Overview of Problem-Solving Courts: Findings and Lessons Learned from Recent Needs Assessment

Presentation by
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Overview

• Problem-solving courts began in late 1980’s in response to significant backlogs and jail overcrowding related to drug offenders.

• These programs attempt to address underlying problems of addiction and have incorporated a range of evidence-based treatment principles.

• There are over 3,100 problem-solving courts and represent a significant departure from adversarial proceedings and operations:
  • Participation is voluntary
  • Multidisciplinary team coordinates supervision and involvement in treatment
National Milestones in Problem Solving Courts

1989
- Height of National Crack Epidemic
- First Drug Court opens in Miami, FL

1994
- National Association of Drug Court Professionals (NADCP) founded

1995
- First Juvenile Drug Court opens in Visalia, CA
- First Family Drug Court opens in Reno, NV
- Drug Courts Program Office (DCPO) established in the U.S. Department of Justice

1997
- NADCP, DCPO, and the Bureau of Justice Assistance (BJA) release Defining Drug Courts: The Key Components
- First Mental Health Court opens in Broward, FL

1998
- National Drug Court Institute (NDCI) founded

2008
- First Veteran’s Treatment Court established in Buffalo, NY
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<th>Drug courts integrate alcohol and drug treatment services with justice system case processing.</th>
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Methodology: Needs Assessment Goals

- Determine whether the problem-solving court programs are complying with ten key components of drug court
- Identify perceived strengths and weaknesses of the problem-solving court programs from perspectives of key stakeholder staff
- Identify recommendations, including those by key stakeholder staff for improving the problem-solving court programs
Methodology: Needs Assessment Activities

- **Qualtrics Survey**: Distributed to community treatment agencies working with 13th Judicial Circuit Problem-Solving Courts

- **Focus Groups**: Interviews were conducted with professional court staff working with problem-solving court programs

**Review of Program Material**: The review included materials that help in guiding, monitoring and managing problem-solving court activities
Key Component 1:

Drug courts integrate alcohol and drug treatment services with justice system case processing.

Purpose:
- Coordinated response to participants. Cooperation and collaboration of a team approach including drug court specialists, judges, prosecutors, defense counsel, corrections, law enforcement, and treatment agencies is important.
Key Component 1 Findings:

**Oversight Committee**

Findings:
- Three oversight committees exist by administrative order but do not meet on a regular basis.

Recommendations:
- Establish one overall oversight committee (include key stakeholder such as PD and SA office, treatment, and court).

**Policy Manual**

Findings:
- No overall policies and procedures manual for the problem-solving courts.

Recommendations:
- Develop/update written policies and procedures governing operation of problem-solving courts and review annually.
Key Component 2:

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights

Purpose:
- Balance is key in the following areas: (1) nature of relationship between prosecution and defense counsel, (2) problem-solving court programs remain responsible for promoting public safety; (3) protection of participants’ due process rights
Key Component 2 Findings:

**Case Processing**

Findings:
- Defense counsel provide information about benefits and costs of drug court participation to their clients

Recommendations:
- Implementation of a policy manual that can help defense counsel to outline benefits and give the clients more of a genuine choice of participation in a problem-solving court

**Eligibility Criteria for Juvenile Drug Court**

Findings:
- Juvenile Drug Court (JDC) decreased their docket due to less juvenile arrests

Recommendations:
- Can expand eligibility criteria for JDC by including cases that are post-adjudicatory, multiple offender levels
Key Component 3:

Eligible participants are identified early and promptly placed in the drug court program

Purpose:

- This component is concerned with judicial (rapid and effective) action, taken promptly after arrest. Taking substance abuse concerns into consideration during booking and case deposition.
Key Component 3 Findings:

**Screening and Assessment Process for Co-occurring Disorders**

**Findings:**
- Screening process is not standardized across courts and does not provide sufficient clinical information

**Recommendations:**
- Utilization of additional screening and assessment tools

**Residential Wait-List**

**Findings:**
- Most problem-solving courts have a waitlist for treatment beds and many participants may wait in jail due to relapse

**Recommendations:**
- Identify opportunities to increase secure beds in detox facilities
- Need clear guidelines and clarification regarding priority and exclusionary criteria filling beds
Key Component 4:

Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services

Purpose:
- Ensuring frequent communication to provide timely reporting of patient progress and compliance. The problem-solving team will focus on co-occurring problems and factors that may impair the individual's success in treatment.
Key Component 4 Findings:

**EBP Treatment Services for Co-occurring Disorders**

**Findings:**
- Not an overall set of treatment principles used to guide clinical services for co-occurring disorders and trauma-informed care

**Recommendations:**
- Develop best practices and clinical standards for providers and utility of EBPs for co-occurring disorders and trauma-informed care should be reviewed on an annual basis

**Treatment Accessibility**

**Findings:**
- Some areas in Hillsborough County are not in close proximity to treatment providers

**Recommendations:**
- Possibility of utilizing a mobile treatment van
Key Component 5:

Abstinence is monitored by frequent alcohol and illicit drug testing

Purpose:

- As alcohol use frequently contributes to relapse, when the primary drug of choice is not alcohol, randomized court-ordered drug testing is key. This will allow the participant to be active and involved in the treatment process. Being held accountable for their progress.
**Key Component 5 Findings:**

**Drug and Alcohol Testing**

**Findings:**
- Majority of treatment providers responded they have capability for random drug and alcohol testing and presumptive screening.
- Almost half do not have a written drug testing policy.
- Only one-third offer on-site drug testing.

**Recommendations:**
- All treatment providers that work with the problem-solving courts must adhere to drug testing policies and procedures.
- Policies and procedures should reflect NADCP guidelines (administer randomly, test sufficiently to determine participant’s drug of choice, include process of notification to the court).
Key Component 6:

A coordinated strategy governs drug court responses to participants’ compliance

Purpose:
- The criminal justice system representatives and the treatment providers develop a series of complementary, measured responses that will encourage compliance such as incentives and sanctions.
Key Component 6 Findings:

Incentives and Sanctions

Findings:
- Problem-solving courts are stretched for tangible resources
- Difficulty offering rewards of more than minor value, but concept of incentives and sanctions is inherent

Recommendations:
- Opportunity to use “fishbowl” where participants are allowed to earn chances to draw paper from fishbowl and have a chance at tangible and non-tangible incentives
- Participant flyers should explain incentives and sanctions
Key Component 6: Example of Incentives and Sanctions

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<th>Incentives</th>
<th>Sanctions</th>
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<tr>
<td>• Encouragement and recognition</td>
<td>• Increased frequency of substance abuse testing</td>
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<td>• Furloughs to travel out of county or out of state</td>
<td>• Extended probation</td>
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<td>• Advancement to the next phase of treatment</td>
<td>• Demotion to an earlier phase of treatment</td>
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<td>• Early termination of probation</td>
<td>• More extensive treatment regimen</td>
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<td>• Formal graduation and a certificate of completion</td>
<td>• Brief periods of incarceration</td>
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<td>• Other incentives the court deems appropriate</td>
<td>• Termination from the problem-solving court program</td>
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<td>• Community service hours</td>
<td>• Reinstatement of criminal proceedings</td>
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Key Component 7:

Ongoing judicial interaction with each drug court participant is essential

Purpose:

- The structure of problem-solving courts allows for early judicial intervention. The judge must be prepared to encourage appropriate behavior and discourage and penalize inappropriate behavior.
Key Component 7 Findings:

**Specialized Dockets/Tracks**

**Findings:**
- Some problem-solving courts have very large dockets that make it difficult to conduct regular staffings and court hearings

**Recommendations:**
- Courts with larger court dockets could implement specialized dockets/tracks (opioid users, young adult offenders, women)
- Specialized docket would help to keep caseloads manageable and assist in identification of EBPs for each specialized docket
Key Component 8:

Monitoring and evaluating achievement of program goals is necessary to gauge effectiveness.

Purpose:

- It is critical that problem-solving courts be designed with ability to gather and manage information for monitoring daily activities, evaluating the quality of services provided, and producing longitudinal evaluations.
Key Component 8 Continued:

Management Information System (MIS)

Findings:
- Only two problem-solving courts consistently use a data system.

Recommendations:
- Ability to make accurate management decisions related to funding, resource management, and program outcome would be enhanced by use of data system.
Key Component 9:
Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations

Purpose:
Continued education and training, by problem-solving court staff, ensures that goals and objectives, as well as policies and procedures, are understood by the court team members.
Key Component 9 Continued:

Training

Findings:
- Team members used grant funding to attend NADCP and Vet Con but not all problem-solving court staff attend conferences.
- Lack of a systematic local and statewide training on a regular basis.

Recommendations:
- Training regarding some of the key components will assist in strengthening problem-solving court team and improve decision-making related to clinical interventions.
- Quarterly training is recommended.
Key Component 10:

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Purpose:

- This component is concerned with developing coalitions among community-based organizations, public criminal justice agencies, and substance use treatment systems to expand the continuum of care.
Key Component 10 Continued:

Community Linkages

Findings:
- Problem-solving courts used to have a prominent presence at community agency meetings
- Some staff attend meetings, but not on a regular basis

Recommendations:
- Identify various community organization meetings to attended on a monthly basis
Lessons Learned

Methodology
• Follow-up interviews with treatment providers
• Focus group with current and alumni problem-solving court participants and family members
• Yearly follow-up with problem-solving court team members regarding recommendations

Implementation
• Buy-in from key administration
• Needs assessment process takes time
• Funding opportunities
# Recommendations Update

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<th>Key Components</th>
<th>Completed</th>
<th>In Process</th>
<th>Still to Complete</th>
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| **One:** Drug courts integrate alcohol and drug treatment services with justice system case processing | • Quarterly Oversight Committee mtgs  
• Policy manual and flyers for all problem-solving courts  
• Formal court staffings | • Informal court staffings (some courts don’t meet regularly) |  |
| **Two:** Drug courts integrate alcohol and drug treatment services with justice system case processing | • Policy manual for all problem-solving courts  
• Addition of Juvenile Mental Health Court | | • Expansion of JDC eligibility criteria |
| **Three:** Eligible participants are identified early and promptly placed in the drug court program | | • Standardized screening and assessment policies for providers | • Residential waitlist |
| **Four:** Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services | • Quarterly treatment provider mtgs with consensus on EBPs | • Developing best practices for providers  
• Capturing additional demographics for grant programs | • Treatment accessibility |
| **Five:** Abstinence is monitored by frequent alcohol and illicit drug testing | | | |
## Recommendations Update

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<td><strong>Six:</strong> A coordinated strategy governs drug court responses to participants' compliance</td>
<td>• Increased amount of incentives from community resources</td>
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<td><strong>Seven:</strong> Ongoing judicial interaction with each drug court participant is essential</td>
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<td>• Considering a specialized docket for opiates</td>
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<td><strong>Eight:</strong> Monitoring and evaluating achievement of program goals is necessary to gauge effectiveness</td>
<td>• Updated MIS system for all problem-solving courts</td>
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<td><strong>Nine:</strong> Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations</td>
<td>• Increased training opportunities for all problem-solving court staff</td>
<td>• New AOC position created to focus more on training opportunities</td>
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<td><strong>Ten:</strong> Forging partnerships among drug courts, public agencies, and community-based agencies to enhance drug court effectiveness</td>
<td>• Connections being made to various community</td>
<td>• Attending community-based meetings on a monthly basis</td>
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Summary

• This is a first step in examining the effectiveness of the 13th Judicial Circuit Problem-Solving Court

• Findings from this needs assessment are overall favorable; long-term goal is in reducing criminal recidivism and substance use among program participants

Next steps should examine problem-solving court programs over time to identify criminal justice involvement, program retention and graduation, substance abuse, and employment over at least a one year follow-up period