



Problem-Solving Courts



Objectives

Overview of Problem-Solving Courts

The role of treatment representatives in Problem-Solving Courts

Who? What?
When?
Where? Why?

In 1989, the first drug court launched in Miami, Florida, laying the foundation for treatment courts proving that providing supervision, structure and evidence-based treatment is a far more successful approach to substance use and mental health disorders than incarceration alone.

Indiana Treatment Court Models:

Drug Court

Mental Health Court

Family Recovery Court

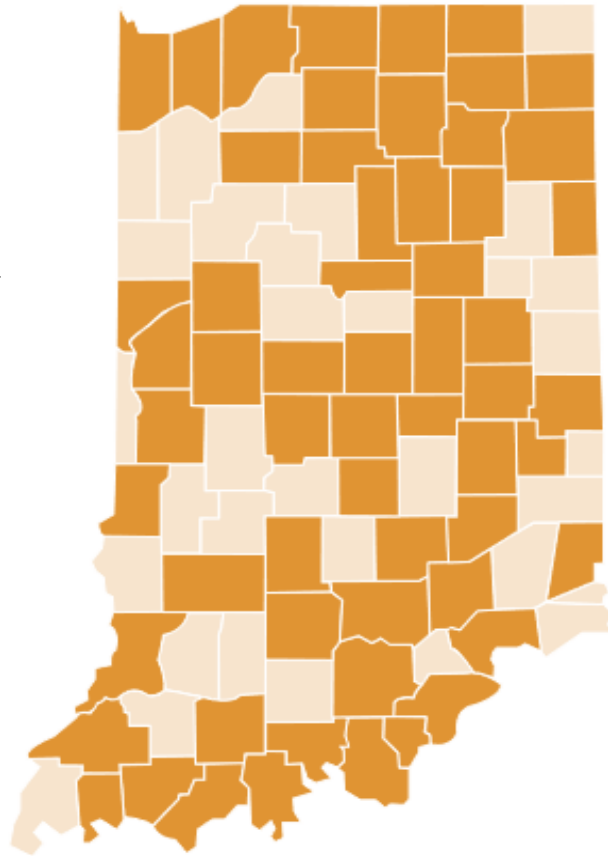
Reentry Court

Domestic Violence Court

Truancy Court

OVWI Court

Veterans' Court



147 PSC Courts
 128 Certified
 19 Planning
 59 Counties

PSC by Model	
Adult Drug Courts	52
Domestic Violence Courts	4
Family Recovery Courts	22
Juvenile Drug Courts	3
Juvenile Mental Health Courts	2
Juvenile Problem-Solving Courts	2
Mental Health Courts	17
OVWI Courts	2
Problem-Solving Courts	1
Reentry Courts	11
Truancy Courts	1
Veterans' Courts	30
Total	147

The Role of the Indiana Office of Court Services

To **develop, train, certify, and support** certified problem-solving courts established in accordance with IC 33-23-16 and the PSC Rules.



Certification

The Indiana Office of Court Services (IOCS) certifies problem-solving courts to ensure compliance with:

- ❑ IC 33-23-16
- ❑ Judicial Conference of Indiana Problem-Solving Court Rules
- ❑ Adult Drug Court Best Practice Standards as published by the National Association of Drug Court Professionals (NADCP)

Certification Process

Application Review

View Team Meeting &
Court Session

Interviews with Team &
Participant Focus group

Participant & Personnel
File Review

Completion of Corrective
Actions, if needed

**Problem-Solving Courts
take a non-adversarial
team approach to
traditional case
processing.**



Multidiscipline team:

- Judge
- Coordinator
- Case managers/probation officers/community corrections officers
- Prosecutor Representative
- Criminal defense attorneys if the problem-solving court accepts individuals under a criminal or delinquency case number;
- Mental health providers
- Addiction treatment services
- Representative from the Veterans' Administration if a veterans court
- Representatives from the Department of Child Services if a FRC

Role of treatment representative on the team

The treatment representatives receive clinical information regarding participants their agency is treating, reports that information to the team, and contributes clinical knowledge and expertise during team deliberations.

Eligibility Criteria

Eligible
offenses

Exclusion
criteria

Diagnostic
criteria

Risk and
needs levels

Problem-Solving Courts should be

EASY to get in
&
HARD to get out



Courts' Jurisdiction

IC 33-23-16-13 Individual eligibility requirements

Sec. 13. An individual is eligible to participate in a problem solving court program only if:

- (1) the individual meets all of the eligibility criteria established by the board under section 12 of this chapter;
- (2) the judge of the problem solving court approves the admission of the individual to the problem solving court program; and
- (3) the individual is referred to the problem solving court as a result of at least one (1) of the following:
 - (A) A condition of a pretrial diversion program authorized by statute or authorized by the judge of the problem solving court and the prosecuting attorney.
 - (B) The procedure described in section 14 of this chapter.
 - (C) The procedure described in section 15 of this chapter.
 - (D) A condition of probation.
 - (E) A condition of participation in a community corrections program under IC 11-12-1.
 - (F) A condition of participation in a forensic diversion program under IC 11-12-3.7.
 - (G) A condition of a community transition program under IC 11-10-11.5.
 - (H) A condition of parole.
 - (I) An order in a dispositional decree under IC 31-34-20 to participate in a family dependency drug court if the individual is a parent, guardian, or another household member of a child adjudicated a child in need of services.
 - (J) A condition of an informal adjustment program under IC 31-37-9.
 - (K) Involvement in:
 - (i) a child support proceeding;
 - (ii) a mental health commitment; or
 - (iii) a civil protection proceeding.
 - (L) A condition of an informal adjustment program under IC 31-34-8.
 - (M) A condition of a misdemeanor sentence.
 - (N) A condition of a program authorized by the:
 - (i) judge of a problem solving court; and
 - (ii) department of correction or the county sheriff.

As added by P.L.108-2010, SEC.4. Amended by P.L.136-2012, SEC.7; P.L.95-2013, SEC.2.

Program Requirements:

Typically, 12-18 months in length

3-5 Phases

Treatment as determined by provider

At least 2 urine drug screens per week throughout program participation

Frequent court sessions

Housing

Employment

Pro-social activities

Education

Team Meetings

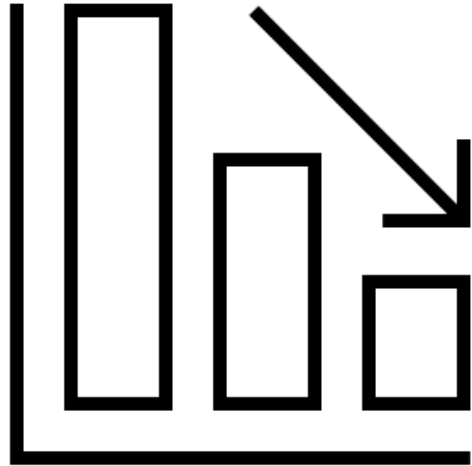
The team meets before each court session to discuss:

- ❖ New participants
- ❖ The progress of participants
 - ❖ Treatment
 - ❖ Urine Drug Tests
 - ❖ Achieving Goals
 - ❖ Struggles
- ❖ Incentives
- ❖ Sanctions
- ❖ Therapeutic Adjustments

Information Sharing

Partner agencies execute memoranda of understanding (MOUs) specifying what information will be shared among team members. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.

Top Ten Practices for Reducing Recidivism



5. Courts where a representative from treatment attended team meetings had a 105% greater reduction in recidivism.

Court Session



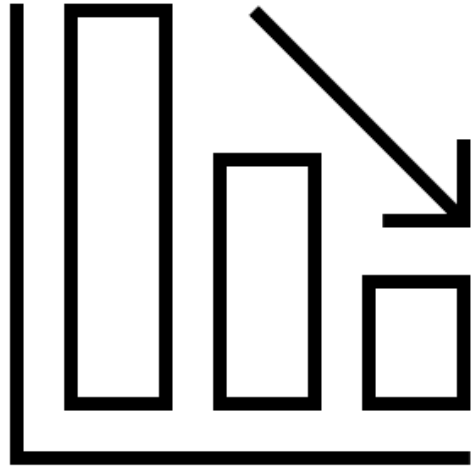
- Frequent court sessions during the initial phases of each participant's program to establish and reinforce the PSC policies and ensure effective supervision of each participant.

Court Session Cont.



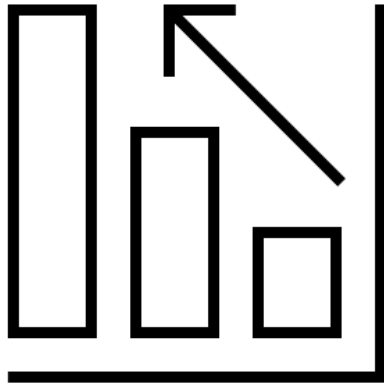
- Having a significant number of PSC participants appear at a single session gives the judge the opportunity to educate both the participant at the bench and those waiting as to the benefits of program compliance and consequences for noncompliance.

Top Ten Practices for Reducing Recidivism



7. Courts where a representative from treatment attended the court session had a 100% greater reduction in recidivism than programs where treatment did not attend court.

Top Ten Practices for Cost Savings



6. Courts where a representative from treatment attended the court session had 81% greater cost savings.

Incentives

Incentives and sanctions serve different, but complementary, functions. Incentives are used to increase desirable behaviors, whereas sanctions are used to reduce undesired behaviors. When used together, they can have synergistic effects that produce better outcomes than applying either technique alone.

Sample Incentives

- Verbal Praise
- Reduced Supervision Requirements
- Small Tangible Rewards
- Recognition in Court
- Symbolic Reward
- Posted Accomplishments
- Fishbowl Drawings

Sanctions

The PSC has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. For goals that are difficult for participants to accomplish, such as abstaining from substance use, the sanctions increase progressively in magnitude. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.

Jail sanctions are imposed judiciously and sparingly. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. Jail sanctions are definite in duration and **typically last no more than three to five days.**

Sample Sanctions

- Verbal Admonishments
- Increased Supervision Requirements
- Day Reporting
- Letters of Apology
- Useful Community Service
- Essay Assignments
- Short Jail Stays
- Termination

Therapeutic Adjustments

Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment interventions.

Under such circumstances, the appropriate course of action may be to reassess the individual and adjust the treatment plan accordingly. Adjustments to treatment plans are based on the recommendations of duly trained treatment professionals.

Successful vs. Unsuccessful Program Termination

Upon successful completion the court holds a graduation ceremony. Most commonly, charges are dismissed or a felony is reduced to a misdemeanor.

Upon continued violations or no longer being able to be safely monitored in the community, a termination hearing is held. If terminated, the participant proceeds to a sentencing hearing.

Contact Information

Jamie Bergacs

Director of Program Certification

Indiana Office of Court Services

Indiana Supreme Court

317-234-5756

jamie.bergacs@courts.IN.gov