



Managing the Message During a Crisis

A Guide to Planning and Implementing Your Response

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What is a crisis? What are the signs that a problematic situation might escalate into a crisis? How can your treatment court team respond to a crisis in a way that controls the narrative and protects your personnel and participants? What can your team do to prevent a crisis from occurring? These are questions every treatment court program must ask and answer now, before a crisis hits, by developing a crisis response plan.

Treatment courts are where many of our society's most challenging dynamics converge. Public health, public safety, the administration of justice, victim support, law enforcement, treatment, and offender rehabilitation are all potentially volatile issues that can test public trust in the system. As such, treatment court programs must often manage problematic situations that have the potential to escalate into a crisis. Whether an issue involves a member of the court team, a program participant, or an organization or facility associated with the program, public confidence in treatment courts depends on their response in times of crisis.

This guide offers strategies to help your court team prepare for a crisis and provides instructions for how to manage the narrative if a crisis occurs. It is not a comprehensive instruction manual; the suggestions herein provide a general outline for how to handle most crises, but every scenario is different and deserving of its own analysis.

Above all, the National Association of Drug Court Professionals (NADCP) is available to support your team at any time should a crisis arise. By reaching out to us, you can receive crisis management strategies and resources specific to your unique situation, and we can help you develop an appropriate and successful crisis response.

What is a crisis?

For the purposes of this document, a crisis is any situation that threatens to undermine public confidence in treatment courts. Some crises are immediate and easily recognizable, such as a program participant being charged with a crime, a report

on violations committed by a treatment facility or recovery housing used by the program, or negative press about a member of the court team. Other crises may be slower to develop, such as a lengthy investigation into the use of public funds or an ongoing analysis of preferential treatment in the judicial system. Either way, it is critical for treatment courts to be prepared, and that preparation must begin before a crisis hits.

Before a crisis occurs

The onset of a crisis is not the time to develop a crisis response plan. This work should be done well in advance to prevent missteps and maintain public trust in treatment courts. NADCP is available to help you develop such a plan, or you may wish to hire a crisis management or public relations expert to provide on-site consultation.

The best defense against a crisis is developing positive relationships with the local media. When a crisis arises, the media is crucial in helping the public understand that (1) treatment courts play a positive role in the community, and (2) any crisis that arises is an exception, not the rule.

In 2015, a treatment court participant was implicated in a violent crime. Fortunately, the court program had worked diligently to develop relationships with local journalists and ensure accurate, positive media coverage since the program's inception. When the crisis occurred, coverage by the local media outlets was not only balanced but sympathetic to the program, defending its reputation in the community.

The foundation of any crisis response plan is a crisis response team. Treatment courts must carefully identify the necessary members of this team and the specific role each person will play. The crisis response team should include, at a minimum, the person(s) responsible for investigating the facts of what actually happened, the sole point of contact for media inquiries, and the person(s) who will lead remediation efforts. All members of the response team must be in close coordination throughout the duration of the crisis and its follow-up.

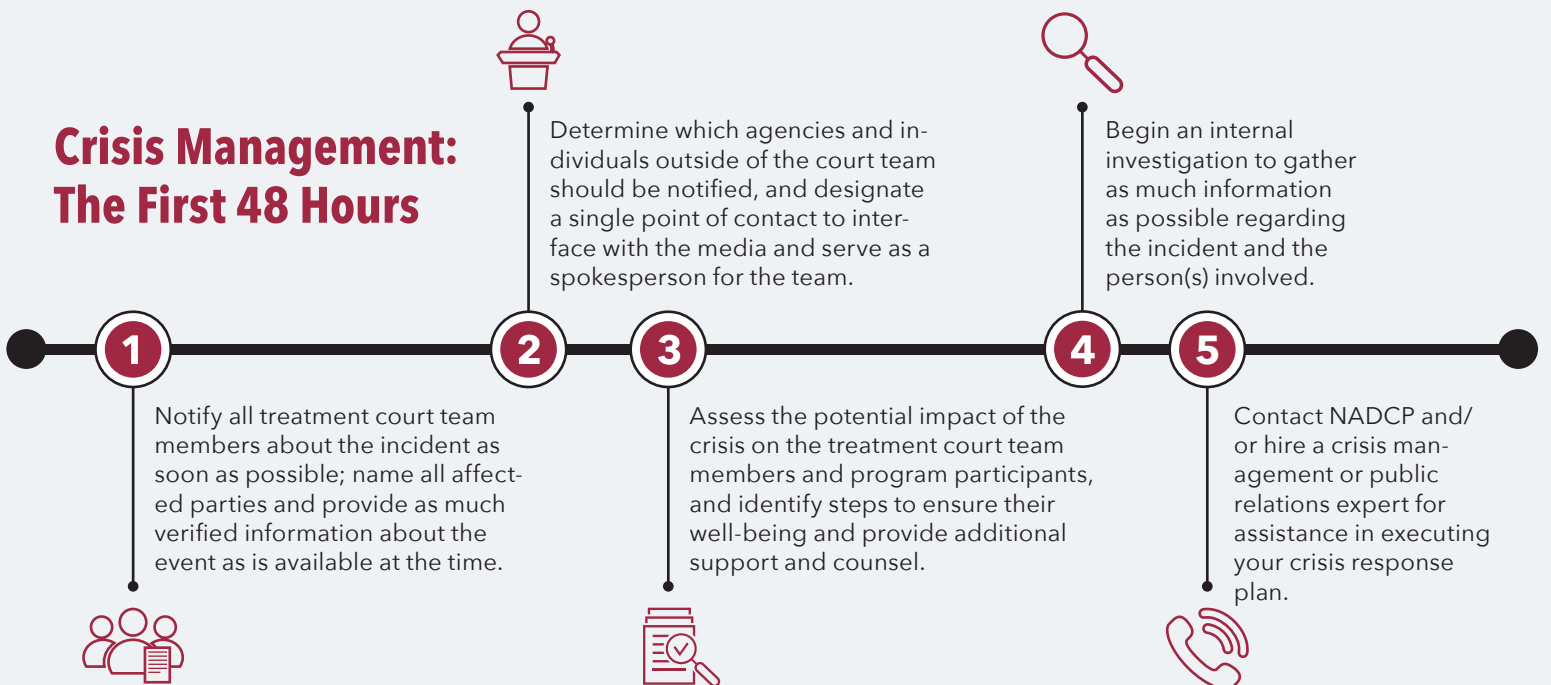
Perhaps the most important aspect of the crisis response team approach is ensuring that the team speaks with one voice. Once you have decided who will speak on behalf of the treatment court and serve as the sole point of contact for the press, the other team members must resist the temptation to communicate independently with the press and must refer all media inquiries to the designated point of contact. Note: the sole point of contact with the press at the onset of a crisis may not be a member of the treatment court team. It is still important to designate a team member who will communicate directly with the media point of contact and who will potentially speak on behalf of the treatment court if it is deemed necessary.

Here are some questions treatment courts should ask before a crisis occurs. Document the answers as you form a strategic crisis response plan.

In a crisis, no media coverage is often better than positive media coverage.

- 1. What problematic situations exist that could potentially escalate into crises and negatively affect your program?**
- 2. How would a crisis affect program participants? What strategy will you put in place to ensure that participants are appropriately cared for, including helping them to maintain stability in their recovery?**
- 3. Who is the most appropriate person or agency to handle media inquiries during a crisis?**
- 4. What messaging and statistics best demonstrate the benefits of your program to the community?**
- 5. Is your program following best practices? Should you modify any existing operations to prevent problematic situations and/ or crises in the future?**

Crisis Management: The First 48 Hours



DURING A CRISIS: THREE LEVELS OF STRATEGY

When a situation turns into a crisis, response team members must consider three timeframes in developing a comprehensive response: short-term, mid-term, and long-term. Each response level has its own considerations and priorities, such as ensuring public safety, mitigating underlying issues,

and educating the public about how a treatment court works and why it is valuable to the community. Understanding which issues must be addressed immediately and which are better addressed later is key to inspiring public confidence in the system.

SHORT-TERM: Determine what happened



1. GATHER AND STICK TO THE FACTS.

In any crisis, it is important for the person(s) serving in the investigation role on your crisis response team to determine what actually occurred. It can be tempting to try to “get out in front” of a developing crisis by quickly releasing a statement or offering information. In almost every case, this is a mistake. The best course of action is to take the appropriate time to determine the nature of the crisis, assess the facts, and strategically weigh your messaging options. All facts released to the media must be absolutely true and thoroughly verified, with supporting data or evidence whenever possible.

Depending on the type of crisis, the speed of the public response is important; however, delayed information is always better than incorrect information. Incorrect information erodes the quality of the investigation and causes the public to mistrust the rest of the process. When the press comes calling, it is perfectly acceptable for your team’s spokesperson to take messages and then return phone calls once the facts of the situation have been verified. Additionally, it is of utmost importance to deliver the facts without editorializing, speculating, or offering unsolicited information.

As your crisis response team conducts an internal investigation into what happened, be sure to communicate with the entire treatment court team in a timely manner and to allow members an opportunity to voice their thoughts and concerns. This will help ensure that everyone is on the same page and is following the crisis response team’s strategy for managing the message. During this time, you should also consider how the crisis will affect the program participants and take steps to care for them and safeguard their recovery.



2. DIRECT ALL MEDIA INQUIRIES TO A SINGLE POINT OF CONTACT.

If immediate public safety is an issue—such as an active crime scene with a suspect who is a treatment court participant—law enforcement must retain control of communication with the press until the public is determined to be safe. In other situations, it may be most appropriate to refer media inquiries to the county public affairs office or the state agency that oversees treatment courts.

In a crisis, no media coverage is often the best-case scenario, even better than positive media coverage. Since avoiding media coverage is unlikely, it is vital to direct all media inquiries to a single point of contact. Designating one point of contact will not stop members of the press from contacting other members of the crisis response team, or members of the treatment court team, but it is vitally important that everyone other than the appointed spokesperson—including treatment providers and participants—be instructed not to speak with the media. This includes posting to social media, whether through official or personal accounts, as the content of these accounts is visible to the public and thus considered fair game for media use.



3. CONTACT NADCP FOR ASSISTANCE AND/OR HIRE A CRISIS MANAGEMENT OR PUBLIC RELATIONS EXPERT.

NADCP exists to provide resources and support to treatment courts across the country. We hope that your treatment court will take proactive steps to prevent a crisis from occurring. However, should your program face a crisis, we stand ready to assist in any way we can. Please do not hesitate to contact us at any time with questions or concerns related to potential or actual crises.

In addition to contacting NADCP, you may wish to hire a local crisis management or public relations consultant to be available on site.

The best defense against a crisis is developing positive relationships with the local media.

MID-TERM: Investigate why it happened

The facts of what happened during the crisis are significant in the short-term, but as time goes on, it is more important to understand the underlying issue that caused the crisis to occur. In the mid-term, the crisis response team must communicate and take action in a way that engenders public trust that the cause of the crisis will be mitigated so that it does not happen again.

The team member(s) responsible for remediation must not only identify the underlying issue that caused the crisis, but also consider whether this is an isolated incident or a systemic problem, a personnel issue, a communication breakdown, a bad policy or flawed execution of a good policy, or an issue relevant to state-specific law.

For example, in a recent case in which a treatment court participant took part in a succession of violent crimes involving firearms, the question of whether probation failed to uncover the firearms during a home search became an important issue in the media. The crisis response team was prepared for such an inquiry and quickly provided the media point of contact with an explanation of the state law limiting the extent of home searches. The team's clear and succinct response exonerated the probation office and redirected the media to other issues involved with the case.

If your investigation reveals wrongdoing by your program, it may be necessary to swiftly and publicly acknowledge fault and provide the public with specific steps that will be taken to rectify the situation.

LONG-TERM: Address the underlying issue and restore trust

Once public safety is no longer at risk and the underlying issue causing the crisis has been identified, the crisis response team should conduct an in-depth investigation and develop an action plan to address the underlying issue. The action plan must include a strategy for communicating with the public and managing the message around the remediation process and results to encourage

continued public trust in the justice system, the treatment court model, and your local program.

The type and quality of the investigation is of utmost importance. Depending on the nature of the crisis, the only way to restore public trust may be to have an external or oversight agency conduct an independent investigation. When agencies evaluate their own issues, the public may distrust the quality of the investigation results. The cost of an independent investigator can be recouped several times over in public confidence and by not having to defend your own findings.

As in the short-term, the speed of the public response related to long-term remediation efforts may be important, but remember: delayed information is always better than incorrect information. Incorrect information erodes public trust in both the system and the remediation process.

TAKE CARE OF EACH OTHER

A crisis can weigh heavily on the treatment court team, especially if it directly involves one of the team members, such as discovering that a team member has been struggling with and hiding a substance use disorder of his or her own. It can also negatively affect program participants and jeopardize their recovery. During a crisis, it is crucial to prioritize the well-being of these individuals.

Since your crisis response team may not include every member of the court team, it is important to share developments in the situation with the entire court team in a timely manner and to allow members an opportunity to voice their thoughts and concerns. This does not mean that every team member should have equal say in how a crisis is handled, but an inclusive approach will ensure that all team members are operating with the same set of facts and adhering to the crisis response team's strategy for managing the message.

Depending on the nature of the crisis, it may be important to offer program participants additional counseling and support. For example, in the aforementioned case of a treatment court participant implicated in a homicide, the court team ensured that a trauma counselor was available to meet with participants and help them process what had happened. It may also be important to talk with them about what to do if they are approached by the media.



Crisis Communications Rules to Live By

Give the media a single point of contact so that you can control the message as much as possible.

Do not release information that is not absolutely true and thoroughly verified. Provide data and evidence whenever possible.

In a crisis, no media coverage is often the best-case scenario, even better than positive media coverage.

Say only what is necessary. Never extend an interview or provide unsolicited information.

Communication among the crisis response team and with the treatment court team and program participants is key.

Use the resources available to you, including NADCP.

YOUR SIDE OF THE STORY

At some point during the lifecycle of a crisis, it will become necessary to tell your side of the story to correct misinformation, provide a comprehensive response, and/or release facts pertaining to a case or incident. There are several ways to tell your side of the story; the nature of the crisis and the ongoing media narrative should determine which method you use.

1. PRESS RELEASE

Once you have gathered the facts and thoroughly reviewed them for accuracy, it may be necessary to issue a press release. Recognize that the press will be looking for sound bites—short quotes that make the story more engaging or punchy—and will excerpt small portions of your release to get them. Keeping this in mind, craft your message using short, simple sentences, and use language in a way that would be difficult to take out of context.

Importantly, address only the narrative at hand. Do not go into unnecessary or irrelevant areas, which will only give the media a reason to probe further.

2. OP-ED

Writing an opinion piece for your local newspaper can be a great way to control the message, mitigate concerns, and rebuild trust. An op-ed is also an opportunity to educate your community about what treatment court is, how it operates, whom it serves, and the benefits it provides.

Start by deciding on the most appropriate author for your op-ed and identifying the single most important point the piece will make. In a crisis, tone is critical. Your op-ed should not point fingers or shirk responsibility. It should be focused, fact-based, and straightforward.

In general, op-eds are limited to about 800 words, but check the specific newspaper's op-ed page to find the preferred length.

3. LETTER TO THE EDITOR

If media coverage of your program is inaccurate or misleading, you can write a letter to the editor. Letters to the editor are generally short, about 200 to 400 words, and they identify the inaccurate or misleading statement and provide a correction or clarification.

Conclusion

Facing any crisis is daunting, but facing a crisis in a treatment court setting can be downright scary. By recognizing the signs of a potential crisis, proactively developing a crisis response plan, and leveraging resources such as NADCP, you can successfully respond to and manage a crisis situation. An appropriate, coordinated, fact-based response will not only protect your team, your participants, and your program's reputation, but will also prevent more and broader media attention and will safeguard the reputation of treatment courts on a national level.

Delayed information is always better than incorrect information.



A TREATMENT COURT RESPONDS TO A CRISIS

At 5:30 p.m. on a Wednesday evening, the coordinator of a seven-year-old treatment court in a small Midwestern city receives a phone call. The caller states that she is a reporter with the local newspaper and that they have a report that a treatment court participant has been implicated in a homicide. The reporter asks the coordinator for a comment on the story.

The coordinator politely tells the reporter that this is the first she has heard of the incident and that she cannot comment at this time. She directs the reporter to contact local law enforcement. Following the call, the coordinator notifies the judge. She then notifies each member of the treatment court team and informs them that if they receive inquiries from the media they are to state, "Due to the ongoing investigation, I cannot comment at this time. All media inquiries should be directed to local law enforcement."

The next morning, the news states that the suspect has been arrested. The crisis response team meets to discuss the incident. They contact the district attorney's office, which agrees to serve as the single point of contact for media. They agree to hold a conference call that afternoon to update each other on the latest developments. The treatment court team then creates a document detailing every interaction the individual had with the program, including all clinical assessments, home visits, drug screens, and status hearings. After thoroughly fact-checking the information, they provide it to the district attorney.

The crisis response team reaches out to NADCP for assistance, and for the next two days, the team works closely with NADCP and the district attorney to ensure that all relevant information is relayed to the media. The team also provides a statement of condolence from the judge, which satisfies the media's desire to have a quote from the court.

Because information was provided to the media in a thorough and timely manner, and via a single point of contact so as not to confuse the messaging, coverage of the incident is supportive of the treatment court and focuses on other aspects of the case.

The treatment court is scheduled to have a session at the end of the week, but the team decides to cancel court and asks all participants to meet at an alternative location, where they will have access to counseling services. This protects the participants from media scrutiny and provides them with a safe space to express their feelings and receive specific help.

Within two weeks, media coverage has slowed. Two months after the incident, the program holds a graduation ceremony. The judge writes an op-ed piece for the local paper about the treatment court program and how it benefits the community. In the piece, the judge acknowledges the tragedy. The media is invited to attend the graduation.

The media point of contact is prepared to answer questions about how the court is doing following the tragedy.

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