment counselors and clinicians are appropriate settings for arrests by probation or law enforcement officers. While some of the latter team members expressed that this was one of the few ways of apprehending participants who had absconded, treatment staff voiced vigorous objections, fearing that it could undermine trust and candor in the relationship.

A related, but distinct, finding was that parole and law enforcement officers have a long-term concern for credibility in threatening sanctions. One parole officer shared an understanding that under current practice, the parole officer should not file a Violation of Parole without the consensus of the drug court team. This officer vigorously disagrees, noting that if they are not seen as being able to swiftly intervene, their deterrent power is reduced once the participant graduates from drug court, and the parole officer is often the sole point of contact for the participant's continuing recovery and reintegration into the community.

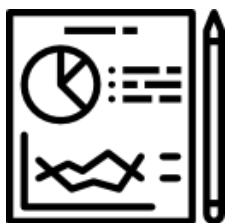
Our purpose in spotlighting this dynamic is not to make recommendations for sanctioning decisions, or to offer an opinion on the optimal balance of interventions. Rather, it is to suggest that the tension and conflict that exists within drug court teams becomes unhelpful when foundational concerns--due process, community safety, maintaining a therapeutic alliance--are threatened. Court staff are, by and large, prepared to be creative and employ discretion, but buy-in decreases when the actions of the court cut against precepts of the profession itself to the extent that it can seem an abdication of professional responsibility.

d) Organizational Commitment to Drug Court Impacts the Team Experience

While conflicting senses of professional responsibility can create tension for individual drug court team members, our interviews also made us aware of how much each constituent organization's culture can impact team members' attitudes and commitment to the model. Serving on drug court, and executing some of the court's decisions within an organization whose other members do not share the model's theories of change can place team members in a professionally, and personally, isolating position.

One probation officer, for instance, shared that they were the only member of their office willing to take the drug court assignment due to skepticism that it achieves its goals, and the feeling that it siphons resources that could best be put to use elsewhere. Another police officer--who, it must be noted, is extremely supportive of the drug court program as a whole, and voiced confidence in its effectiveness--described the difficulty of working on cases with colleagues that could last for months where those who were charged were admitted to drug court: "It's tough, seeing the list of people we'd worked our butts off to get off the streets, and to see them back out there felt like...what did I accomplish here? Are we back to square one?" We also heard stories of team members who felt compelled to take stances in meetings as a performance of sorts, counting on the fact that word of it would eventually get back to their primary department.

5. Standardized Decision-Making Tools are Helpful...If They're Seen as Realistic



a) Teams broadly appreciate standards and best practices

A particular point of emphasis in the ongoing trainings offered to drug court team members is fidelity to evidence-based Best Practices. Beyond the obvious goal of trying to achieve the best outcomes possible for participants, our findings indicated that adherence to objective standards is also helpful in reducing team conflicts, and enhanced satisfaction with the decision-making process. One treatment professional shared that standards are vital in weathering difficult decisions such as termination. In their eyes, legitimacy comes when those choices . . . "aren't emotion-based, when we're angry, disappointed, frustrated, and don't know what to do next...we check that by going 'back to the basics', and holding each other accountable to 'principles before personalities.'"

Numerous interviewees also described the value of having grids and rubrics to guide sanction, incentive, and termination decisions, which may be tailored to a court's particular resources. Said one team member: "there used to be strong disagreements on the level of sanctions before the application of sanction grids in the team . . . [now we are] more predictable and consistent on how to deal with the participants' behaviors." That is not to say that standardized decision-making tools have entirely eliminated conflict within teams; different understandings of the best use of these tools still remain, and a team's latitude to deviate from these rubrics based on particular circumstances is still fertile ground for disagreement.

In fact, our observations and interviews broadly found a desire for more clarity and objectivity to guide team decision-making. Trainings emphasizing the evidentiary basis for Best Practices were consistently cited by team members as crucial to their own motivation for serving on drug court, and their understanding of other roles on the team. We also heard repeated wishes for more consistency around questions like admission to the program—and in particular, defining drug trafficking/dealing as

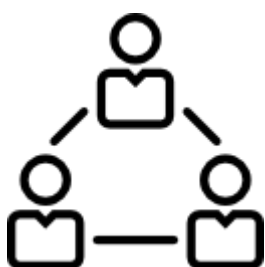
opposed to similar behaviors in those who are also addicted themselves—which were frequent sites of intra-staff conflict.

b) Some team members feel that regional considerations should be weighed in the decision-making processes.

Several interviewees, however, articulated a tension between this desire to adhere to best practices and standards within the field, and the perception that some standards do not meet a given county's resources or needs. As one interviewee said, "sometimes the local needs and local difference in the counties can be more effective to solve the problems than just following the generic application of the Best Practices or other guidelines." In particular, demographic and resource constraints specific to each county affect team members' perceptions of the applicability of the national standards "because the conditions of the county, whether more populated or less populated, whether more dealing activities or more addictive activities, may be different, and the solutions to those problems can be different." For example, we heard that using national standards to address a higher rate of methamphetamine use (versus opioid use) in one county was "like fitting a square peg in a round hole."

In other instances, team members complained that the standards to which the court aspires do not provide guidance for all logistical considerations that affect team decisions, such as the difficulty of transporting participants between treatment facilities and other court-related obligations. Others bemoaned the fact that a lack of treatment facilities and housing insecurity among participants necessitated greater use of the local jail than Best Practices would indicate.

We express no opinion in this report about the *validity or accuracy* of these complaints, nor do we recommend actions that might be taken to respond to them at either a state or a county level. They do, however, illuminate a source of discontent with some of the foundational assumptions of drug court, and can potentially reduce commitment to Best Practices as a tool to guide decision-making without undue conflict.



6. Ineffective Communication May Create Tensions Among Team Members

We find that ineffective communication in staffing, core team meetings, or policy meetings, may create tensions among the team members. In particular, due to the limited time in staffing sessions, some team members feel that they are less heard if they offer a different recommendation from the core team. Meanwhile, some team members also expressed their concern regarding potential "staff-splitting" by some participants.

Time-bound Staffing Meetings

Staffing meetings, typically limited to 1.5–2 hours, present a limited opportunity for team members to discuss participants at length. Particularly when participant caseloads are large, the team can typically spend only 3–5 minutes to discuss recommendations for each participant.

This offers a limited window for the team to discuss recommendations at length. One interviewee notes that due to the time constraints, “the [team] coordinator is often pushing for brevity.” This can create frustration among certain team members at the lack of debate and discussion. For example, a team member remarked that, “because sometimes I felt that treatment’s recommendation is the focus of the discussion, I felt that my own recommendation, different from the treatment, may take more time to be discussed.” Another team member notes: “when I go to these meetings, I don’t have a lot to add.” Given the separate caseload of non-drug-court individuals and the fact that interaction with participants is limited, they lack “a lot of information” and wait until prompted by the judge to weigh in. A judge may ask, “[Name], what do think? You haven’t spoken in a while.” The team member indicated that this is helpful for the team because “each team member’s input is valuable.”

Core Team/Drug Court Staffing Tensions

Partially in response to these acute time pressures, some teams have adopted a model in which team members with a primarily treatment-centered role—counselors, physicians, case managers, and in some cases the team coordinators—meet in advance of the whole team’s staffing meeting to consider aggregated information from the rest of the team about participant progress, compliance, or lack thereof, and formulate treatment-based recommendations.

Given the pace at which these discussions need to happen, this arrangement makes a great deal of practical sense. However, because the drug court model has treatment as an explicit objective, and that judges may defer to the recommendation of treatment professionals, some court members shared a feeling that any decisions are essentially made before a staffing meeting even begins. Interestingly, this perception was shared even by some of the treatment professionals whose recommendations are accorded this deference. One treatment provider shared frustration at the lack of inclusion of other voices and inputs, saying that the judge for their team “... without making it obvious, puts more emphasis on what treatment is saying. [The judge] doesn’t really look to the other team members for feedback, so they don’t provide it.”

This, in our view, leads some non-treatment team members to question their presence in a staff meeting, particularly amid competing demands on their schedule. Furthermore, should a team member feel compelled to vocally differ with the prevailing assessment and recommendation of their colleagues, it places that person in the position of having to “object,” rather than having that point of view taken into account from the very start—dis-incentivizing robust contribution.

Policy Meetings are Seen as Helpful

The time constraints in team meetings also limit the extent to which the team is able to engage with big-picture discussions about the drug court's functioning. Some teams have quarterly policy meetings (e.g. Merrimack County), while others have monthly policy meetings (e.g. Nashua). Team members have described these as "very important" to the functioning of the drug court team. These lengthier meetings are important opportunities for team members to raise concerns that affect the team and address interpretations of the practices of the drug court models. In addition, some team members reported that more casual interactions with their team members outside of staffing and court, and just "being in a room together" can be productive: "casual activities may seem stupid, but they actually work."

Perceptions of Participant Manipulation and Staff-Splitting

Another proximal cause of tension and conflict that must be managed through careful leadership and communication is the possibility of manipulation of the court's decision-making process by participants. In our interviews, team members from all roles acknowledged recurring problems with staff-splitting—sharing different information and displaying different attitudes with various staff to play them off one another—as well as generally deceitful behavior. This, in the opinion of some interviews, comes with the territory of drug court; said one public defender: "A degree of manipulation is to be expected here. That's a result of long-term addiction: manipulation, desperation, and deception are necessary to survive in the shadows." For that reason, there is little questioning of the notion that incentives and sanctions should be devised and administered to encourage honesty and accountability, and that progress toward a fuller self-accounting of struggles with addiction will be a stop-and-start process.

The difficulty for the long-term collaborative atmosphere within the drug court stems not from staff-splitting or deceit in individual cases, but rather when team members begin to perceive their colleagues as consistently either unduly credulous--or inordinately suspicious--of participants. One motif of our stakeholder interviews was the occasional tendency of team members to express confidence that they had a more authoritative or realistic view of participants' actions and statements—that they, unlike their colleagues, "actually understand criminal behavior." Particularly in light of the drug court's model of incentivizing treatment programs, conflict can begin simmering when differences of opinion are not registered as being the result of good-faith assessment of facts, but rather naiveté. "Everyone has their own narrative and interpretation of what happened," said one treatment professional. "You brace yourself for eyerolls, and the 'why didn't they just ____?' sort of questions." Disagreement that is perceived as uninformed undercuts the collaborative goal, places future opinions and recommendations under a cloud of skepticism, and creates nearly-adversarial relationships that are prone enough to developing due to other factors.

Role Clarity Within a Drug Court Team

As the only members of the team that are not explicitly affiliated—in perception, or administrative designation—with a constituent organization or agenda besides the institution of the court itself, the drug court coordinator and judge have a great deal of sway over the team dynamics. We uncovered in our interviews, however, variances from team to team about how these roles are perceived and carried out. For example, from our data, there are two major expectations on a coordinator. In some teams, the coordinator is expected to be a “neutral” party, and a guardian of participant information aggregated from various team members. In others, the coordinator is a de facto member of the treatment team, party to many of their meetings and given implicit license to weigh in on recommendations.

By the same token, judges have discretion not just in being the final arbiter of sanctioning, incentive, and termination decisions, but also in the way that they lead intra-team discussion. One treatment professional noted that those who work in the treatment perspective are accorded a high degree of deference in their court, which has frustrating results: “There’s no debate... [Judge] puts more emphasis on what treatment is saying . . . [they don’t] really look to the other team members for feedback, so they don’t provide it.” The judge is capable of setting lines of deference that, while useful in articulating assumptions and ideals of the drug court, can make those to whom deference is not accorded question the use of their time, and the impact of making their voices heard. While our sample size is limited, we did observe markedly greater satisfaction with the openness of discussion in teams where the coordinator and judge were not perceived as being unduly swayed by any particular agenda, or explicitly deferential to certain members of the drug court team and willing to be persuaded by anyone at the table. If opinions are not heard and solicited, those opinions may go unvoiced in the long run.

V. RECOMMENDATIONS

1. Establish Regular Policy Meetings



Suggestions for Effective Policy Meetings

1. Calendaring Meetings

- a. Coordinator: Establish a separate meeting for policy-level discussions on a regular basis (quarterly or monthly) for each drug court team

2. Clear Agenda, Circulated in Advance

- a. Coordinator: Circulate a clear agenda for each meeting that enumerates the topics of discussion well in advance of the meeting. Allow team members to propose topics to the judge/coordinator for consideration. Create space for meta-reflection on interpersonal and team dynamics, and allow for constructive, respectful feedback.

3. Active Facilitation, Resolution of Issues, Action Items

- a. Judge & coordinator: to take an active facilitation role in the discussion to ensure that policy discussions do not get sidetracked into the merits of particularized participant decisions. Ensure that a decision is determined for each issue raised, and that a written account of action items for each team member is circulated following each meeting.

4. Neutral Location Choice

- a. Alex: Encourage teams to consider holding these meetings off-site or at a neutral location to highlight their importance and allow team members to relate to one another in a different context. Possibly assist with additional budget to allow an off-site location.

Regular policy meetings can be helpful to resolve high-level the concerns expressed by the drug court team about the functioning of the drug court team. Given the time and energy constraints during staffing and court sessions, a separate county-level policy meeting provides an important venue for discussing conflicts that arise from the challenges we mentioned arising from diverse organizational allegiances, different expectations around the use of objective criteria, and leadership & teaming challenges.

1. **Calendaring Meetings**: The first step is to establish a policy meeting schedule well in advance to ensure that all team members are able to set aside the time to attend. Teams can determine

whether quarterly or monthly policy meetings are more appropriate based on their needs. Consider holding half-day policy meetings that allow ample time for breaks and a possible teaming activity.

2. **Clear Agenda, Circulated in Advance:** A clear agenda will help to ensure that teams budget the limited time within a policy meeting agenda to discuss during a policy meeting. The individual team members can send their questions or concerns in advance to the coordinators, so that during the policy meeting, the discussion can be more efficient.
 - a. For example, through the policy meetings, some teams may be able to discuss and design their own sanction grids.
 - b. Additionally, the policy meeting should provide an opportunity for the team members to reflect about their current team dynamics and whether there can be any improvement on drug court decision-making processes and standards.
 - c. In teams for whom transportation of the participants is a major issue, consider reserving discussion time for determining which team member(s) can be responsible for emergent transportation needs.
 - d. In some teams, where the team is relatively new or currently experiencing some transitions with a new facility, such as treatment, the policy meeting can be a helpful platform to discuss what kind of procedures work well and do not work well with the team. It can also be an appropriate time for the new team members to incorporate policies to reflect updated drug court Best Practices and learnings gathered from regular trainings led by Alex.
3. **Active Facilitation, Resolution of Issues, Action Items:** Given the leading role that judges and coordinators play in guiding team discussions, we suggest that they take on an active role in setting a tone for the meeting and ensuring the policy meeting proceeds in accordance with the established agenda and that each item reaches resolution. This will help to ensure that the team does not get sidetracked and that the team is able to talk through all the important issues in a timely and efficient manner.

In particular, the facilitation should include several phases:

- (1) opening and setting a tone for the policy meeting,
- (2) defining the question to be resolved with each agenda item and building understanding through soliciting relevant information from team members,
- (3) summarizing information and viewpoints to present options to the team and developing proposals for further refinement, and
- (4) closing the meeting with a summary of outcomes, identification of clear next steps and parties responsible for them, and an evaluation/post-mortem on the effectiveness of the policy meeting.⁷

⁷ See SANDRA GHAI, *EXTREME FACILITATION* 127–35 (1st ed. 2005).

The facilitator should also take care to use facilitation best practices, such as asking clarifying questions, capturing points of agreement, and reframing team member input to interests to allow the team to come to a shared understanding with greater ease.⁸

4. Neutral Location Choice

- a. Selecting a neutral location for the policy meetings may help to create a new spatial context that erases perceived boundaries between people and organizations and allows participants to have more fun. In *Resolving Conflicts for Work*, Cloke and Goldsmith emphasize the importance of “eliminating the feeling of boundaries between people, departments, and teams” and “hav[ing] fun” as critical to an honest, empathetic, and collaborative approach to conflict resolution within teams.⁹ In response to team members’ sentiment that more casual interaction is productive for the team, an offsite location could help create the conditions for this type of supportive atmosphere.
- b. Given the time and resource constraints that may make it difficult to host an offsite, retreat-type policy meeting on a quarterly basis, it may be more feasible to set aside one extended policy meeting per year that occurs off site as part of an extended retreat. The other policy meetings, occurring quarterly or monthly, could rotate between constituent organizations’ meeting facilities to create more neutrality in the setting of the policy meeting.

2. Improve Feedback Systems



Improving Feedback Systems

1. Create Spaces and Times to Offer Feedback

- a. Heather: Periodically facilitate sessions to teach effective feedback strategies, with a particular goal of increasing understanding of concerns and motivations of other team members
- b. All parties: Coordinate common times to participate in these sessions as a critical part of the team membership

2. Gather Ongoing Input and Feedback on Areas of Conflict

- a. Heather and Alex: Devise a method of surveying and aggregating members’ opinions on the team dynamic.

⁸ *Id.* at 138–42.

⁹ KENNETH CLOKE & JOANN GOLDSMITH, *RESOLVING CONFLICTS AT WORK* 150–51 (Revised ed. 2005).

3. Provide Strategies for Defusing High-Intensity Conflicts

- a. Alex & Coordinators: Provide guidance to team members for addressing conflicts that are having a negative effect on team dynamics.
- b. Team members: Take a proactive role to address conflicts and negative team dynamics constructively through honest, open, and empathetic dialogue.
- c. Heather: Inform team members that she is available as a resource to assist individuals to address and resolve conflicts.

As discussed in our findings, we observed a lack of specific understanding by team members about the foundational concerns that inform some of their colleagues' decision-making and stances. A recommendation for "harsh" sanctions can be taken as evidence of an essential disposition toward punitive measures, while resistance to such a suggestion indicates naiveté or leniency. Unless these concerns are voiced, however, participant-specific discussions risk becoming vehicles for long-running tensions and disagreements.

1. **Spaces and Times to Offer Feedback:** We recommend that, alongside policy meetings (or, scheduling permitting, as a part of them) that teams regularly find time for feedback to be shared *independently* of discussions about participants and facilitate better understanding of the interests that underlie specific recommendations. The goal is not to change sanction or termination recommendations, or to achieve consensus on procedures, but to help team members walk down their respective "ladders of inference"¹⁰—that is, to appreciate that one's conclusions about the suggestions and votes of team members might obscure what is really informing them. This grounding, we believe, will make these relationships more resilient in the face of expected disagreement within the court staffing¹¹.
 - a. At the outset, it may be helpful for Heather to organize a session with the team to work on these skills. In particular, some of the stories that interviewees cited as driving their approach to drug court work (for instance, overdoses or experiences of the secondary victims of drug abuse, or particularly successful treatment interventions) might serve to enhance trust and ground disagreements in the knowledge that they are in good faith, and cultivate an openness to alternative points of view¹².
 - b. We recognize that doing such a session with each team might prove logistically challenging given resource and time constraints. In this event, a similar sort of framework might work well as the centerpiece of a state-wide training for drug court teams.

¹⁰ See PETER SENGE ET AL., *THE FIFTH DISCIPLINE* (1994).

¹¹ See WILLIAM ISAACS, *DIALOGUE AND THE ART OF THINKING TOGETHER* 94–97 (1999).

¹² See SUZANNE GHAI, *EXTREME FACILITATION: GUIDING GROUPS THROUGH CONTROVERSY AND COMPLEXITY* 184–86 (1st ed. 2005).

2. **Ongoing Input and Feedback on Areas of Conflict:** We further recommend that Heather leverage her position as someone who operates outside the drug court system, and has no supervisory capacity, to gather candid feedback from team members.
 - a. An annual, or biannual confidential survey could be directly sent to each drug court team member, asking about team dynamics, frustrations, and conflicts that might erode the court's sense of collective mission. This data would allow earlier and less subjective identification of courts that are having difficulty managing tension and conflict, and allow Heather or Alex to focus training efforts where they are most needed.

3. **Strategies for Defusing High-Intensity Conflicts:** In the event that conflict rises to level of confrontation and begins to affect team dynamics in an overt and negative way, we suggest that the teams develop strategies for dealing with such conflicts proactively.
 - a. First, Alex and the Coordinators are well positioned for disseminating information that would empower individual team members to address conflict on a one-on-one basis as conflicts arise. In particular, walking through guidelines for engaging in "difficult conversations" could help provide a useful framework for team members as they approach one-on-one conflict resolution.¹³ In particular, guidance such as the "Difficult Conversations Checklist"¹⁴ (Appendix B to this report) provides a helpful framework that may help team members feel more confident in addressing conflict productively.
 - b. Equipped with greater confidence in their ability to address conflict through trainings and conflict-resolution frameworks, team members can take on a more proactive role in addressing issues as they arise. We hope that this will minimize the work that both coordinators and Alex bear in mediating disputes and tensions within teams, and allow for team members to build strong working relationships with one another through active dispute resolution, creating potential for improved effectiveness in future conversations.¹⁵
 - c. In the event that team members are unable to resolve conflict individually, Heather may be able to play an active role in advising team members on conflict resolution, and as appropriate, mediating disputes between team members. If moving forward with this recommendation, we suggest explicitly informing teams of Heather's role and availability for these types of conversations so that all team members are aware of how to contact her as a resource for dispute resolution.

¹³ See generally, DOUGLAS STONE ET AL., *DIFFICULT CONVERSATIONS* (1st ed. 1999).

¹⁴ *Id.* at 233–34.

¹⁵ See *id.* at xix.

3. Create Space for Sharing Across Drug Courts at Trainings



Suggestions for Sharing Across Teams

1. Set Aside Time at Cross-County Trainings for Team Members to Share Experiences

- a. Alex: Create a time slot at a training that facilitates a structured information-sharing session across teams.

2. Create and Distribute a Contact List

- a. Alex: Aggregate an up-to-date contact list of all team members by role for all counties, to be distributed to all team members.

1. **Sharing Experiences at Cross-County Trainings:** Many drug court team members find existing training sessions very helpful. However, creating additional time and protocols for team members to share information across counties would help teams to consider strategies for improving their own practices, and could facilitate cross-team problem solving. Additionally, this type of sharing activity creates connections across drug court teams that would broaden team members' networks of support and resources beyond their own county. This networking benefit may result in more information-sharing and consultation beyond the training session(s) themselves, creating a more collaborative, and better-connected statewide network of drug court professionals.

- a. For example, a training session may allocate time for a breakout session, in which team members meet in breakout groups by role to share challenges, successes, or strategies for addressing a specific problem within their county. This would allow for knowledge-sharing and formation of social ties across county lines that could help team members (1) generate ideas to be considered in their own drug court's policies and practices, and (2) feel connected to a larger community of support.

2. Shared Contact List

- a. To anchor the networking benefits of a knowledge-sharing session, a contact list might be useful to drug court team members who might consult members from other counties for support or advice. Having a consolidated and up-to-date contact list would allow individuals to follow up with contacts in different counties to share information as they maintain a cross-county network.

4. Establish Team Norms According to the Role Definitions in MOU



Suggestions for Establishing Team Norms

1. **Encourage Teams to Set Aside Time to Discuss Team Norms**
 - a. Heather: offer training on team norms to the team coordinators.
 - b. Alex: encourage the teams to have a discussion on the team norms in accordance with the role definitions in the MOU.
2. **Discuss and Establish Specific Team Norms**
 - a. Judge & coordinator: Facilitate a discussion among all team members to share expectations on how to behave and interact as a team.
3. **Codify and Enforce Team Norms**
 - a. Team members: Once the team norms are finalized, the members should try to follow the norms during a discussion. If necessary, the members may also discuss on how to enforce or substitute when some norms are constantly forgone in a discussion.

The team Memorandum of Understanding (MOU) presents an opportunity for team members to define team roles and responsibilities and agree to team norms. Under the current MOU language, team members “agree to collaborate in an effort to reduce substance abuse and drug related criminal activity.” The MOU largely focuses on legal requirements for team members and particular responsibilities charged of each team member. Meanwhile, we suggest that drug court teams to further establish team norms according to the role definition in the MOU. For example, whether certain roles should remain neutral before the bulk of discussion. Or, whether there should be some procedures to help facilitate a heated discussion. The team norms are the team’s common beliefs on how members are expected to behave.¹⁶

1. **Setting Aside Time to Discuss Team Norms:** First, Heather and Alex may need to take a proactive role in encouraging team members to consider how they may establish shared team norms to be memorialized as an addition to the existing MOU.
 - a. Alex may encourage the drug court teams to set aside time (e.g., in a policy meeting or retreat) to discuss and establish a shared set of team norms that would govern team interaction and set expectations to which members could hold each other accountable. Alex might remind the teams that the norms would align with the team roles defined in

¹⁶ See DAVID W. JOHNSON & FRANK P. JOHNSON, JOINING TOGETHER: GROUP THEORY AND GROUP SKILLS 424 (3d ed. 1987) [hereinafter GROUP THEORY].

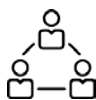
the existing MOU and help each role on the team to fully express their recommendations.

- b. Heather may offer guidance to the team coordinators on how to establish effective and flexible norms in a team discussion.
 - c. Each team should determine a time to discuss team norms in advance to allow adequate time for discussion. For example, each team may decide to allocate one hour in a policy meeting or off-site to discuss these norms.
2. **Discuss and Establish Specific Team Norms:** In discussing and adopting team norms, we suggest that each drug court team tailor a set of norms for the discussions in the staff and policy meetings.
 - a. For team members, they must first recognize that a set of norms that align with the teams' goals and would be endorsed by all team members.¹⁷ The facilitating team members, e.g., judge or coordinator, may abstain from communicating their position at the beginning so that members can discuss suggestions more freely.¹⁸
 - b. The norms may include, but are not limited to, how to offer an opinion in a heated discussion, the speaking order in a discussion, how to offer and respond to feedback (as discussed in the section above), and not to talk over or interrupt the speaker.
 - c. The discussion on norms may include a portion on how to enforce the norms, for example, how to give warning for disruptive behavior during a discussion.
 3. **Codify and Enforce Team Norms:** After agreeing upon the norms, the teams should ensure that team members comply with them.
 - a. First, codifying the norms as a part of an MOU, to be signed by each individual team member, signals the importance of the norms and sets a baseline expectation that all team members respect team norms. The discussion on norms may include a portion on how to enforce the norms, for example, how to give warning on constant interruption during a discussion.
 - b. Team members may take on the responsibility of enforcing the team norms by holding each other accountable and using the enforcement mechanisms memorialized in the team norms MOU.

¹⁷ See *id.* at 428.

¹⁸ See *id.* at 122.

5. Use Data to Better Evaluate Team Performance



Suggestions for Compiling and Using Data

1. Gather, Analyze & Compile Data in a Report

- a. Evaluator: (for the teams with an evaluator) Identify the data that speak to the team successes and areas for improvement. The evaluator may generate an annual report to be shared with Alex and the team.
- b. Coordinator: (for the teams without an evaluator)
 - i. (If needed) Receive training on how to compile and use data to track the drug court's progress; e.g., by bringing in an outside consultant or seeking the advice of evaluators from other counties.
 - ii. Discuss what sort of data (scope & time frame) would be useful for the evaluation. Compile the data report & share it among the team to discuss the successes and improvements.

2. Lead a Training on Data Reporting

- a. Alex: Host a training for coordinators and evaluators from all counties to provide information on how to gather useful data to track drug county progress.

3. Sharing Data: Celebrate Successes & Identify Improvements

- a. Team members: Every half a year, a small portion of time of the policy meeting can be dedicated to acknowledging team successes and possible improvements to team practices, as reflected in the data.

Data can be a powerful tool for improving buy-in to the drug court system and keeping morale high among team members. Particularly among newer drug court teams, team members have noted that it can be hard to see participant progress, and thus, it becomes hard to determine whether the team is accomplishing its mission. This lack of validation for the team may affect buy-in and team morale among certain team members,¹⁹ particularly among those that are more skeptical of the treatment-oriented approach of the model. Additionally, law enforcement and county attorney organizational leadership might benefit from a greater awareness of the data that supports the conclusion that their county's drug court is indeed improving outcomes for participants and achieving a long-term public safety purpose, which may in turn prompt more involvement with the drug court program. Data also provides an important opportunity for drug court teams to celebrate their successes and to identify areas for improvement in their practices.

¹⁹ See *id.* at 156.

1. **Gather, Analyze & Compile Data in a Report:** The coordinator and evaluator (when applicable) are the team members best equipped to collect, analyze, and report data to the rest of their teams. They may identify the types of data to be gathered (e.g. graduation rates, recidivism rates, etc.) and timeline for evaluation, establishing the kind of metrics they will use to evaluate the progress of the drug court.²⁰ In particular, evaluators/coordinators can report out on trends in participant progress that indicate drug court successes²¹, while also considering trends that leave room for improvement in the drug court team's processes.
 - a. Evaluators, for teams that have them, are well-versed in the data relating to team performance. Alex could leverage their expertise to encourage them to compile data reports that provide more robust analysis than the surface-level reporting required under SB-533.
 - b. For teams that lack evaluators, Coordinators may be an appropriate role to conduct data analysis, as they have the best big-picture view of their court's operations.
2. **Lead a Training on Data Reporting:** A training session may be very helpful for coordinators and evaluators to understand strategies for gathering, analyzing, and compiling data. Particularly for drug court teams that lack evaluators, this type of training, potentially led by an evaluator or a consultant, would equip coordinators with the tools for conducting the data analysis themselves and create a network for knowledge-sharing across counties.
3. **Sharing Data:** Coordinators/Evaluators could share the data reports that they have prepared with Alex, other team members (for example, in policy meetings), and with constituent organizations, with the purpose of showing the progress of the team over time. The completed data report offers multiple uses:
 - a. First, it would allow the team to recognize and celebrate successes in the context of a team meeting, which could have a positive effect of team morale and cohesion.
 - b. Second, it would provide a tool for bolstering buy-in from constituent organizations (e.g., law enforcement)²² —particularly in conversations with police department leadership—to emphasize the importance of the drug court as a tool for improving participants' lives and public safety and demonstrate alignment between the mission of police organizations and their county's drug court program.
 - c. Third, it would provide a tool for improving processes to encourage yet further successes. And, lastly, it would provide metrics that could be shared across counties and at the state level to create a pool of data that might be used to establish or validate best practices.

²⁰ See an example of the evaluation report by Ryan J. Tappin & Laura R. McGlashan, *Strafford County Drug Treatment Court: Performance Evaluation 2*, <https://perma.cc/8NEW-DLG6> (Jan. 2008).

²¹ See *supra* note 16, GROUP THEORY at 159–60, studies show that a team that recognizes its success and place for improvement is more likely to have a positive morale.

²² See *id.* at 419–20.

6. Implement More Detailed Decision-Making Tools



Implementing More Detailed Decision-Making Tools

1. Sanctions & Incentives Grid

- a. Judge, Coordinator: Raise the concept of a sanctions grid in a policy meeting. Propose the idea of a grid that provides a range of acceptable sanctions for different participant breaches, scaled in accordance with each participant's phase in the drug court program.
- b. Individual member/Team-based Committee: Separately, either an individual or a team-based committee drafts a sanctions grid that provides a menu of sanctions options for each type of sanctionable offense and brings this to a policy meeting for team approval.
- c. All parties: Once the grid is approved by the team, the grid is printed and displayed in every staffing meeting to assist the team in group decision-making around sanctions.

2. Admissions Grid

- a. All parties: Similarly in a policy meeting, discuss clear criteria for allowing participant admissions to the drug court team based on the input of all team members.

3. Terminations Tool / Criteria

- a. All parties: Similarly in a policy meeting, discuss clear criteria for terminating a participant based on the input of all team members.

1. **Sanctions and Incentives Grids**: In general, a flowchart or grid may be helpful for guiding the level of sanctions and incentives for non-compliant participants. Although Best Practices guidance on sanctions and incentives, there is still much discretion left to the team to determine when or how to sanction or incentivize a participant for their actions. A grid or flowchart could be helpful to create a clear menu of options that minimizes back-and-forth in making suggestions and creates conditions for more efficient decision-making. It may also help to guide the discussion in a predictable and consistent manner. Such a tool would be helpful in streamlining discussions around sanctions in staffing meetings while assisting to ensure that team members perceive decisions are made fairly along objective criteria.²³

- a. The sanctions/incentives grids may divide the sanctions/incentives into classes based on the type of behavior and accomplishment. Each drug court team may devise its own system that is effective for their own context.

²³ ROGER FISHER & WILLIAM URY, GETTING TO YES 86–88 (3d ed. 2011).

2. **Admissions Grid:** Similarly, a flowchart or grid may be helpful in guiding whether to accept a candidate for the drug court program. In some teams, the prosecutor may have the final say on whether to accept a candidate, and a decision-make tool, such as a multi-factor grid, may be helpful to guide the team to understand the concerns by the prosecutor. Also, teams should consider how a candidate's involvement in dealing drugs may be weighed in an admission decision—as this has been cited as a common point of contention within drug court teams.
3. **Terminations Tool / Criteria:** As with sanctions and admissions, more objective criteria to which to refer would help a drug court make clear decisions about when to move to terminate a participant. This terminations tool would provide clear, objective criteria for determining when it would be appropriate for a drug court team to proceed to a termination hearing. However, the secondary termination hearing would still provide a venue for accounting for more subjective “holistic needs” and contentious “public safety” considerations, to be weighed by the team and judge on a more individualized basis.

7. Clarify Staff-Splitting Resolution Process



Emphasize Resolving and Preventing Staff-Splitting

1. Identify Staff-Splitting Behavior Early

- a. Coordinators: As part of weekly data-gathering about participant progress and behavior, ask about participants' descriptions of interactions with other staff members.
- b. Alex: Integrate awareness of staff-splitting into trainings for drug court teams.

2. Address Staff-Splitting Proactively

- a. Judges: If this behavior surfaces, judges should intervene as early as possible with the participant, noting the behavior as unacceptable and meeting it with a sanction if necessary.

Interviewees cited staff-splitting—participants manipulatively playing team members off of each other—as a source of distrust and skepticism within the team. We believe that the team would benefit from having this behavior centered as a concern, and addressed directly. However, given the short lead time between aggregating information and staffing, it can be difficult to identify.

1. **Identify Staff-Splitting Behavior Early:**

- a. We recommend that coordinators inquire about a participant's mention of other staff interactions--in particular, complaints about other team members--alongside weekly inquiries about infractions or non-compliance. This is, of course, delicate ground, and any such reporting will be based on staff discretion, since not all contents of conversations should be passed on. However, some neutral (or as close to neutral as possible) party must be in a position to identify splitting.
- b. We recommend also that Alex highlight awareness of this problem in the training, and how one might recognize it in participant interactions. For example, a training on how to recognize a staff-splitting in a drug court setting may be offered. Meanwhile, the treatment team may also offer some input on the psychological cause on how a staff-splitting may happen.

2. **Address Staff-Splitting Proactively:** We also suggest that judges address what they suspect to be attempts at staff-splitting with participants directly during court sessions. This serves two purposes. First, it signals to participants that this behavior is taken seriously, and will not be condoned. If necessary, this intervention can be accompanied by sanctions such as a written apology to the parties concerned. Second, it is a vivid and public demonstration to the team itself that a united front is vital, and that honesty is expected in each relationship with a participant.²⁴

²⁴ Icons made by Freepik and mynamepong from www.flaticon.com.

Appendices

Appendix A: Interview Protocol

Introduction:

- Greeting: Hi, [NAME]. Thanks for offering us a bit of your time for this interview. As Alex Casale may have mentioned, we're a team of students from the Harvard Negotiation and Mediation Clinic and consulting with the New Hampshire Superior Court drug court program. Our goal is to understand drug court team dynamics and offer advice to the State to help support drug court teams. My colleague [Lisa/Kyle/Hal] will be observing and taking notes, which we will send to you afterwards to review and edit.
- Purpose: Today's conversation is an opportunity to understand your work as a drug court team coordinator, and to get a sense of the major decision-making challenges that you've experienced while being part of a drug court team. Through this project, we hope to provide support to drug court teams in managing their team dynamics.
- Procedure: We have about 45 minutes in total. We hope this will be more of a conversation than an interview, and feel free to ask us any clarifying questions as we go.
- Anonymity: We want you to feel as comfortable as possible speaking honestly with us. To that end, we will ensure that this conversation will be kept completely anonymous. We will be developing a final report for Alex Casale, the Drug Court Coordinator, and Heather Kulp, the ADR Coordinator, and we will be gathering data from many drug courts on which to base our recommendations. We will ensure that any information in this final report will not be attributable to you. Please let us know if there is anything you would like us to exclude from the report entirely. Do you have any questions about this?

Background:

- Career Path: How did you end up working in the Drug Court system?
 - What motivated you to work as a drug court coordinator?
 - Where had you worked in previously?
 - How long have you worked with the drug court?

Team Role:

- Can you tell me about your role as Drug Court coordinator?
 - (+) What do you like most about your role?
 - (–) What do you see as the major challenges of your role?
- What are your primary concerns in your role as on the drug court team? What information do you typically bring to the team?
- Which other team members do you work with most frequently?

Team Purpose:

- How would you define the purpose of your drug court team?
- How does your role and your viewpoint fit into the purpose of the drug court team?
- When do you think that the drug court should stop working with a participant?
 - In your opinion, when has the team gone to terminate too early or too late?

Team Decision-making – Staffing Meetings:

- Could you describe what happens in a drug court staffing meeting?
- How does the team make decisions that affect participants? What is your experience of the d-m process?
- How is time managed in staffing? How is time allocated between participants?
- What sort of issues do you typically raise in staffing meetings?

Communication Outside of Meetings:

- How do you communicate with other drug court team members outside of staffing?
- When would you raise issues to other drug court team members? What sort of issues?
- To what extent are decisions about participant outcomes made outside of staffing meetings?

Managing Differences in Opinion:

- How does the team work through disagreements between team members?
- Are there circumstances in which you have disagreed with a teammate about a recommendation?
 - Examples? Is this type of disagreement typical? How do you work through it?
- What sort of factors would sway your opinion about a recommendation for a participant?
- What is an example of a difference of opinion between team members that impacted the team or participants in a way that viewed as negative?
- What sort of team dynamics do you view as problematic? Why?
- How do you address concerns when you have them?
- What resources do you turn to when you have concerns?

Working across Organizations/Silos:

- How do you navigate your role as a member of the drug court team vs. your role as a [police officer/corrections officer/public defender/prosecutor]?
 - Are there circumstances in which these roles conflict?
- [Are there situations in which you are managing other team members from a distance?] ●
[Are there situations in which you manage team members that are not your employees?]
- Do you feel that there are any team members in particular who are more siloed than others? Does this present challenges for the team?

Relationship w/ Alex Casale & State Court System:

[reiterate anonymity, emphasize this is just to understand how State system can be more effective]

- How do you view Alex's role working with the drug court team?
- In what contexts do you meet or speak with Alex?

Appendix B: A Difficult Conversations Checklist²⁵

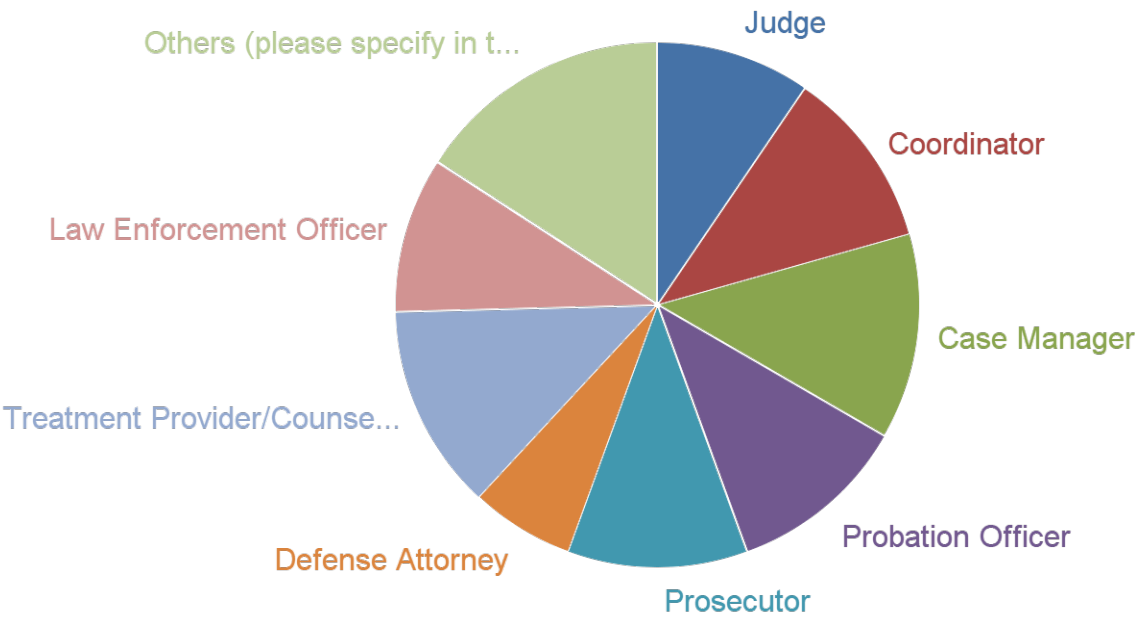
Step 1: Prepare by walking through the Three Conversations
<ol style="list-style-type: none"> 1. Sort out What Happened <ol style="list-style-type: none"> a. Where does your story come from (information, past experiences, rules)? Where does their story come from? (their info, past experiences, rules)? b. What impact has this situation had on you? What might their intentions have been? c. What have you each contributed to the problem? 2. Understand Emotions <ol style="list-style-type: none"> a. Explore your emotional footprint, and the bundle of emotions you experience 3. Ground your Identity <ol style="list-style-type: none"> a. What's at stake for you <i>about you</i>? What do you need to accept to be better grounded?
Step 2: Check Your Purposes and Decide Whether to Raise the Issue
<ul style="list-style-type: none"> ● Purposes: What do you hope to accomplish by having this conversation? Shift your stance to support learning, sharing and problem-solving. ● Deciding: Is this the best way to address the issue and achieve your purposes? Is the issue really embedded in your Identity Conversation? Can you affect the problem by changing your contributions? If you don't raise it, what can you do to help yourself let go?
Step 3: Start from the Third Story
<ol style="list-style-type: none"> 1. Describe the problem as the difference between your stories. Include both viewpoints as a legitimate part of the discussion. 2. Share your purposes. 3. Invite them to joining you as a partner in sorting out the situation together.
Step 4: Explore Their Story and Yours
<ul style="list-style-type: none"> ● Listen to understand their perspective on what happened. Ask questions. Acknowledge the feelings behind the accusations. Paraphrase to see if you got it. Try to unravel how the two of you got into this place. ● Share your own viewpoint, your past experiences, intentions, feelings ● Reframe, reframe, reframe to keep on track. From truth to perceptions, blame to contributions, accusations to feelings, and so on.
Step 5: Problem-Solving
<ul style="list-style-type: none"> ● Invent options that meet each side's most important concerns and interests ● Look to standards for what <i>should</i> happen. Keep in mind the standard of mutual caretaking; relationships that always go one way rarely last. ● Talk about how to keep communication open as you go forward.

²⁵ From DOUGLAS STONE ET AL., *DIFFICULT CONVERSATIONS* 233–34 (1st ed. 1999).

Appendix C: New Hampshire Drug Court Team Dynamics Survey Report

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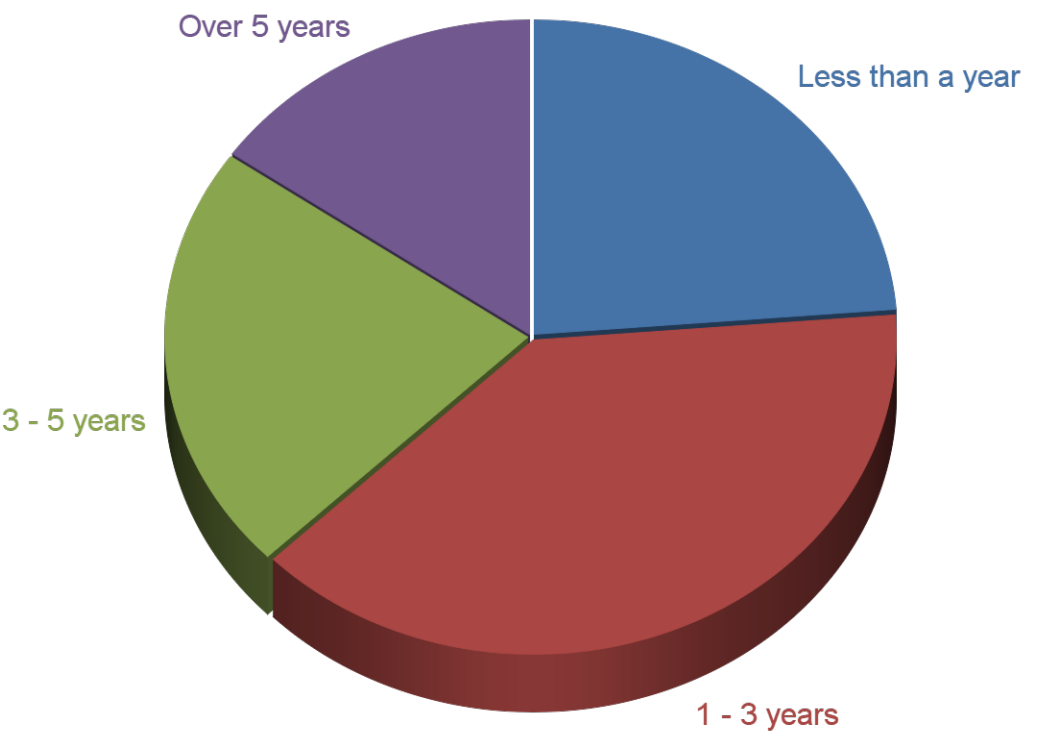
What is your role in your drug court team?



#	Answer	Bar	Response	%
1	Judge	<div></div>	6	9.84%
2	Coordinator	<div></div>	7	11.48%
3	Case Manager	<div></div>	8	13.11%
4	Probation Officer	<div></div>	7	11.48%
5	Prosecutor	<div></div>	7	11.48%
6	Defense Attorney	<div></div>	4	6.56%
7	Treatment Provider/Counselor	<div></div>	8	13.11%
8	Law Enforcement Officer	<div></div>	6	9.84%
9	Others (please specify in the space)	<div></div>	10	16.39%
	Total		63	100.00%

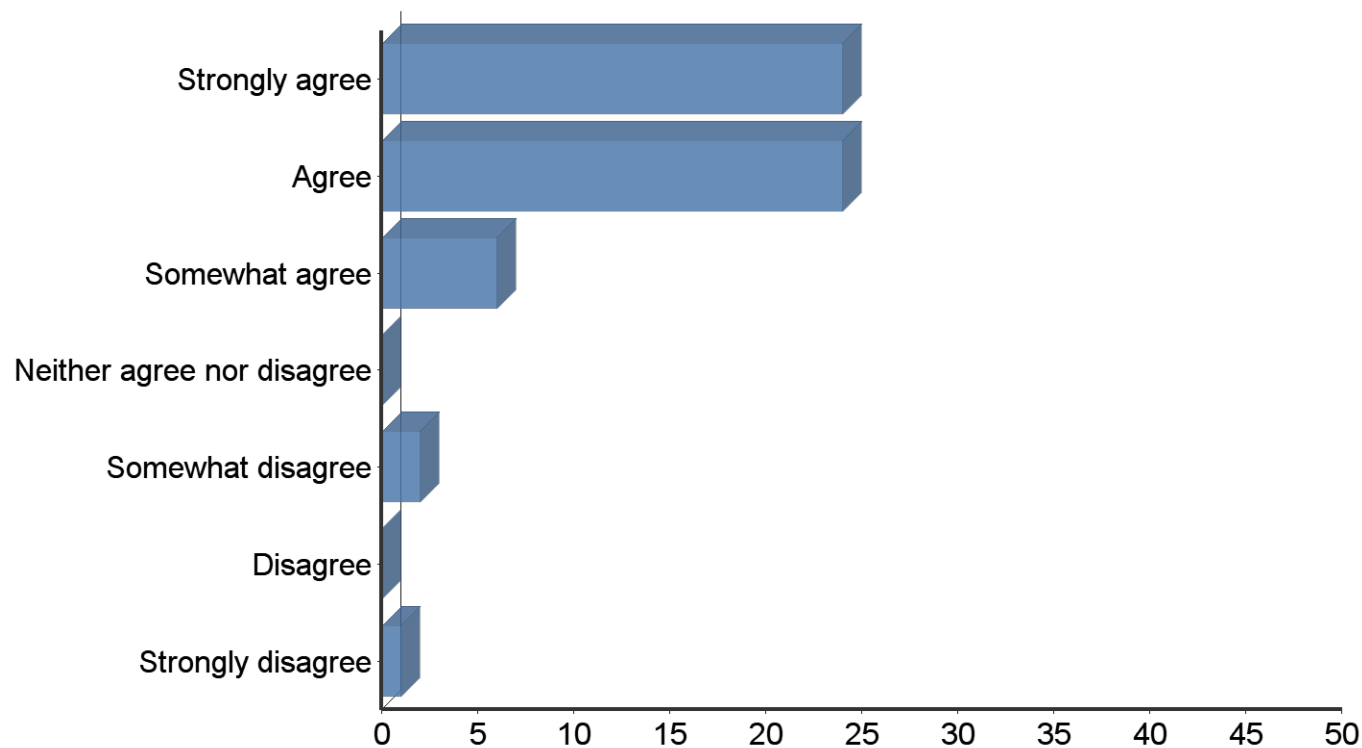
Others (please specify in the space)	
Word	Count
Coordinator	2
Director	2
Program	2
Evaluator	2
Ems	1
Fire	1
Clerk	1
Justice	1
Restorative	1
Corrections	1
Department	1
Jail	1
Manager	1
Case	1
Administrative	1

How long have you been involved in any drug court team (in NH or elsewhere)?



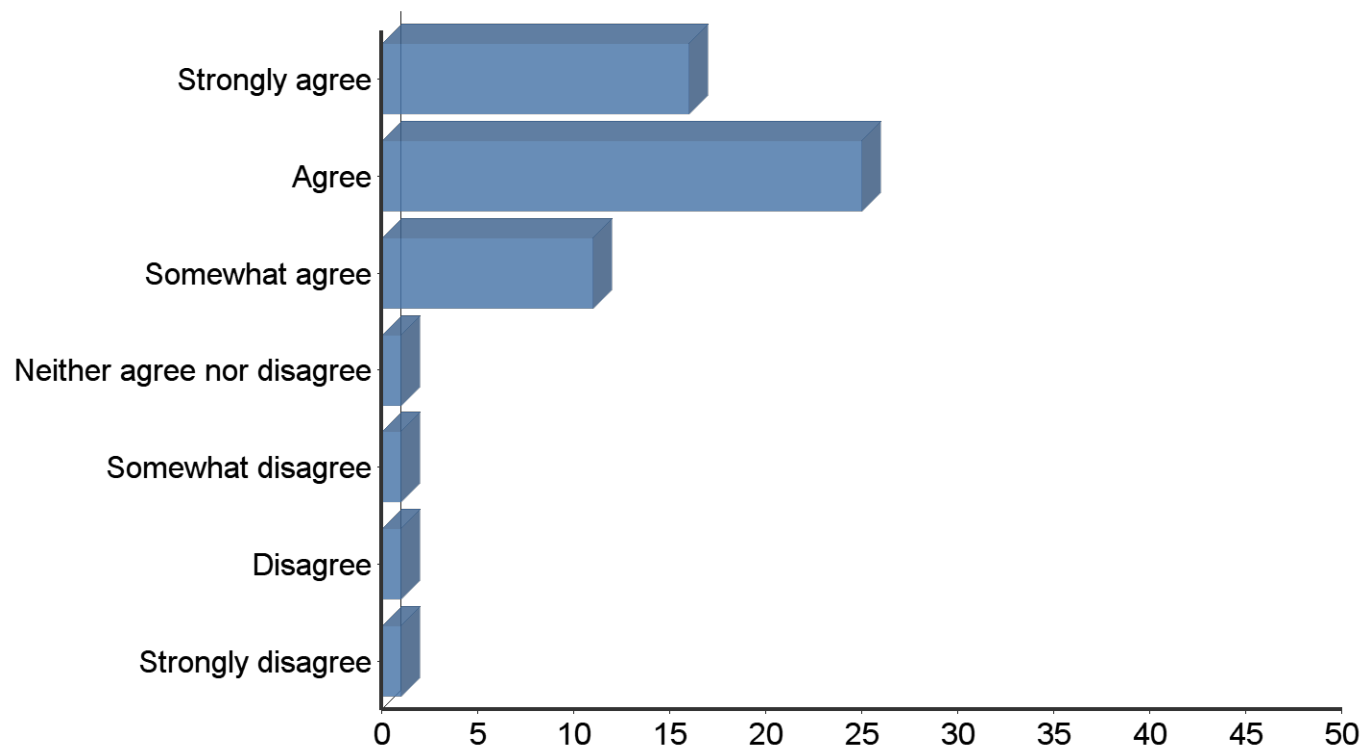
#	Answer	Bar	Response	%
1	Less than a year	<div></div>	14	23.73%
2	1 - 3 years	<div></div>	23	38.98%
3	3 - 5 years	<div></div>	13	22.03%
4	Over 5 years	<div></div>	9	15.25%
	Total		59	100.00%

My role is well-defined within the drug court team.



#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	24	42.11%
2	Agree	<div></div>	24	42.11%
3	Somewhat agree	<div></div>	6	10.53%
4	Neither agree nor disagree		0	0.00%
5	Somewhat disagree	<div></div>	2	3.51%
6	Disagree		0	0.00%
7	Strongly disagree	<div></div>	1	1.75%
	Total		57	100.00%

My drug court team has a well-defined set of goals.



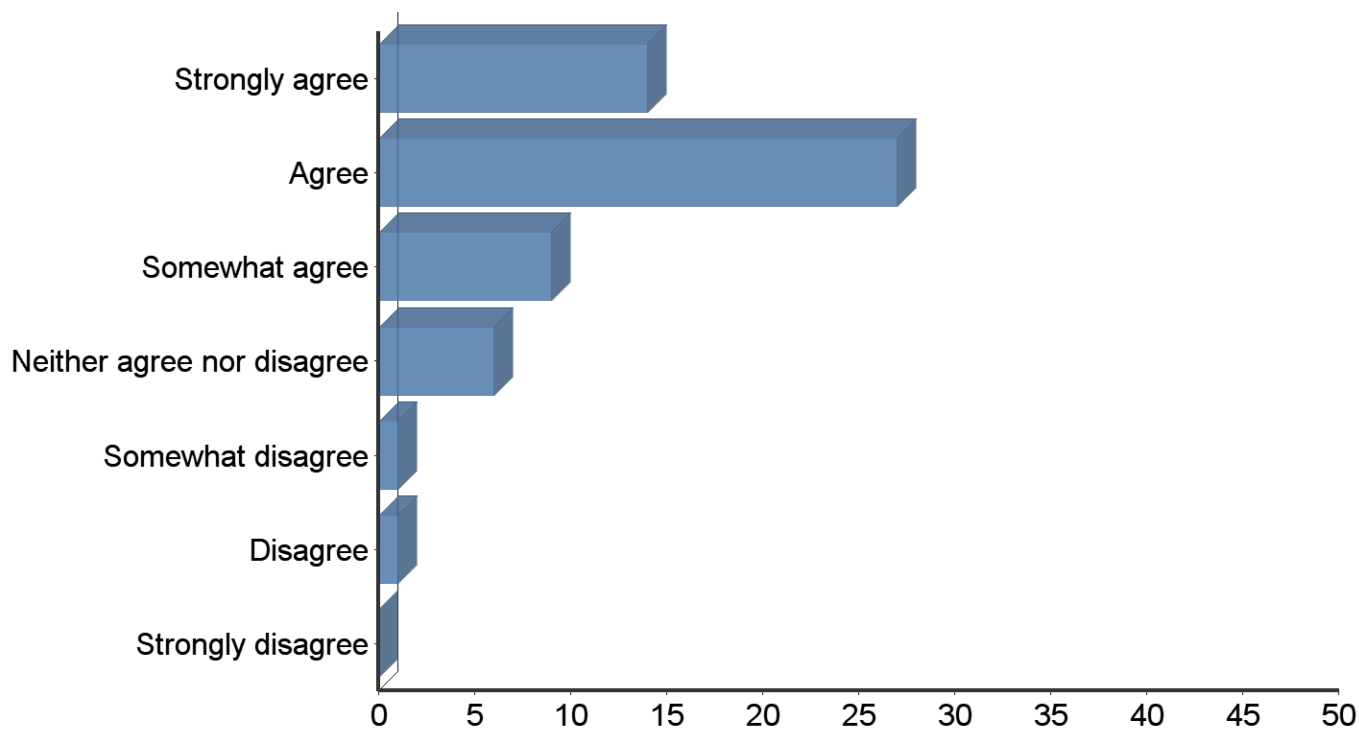
#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	16	28.57%
2	Agree	<div></div>	25	44.64%
3	Somewhat agree	<div></div>	11	19.64%
4	Neither agree nor disagree	<div></div>	1	1.79%
5	Somewhat disagree	<div></div>	1	1.79%
6	Disagree	<div></div>	1	1.79%
7	Strongly disagree	<div></div>	1	1.79%
	Total		56	100.00%

What do you think is the major goal of a drug court team?

Text Entry
Reduce recidivism and improve community safety by helping participants enter long-term recovery and rebuild their lives.
helping participants to become sober, law abiding citizens
To help the participants overcome their addictions and become functioning members of society
To effectively manage the drug court for the purpose of rehabilitating participants.
reduce recidivism
To aid high risk high need individuals in seeking recovery from substance use disorder. I feel people all agree this is the goal, but do not always agree on how to achieve the goal
To have as many people in the program as possible so as to lower crime in the community by providing treatment
Treatment and supervision to reduce criminal recidivism
To collaborate and support participants resulting in reduction of recidivism, enhance community safety, restore families, and successfully reintegrate participants into the community.
To provide services and supervision to participants so that they can break their cycle of addiction and criminal behavior.
To promote recovery, save lives, rebuild families and community relationships, increase public health and safety, and reduce the recidivism rate and financial burden for the tax payer.
To provide treatment and counseling opportunities in order to have the clients change their behavior, thinking and actions to become contributing members of the community
Thanks Educate and teach appropriate treatment services and community su.
Adhering to best practices
Assist high risk high need addicts in acquiring recovery
generate success statistics at whatever cost
Effectively rehabilitate and motivate participants to complete the drug court program
To assist in building a foundation for the participants to limit their use of illegal substances and become a productive part of society
To provide resources to inmates to reduce recidivism.
Public Safety and Rehabilitation
To rehabilitate high risk high need offenders
To reduce drug use and recidivism within the target population
To assist offenders in establishing a recovery life style so as to reduce their risk for re-involvement in the criminal justice system and support them in becoming responsible to work, family and community.
Reduce recidivism in participants.
To provide evidence-based practices tailored to each participant that provides them a means to be successful in the program.

This table has more than 25 rows. [Click here to view all responses.](#)

Generally, I feel that the decisions our team makes about individual participants align with the overall goal of the drug court team.

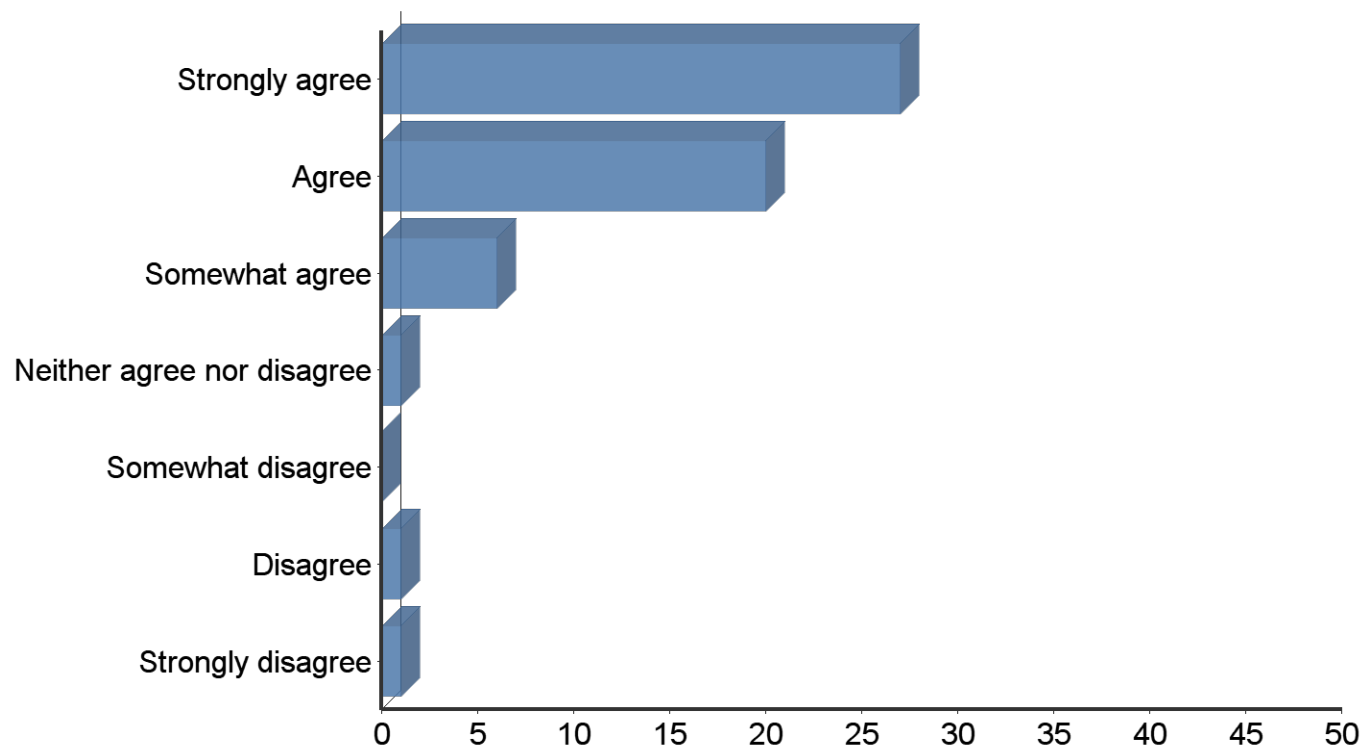


#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	14	24.14%
2	Agree	<div></div>	27	46.55%
3	Somewhat agree	<div></div>	9	15.52%
4	Neither agree nor disagree	<div></div>	6	10.34%
5	Somewhat disagree	<div></div>	1	1.72%
6	Disagree	<div></div>	1	1.72%
7	Strongly disagree		0	0.00%
	Total		58	100.00%

Has there ever been a time you didn't speak up in a meeting or on a case because you didn't think it would change the outcome? If so, please describe the situation.

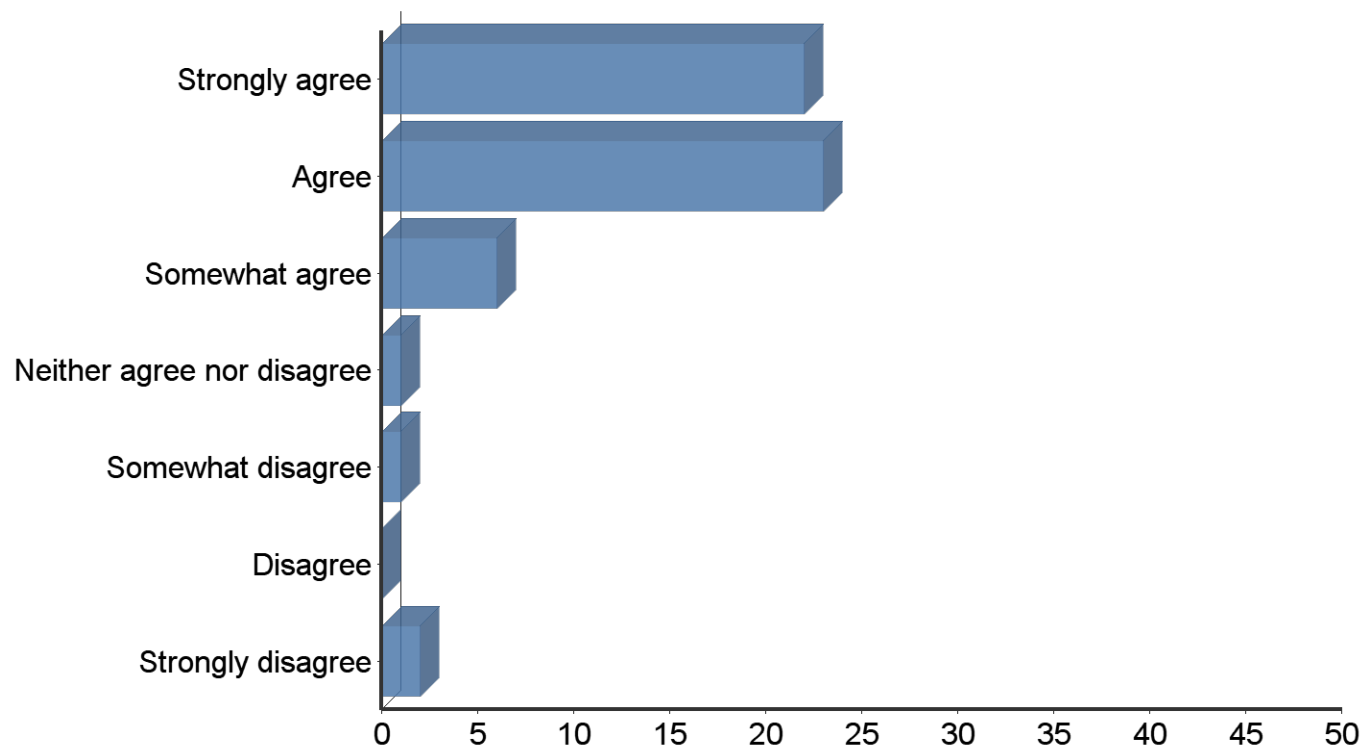
Text Entry
No- however there are times I feel I need to modify my true opinion to try and 'meet in the middle' as our team has members at opposite ends of the spectrum in regards to opinions on substance use disorder, criminal justice and treatment.
Sometimes, I don't always speak up about a client if I feel that the rest of the team has a strong bias against the individual. This is because the team will think I am being "conned" by the individual.
Not really. I know that sometimes it won't change the outcome, but I still feel comfortable speaking up.
No.
N/A
Yes defense public defender too focused on proof as if we are in a court of law or at trial. Sometimes it's frustrating.
No
No
No
Most recommendations are determined by treatment. Sometimes public safety issues are overlooked if treatment is still willing to work with the participant
No.
All input during team meetings are encouraged, valued and respected. Without the input from the various views on the team -- we do our participants a disservice.
As the evaluator, the only time I speak up is if there is a diversion from best-practices or some clarification about data points collected about an individual. I am not there to make suggestions about specific individual treatment or case management that may influence the outcomes of the drug court evaluation. It is a challenge to remain neutral and unbiased when hearing such heart wrenching stories, but that is the ethical dilemma for any external (and internal) evaluator. That being said, I do participate in the bimonthly policy meetings and provide input about the structure and/or modifications to program.
My role as coordinator defined by the team is to remain neutral aka they call me Switzerland. There are times when I would prefer a different sanction, but overall we effectively communicate. I might tend to monopolize the staffing to speed things up, but our Judge makes a point of seeking consensus from the team members who do vote/provide input.
Never
No.
Yes, many times there is a therapeutic approach to the drug use and I don't always agree with the approach but know that the team will not vote for my recommendation for a sanction.
Yes, sometimes I think that a higher level sanction is needed around continued drug use. Even though I am a Department of Corrections employee I have been a licensed substance abuse clinician working for 25 years in alternative sentencing and the criminal population and I think the sanctions sometimes are not aggressive enough to address some of the more anti-social substance users who continue to use week after week.
I always state my opinion and input in regards to any situation with a participant, even if it is different from other members of the team.
yes. when we are discussing changes in the documents and the lawyers are debating the issues, better left for them to work out and for me to stay out of the discussion.
Up until recently, we had a case manager/coordinator that discounted team opinions that differed from hers. She would conceal information to avoid sanctions that were non-therapeutic.
No
Not that I can recall
Yes
NO, I always feel heard.
This table has more than 25 rows. Click here to view all responses.

I feel comfortable voicing my opinions openly in drug court team meetings.



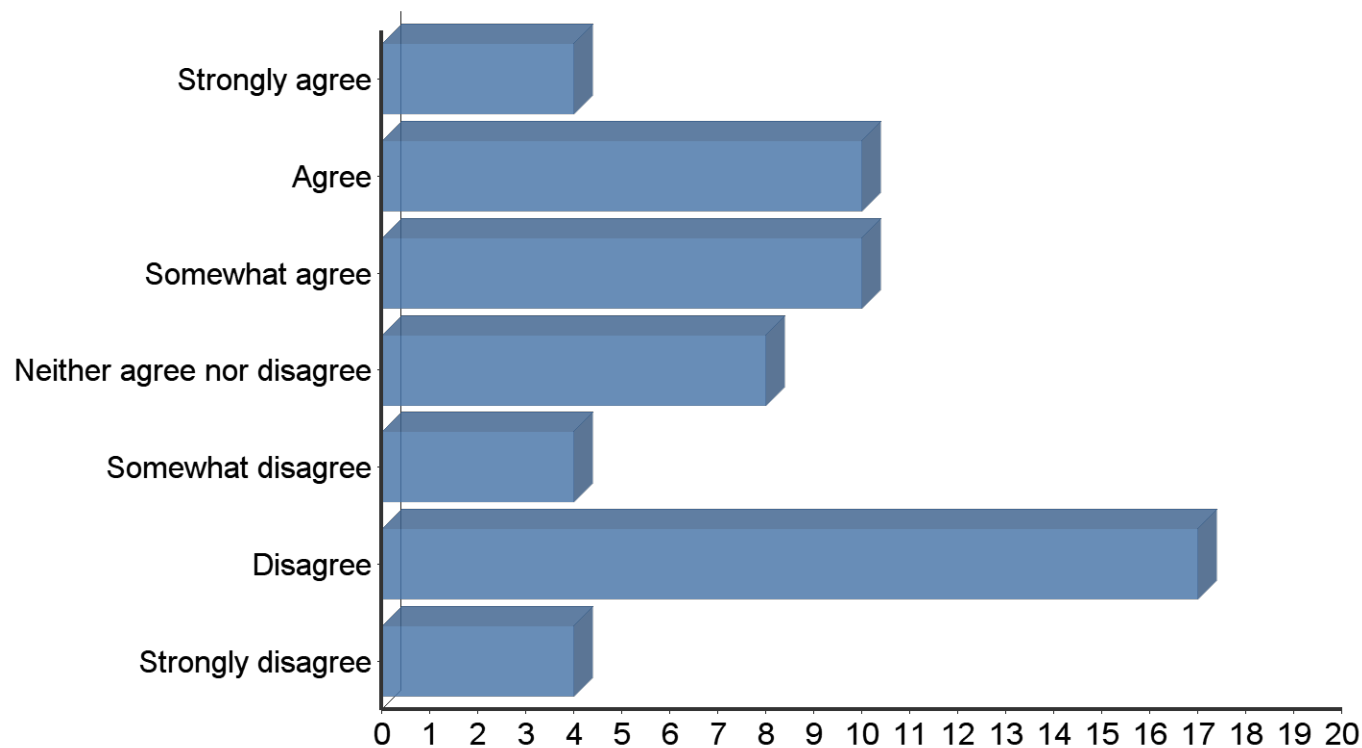
#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	27	48.21%
2	Agree	<div></div>	20	35.71%
3	Somewhat agree	<div></div>	6	10.71%
4	Neither agree nor disagree	<div></div>	1	1.79%
5	Somewhat disagree		0	0.00%
6	Disagree	<div></div>	1	1.79%
7	Strongly disagree	<div></div>	1	1.79%
	Total		56	100.00%

I feel respected and valued by my teammates on the drug court team.



#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	22	40.00%
2	Agree	<div></div>	23	41.82%
3	Somewhat agree	<div></div>	6	10.91%
4	Neither agree nor disagree	<div></div>	1	1.82%
5	Somewhat disagree	<div></div>	1	1.82%
6	Disagree		0	0.00%
7	Strongly disagree	<div></div>	2	3.64%
	Total		55	100.00%

Disagreements between team members sometimes detract from the drug court team’s goals.

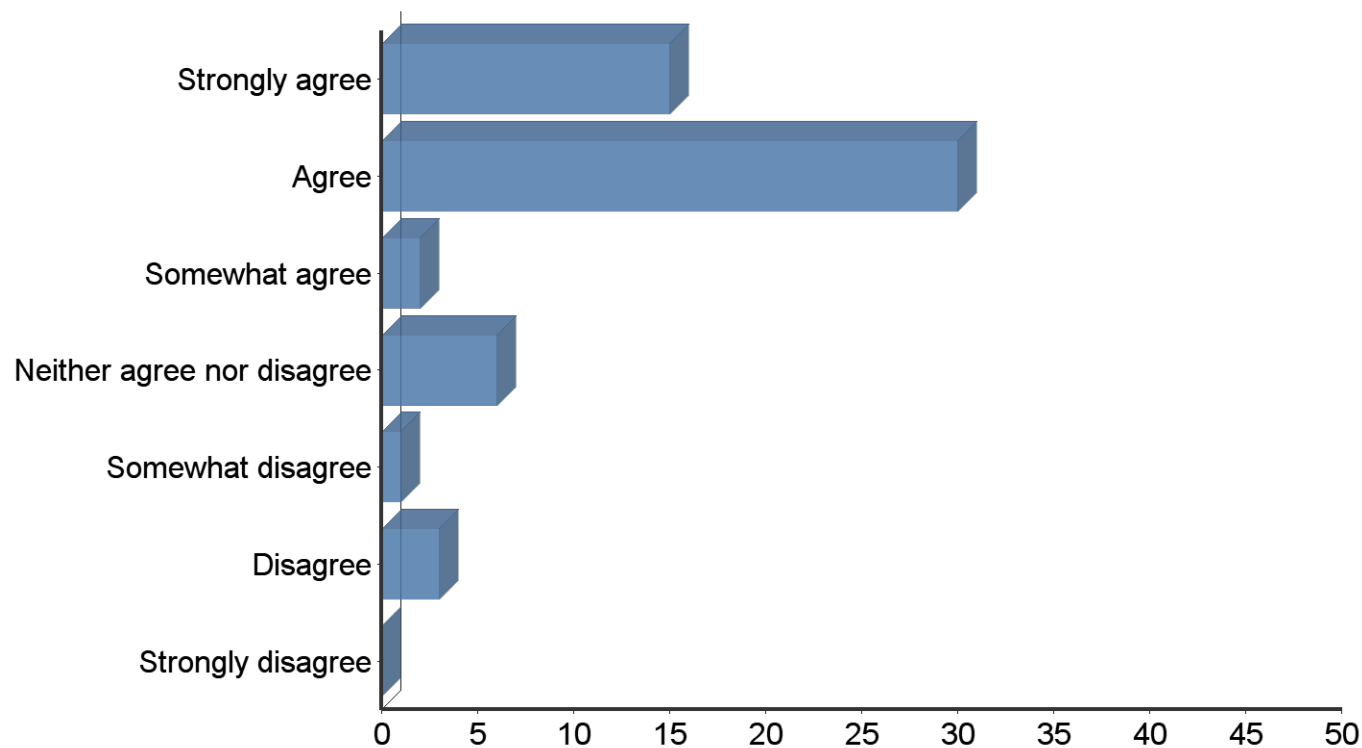


#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	4	7.02%
2	Agree	<div></div>	10	17.54%
3	Somewhat agree	<div></div>	10	17.54%
4	Neither agree nor disagree	<div></div>	8	14.04%
5	Somewhat disagree	<div></div>	4	7.02%
6	Disagree	<div></div>	17	29.82%
7	Strongly disagree	<div></div>	4	7.02%
	Total		57	100.00%

Please describe an example about a disagreement that emerged within your team (e.g., who was involved? What were the issues?)

Text Entry
I can't think of any examples. It's rare that we disagree. Everyone is heard and we all come to a collective agreement in the end on what is best for the participant.
dress requirements
Personality conflict? The issue may now be resolved.
One ethics regarding confidentiality
When team members have different perspectives on a particular client and the effect on the team when the judge decides the outcomes.
Treatment and CM and Probation - disagreed about the plan for a participant or (separate situation) disagreement about roles. I think it was a lot of interpersonal dynamics at play more so than the actual disagreement about the situations though.
We are a new drug court team and we were discussing the participant handbook when we can to what would be required court attire for males. Some team members were adamant that wearing a tie would assist with promoting self pride, while other team members felt strongly that wearing a tie is not priority for the beginning stages of drug court.
We often disagree on who should be in the drug court program and recommending an individual. The disagreement usually exists with the law enforcement and Public Defender
General defense vs prosecution debate. Proof and to what degree.
It usually involved appropriate sanctions
See answer above.
Disagreement regarding allowing a participant into the program and confidentiality of the screening process. Parties involved were: defense attorneys, coordinator, Police, treatment
Disagreements in general can lead to discontinuity and potential lack of trust.
Tension over who should be considered for assessment, burr we are Woking through it and the tension is lessening
is jail an appropate sanction
Police and atterony disagreeing about who is right for drug court

It is clear to me how the final decision is made in the team when there is a disagreement.

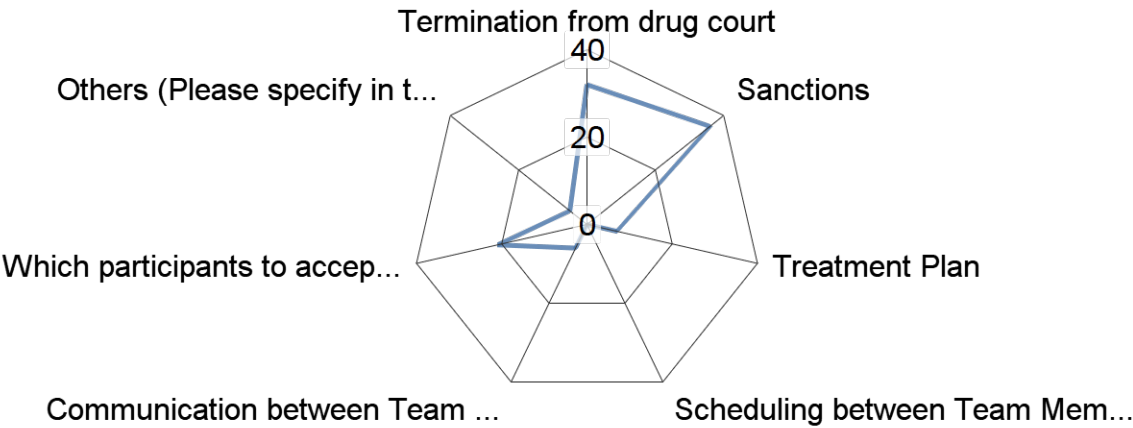


#	Answer	Bar	Response	%
1	Strongly agree	<div></div>	15	26.32%
2	Agree	<div></div>	30	52.63%
3	Somewhat agree	<div></div>	2	3.51%
4	Neither agree nor disagree	<div></div>	6	10.53%
5	Somewhat disagree	<div></div>	1	1.75%
6	Disagree	<div></div>	3	5.26%
7	Strongly disagree		0	0.00%
	Total		57	100.00%

How is a disagreement resolved in a decision making process?

Text Entry
The Judge ultimately makes the call.
By majority vote.
If it's the whole team, the judge gets input from the team and then decides.
Judge is ultimately responsible for decisionmaking
usually a vote is taken after each member has a chance to voice their position.
Vote
I make the decision
The final decision sits with the Judge. He is very open and inclusive but in the end, it is his decision.
Team vote or Judge's Decision
The judge makes final decision
By the Judge
judge has ultimate say
We always fall back on our policies and best practices to guide our descisions or debates
Disagreements are resolved through discussion and compromise. Each member expresses an opinion, the group is polled for a sense of where the majority of the support lies, the issue is discussed referring back to the goals that we are trying to achieve and a consensus is reached. There is a clear understanding among all team members the consensus does not require that each person fully agree with the decision in order to support it.
Usually it's done collectively but if there needs to be a decisionmaker -- the team looks to the judge for input.
the state seems to be making all of the decisions
Often there is a discussion,a vote a determination that everyone "can live with that" decision, a recommendations and then a final decision is made by the judge.
The Judge will poll all team members in an effort to seek consensus, however the final decision rests with him with the exception of termination discussions. He is not present for those because the final hearing sits with him.
By the judge.
Open discussion and total transparency.
It depends on what the disagreement is about.
Whats best for all involved and what are the best pratices
We discuss both sides of the issue and then either reach a compromise or vote on which side of the issue we are most aligned with
we vote and majority rules.
The judge will have the final say but usually it is worked out within the team members.
This table has more than 25 rows. Click here to view all responses.

What in your experience, are decisions or topics around which conflicts frequently arise? (check all that apply)



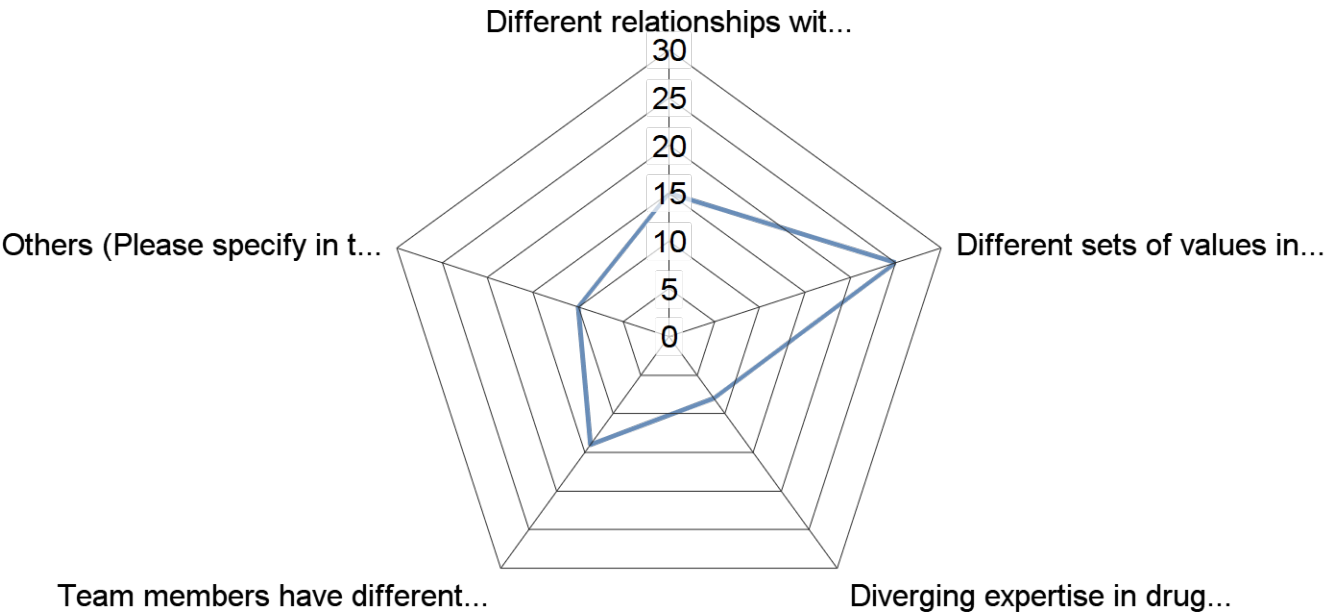
#	Answer	Bar	Response	%
1	Termination from drug court	<div></div>	32	61.54%
2	Sanctions	<div></div>	36	69.23%
3	Treatment Plan	<div></div>	7	13.46%
4	Scheduling between Team Members		0	0.00%
5	Communication between Team Members	<div></div>	6	11.54%
6	Which participants to accept into drug court	<div></div>	21	40.38%
7	Others (Please specify in the blank)	<div></div>	5	9.62%
	Total		107	100.00%

Others (Please specify in the blank)
Developing handbooks/applications/other documents.
probation violations
document changes
Too early to tell
1 conflict around veto

When disagreements about sanction decision arise, what are the major sources? (for example, different information sources, different standards on a same behavior, etc.)

Text Entry
different standards on a similar behavior
Different interactions with the participant -- a public defender has less time with the participant than a therapist would. So, their information on a participant may be better equipped to determine if a sanction is appropriate to a public defender who doesn't seem them to the extent a therapist does.
The major disagreements generally revolve around the factual basis for a proposed sanction, as the sanctions grid has really helped limit disputes about the magnitude of the sanctions.
Trying to decided on a sanction that is most effective for an individual without using the same sanction over and over.
Differing standards and approaches to sanctions.
Rely on team members roles within the team.
different standards on same behavior. different training/perspectives on the use of punishment due to past experiences being so diverse (ie. cop vs. therapist)
Usually sanction decisions disagreements are fairly minor. I think they stem from different thinking on what is appropriate in order to address the issue.
Questions around the validity of the information provided; sometimes different standards.
Different standards for different behaviors and clients.
I feel like there are at times different standards for different clients for the same behavior.
Individualized versus standardized
disagreements around continued substance use and how to address it
Sanctions are not always consistent and give participants mixed messages regarding expectations.
the severity of the sanction
lack of consistency, struggle between what needs therapeutic adjustment and what needs behavioral modification
Just comes down to a difference in opinion and perspective based upon the role of the team member
The level of serverity of the sanction. Sometimes sanctions do not graduate and stay at the same level.
Different standards on same behavior
Different standards and/or differing viewpoints of team members.
The disagreements are sourced from individuals who may had experiences with the named participant in the past that may color their approach in recovery strategies.
escalting santions for the same behavior

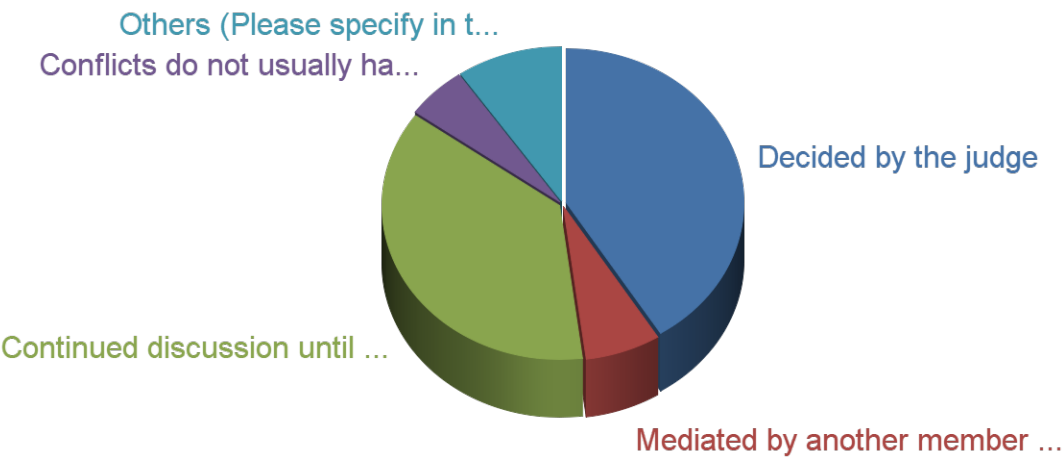
Some disagreement is helpful and healthy in any team dynamic. Other times, disagreement can become unhelpful or unproductive. Consider a time when disagreement became unhelpful or unproductive for your team. What are the factors that made it unhelpful or unproductive?



#	Answer	Bar	Response	%
1	Different relationships with participants	<div></div>	15	28.85%
2	Different sets of values in the roles outside the drug court	<div></div>	25	48.08%
3	Diverging expertise in drug treatment	<div></div>	8	15.38%
4	Team members have different sets of information	<div></div>	14	26.92%
5	Others (Please specify in the blank)	<div></div>	10	19.23%
	Total		72	100.00%

Others (Please specify in the blank)
we are a new drug court and have not encountered these issues.
unknown
interpersonal dynamics between team members
sanctions
Team members taking differences of opinions personally
They have never been unhelpful or unproductive
We had some friction with a treatment provider who was on the team. It became difficult toward the end working with the provider. We ultimately switched providers and the issue resolved itself.
Can't think of a specific time this occurred.
We have not had that experience yet.
Any of disagreements have been able to be respected professionally.

How are disputes or disagreements usually resolved in your particular drug court team?



#	Answer	Bar	Response	%
1	Decided by the judge	<div></div>	30	55.56%
2	Mediated by another member of the team (if so, please help identify the role in the blank)	<div></div>	5	9.26%
3	Continued discussion until consensus is reached	<div></div>	27	50.00%
4	Conflicts do not usually have a distinct resolution	<div></div>	4	7.41%
5	Others (Please specify in the blank)	<div></div>	7	12.96%
	Total		73	100.00%

Mediated by another member of the team (if so, please help identify the role in the blank)	Others (Please specify in the blank)
Coordinator, Clinical Supervisor	all of the above, to an extent. For example, sometimes with policy issues we don't initially have a distinct resolution and continue the conversation
Coordinator	
Coordinator	
Coordinator	
	team vote
	As stated previously the Judge will ask each member for input, however the he makes the final decision.
	Team vote
	Sometimes conflicts don't have a resolution. Less in regard to individual cases. More in regard to overall philosophical or operational decision-making
	vote
	majority rules as long as complies with standard practices

What, in your opinion, could be done to improve the way disputes are resolved in your court team?

Text Entry
It would help improve dispute resolution if we had more complete access to primary source information (e.g. copies of reports from drug testing sites, photos of allegedly incriminating text messages) rather than just a summary.
Nothing. We discuss any issue until the discussion becomes no longer productive in advancing the end result, at which point a vote is taken. The majority vote decides the resolution. In the event of a tie, the Judge decides the outcome.
More training for team members as well as more perspective with one another. (ie. treatment gaining an understanding of the perspective of police and why they have it, and vice versa.)
Maybe a workshop with team to determine a process to deal with the most challenging disputes?
Continue to discuss until consensus is reached - we may disagree to disagree and meet in the middle for now, then revisit in a few months.
At this point I think our system(s) for resolving disputes is generally productive. I do think that there is one member of the team (who will be leaving soon) who will be dissatisfied regardless of the process and resolution, unless she gets what she wants.
I think that more time should be given for discussion as it often feels like we are making decisions that have long term impacts on clients but we don't give them the time they deserve in order to make the best possible decision with the most available information.
NA
Have an approach that shows a little concern for public safety. Start with treatment during incarceration and continue on the outside.
Better mandatory training
I believe we do a very good job at resolving conflicts.
Values clarification around the differences between team members goals and roles in their roles in their jobs outside of the drug treatment court team and how they fit with their role as a team member.
N/A
I think what is being done now is working and effective and team members feel they have been heard even if the decision may not go their way at that particular time.
Send team members to other drug courts and national trainings
Overall this team does a great job resolving disputes. the only improvement that is needed is increasing real time communication cross the team.
For the most part there is consensus. We have not found that we need a mediator at this point. Previously, treatment was provided by an outside counselor. Moving treatment in house has allowed for a more cohesive and connected treatment team.
A better understanding of team members roles within their disciplines.
There needs to be the same rules, sanctions and conditions for all participants
I'm not sure we have a great team dynamic and work hard to make sure everyone is heard. Usually if a conflict arises, it usually is because someone doesn't understand the step a client is in and the expectations of that step. Generally after discussing where the client is and what is expected the issue is quickly resolved.
Have a standard set of sanctions for each infraction and entry into the drug court. Not everyone should automatically enter the program because they meet the assessment requirements.
Not sure,
We haven't really had any big disagreements that require mediation or any further action. We discuss it as a team and come to a reasonable solution.
we are a new drug court and we have not reached this point.
Clear policies and procedures
This table has more than 25 rows. Click here to view all responses.