



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

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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

# Ten Key Components of Drug Court

Key Component #1	Drug courts integrate alcohol and drug treatment services with justice system case processing.
Key Component #2	Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
Key Component #3	Eligible participants are identified early and promptly placed in the drug court program.
Key Component #4	Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services.
Key Component #5	Abstinence is monitored by frequent alcohol and illicit drug testing.
Key Component #6	A coordinated strategy governs drug court responses to participants' compliance.
Key Component #7	Ongoing judicial interaction with each drug court participant is essential.
Key Component #8	Monitoring and evaluating achievement of program goals is necessary to gauge effectiveness.
Key Component #9	Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
Key Component #10	Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

# 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 13<sup>th</sup> 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 individuals 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 who's 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

Incentives	<ul style="list-style-type: none"><li>• Encouragement and recognition</li><li>• Furloughs to travel out of county or out of state</li><li>• Advancement to the next phase of treatment</li><li>• Early termination of probation</li><li>• Formal graduation and a certificate of completion</li><li>• Other incentives the court deems appropriate</li><li>• Community service hours</li></ul>
Sanctions	<ul style="list-style-type: none"><li>• Increased frequency of substance abuse testing</li><li>• Extended probation</li><li>• Demotion to an earlier phase of treatment</li><li>• More extensive treatment regimen</li><li>• Brief periods of incarceration</li><li>• Termination from the problem-solving court program</li><li>• Reinstatement of criminal proceedings</li></ul>

# 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 attend 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

Key Components	Completed	In Process	Still to Complete
<b>One:</b> Drug courts integrate alcohol and drug treatment services with justice system case processing	<ul style="list-style-type: none"> <li>• Quarterly Oversight Committee mtgs</li> <li>• Policy manual and flyers for all problem-solving courts</li> <li>• Formal court staffings</li> </ul>	<ul style="list-style-type: none"> <li>• Informal court staffings (some courts don't meet regularly)</li> </ul>	
<b>Two:</b> Drug courts integrate alcohol and drug treatment services with justice system case processing	<ul style="list-style-type: none"> <li>• Policy manual for all problem-solving courts</li> <li>• Addition of Juvenile Mental Health Court</li> </ul>		<ul style="list-style-type: none"> <li>• Expansion of JDC eligibility criteria</li> </ul>
<b>Three:</b> Eligible participants are identified early and promptly placed in the drug court program		<ul style="list-style-type: none"> <li>• Standardized screening and assessment policies for providers</li> </ul>	<ul style="list-style-type: none"> <li>• Residential waitlist</li> </ul>
<b>Four:</b> Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services	<ul style="list-style-type: none"> <li>• Quarterly treatment provider mtgs with consensus on EBPs</li> </ul>	<ul style="list-style-type: none"> <li>• Developing best practices for providers</li> <li>• Capturing additional demographics for grant programs</li> </ul>	<ul style="list-style-type: none"> <li>• Treatment accessibility</li> </ul>
<b>Five:</b> Abstinence is monitored by frequent alcohol and illicit drug testing			

# Recommendations Update

Key Components	Completed	In Process	Still to Complete
<b>Six:</b> A coordinated strategy governs drug court responses to participants' compliance	<ul style="list-style-type: none"> <li>Increased amount of incentives from community resources</li> </ul>		
<b>Seven:</b> Ongoing judicial interaction with each drug court participant is essential		<ul style="list-style-type: none"> <li>Considering a specialized docket for opiates</li> </ul>	
<b>Eight:</b> Monitoring and evaluating achievement of program goals is necessary to gauge effectiveness	<ul style="list-style-type: none"> <li>Updated MIS system for all problem-solving courts</li> </ul>		
<b>Nine:</b> Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations	<ul style="list-style-type: none"> <li>Increased training opportunities for all problem-solving court staff</li> </ul>	<ul style="list-style-type: none"> <li>New AOC position created to focus more on training opportunities</li> </ul>	
<b>Ten:</b> Forging partnerships among drug courts, public agencies, and community-based agencies to enhance drug court effectiveness	<ul style="list-style-type: none"> <li>Connections being made to various community</li> </ul>	<ul style="list-style-type: none"> <li>Attending community-based meetings on a monthly basis</li> </ul>	

# Summary

- This is a first step in examining the effectiveness of the 13<sup>th</sup> 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