



Problem-Solving Justice Toolkit

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This Toolkit offers a blueprint for using the problem-solving approach, a form of differentiated case management for cases involving recurring contacts with the justice system due to underlying medical and social problems. A hallmark of the approach is the integration of treatment and social services with judicial case processing and monitoring. The Toolkit includes a set of assessment questions to help courts determine the best path to implement a problem-solving approach and a set of implementation steps for courts choosing to implement a formal problem-solving court program such as a community or mental health court.

- Ⓜ Why a toolkit?
- Ⓜ Substance abuse success story
- Ⓜ Judicial perspectives
- Ⓜ Defense perspectives
- Ⓜ Prosecutor perspectives
- Ⓜ Manager perspectives
- Ⓜ Social worker perspectives
- Ⓜ Mental health success story

This Toolkit was developed at the request of the Conference of Chief Justices and the Conference of State Court Administrators to help jurisdictions interested in incorporating a problem-solving approach. It is targeted to local jurisdiction judges, but its content is relevant for other justice system professionals also interested in learning about the components of a problem-solving approach. The Toolkit was prepared with the assistance of an [Advisory Committee](#) of experts from across different sectors of the justice system and supported by [The Robert Wood Johnson Foundation](#) and the [State Justice Institute](#).



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A number of leaders from various sectors of the justice system shared their expertise and provided guidance in developing the Toolkit. The National Center for State Courts gratefully acknowledges their contributions and appreciates their continuing efforts to enhance the effectiveness of the justice system.

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I. Introduction

The problem-solving court approach focuses on defendants and litigants whose underlying medical and social problems (e.g., homelessness, mental illness, substance abuse) have contributed to recurring contacts with the justice system.

The approach seeks to reduce recidivism and improve outcomes for individuals, families, and communities using methods that involve ongoing judicial leadership; the integration of treatment and/or social services with judicial case processing; close monitoring of and immediate response to behavior; multidisciplinary involvement; and collaboration with community-based and government organizations. During the last decade, these methods have shown significant promise in producing more-effective outcomes for some of the courts' most vexing cases.

In 2004 the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) reaffirmed their commitment to support the expanded use and integration of the principles and methods of problem-solving courts into the administration of justice (see [resolution](#)). During their 2004 annual meeting, the chief justices and state court administrators considered strategies to expand the use of problem-solving court principles within their state as well as national strategies to support state efforts. A primary national strategy emerging from the session was the development and dissemination of a resource to facilitate the implementation of problem-solving court principles and methods at the state and local level. This Toolkit provides that resource.

The Toolkit's Approach

The Toolkit draws from numerous experts in the field and existing resources on specific problem-solving court programs to identify a set of steps common to the development and implementation of problem-solving court programs in general. By so doing, it provides a framework both for developing traditional problem-solving court programs (e.g., community, domestic violence, drug, and mental health courts) as well as for developing programs to address other problems (e.g., homelessness) that may be affecting a jurisdiction's caseload. This focus on the general problem-solving court process, using examples from specific types of problem-solving courts, distinguishes the Toolkit from other currently available resources.

The Toolkit's authors recognize that there may be other options than the development of a problem-solving court to address specific problems affecting a court's caseload. To that end, the Toolkit includes a set of initial assessment questions to help judges and key stakeholders determine the best course of action for their community. In some cases, there may be a program already operating in the community that could be expanded; in others, the judge may opt to use some aspects of the approach (e.g., review hearings) without setting up a formal program. Although the Toolkit does not focus on implementing the problem-solving approach in these contexts, judges and other stakeholders may still find much of its content helpful in identifying key issues to consider in any type of problem-solving effort.

The concept of problem-solving in the court context is not static but evolving. Once thought of as practices confined to "boutique" courts, the problem-solving approach now is discussed in terms of integration within and across the traditional court system (see [Special Topic 1](#)). As the approach is adapted for new uses, modifications necessarily emerge. As such, the Toolkit is a snapshot in time. It focuses on the principles and methods commonly practiced in current problem-solving courts. However, its authors recognize that much experimentation is underway and trust that the Toolkit also provides a foundation for systematically exploring modifications to and new applications of the approach.



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II. Initial Assessment Questions

The following set of questions is intended to help judges determine whether and how to move forward with a problem-solving approach. Even if a decision has already been made to establish a specialized problem-solving court (e.g., community, drug, mental health, other), it may be useful to review the questions to clarify the purposes for the court and ensure stakeholder agreement before moving forward on the implementation steps.

Question 1: Are you hearing cases that might benefit from a problem-solving approach?

Question 2: Are other relevant stakeholders also seeing the problems?

Question 3: What are the nature and prevalence of the problems?

Question 4: What options are there to address the problems?

Question 5: What resources are available or could be developed to help address the problems?

Question 6: How will you proceed given the prevalence of the problems, the possible options to address the problems, and the available resources?

Question 1: Are you hearing cases that might benefit from a problem-solving approach?

Do you encounter cases involving extra-legal problems such as substance abuse, mental illness, or homelessness for which traditional legal remedies do not seem effective? Often these are the kinds of cases in which the same defendants or litigants appear repeatedly in your court, their behaviors apparently unchanged by the range of available sanctions.

Ⓜ Signs of problems: Homelessness

Ⓜ Signs of problems: Mental health

What are your impressions of the nature and frequency of these cases? What patterns do you see across the cases, and how often do you see the pattern in your courtroom? Do the cases require additional time or resources to process? If you think there are underlying medical and/or social problems interfering with the successful resolution of cases, go to [Question 2](#), and explore whether other key stakeholders in the justice system and the community are seeing the problems as well.

Question 2: Are other relevant stakeholders also seeing the problems?

In some jurisdictions, there may be an established committee or network of key stakeholders you can access to explore the nature and prevalence of the problems. If not, you will have to reach out to key stakeholders and have some preliminary discussions before moving to [Question 3](#). In either case, you should make sure the court's leadership is aware of your efforts before moving forward.

Ⓜ Consulting with stakeholders

Deciding who should be included is the first step to establishing a key stakeholders group. One suggestion is to think of several individuals (e.g., court administrator, prosecutor, public defender, and representatives from community agencies that focus on the problem) who would likely have information about the problems you are seeing in your caseload. Contacting these individuals first, letting them know that you are concerned about a pattern you are seeing among some of your cases and that you would like to discuss it with others who may have more or different information than you, is a good way to start the process. You should also ask these individuals whether there are other key stakeholders you should contact at this first stage of the process. The goal is to identify a core group of stakeholders willing to discuss the issue to determine whether additional action is warranted. If this core group agrees there is a problem, the group should identify additional



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stakeholders who should be at the table during subsequent discussions (see [Step 1](#) for additional information on identifying and convening stakeholders).

How you frame the problem may make a difference in how stakeholders react to your initial contacts. If you encounter resistance, try to understand the stakeholder's concerns. For example, is he or she worried about losing funding, lacking the staff to address the problem, losing focus on problems that are more prevalent or acute, or encountering interference in efforts already underway? Emphasizing that this is the very front-end of a process designed to raise all the relevant issues may alleviate some reluctance to participate. Focusing on the benefits of having a discussion also may help. See [Special Topic 2](#) for additional information on addressing resistant partners.

Question 3: What are the nature and prevalence of the problems?

Stakeholders should discuss their impressions of the nature and scope of the problems to get an overall view of the issues. These discussions will help identify the kinds of empirical information needed to fully understand the problem. Any decision whether and how to move forward should be based on objective information—not just anecdote or conjecture.

Understanding the problem

Collecting data on the nature and scope of a problem is not simple. No one source has all the information needed to get a full picture of the problem. Some data may not be available at all, requiring new data collection efforts or extrapolating from several existing sources.

A logical starting point is to pool existing information from the various stakeholders: How many individuals with the targeted problem or problems is each currently serving? What information do they have about the demographics of the population and the types of services needed? Do they have any information on the number of individuals suffering from the problem but not being served? What percentage of the court's caseload involves individuals with the problem? What types of cases (e.g., misdemeanor, felony, family) are involved? Stakeholders may have to be creative in thinking through which data sets might have relevant information. Likely candidates are assessment instruments used by pretrial screening agencies and the files of probation officers and treatment agencies.

Once the information is assembled, stakeholders will begin to get a picture of what is known about the problem and what information is missing. It may be helpful to bring in a researcher from the court, one of the stakeholder agencies, or a local university to help guide the discussion of what can be determined from the existing data and what, if any, information still needs to be collected. The researcher also may be helpful in identifying national or state databases that could be used to estimate the prevalence of problems like substance abuse, mental illness, or homelessness among persons arrested for or convicted of certain crimes. For example, the [Bureau of Justice Statistics](#), part of the U.S. Department of Justice, monitors the extent of problems like domestic violence and substance abuse among persons arrested for specific offenses.

The precise questions and data necessary to determine the nature and prevalence of the problem depend on the type of problem under consideration. For quality-of-life crimes (e.g., loitering, prostitution, vagrancy) that affect the life of a neighborhood, it is important to seek the advice of community leaders and residents who deal with the problem daily. This may require interviews or focus groups. See, for example, [Wolf's \(1999\)](#) discussion of the importance of using data to plan a community justice project. [Costello and Johnson \(2002\)](#) offer suggestions for the kinds of data to gather to identify the target population for a drug court. Although it is not necessary to determine the target population at this point, many of their suggested data sources are relevant for examining the nature and extent of substance abuse problems in the jurisdiction. The [Council of State Governments \(2005, p. 17\)](#) lists several types of statistics helpful for jurisdictions investigating the nature and prevalence of individuals with mental illness in the justice system. These references also are helpful to review for other problem areas as a guide for the types of data necessary for planning purposes.

There will come a time in which it will be necessary to balance the value of gathering additional data against the need to move forward. Will the cost and time of collecting additional data outweigh the likely value of the data? When stakeholders have a sense of the nature and complexity of a problem and agree that it requires some type of intervention, they should move to [Question 4](#) to identify options to address it.



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Question 4: What options are there to address the problems?

Once key stakeholders have had an opportunity to discuss the specific nature and prevalence of the problems, they should brainstorm possible options to address the problems. At this point, the purpose is to brainstorm solutions without focusing on resources.

There are many possible approaches, depending on the specific problems and level of stakeholder involvement. For example, do the individuals need to be brought to court at all? That is, could the problem be addressed at an earlier stage in the process? (Some jurisdictions find it helpful to develop a flow-chart that follows an individual through the justice system process, starting from the initial point of contact with a law enforcement officer. See, for example, [Council of State Governments, 2005, pp. 12-16.](#)) Are there efforts the judge could undertake within the courtroom without developing a formal program? Are there programs/efforts already underway in the community that work with the target population of concern? Could these efforts be extended to individuals in the justice system?

The following list can be used as a discussion guide to help stakeholders think through potential options and discuss the benefits and drawbacks of each. Keep in mind that the best solution may involve several options, each addressing different parts of the population manifesting the problem.

- A pre-court program that addresses the problem before cases reach the court. See the [Memphis Police Crisis Intervention Team program](#).
- The application of problem-solving methods within an existing court docket. This option refers to more “informal” modifications individual judges can make to traditional case processing to incorporate aspects of problem-solving court principles and methods. See [Special Topic 1](#) for more information.
- A non-court-centered program that takes advantage of existing efforts in the community (or emerges from a new collaborative effort of community partners) and does not require ongoing judicial monitoring or supervision. In this option, the court makes referrals to a non-court program. The court coordinates with the program but does not manage it on a daily basis. See, for example, [Treatment Accountability for Safer Communities](#) and the [PACE](#) program.

- A court-centered program designed to address specific problems and includes integration of treatment services with judicial case processing, ongoing judicial intervention, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations. See, for example, [Problem-Solving Courts: Models and Trends](#).

Question 5: What resources are available or could be developed to help address the problems?

Once stakeholders have identified one or more options to address the problems, they should consider what resources are available to implement the options. For this purpose, “resources” is defined broadly to include financial, personnel, facility, services, existing networks, relevant community programs, volunteer help, in-kind contributions from organizations (e.g., assistance with information technology), and so forth.

Stakeholders can begin the process by identifying and discussing potential resources each has to help implement the various options. They should also identify other individuals and groups who may have additional information on various community resources to address the problems under consideration. (See [Mapping Community Resources Exercise](#) for ideas regarding programs and organizations that should be considered as potential resources. Although intended to address substance abuse, the types of resources it identifies are applicable to other problem areas as well.)

Once the available resources are compiled, stakeholders should consider what is possible. One reason to consider options to address the problem (see [Question 4](#)) before considering available resources is to avoid being constrained at the outset by resource issues. Initially, stakeholders may not be aware of all the different kinds of resources available in the community. An option that initially seems impossible might not be if resources are pooled across agencies or used in a different way. Mapping available resources also allows stakeholders to identify duplications and gaps in needed services.

After reviewing existing resources, stakeholders should also identify potential sources of new funding. What local, state, federal, and private foundation dollars might be available? Different stakeholders are aware of different pots of money. Forming partnerships to request dollars from several sources may be a more effective strategy than individual stakeholders approaching funding sources on their own.



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Question 6: How will you proceed given the prevalence of the problems, the possible options to address the problems, and the available resources?

Now it is time to reconsider the options identified under [Question 4](#) in light of

[Deciding how to proceed](#)

all the information gathered to this point. The effectiveness of each option will depend on your local legal and service cultures and available resources. Questions for the stakeholders include:

- Does the prevalence of the problem warrant a system-wide effort, or could it be addressed on a more limited scale?
- Given available resources in the community, can some individuals with the problem be addressed more easily/immediately? If initial efforts focus on these individuals, how will stakeholders continue to work on solutions for other groups of individuals with the problem?
- Could the problem be addressed by expanding an existing effort, or is a new program necessary?
- What are the benefits and drawbacks to expanding an existing program? How effective is the existing program, and what would the impact of expanding it be?
- If a new program is warranted, are there federal/state statutes that affect the design of the program?
- What political obstacles might interfere with the different options? Would it make more sense to start with a small pilot program and gradually expand it, or tackle the entire problem at once while momentum and interest are shared across stakeholders?
- What is the level of commitment among the stakeholders to develop new or redistribute existing resources to address the problem?

As noted under [Question 4](#), the best approach may involve several different options for different groups of individuals with the problem (e.g., first-time offenders, individuals with co-occurring disorders).

The remainder of this Toolkit guides stakeholders through a series of [Implementation Steps](#) to develop a problem-solving program. Although focused on court-centered programs, stakeholders interested in developing and implementing programs outside of court control also may find much of the content relevant for their consideration as well.



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III. Implementation Steps for Problem-Solving Court Programs

As stakeholders move through each of the implementation steps, it is important to develop an action plan that identifies who is responsible for doing what and by when. Some steps require stakeholders to do preliminary research before making decisions about how to proceed. If stakeholders are not clear regarding what information to collect, some work may be duplicated or left undone, resulting in ineffective stakeholder meetings.

Step 1: Identify stakeholders to involve in the planning process

Step 2: Identify possible models for the court-centered program

Step 3: Identify program goals and objectives

Step 4: Define target population and screening criteria

Step 5: Define terms of program participation

Step 5a: Legal status of participants

Step 5b: Fees and fines associated with the program

Step 5c: Attorney representation

Step 5d: Confidentiality

Step 6: Define primary substantive program elements

Step 6a: Assessment

Step 6b: Intervention and service delivery

Step 6c: Monitoring

Step 6d: Incentives and sanctions

Step 6e: Completion and follow-up

Step 7: Determine resources necessary and available to implement program elements

Step 7a: Estimating required program resources

Step 7b: Using and enhancing existing resources

Step 7c: Identifying and securing external resources

Step 8: Determine how the program will be phased in

Step 9: Specify management structure and program procedures

Step 10: Provide education and training for stakeholders and program staff

Step 11: Determine when and how to disseminate program information to the public

Step 12: Evaluate the program

Step 12a: Understand why and how evaluations are conducted

Step 12b: Review previous implementation steps to prepare for the program's evaluation

Step 12c: Select the evaluation methods

Step 12d: Identify who will do the evaluation

Step 12e: Secure adequate funding for the evaluation

Step 12f: Use evaluation results



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Step 1: Identify stakeholders to involve in the planning process

During the initial assessment, you identified key stakeholders to help you determine the nature and scope of the problems you are seeing in the court's caseload and to consider options to address the problems. Now that you have decided to implement a court-centered program, you need to revisit the initial group of stakeholders to ensure that all agencies, organizations, and groups essential to the success of the program are represented during the planning stage.

M Importance of stakeholders

M Buy-in from bench

M Buy-in from defenders

The specific partners necessary to build a successful program will depend on the problems you are addressing and the agencies that work regularly with the individuals exhibiting the problems. Individuals and groups to consider include judges, court administrators and other court professionals such as MIS staff, case managers, and security officers; prosecutors; defense attorneys; the bar; pretrial services; law enforcement; probation; corrections; health and social service agencies; treatment providers; sentencing advocates and mitigation specialists; victim services; educators and school administrators; funding bodies; court users; and relevant community organizations. See [Section IV](#) for examples of typical stakeholders involved in planning different types of problem-solving courts.

The planning group is intended to be broad-based and interdisciplinary. It provides guidance and direction as the planning process unfolds, determines the nature and scope of the program, identifies existing and new resources to support the program, monitors the program's adherence to its goals and objectives, and suggests revisions to court policies and procedures as appropriate. Because the planning process is time-intensive, it is best to charge a smaller team with designing the details of the program's operations. This group should include individuals who will be involved in the day-to-day operations of the program. The operational team should update the larger planning committee periodically and ask for assistance and guidance as issues arise.

Although rewarding, cross-system collaboration is difficult. Different goals, agendas, and perspectives drive participants, sometimes making it difficult to get all the players to the table much less engaged in productive discussions. If you are having difficulties, see [Special Topic 2](#) for more information. Also see [Gilligan and Carter \(2006\)](#) for tips on facilitating effective stakeholder meetings.

As you move forward in planning, it is important to periodically assess whether your planning group continues to represent all the relevant stakeholders to make your program successful. Do aspects of the planning process point out the need for other knowledgeable individuals? You may also find that partners who were initially hesitant to participate are more willing once they see progress being made (see [Rottman, Efke, and Casey, 1991, p. 25](#)).

Step 2: Identify possible models for the court-centered program

The planning committee should identify examples of various problem-solving court dockets to use as models as the planning process unfolds. There are many sources of information for more common types of problem-solving courts. See [Section IV](#) for links to descriptions of specific programs. If the planning committee is focusing on a new type of special court docket, it may still find these descriptions helpful in thinking through the primary components of the special docket it is creating.

M Visiting other jurisdictions

As you and the other committee members review the descriptions, you should highlight jurisdictions that are similar in size, demographic composition, and resources. The special court dockets in these jurisdictions may have features that would work particularly well in your jurisdiction. Follow-up phone calls with individuals from these courts may also be helpful to hear firsthand what worked and did not work as they developed their program. [Special Topic 3](#) lists questions you can use as a basis for gathering systematic information across different courts for comparison purposes.

You and the other planning committee members also should visit at least one, and preferably more, problem-solving dockets to see how they work in real life. Take notes about features of the court process you think could be adapted to your jurisdiction as well as features you do not think would work well. Following the visit, you and the other members can share your impressions and determine whether you are in agreement about moving forward.



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Step 3: Identify program goals and objectives

Early agreement on goals and objectives is important for the success of the planning

M Setting goals

M Specific court goals

process. Because different stakeholders have different priorities, it is critical that common goals and objectives be identified at the outset to guide all of the decisions that follow: “Leaders of successful partnerships state time and again that, long after launching their joint venture, reminding each other of the mission that originally focused the initiative has enabled them to overcome disagreements or missteps that subsequently threatened the collaboration” (see [Mental Health Consensus Project—“Defining the Scope of the Problem\(s\)”](#)).

Goals and objectives are usefully distinguished. Goals are general statements of the differences that your program will make. For example, common problem-solving court goals are to increase public safety and reduce recidivism among a targeted population. Objectives are specific statements regarding how the goals will be achieved. For example, an objective for a drug court could be that recidivism among those who complete the intervention will decrease by at least 10 percent.

Reviewing the stated goals and objectives of existing programs that address the problems of concern in your jurisdiction is a useful way to begin Step 3. Start with the jurisdictions identified in Step 2 that have models that could work in your jurisdiction. You can also review [Section IV](#) for examples of court goals and objectives for specific types of problem-solving courts.

Step 4: Define target population and screening criteria

It is time to decide whom and what kinds of offenses the program will target and what criteria will be used to determine a potential

M Target population: Drug Court

M Target population: Homeless Court

M Target population: Mental Health Court

participant’s eligibility for the program. The stakeholders should review the information already gathered about the nature and extent of the problem in the jurisdiction and approaches taken by other jurisdictions to address the problem. For an in-depth procedure for determining the target population, see [Costello and Johnson \(2002\)](#). Although written for drug courts, this resource could guide the planning efforts of any type of problem-solving court. The establishment of eligibility criteria involves considering the offense types and charges, history and potential for violence, prior criminal record, and the presence of underlying medical or social problems.

Much of the existing literature about problem-solving courts considers eligibility criteria within the context of existing resources (financial and otherwise) to address specific populations. At this stage, however, it is worthwhile to identify the *ideal* target population to meet the goals of the program. You will consider available resources and determine how to “phase-in” your program, if necessary, in subsequent steps. It is important at this point not to allow available resources to drive the target population.

Once the eligibility criteria for participation in the program have been established, a screening instrument and protocol will be needed to apply the criteria to potential program participants. Common screening procedures include examining criminal history and other records, discussing the case with the defense and prosecution, interviewing the potential participants (and family members if the participant is a juvenile), and using structured questions to interview individuals at a jail or detention center. The screeners should be trained to use the screening instrument and protocol. See [Section IV](#) for information on eligibility criteria and screening instruments for specific types of problem-solving courts.

As you work toward completing this step, you should consider how information on the screening process will be tracked for the program. Using an electronic format is preferable. See [Special Topic 4](#) for the kind of information that should be tracked for future program evaluation and [Step 12](#) for an overview of the evaluation process.



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Step 5: Define terms of program participation

The decisions made in Step 3 on the new program's goals and objectives and in Step 4 on the target population will guide the choices to be made when establishing terms of participation for those entering the program. Completing Step 5 requires that the stakeholders reach agreement on the following four basic elements of the program being planned.

- The **legal status** of persons entering the program must be defined, especially in relation to the consequences of failure in the problem-solving court program.
- The **fees and fines** for which participants will be responsible need to be set.
- Mechanisms for providing **attorney representation** to program participants need to be identified.
- Clear policies are needed to ensure the **confidentiality** of treatment or clinical information on participants, as are protocols for information-sharing among stake-holder organizations.

Step 5a: Legal status of participants

Problem-solving court programs differ in how far their participants have proceeded through the legal process. The [California Department of Alcohol and Drug Programs \(2006\)](#) describes several models for stakeholder groups to consider. Four of these models are described below with reference to drug courts, although they apply to most other types of problem-solving courts as well.

- Ⓜ Legal status: Judge
- Ⓜ Legal status: PD
- Ⓜ Legal status: Attorney
- Ⓜ Legal status: DA

- **Pre-plea** diversion programs afford drug possession offenders a stay of prosecution if they participate in court-supervised treatment. Upon successful completion of the drug court program the participant is discharged without a criminal record. Failure to complete the program leads to the filing of charges and adjudication.
- **Post-plea** programs require a defendant to enter a guilty plea before entering treatment. Treatment length might range from nine months to three years. Upon successful completion of the drug court program, the criminal charges are dismissed. Failure to complete the program leads to the sentencing phase of adjudication.
- **Post-adjudication** programs allow repeat drug offenders to enter treatment after their conviction, but before serving their sentences. Successful completion of the drug court program allows these offenders to serve their sentences in treatment instead of custody. Failure to complete the program leads directly to the activation of their sentences (the guilty plea is not stricken from the record when the program has been successfully completed).
- **Probation violators** are currently serving a sentence, and failure in the drug court program will result in the original sentence being activated.

In addition, **civil models** also exist, in which there is no criminal charge pending or adjudicated. Litigants in child custody cases, for example, may be required to enter treatment as a condition of retaining or regaining custody of their children. Failure to complete the program may lead to permanent loss of custody or termination of parental rights.

As an initial step, the stakeholders will need to identify the specific categories of plea and conviction options available to the program as specified in state statutes and court rules. In discussing which model is the most appropriate for a particular problem-solving program, the stakeholder group may wish to look at the prevalence of each model for specific types of courts. Information about legal status models for specific problem-solving courts is available in [Section IV](#). As a practical matter, many problem-solving programs will include participants with more than one type of legal status.

A general discussion of the pros and cons of alternative legal status models should be a part of Step 5, as well as consideration of the criteria to use when selecting the best option for a specific problem-solving court program. [Special Topic 5](#) addresses the pros and cons of pleading guilty as seen by prosecutors and defendants.



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Step 5b: Fees and fines associated with the program

Problem-solving court programs may require participants to pay fees and fines as a condition of participation. There are two main reasons to impose fees and fines. First, fees and fines help compensate courts and localities for the additional costs generally involved in problem-solving programs relative to those incurred in traditional adjudication for the same category of offenses and offenders. Second, payment of fees and fines is regarded as one way in which participants accept accountability for their actions (see [Georgia Drug Court Standards](#), p.14). Methods are available to adjust fine amounts for persons with differing levels of financial resources (see [Vera Institute of Justice, 1996, pp. 7-14](#)).

In considering appropriate levels of fines and fees, the stakeholder planning group should answer the following questions:

- First, if fees are assessed for specific offenses, how is the amount of the fee divided between the state and county? In some states, fees that largely revert to the state treasury are retained locally if they are collected in a problem-solving context. See for example, [Tennessee's Collections for the Drug Court Treatment Act of 2003](#).
- Second, does the county or other local government unit have the latitude to assess fees or fines above the levels set by state law?
- Third, will fees be collected weekly, per court appearance, or as a lump sum?
- Fourth, will the fee schedule include a "sliding scale" that reflects a participant's financial resources? See, for example, [National Association of Drug Court Professionals \(1997, p. 18\)](#).
- Fifth, will the fees collected be targeted toward general operating costs? Alternative uses include the practice in [Nevada County, California's adult drug court](#) of placing program fees into a trust fund. The fund assists program participants with rent or utility deposits and other items needed to establish a clean and sober life.

M Fines & fees

Step 5c: Attorney representation

Issues regarding the role of defense attorneys must be resolved early in the planning process. This presupposes that the defense bar, both public defenders and private attorneys, have been key stakeholders from the beginning of the project. In that way, the issues involved in the provision of attorney representation should be resolved relatively early in the planning process and thus avoid misunderstandings and conflicts as the program evolves.

For a specific program, the role of defense attorneys will be guided by the expected types of offenses, offenders prior criminal histories, and the legal status of offenders. Although problem-solving courts are often described as non-adversarial, legal representation often is standard practice at certain decision points such as entering a plea, signing a waiver of confidentiality, or consideration of possible expulsion from the program. Entry into a program, for example, potentially exposes defendants to more serious restraints on liberty than if they had entered a plea of guilty in a traditional court. Legal advice is essential at such decision points, even, if once enrolled in a program; participants rarely require routine access to legal representation (see, for example, [Freeman-Wilson, Sullivan, and Weinstein, 2003](#)).

The ethical issues likely to be confronted by an attorney with a client involved in a problem-solving court are addressed by the National Legal Aid and Defender Association's [Ten Tenets of Fair and Effective Problem Solving Courts](#). If it is anticipated that defense counsel will serve as members of the treatment team, the ethical issues associated with such a dual role need to be discussed and policies established at this step of the implementation process. Confidentiality of client to attorney communications needs to be protected, consistent with applicable ethical standards, as discussed in the [confidentiality](#) section.

M Homeless Court representation

M Community Court representation

M Mental Health Court representation



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Step 5d: Confidentiality

Problem-solving courts generate a larger amount of information about program participants than regular court processes, and also draw that information from a wider range of stakeholder organizations. Reaching agreement on how information will be shared promotes trust among the stakeholders and between the participants and the program.

- Ⓜ Confidentiality: General
- Ⓜ Confidentiality: Domestic Violence

Federal confidentiality laws must be followed in all courts. A practical guide to applying those laws to problem-solving programs is available for drug courts and is broadly applicable to other problem-solving models. (See [Drug Court Clearinghouse and Technical Assistance Project, 1999](#).)

Issues of confidentiality unique to problem-solving courts and requiring waivers of confidentiality rights take three main forms.

- First, program participants are asked to sign agreements to waive certain rights to the confidentiality of information about their treatment. Sample confidentiality agreements are available for some courts in [Section IV](#). Mental health courts as well as juvenile and family drug courts raise some specific issues detailed in their court profiles. Confidentiality is a major issue for victim safety in domestic violence courts.
- Second, if the program uses team meetings, its members and any “guests” (including researchers) must sign a confidentiality agreement. In most programs, it will be necessary to keep separate files for the program and for the court records.
- Third, problem-solving courts raise unique confidentiality issues for court administrators. Drug courts and other problem-solving courts routinely collect information about program participants that should not be included in court files. There should be separate “treatment” and “court” files to preserve the confidentiality of the kinds of information on participants collected for treatment purposes, as is the policy of the [San Diego Drug Court](#) and as discussed by the [Texas Association of Drug Court Professionals \(2005, pp. 30-31 and Appendix C\)](#).

Step 6: Define primary substantive program elements

The substantive program elements are the heart of the problem-solving approach. They focus on the individual needs of each participant and help ensure a successful intervention. The following program elements are covered under this step:

- Assessment,
- Intervention and service delivery,
- Monitoring,
- Incentives and sanctions, and
- Completion and follow-up.

Step 6a: Assessment

After an offender is determined to be eligible and has agreed to participate in the program, further assessment is needed to determine what treatment and services the participant needs.

- Ⓜ Assessment: Youth Justice
- Ⓜ Assessment: Mental Health
- Ⓜ Assessment: Domestic Violence

The assessment determines a participant’s suitability for treatment and placement in a particular setting or program and gathers the information necessary to build an individualized treatment plan.

The assessment will examine areas similar to the ones included during the eligibility screening, but the instrument used to conduct the assessment will entail a more detailed consideration of family and social relationships, employment and educational history, and offender status. The assessment instrument should be reliable and validated as appropriate for the target population and should be administered by a trained professional.

Many assessment instruments are available free of charge. The costs of administering and scoring the assessment tool vary with the instrument’s length and complexity. Different assessment instruments are used for each kind of problem-solving court. For court-specific information regarding assessment, see [Section IV](#).



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Step 6b: Intervention and service delivery

Treatment plans

After the assessment has been completed, the court team needs to finalize an individualized treatment plan. Program requirements and expectations such as fees, incentives, sanctions for noncompliance, duration, how to successfully complete the program, consequences of not completing the program, and treatment options versus treatment requirements need to be made clear to participants from the beginning.

The individualized treatment plan identifies the interventions and services to be provided to participants. Participants commonly participate in either outpatient or inpatient/residential treatment, a transitional living arrangement, frequent and random drug testing (if substance abuse is identified), individual and group counseling, self-help activities, and educational/vocational programs. Court programs should strive to use evidence-based programs and treatment practices.

The duration of the program will vary for each participant. It is important to ensure that the individual understands the voluntary nature of the program and the time commitment involved for treatment. The planning group can determine the minimum and maximum period for program completion. Most require between one and two years to complete; some might be as short as six months or as long as three years. The maximum length of judicially supervised treatment could be set according to the maximum length of probation, which varies for misdemeanor and felony offenses. Some programs try to calculate the maximum length of participation according to the maximum length of time that the offender would have spent in prison if he or she opted not to participate in the program. However, the integral role of plea bargaining means that there could be a discrepancy between the length of time an offender could theoretically spend in jail versus the actual time sentenced or served.

Most programs establish phases or steps that participants must complete to move forward through the program. Each phase should have specific treatment objectives, therapeutic and rehabilitative activities, and clear requirements for advancement to the next phase. Phases also specify the number of times the participant must meet with a supervisor, the number of times the participant must appear in court, support group attendance, fees, education or work, consequences of compliance or noncompliance with all court orders, and so forth.

The program's phases usually include stabilization (initial treatment, screening for other needs, education), intensive treatment (individual and group counseling, therapy), and transition (social reintegration, education, employment, housing, and aftercare activities).

The [Texas Association of Drug Court Professionals \(2005, pp. 38-40\)](#) provides an example of a four-phase treatment plan. Although written for a drug court, many of the plan elements are applicable to other types of problem-solving courts as well.

The treatment plan should have short- and long-term goals, and should be reassessed at pre-determined intervals to ensure that it remains appropriate for the individual. Reassessment should consider compliance with the treatment elements, changes in the participant's environment, recent behavior, and newly identified needs. The treatment plan can be adjusted accordingly.

For court-specific information regarding intervention and service delivery, see [Section IV](#).



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Step 6c: Monitoring

Monitoring ensures and rewards adherence to court orders, adjusts treatment plans as necessary, and sanctions non-compliance. In this step, the planning team identifies the court's strategy for monitoring participants' progress through the program.

-  **Monitoring: Mental Health**
-  **Monitoring: Domestic Violence**
-  **Monitoring: Drug Treatment**

Participants' progress is measured by their compliance with the conditions and orders imposed by the court. If a participant is not complying with a component of the treatment plan, the court team should examine why. The participant's home environment may not be conducive to compliance, or perhaps the participant is having trouble physically getting to the courthouse or making appointments due to transportation issues. Noncompliance should never be ignored. Minor violations are common and may require a review and adjustment of the treatment plan. The manner in which the court explains changes in the treatment plan may have an effect on the attitude and behavior of the participant toward the treatment in general.

Case managers are responsible for monitoring compliance with the conditions imposed by the program and usually are responsible for making referrals to treatment providers and community services. Case managers might be employees of the court, treatment providers, or law enforcement officers. Regardless of their professional role, they need to communicate effectively to the court about the status of participants' treatment and overall progress. All defendants will not require the same level of supervision; criteria should be established to determine the appropriate level of case management for each participant.

Court team meetings and status hearings are important components of monitoring a participant's progress. Case-staffing meetings allow the court team to discuss each case and determine whether rewards or sanctions should be imposed. If possible, these meetings should include representatives from the prosecution, defense, treatment providers, court supervision agency, and the judiciary. Court status hearings allow the court to reward progress and compliance, sanction noncompliance, and ensure ongoing communication between the participant and the court team. The frequency of hearings is based on need and is usually weekly to start.

For court-specific information regarding judicial and case monitoring, see [Section IV](#).

Step 6d: Incentives and sanctions


Incentives and sanctions should be designed to reinforce or modify behavior and are not perceived solely as a punishment. It is important to apply

them immediately—to link the behavior with the consequence; predictably—to ensure that participants understand the consequences of compliance versus noncompliance; and consistently—to ensure fairness across participants. Rewards and sanctions can be individualized so that their effects are maximized for each participant. Family members may have suggestions for incentives and sanctions that are particularly meaningful to the participant.

Incentives and rewards should be given for exemplary adherence to court orders and conditions and when participants go above and beyond the requirements and expectations of their individualized treatment plan. Rewards for incremental success are appropriate and serve to affirm participants' sense of purpose and accomplishment. It can boost their self-esteem and confidence that they can make it through the program and beyond.

Examples of rewards and incentives include a priority position in the order of cases called, praise from the judge, applause in court, increased time between status hearings, certificates for completion of treatment, birthday and special-occasion cards, gift certificates for food or entertainment, a reduction in community service hours, reduced fees for probation supervision or drug testing, special seating in court, and so forth. The planning team might consider contacting local businesses and community groups to provide incentives and rewards, such as gift certificates and coupons.

Examples of sanctions include judicial reprimands, journal assignments, increased frequency of status hearings, demotion to earlier program phases, increased supervision intensity (e.g., meetings with a probation officer or case manager, drug testing), restriction of privileges (e.g., curfew, travel), community service, jail, or expulsion from the program. Information about potential sanctions should be explained at the outset of the program so that participants know the consequences of noncompliance with various elements of the court's program. Sanctions for noncompliance should increase in severity and may include the threat and imposition of jail time.

-  **Incentives & sanctions: Mental Health**
-  **Incentives & sanctions: Domestic Violence**
-  **Incentives & sanctions: Drug Treatment**
-  **Incentives & sanctions: Community Court**



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It is important that sanctions come from the court. Participants may develop negative attitudes toward treatment if sanctions are associated with their treatment provider. Courts should keep a record of the incentives/rewards and sanctions used. See [Special Topic 4](#) for a list of items that can be recorded to aid in future evaluations of the intervention.

For court-specific information regarding incentives and sanctions, see [Section IV](#).

Step 6e: Completion and follow-up

Requirements for program completion will be determined during the [Intervention and service delivery](#) part of Step 6. However, there are several other issues about program completion and follow-up that the planning team should consider.

-  [Homeless Court completion](#)
-  [DV Program completion](#)
-  [Failure to complete](#)

For example, many courts organize some sort of ceremony to celebrate a participant's completion of the court program. Local businesses or community groups may be willing to sponsor certificates and gifts for the participants who complete the program. Some practitioners avoid using the term "graduation" because this suggests finality or the end of a process. In fact, while the court program might be finished, the participant will always need to work on problems such as substance abuse, mental health, or anger management that contributed to his or her unlawful behavior and presence in court in the first place. On the other hand, some practitioners find the recognition to serve as invaluable positive reinforcement as clients move forward with their lives.

One of the most important responsibilities of the case manager is to ensure that the transition from court-mandated services to post-program services does not disrupt the continuity of treatment. Keys to participants' success in permanently changing their behavior and lifestyle choices are continuity of treatment and services after they complete the court program and support from family and from the community in general. Unfortunately, it is inevitable that some participants who successfully complete the court program will relapse, but the court team needs to keep in mind that this may be a necessary part of recovery for some individuals.

For court-specific information regarding program completion and follow-up, see [Section IV](#).

Step 7: Determine resources necessary and available to implement program elements

With Step 6 completed, the Planning Committee has specified how it defines the five key elements for the new program. Those elements are: (1) assessment, (2) intervention and service delivery, (3) monitoring, (4) incentives and sanctions, and (5) completion and follow up.

This step determines what resources are necessary to implement the program's elements, given the target population, and the availability of those resources. If resources prove scarce, [Step 8](#) considers phasing in the program to accommodate the resources that are available.

Three topics covered in this step to help the planning committee determine program resource needs and identify strategies to address the needs are:

- [Estimating required program resources](#). Step 7 starts with the planning committee making a realistic estimate of the resources that are needed to implement the program elements as specified. The estimate is not based on *available* resources but on *needed* resources.
- [Using and enhancing existing resources](#). Next, the committee examines the extent to which the desired resources are currently available from the stakeholder organizations or from other organizations in the community. In effect, the committee takes an inventory of existing resources and considers the potential for enhancing those resources through better coordination and cooperation.
- [Identifying and securing external resources](#). If the needed resources cannot be secured from local existing justice and treatment system sources, the committee identifies opportunities to obtain resources through an outside source as an "in-kind" contribution to the program or as new funding from government entities and private foundations. Success in securing outside funding will require skills such as outreach and grant writing that may require turning for help from professionals not on the committee.



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Step 7a: Estimating required program resources

Developing a list of required resources

M Identifying service needs

is the starting point. The objective is a “wish list” not greatly constrained by the committee’s knowledge of currently available resources. Resources to be considered include operational needs such as staffing (increasing the number of existing staff positions or creating new positions), intellectual property (e.g., assessment instruments), drug-and-alcohol testing services, and bed spaces in criminal justice and treatment institutions. In addition, a variety of services will be needed and will vary somewhat based on the target population (see, for example [Judicial Council of California \(2006\): Collaborative Justice Courts Resource Workbook](#), Part I, p. 8 on how to conduct an environmental scan and p. 11 on how to determine resource capability and needs).

In addition to these ongoing operational requirements, there are likely to be initial start-up capital costs for new facilities or renovations, computer hardware, and computer software. Information technology suitable to track and monitor clients deserves special consideration (see [Special Topic 4](#)).

To develop a list of required resources, the planning committee can consult descriptions of existing programs with similar objectives and target populations to those proposed for the new program. [Section IV](#) provides examples for specific types of problem-solving courts (see entries under Step 2 for each type of court). Evaluation reports also provide good descriptions of program resources (see entries under Step 12 in [Section IV](#)).

Step 7b: Using and enhancing existing resources

The process of identifying existing

M Identifying existing resources

resources that can be directed or expanded to meet the new program’s

M Redeploying resources

needs starts with the stakeholder groups. Basic questions for the planning committee to address include which treatment providers already provide services to your target population and with what perceived or tested effectiveness, which additional agencies might be available to provide treatment and other services for your target population, and which agencies have the capability of monitoring client progress.

The stakeholder group should also consider opportunities for redirecting existing resources and enhanced coordination among agencies to secure what is needed (see, [Office of Juvenile Justice and Delinquency Prevention, 2003, p. 38](#)). An example is provided by the implementation of the Midtown Community Court, which required a greatly enhanced form of defendant assessment (see [Sviridoff, Rottman, and Weidner, 2000, pp. 10-12](#)). This was made possible by the willingness of the local pre-trial resources agency to increase the length and complexity of its standard assessment tool and to administer that tool to a larger than usual proportion of defendants.

In moving beyond the immediate circle of stakeholders, a mapping community resources exercise offers a practical basis for taking a comprehensive look at locally available resources (see [Texas Association of Drug Court Professionals, 2005, Appendix Table](#)).



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Step 7c: Identifying and securing external resources

Outside funding is most likely to be available to provide new resources associated with start-up and initial operational expenses. Most problem-solving programs confront the two-stage problem of securing resources for the implementation phase and then finding continued funding to take the program forward as a permanent part of the justice system. Generally, initial funding is easier to secure than long-term operational funding.

External funding sources

Funding for program resources can be sought from (a) in-kind contributions by stakeholders and other justice or treatment system organizations, (b) local funding sources including private foundations and local government agencies, and (c) the federal government.

[Tauber, Weinstein, Allen, and Lieupo \(2000\)](#) offer a comprehensive guide to outside funding sources for drug courts, including all levels of government and also non-governmental sources. Though targeted to drug courts, its suggestions serve as a framework for thinking through potential sources of funding for other types of courts as well. (See, also, [Office of Juvenile Justice and Delinquency Prevention, 2003, p. 42](#)). The [Asset-Based Community Development Institute](#) provides resources on the importance of building and leveraging community assets as a strategy to increase the success of grant proposals.

Federal funding primarily is available for drug courts and mental health courts. Federal funding for all types of programs also may be available through technical assistance programs (see, for example, the [Bureau of Justice Assistance grants information](#)). Possible sources of in-kind services and funding include state and local government, colleges and universities. Planners also should consider how existing funds could be leveraged to obtain additional funds for program, staff, or facilities. See [Section IV](#) for court-specific information on resources.

Evaluations of the outcomes and costs/benefits from existing examples of the planned program will be persuasive evidence to present to potential funders and partners (see [Step 12](#)). An evaluation plan can prove decisive in seeking community and legislative support (see, for example, [Office of Juvenile Justice and Delinquency Prevention, 2003, p. 41](#)).

Prospective funders should know that problem-solving court programs have garnered widespread support among judges, court administrators, legislators, and executive branch office-holders (see, for example, the Conference of Chief Justices and the Conference of State Court Administrators' 2004 [resolution](#) in support of problem-solving courts; the Fact Sheet included under Tab 7 of the [Judicial Council of California's 2006 Faculty Guide on Applying Collaborative Justice Court Principles and Practices](#); and the National Drug Court Institute's [Drug Court Facts](#) and drug court [benefits](#)). Evaluations of problem-solving court programs have become both more rigorous and more positive in recent years. Drug courts have been shown to generate significant reductions in recidivism (see, for example, [Government Accountability Office, 2005](#)) and cost savings (see, for example, [California Administrative Office of the Courts, 2006](#)). There are fewer evaluations to draw on for other programs, but initial results are encouraging. Testimonials and success stories also help funders understand the impact a problem-solving court program is having on community problems and help bring empirical data to life.

Finally, consideration should be given to the use of volunteers. This will clearly be inappropriate for some programs but a viable option for others. Adding volunteers to the program team requires that a process be in place for screening community applicants.



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Step 8: Determine how the program will be phased in

This step reviews the problem-solving program's target population and screening criteria in light of the resources available as determined in [Step 7](#). If your current resources will not support the targeted population, the target population will have to be narrowed until more resources become available. The target population can be narrowed based on several factors such as offenses (e.g., allow only individuals who are charged with misdemeanor or nonviolent offenses); treatment needs (e.g., those with dual diagnosis are excluded because there are no treatment programs available); the number of clients that court staff, attorneys, and treatment providers can handle; and the number of clients that can be effectively monitored.

Even if resources are adequate, it may be wise to phase in aspects of the program in periodic intervals to give the team an opportunity to test the policies and procedures before moving on to the next. [Sack \(2002, pp. 39-40\)](#) discusses this concept in the context of domestic violence courts.

Although the target population may be narrowed initially, the planning committee also should consider how the scope of the program could gradually expand to accommodate the original target population. In [Step 3](#), the planning committee identified the goals of the program; and in [Step 4](#), the committee identified the target population based on those goals. The committee should develop a long-term plan to eventually reach the original target population. The plan should consider, for example, what additional resources are needed, how they will be obtained, and the timeline for expansion. If, for example, the target population cannot be reached because of a lack of services, the committee should ask treatment agencies how much lead time they will need to increase their current service delivery capacity.

The plan, original program goals, and target population should be periodically reviewed to make adjustments as needed. For example, is the number of program clients meeting, exceeding, or falling short of expectations? Are there new conditions in the community that warrant a focus on other types of offenders? What types of services are used/needed the most? The committee should make decisions to adjust the goals and target population given empirical information and not just let the program “drift” or evolve in other directions.

Evolving programs

Step 9: Specify management structure and program procedures

There is no one model for managing a problem-solving court. Management depends on factors such as the number of staff involved, the size of the court, resources of the court and partner agencies, number of cases, and so forth.

It is important to specify the management structure and process as much as possible before starting the program to avoid creating policy “on the fly” and to reduce misunderstandings about roles and procedures.

Memoranda of understanding (MOU) aid this process by specifying the roles and responsibilities of the various partners, including the judge's role as key decision maker, and outlining communication and information-sharing procedures. They also memorialize verbal agreements made by program developers and help demonstrate collaborative efforts among program partners to potential funding sources. (See [Council of State Governments, 2005, p. 78](#) and [Sack, 2002, p. 38](#) for general discussions of interagency agreements and American University's Justice Programs Office for [MOU](#) examples.)

Specifying roles, responsibilities, and procedures in a manual or other reference document also helps ensure that team members understand program procedures and are operating on the same page. The [Council of State Governments \(2005, pp. 77-78\)](#) lists several areas that should be documented for mental health courts that also are applicable to other types of courts:

- Project history and partners
- Project goals and objectives
- Eligibility criteria
- Information-sharing protocols
- Referral and screening procedures
- Treatment resources
- Case-staffing and status-hearing procedures
- Sanctions and incentives
- Advocacy efforts

Policies and procedures

Ongoing program assessment

Information management

Treatment provider oversight



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Although the planning team may have discussed these areas under other implementation steps, this is an opportunity to record decisions and outline the flow of the entire process to identify any gaps or redundancies in program operations. (See American University's Justice Programs Office for examples of [manuals](#) and [operational materials](#).)

The activities of problem-solving courts also should be coordinated with general court administration. A key way to achieve coordination is to integrate the problem-solving court's case-processing information into the general case-processing system (see discussion of management information systems in [Special Topic 4](#)). Court administration will be more aware of the problem-solving court's caseload if the program's cases are tracked and reported along with other court cases. This visibility is important if problem-solving courts are to achieve institutionalization as a routine part of a court's business. (See forthcoming monograph by the National Center for State Courts' David Steelman, Lawrence Webster, and Erika Friess. Contact [David Steelman](#) for information). Integrating problem-solving case-processing into the court's general case-processing system also aids in case coordination by helping the judge know whether an individual has other cases pending—a particularly critical issue for cases involving family violence and custody issues.

Problem-solving courts typically have one or more case managers to assist and track clients through various phases of the program. The case manager could be from the court or one or more treatment agencies (see [Casey and Hewitt, 2001, pp. 36-38](#)). For an in-depth discussion of the case manager's role and responsibilities, see [Monchick, Scheyett, and Pfeifer \(2006\)](#).

Finally, the planning committee should build periodic program assessments into the management protocols. Periodic assessments should give all stakeholders an opportunity to consider what is working well, what objectives may have changed or "morphed" over time and whether those changes should continue, what issues need to be addressed, whether and how the program should be expanded or contracted, and so forth. The assessments should incorporate empirical information about the program's operation (see [Step 12](#)).

Step 10: Provide education and training for stakeholders and program staff

Before the program begins operating, staff should be well trained in the multiple and complex issues that clients bring with them. Judges and program professionals should be trained on specific, relevant topics related to their own role within the program, as well as cross-trained with staff from agencies involved in the program. Interdisciplinary training or cross-training is important because treatment providers need to understand the legal, and judges and court staff the treatment side, of the program.

- 📖 Education: Substance Abuse
- 📖 Education: Domestic Violence
- 📖 Education: Mental Health
- 📖 Education: Treatment Providers
- 📖 Education: Attorneys

Before the opening of the program, educate each team member about the philosophies, policies, and procedures of the treatment and justice system components of the program. Each team member should understand the roles and responsibilities of the other team members. Training everyone together helps promote a shared understanding of the goals, objectives, and procedures that apply to each staff's role. For stakeholders who are not directly involved in the operations of the court-centered program, training provides them with a better understanding of the overall procedures.

Training can be accomplished inexpensively by having agency personnel train court staff, and court staff train agency personnel, regarding their roles and perspectives within the program and the criminal justice system generally. Topics for training could include: ethics, legal processes, adolescent development, treatment approaches, cultural competency, monitoring and evaluation methods, due process, law enforcement guidelines, education resources and requirements, and safety and security issues.

Once the program is in full swing, ongoing training and continuing education are crucial. It will show team members that their hard work is recognized, appreciated, and rewarded. It could also help reinvigorate tired staff to meet the goals and objectives of the program.

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Initial program training can be held as a series of formal classroom sessions to orient and educate staff members and stakeholders. Ongoing training might be held annually or biannually. The following methods may also be effective:

- Cross-overs between new and outgoing staff members help ensure operational consistency.
- Regional, state, and national conferences are a great source of educational resources, information, and networking for team members.
- Experienced staff or judges can mentor new staff or judges.
- Visits to existing court-centered programs allow staff to speak directly with their counterparts in established programs.

For court-specific information regarding education and training, see [Section IV](#).

Step 11: Determine when and how to disseminate program information to the public

Public outreach and disseminating information about the program is important for establishing and maintaining legitimacy

 Outreach

 Publicity & recognition

in the eyes of the community and securing funding for continued operation. The planning team members need to decide who is going to be responsible for outreach activities. Should a new group be assembled to focus on advertising and outreach? Should a court staff member be designated to represent the court at public activities and hearings? A special community advisory committee allows program staff and community members to work together to address community concerns with the program, or with the target population in general.

The optimal timing for outreach and public education differs depending on the type of program you establish. It might be more appropriate to convene focus groups, public forums, and meetings with individual business and political leaders if the program will focus on community problems such as homelessness and quality-of-life crimes (e.g. loitering, prostitution). For these programs, the more time that is spent engaging community individuals and groups from the outset, the easier it will be to mobilize them if their help is needed for future grant work, publicity, or meetings. See [Community Court Programs](#) for specific examples of how outreach contributes to success.

For other programs such as drug, domestic violence, or mental health courts, it may be prudent to wait until a few successful graduates have emerged before engaging in public outreach. Stakeholders should carefully consider the timing of outreach efforts to coincide with the best stage of implementation.

When the program does engage in public outreach and education, the stakeholders may encounter reluctance from some community members to embrace the program. [Tauber \(1999, pp. 9-10\)](#) suggests emphasizing issues such as personal accountability and court supervision rather than the treatment aspects of the program. While the court will need to be open-minded and responsive to public attitudes, it needs to educate the public about what it can and cannot do to address the problems of the target population and the community while preserving judicial independence. The court cannot solve all social problems, so the community needs to understand what the court's role will be in addressing the problems chosen.

Outreach should focus on the program's graduates and the volunteers and program staff who make the court possible. The program can also advertise its outcomes, funding awards, and milestones in achievement of its goals and objectives. Communication and information about the program should be tailored to the specific audience (e.g., community members, local funding sources, law enforcement).

Developing community awareness and support can be a low- or no-cost activity. Printing costs for brochures, reports, or materials about the program could be reduced or eliminated by approaching government agencies, local education institutions, or business print shops for in-kind or at-cost assistance. See [Special Topic 6](#) for a list of methods to disseminate information.

For court-specific information regarding the dissemination of program information, see [Section IV](#).



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Step 12: Evaluate the program

An evaluation is an essential component of any new program. Evaluations offer critical information and guidance as the program evolves. Conducting an evaluation is the best way to know if your program is meeting its objectives. “Monitoring and evaluation measure the achievement of program goals and gauge effectiveness” is a key component of drug courts ([National Association of Drug Court Professionals, 1997, pp. 17-20](#)) that is applicable to all problem-solving courts.

Importance of evaluation

Evaluations are essential but also complex. Fortunately, there is a vast array of resources to help the planning committee as it works its way through the following actions:

- [Understand why and how evaluations are conducted](#). This includes looking at existing evaluations of programs with comparable objectives and scale to what is being planned.
- [Review previous implementation steps to prepare for the program's evaluation](#). A meaningful evaluation is possible only when the planning committee has successfully completed previous steps in the Toolkit.
- [Select the evaluation methods](#). There are four main types of evaluations: process, outcome, cost effectiveness, and cost-benefit.
- [Identify who will do the evaluation](#). Evaluations often are conducted by outside experts. Large-scale new programs, such as the Midtown Community Court included inside evaluators as well.
- [Secure adequate funding for the evaluation](#). Implementation grants sometimes include the costs of an evaluation. In other situations, the costs of the evaluation will require a specific funding source.
- [Use evaluation results](#). There is little point in conducting an evaluation unless the program team is committed to meeting regularly with the evaluators to consider the information collected.

Basic guides to conducting program evaluations are available for specific types of courts in [Section IV](#).

Step 12a: Understand why and how evaluations are conducted

The planning committee may not immediately appreciate the importance of including an evaluation as a step in program implementation. There is an understandable reluctance to subject a new program to evaluation. Some may feel it simply unfair to expect demonstrable results before a program has matured. There may be a tendency to push the task of evaluation off into the future, as something that can be dealt with once the program is up and running.

Evaluation methods are essential tools for the planning committee and program managers. As a practical matter, an evaluation may be a requirement for receipt of funding from the federal government and other sources. Prospective funders for continuation of the program will expect that evaluation findings are available.

The goal here is to make the planning committee informed consumers when reviewing their evaluation options. The Bureau of Justice Assistance's [Center for Program Evaluation](#) offers a beginner's guide to what an evaluation entails with reference to five topics:

- Getting started
- Planning the evaluation
- Assessing program performance
- Data collection
- Reporting and using evaluation results

The same source is a repository for completed evaluations. For adult drug courts, the findings from the evaluations to date have been thoughtfully summarized in a report by the [Government Accounting Office \(2005\)](#).



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Step 12b: Review previous implementation steps to prepare for the program's evaluation

Before undertaking an evaluation, the planning committee should complete:

Step 3: Identifying goals and objectives in a precise enough manner to measure whether the goals have been achieved.

Step 4: Ensuring that the information collected through assessment and monitoring will permit quantification of program outcomes and costs. See [Special Topic 4](#) on outcome data.

Step 7: Identifying and securing the information management resources that can merge information from various stakeholders. See [Special Topic 4](#) for an introduction to management information systems (MIS) requirements.

Step 9: Adopting management principles and methods that support the day-to-day activities needed to accumulate high quality information for evaluation purposes, and developing procedures to merge evaluation findings into planning and operational decision-making. This has implications for the role of case managers: “The case manager ensures that all relevant information is accurately, promptly, and systematically documented so that ongoing monitoring of the participants and evaluation of the program can occur” ([Monchick, Scheyett, and Pfeifer, 2006, pp. 57-60](#)).

Step 12c: Select the evaluations methods

There are four main types of evaluation:

M Outcome evaluation

- Process evaluations monitor the extent to which program implementation and operation is evolving consistent with the planning committee's expectations. A basic question answered by process evaluations is whether the program is reaching its target population.
- Outcome evaluations measure the degree to which the program's objectives have been met. Generally, the reference point is what happens to participants who complete the program. Recidivism and substance abuse are key outcome measures. The core method is to compare outcomes experienced by program participants with those of a similar group that experienced traditional court processes. Such evaluations require careful attention to the selection of an appropriate comparison group to determine whether the program is making a difference. Expert advice is essential to that task.
- Cost-effectiveness evaluations compare “add-on” costs associated with a new program against costs associated with traditional case processing.
- Cost-benefit analyses take the total costs of the new program and compare that amount to the actual or estimated benefits to the criminal justice system or to the entire community.

The Midtown Community Court is an example of a new program subjected to all four evaluation methods. See [Sviridoff, Rottman, and Curtis \(1997\)](#) for the initial process and outcome evaluations of the court and [Sviridoff, Rottman, and Weidner \(2001\)](#) for an executive summary or [Sviridoff, Rottman, and Weidner \(2002\)](#) for the full report of the court's Phase II process, outcome, cost-effectiveness and cost-benefit evaluation.

In practical application, the four methods are independent. A process evaluation can stand on its own and guide program implementation, but it will not speak to outcomes. An outcome evaluation is of little use unless it was preceded by a process evaluation that ensures that the new program was implemented as intended. Cost-effectiveness and cost-benefit evaluations require information obtained from conducting both a process and an outcome evaluation.



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Step 12d: Identify who will do the evaluation

A basic decision for the planning team is whether the evaluation will be conducted internally or by an outside group hired for that purpose. Guides exist for conducting self-evaluations (e.g., [Roehl, Guertin, Huitt, and Soos, 2002](#)). This approach might be appropriate for programs with a relatively small number of participants. For some programs, cost considerations may make a self-evaluation the only viable approach. Faculty from local universities may be willing to provide pro bono assistance to the planning team in designing the self-evaluation and analyzing the results.

Outcome evaluations and cost-benefit evaluations require specialized technical expertise for meaningful results. Process evaluations raise fewer technical challenges but the value of the evaluation is likely to be enhanced by the fresh perspective that an outside observer can provide. As with self-evaluations, university faculty may be willing to serve as outside evaluators in exchange for access to the data generated by the evaluation.

Step 12e: Secure adequate funding for the evaluation

Some implementation grants for new programs include the costs of evaluation. The Bureau of Justice Assistance provides directions on how to seek funding for an evaluation when responding to “requests for proposals” issued by federal agencies (see [SEARCH, 2003, pp. 59-64](#)). [Maxfield \(2004\)](#) offers advice on conducting frugal evaluations. Faculty from local universities may be willing to provide evaluation services on a pro bono or low cost basis.

The amount of money to be raised depends on the scale of the evaluation. Generally, a process evaluation is least expensive and a cost-benefit analysis the most expensive to implement. Outcome evaluations are complicated and require significant investments in program staff time. Cost-benefit evaluations depend on a completed outcome evaluation and raise technical issues regarding the calculation of benefits. A rigorous outcome evaluation typically will require special outside funding. The National Institute of Justice uses an evaluability assessment to decide when to fund program evaluations (see [Zedlewski and Murphy, 2006](#)). It can inform the planning committee’s efforts to secure funding for its own evaluation.

Step 12f: Use evaluation results

The planning committee needs to agree on how the evaluation findings will enhance the effectiveness of the implementation process (see [Reporting and Using Evaluation Results](#) from the Bureau of Justice Assistance Center for Program Assistance). The most meticulous and expensive evaluation will not be worthwhile unless it is integrated into the program team’s decision-making.

[Step 9](#) noted that the planning committee needs to meet periodically to assess how the program is going using data, if available, to inform its deliberations. The committee and program team’s formal consideration of evaluation findings should be more frequent if a process or outcome evaluation is underway. In this way, the evaluation will keep the planning committee focused on its stated objectives and indicate where corrective steps are needed. Quarterly or even monthly meetings may be appropriate. Outside evaluators should be invited to make presentations to the committee and program team and join in their discussions. [Monchick, Scheyett, and Pfeifer \(2006, p. 59\)](#) advise that “The evaluator and the case manager, among others, must be collaborative partners in the evaluation process and understand their prospective roles.”

The results of an evaluation will be of considerable value in pursuing continuation or additional funding for the program. In anticipation of that purpose, relevant audiences for the evaluation results should be identified (see [Justice Management Institute, 1998, Section II](#) for a list of suggestions.)

It is most important, however, that evaluations be designed to serve as a guide to the program team in making the best choices as changes inevitably need to be made as the implementation proceeds.

M Using data



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IV. Resources for Problem-Solving Court Programs

Community Court Programs

Step 1: Typical Stakeholders

Working with the community

Philosophy of accountability

- [Lee \(2000, p. 4\)](#) reports that typical community court planning committees include representatives from the courts, district attorneys' offices, police departments, social service agencies, and communities. Public defenders also are included on some committees. When formal committees are not established, lead planners or coordinators of the effort engaged stakeholders informally.

Step 2: Examples of Community Court Programs

- [Feinblatt and Berman \(2001\)](#) describes the planning process for and components of the Midtown Community Court in New York.
- [Lee \(2000, pp. 9-18\)](#) provides profiles of ten community courts.
- For information on international community court programs, see
 - ▲ [England's North Liverpool Community Justice Centre.](#)
 - ▲ [England's Salford Community Justice Initiative.](#)
 - ▲ [Neighborhood Justice Center in Victoria, Australia.](#)
 - ▲ [Singapore Community Court.](#)
 - ▲ [Lue-Dugmore, Karth, and Redpath \(2006\)](#) for a description of three community courts in South Africa.

Step 3: Goals and Objectives

- Common goals include establishing community norms and creating an environment supporting revitalization efforts.
- The objectives of the Hartford (CT) Community Court include: "they aim to sanction offenders; improve local community quality of life by reducing low-level crime; provide some pay-back to local communities for some of the quality of life crime these communities have been subjected to; and aid offenders in overcoming personal problems that contributed to their wrongful behavior and in many instances may result in more serious future criminal activity by these offenders if what causes these problems is not corrected" ([Johnstone, 2001, p. 124](#)).

Step 4: Target Population and Screening Criteria

- [Intake assessment form](#) used in the [Bronx Community Solutions](#) initiative.
- The Hartford Community Court hears misdemeanors such as criminal trespass, larceny, and possession of marijuana, and city ordinance offenses such as loitering, public drinking, and excessive noise. The court will not hear cases in which the defendant is charged with particularly aggressive forms of violence, or drug offenses other than first-time charges of marijuana possession ([Johnstone, 2001, p.130](#)).

Step 5: Terms of Program Participation

Step 5a: Legal status of participants

- The Hartford Community Court uses the post-plea model. If conditions imposed on the defendant are met, the case will be dismissed, and public records of the case deleted ([Johnstone, 2001, p.133](#)). Defendants who plead guilty may refuse community service and pay a fine instead. Those who plead not guilty may request a bench or jury trial; the former may be heard by the court's judge whereas the latter is transferred to superior court ([Weidner, 1999, p. 14](#)).

Step 5b: Fees and fines associated with the program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.



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Step 5c: Attorney representation

- The Midtown Community Court in New York relies on four defense attorneys: two from Legal Aid Society, and two private attorneys hired by the city. All defendants are interviewed by a defense attorney before arraignment ([Lee and Martinez](#), 1998, p.3).

Step 5d: Confidentiality

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 6: Program Elements

Step 6a: Assessment

- At the request of the Midtown Community Court in New York, the city's pretrial agency expanded its pretrial assessment and interview to include issues such as substance abuse, homelessness, and mental health. Results are reviewed by the court's resource coordinator, who then makes a sentencing recommendation to the judge ([Feinblatt, Berman, and Sviridoff](#), 1998, p. 8). After trial, defendants are assigned to community service projects with varying levels of supervision depending on their criminal history, background, and offense. Defendants with more-extensive histories might be assigned to projects in the courthouse instead of outdoor projects around the community ([Feinblatt, Berman, and Sviridoff](#), 1998, p.7).
- The Hartford Community Court bail commissioner conducts an intake interview before the court hearing to obtain information such as age, education, residence, employment, medical problems, and prior criminal record. This information is entered into an electronic record that the judge can access at the arraignment hearing. Immediately after the hearing, defendants who have plead guilty must complete an assessment interview with the court's social services staff to determine what services they might benefit from ([Johnstone](#), 2001, p. 132, 134).

Step 6b: Intervention and service delivery

- Alternative sanctions typically include a community service component and a social services or human services component (see [Weidner](#), 1999 and [Lee and Martinez](#), 1998).
- At the Midtown Community Court, defendants sentenced to community service or social services are immediately escorted from the courtroom to the alternative-sanctions floor. They meet with a nurse for a health interview and possible testing, then with an intake counselor to determine placement and services that could benefit them. If possible, defendants begin serving their sentence the same or next day. See [Lee and Martinez](#) (1998, p.4).
- At the Hartford Community Court, the social services staff either impose a service requirement on a defendant or advise defendants on services they should seek. Staff also frequently assists defendants in obtaining financial, housing or medical help ([Johnstone](#), 2001, p. 134).
- Social services delivery can be facilitated by holding education groups or services in a seminar room in the courthouse. Classes could cover topics such as "citizenship" (where defendants learn how their behavior affects the community), HIV/AIDS, parenting, employment, GED classes, nutrition, and so forth ([Weidner](#), 1999, pp. 19-20). For descriptions of additional programs offered by the Hartford Community Court (such as a prostitution protocol program, programs for youth, and mediation), see [Johnstone](#), 2001, p.138-140).
- See [Lee](#) (2000, p. 6).

Step 6c: Monitoring

- At the Midtown Community Court in New York, compliance is closely monitored. A warning letter is sent to the defendant within two days of the defendant failing to report for service. The judge will sign a warrant for the defendant's arrest within a week ([Lee and Martinez](#), 1998, p. 6).

Step 6d: Incentives and sanctions

- See [Goldkamp, Weiland, and Irons-Guynn](#) (2001, pp. 21-22) for a description of sanctions, in addition to community service, used by the Harford Community Court.
- See [Lee and Martinez](#), 1998, p. 6.



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Step 6e: Completion and follow-up

- As a reward for completing their community service, participants are eligible to work in a full-service copy center as a part of a formal job-training program. Defendants also can participate in job-training if they successfully complete their community service ([Feinblatt, Berman, and Sviridoff, 1998, p. 7](#)).
- At the Hartford Community Court, a defendant's case is dismissed and stricken from the public records when court staff reports that the defendant has successfully met all of the guilty-plea conditions. "Only about five percent of defendants who conditionally plead guilty fail to successfully complete the required conditions" ([Johnstone, 2001, p. 136](#)).

Step 7: Resources for Program Elements

Step 7a: Estimating required resources

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 7b: Using and enhancing existing resources

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 7c: Securing external resources

- The [Bureau of Justice Assistance \(1998, pp. 6-8\)](#) discusses strategies for obtaining external funding.

Step 8: Phasing-in the Program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 9: Management Structure and Procedures

- See [Goldkamp, Weiland, and Irons-Guynn \(2001, p. 17\)](#) for a description of the management information system used in the Hartford Community Court.

Step 10: Education and Training

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 11: Public Outreach Activities

- [Berman \(1998, pp. 3-4\)](#) describes efforts to effectively engage the community during the planning phases of the Red Hook Community Justice Center in Brooklyn, NY.
- See [Rottman, Efkenan, and Casey \(1998\)](#) for a discussion of and examples of court and community collaborative programs.

Step 12: Evaluation

General resources on community court evaluations

- Community courts should be able to collect data that will highlight the effects of the court: drops in crime rates, reductions in arrest-to-arraignment processing times, improved community service compliance rates, and service contributed to the community ([Feinblatt, Berman, and Sviridoff, 1998, p. 13](#)).
- [Goldkamp, Weiland, and Irons-Guynn \(2001\)](#).
- [Kralstein \(2005\)](#) reviews the findings of community court evaluations.
- The Midtown Community Court was evaluated twice, once after its first 18-months of operations ([Sviridoff, Rottman, and Curtis, 1997](#)) and again after 36 months ([Sviridoff, Rottman, and Weidner, 2002](#); see [Sviridoff, Rottman, and Weidner, 2001](#) for an executive summary).



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Domestic Violence Court Programs

📌 Domestic violence arraignments

Step 1: Typical Stakeholders

- [Mazur and Aldrich \(2003, p. 6\)](#) discuss the Brooklyn, New York domestic violence court that relies on partnerships with judges, court personnel, victim advocates, prosecutors, defense attorneys, probation and parole officers, representatives from batterers programs, and social service agencies.
- [Sack \(2002, pp. 30-31\)](#) identifies typical system partners for a domestic violence court: judges and judicial officers, bail commissioner, court administrators, court technology staff, court clerks, court security, law enforcement, prosecutors, defense bar, victim advocates from community-based agencies and the prosecutor's office, shelters, pre-trial services, probation, parole, corrections, batterers intervention programs, mental health and substance abuse programs, child protective services, local government, civil attorneys, immigration bar, advocates for children, supervised visitation services providers, health care providers, school system representatives, and public assistance providers. She emphasizes the importance of including defense counsel to ensure due process.

Step 2: Examples of Domestic Violence Court Programs

- [Campbell, Damiani, and Menghraz \(2004\)](#) discuss promising practices from three demonstration sites. For a detailed description of each site, see [Harrell, Newmark, Visher, and DeStefano \(2002, pp. 3-8\)](#).
- See [Helling \(not dated\)](#) for a description of domestic violence programs.
- [Levey, Steketee, and Keilitz \(2000\)](#) profile the integrated domestic violence court in the District of Columbia (see esp. pp. 1-3).
- [Mazur and Aldrich \(2003\)](#) discuss domestic violence courts in New York.
- [Sack \(2002, pp. 42-60\)](#) provides case studies of three domestic violence courts.
- See [Superior Court of California, County of Santa Clara juvenile domestic violence/family violence court](#).
- For information on international domestic violence court programs, see

- ▲ Australia's [Family Violence Courts in Victoria](#).
- ▲ Canada's [Domestic Violence Court in Ontario](#).
- ▲ England's [Specialist Domestic Violence Court Programme](#)

Step 3: Goals and Objectives

- See [Gavin and Puffett \(2005, pp. ii-iii\)](#).
- See [Sack \(2002, pp. 5-8, 32\)](#).
- See [MacLeod and Weber \(2000, pp. 18-20\)](#).
- See [Newmark, Rempel, Diffily, and Kane \(2001, p. 2\)](#) for the Brooklyn Felony Domestic Violence Court mission and goals.
- See mission statement, goals, and principles for [New York State Unified Court System's Integrated Domestic Violence Courts](#).

Step 4: Target Population and Screening Criteria

- Participation in a domestic violence court is frequently initiated through screening, intake, or case-processing procedure from another court that flags a particular case for eligibility. For example, all restraining-order filings may be processed through a domestic violence court. See [MacLeod and Weber \(2000, pp. 10-14\)](#) for a description of screening procedures in California domestic violence courts.

Step 5: Terms of Participation

Step 5a: Legal status of participants

- See [Gavin and Puffett \(2005, p. ii\)](#) for discussion of conditional pleas.
- According to [Sack \(2002, pp. 22-23\)](#), domestic violence courts should not utilize a pre-plea diversion, whereby the defendant has the opportunity to have charges dismissed if he complies with court orders because a domestic violence perpetrator's criminal history is important for the judge to consider. Case history is erased when a charge is dismissed. Courts should consider implementing a post-plea program, whereby court-ordered services and counseling become part of the sentence.

Step 5b: Fees and fines associated with the program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.



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Step 5c: Attorney representation

- See [Mazur and Aldrich \(2003, p. 41\)](#) for discussion on defense counsel concerns.
- [Winick \(2000, pp. 67-70\)](#) discusses the role of defense counsel in domestic violence cases as extending beyond the traditional advocate representing the legal interests of the client to that of an advocate helping the client understand his problem and treatment needs. Depending on the circumstances of the evidence and of the case, defense counsel may urge the defendant to plead guilty and argue for treatment as part of the defendant's sentence or probation.
- [Vera Institute of Justice \(2006, p. 11\)](#) discusses the new role of defense attorneys when judicial review hearings are instituted.

Step 5d: Confidentiality

- See [Sack \(2002, pp. 6, 16, 18, 59\)](#) for discussions about the confidentiality of information.

Step 6: Program Elements

Step 6a: Assessment

- Examples of assessment tools used for domestic violence include the Spousal Assault Risk Assessment (SARA), the Domestic Violence Screening Inventory (DVSI), and the Lethality Index.
- According to [Sack \(2002, pp. 18-19\)](#), no instrument exists that can specifically predict batterer lethality. Risk factors need to be assessed on an individual basis. The survivor and her advocate can explore the risk factors together.

Step 6b: Intervention and service delivery

- According to [Mazur and Aldrich \(2003\)](#), the primary service offered to defendants is a batterer's program. There is mixed evidence about the effect of batterer programs, so they are often used as a monitoring tool.
- According to [Sack \(2002, pp. 9-10\)](#), domestic violence courts should facilitate access to services and assistance for survivors, including crisis assistance (emergency shelter, counseling, and safety planning), economic assistance (short-term such as transportation money and long-term such as job training), legal assistance, services for children, and housing. Other key

features of a domestic violence court include: early access to advocates and services, community partnerships, a safe and secure environment for the victims and children (separate entrances and waiting areas for victims and defendants, staggered departures from the courthouse), specially trained staff and judges, impartial and sensitive judicial behavior in the courtroom, an integrated information system, compliance monitoring, and consistent sentencing models.

- See [MacLeod and Weber \(2000, pp. 8-9, 14\)](#) for a discussion of service provision in California domestic violence courts.

Step 6c: Monitoring

- According to [Sack \(2002, pp.20-21\)](#), monitoring involves regular communication between the service agencies and the court and regular review or status hearings where the judge can comment on the defendant's compliance or non-compliance. Victims should be given the option to attend review hearings.
- [Levey, Steketee, and Keilitz \(2000, p. 9\)](#) provide a table of judicial responses and the dynamics of domestic violence.
- According to [Mazur \(2003\)](#), intensive monitoring is recommended for domestic violence courts, including requiring the defendant to appear every two weeks, curfews, phone check-ins, and ankle monitors. Case managers play a crucial role in ensuring that the victim's needs are met and that they are safe.
- See Vera Institute of Justice's [resource materials](#) and [frequently asked questions](#) on judicial review hearings in domestic violence cases.

Step 6d: Incentives and sanctions

- See [Vera Institute of Justice \(2006, pp. 5-7\)](#).

Step 6e: Completion and follow-up

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 7: Resources for Program Elements

Step 7a: Estimating required resources

- See [Sack \(2002, pp. 35-36\)](#) for information regarding resource considerations.



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- [Levey, Steketee, and Keilitz \(2000, pp. 16-17, 20-21\)](#) discusses issues related to staffing facilities, service, and technology.
- See [Judicial Council of California \(2006\): Collaborative Justice Courts Resource Workbook](#), Part I, p. 8 on how to conduct an environmental scan and p. 11 on how to determine resource capability and needs.

Step 7b: Using and enhancing existing resources

- See [Sack \(2002, pp. 36-37\)](#) for information on using existing resources.
- See [Mazur and Aldrich \(2003, p. 9\)](#) for a discussion on how to “think creatively” about resources.
- See [Wolf, Aldrich, and Moore \(2004, p. 19\)](#), discussing the creation of a domestic violence court with few additional resources.

Step 7c: Securing external resources

- See [Mazur and Aldrich \(2003, p. 42\)](#) for discussion of funding.
- See [MacLeod and Weber \(2000, pp. 20-24\)](#) for a discussion of perceived benefits of domestic violence courts.
- See [Sack \(2002, pp. 36-37\)](#) for discussion about securing additional funding.

Step 8: Phasing-in the Program

- See [Sack \(2002, pp. 39-40\)](#) for strategies to phase-in the program’s caseload and/or services.

Step 9: Management Structure and Procedures

- See Center for Court Innovation’s [key principles for ensuring victim safety](#).
- See [Sack \(2002, p. 37-38\)](#) for information on security considerations, written protocols, and information systems. See p. 15 for a description of a software program designed to share information in a secure environment.
- [26th District Court, Mecklenburg County, North Carolina \(2001, p. 4\)](#) provides an example of a policy and procedures manual, including security considerations.
- See [Young \(2001\)](#) for description of a software program to share information in a secure environment.

Step 10: Education and Training

- Domestic violence court staff should be trained in the efficacy of batterer intervention programs, different cultural aspects of domestic violence, the dynamics of same-sex partner abuse, the effects of trauma on victims of domestic violence, issues facing women who try to leave their abusive partners, and the needs of children who witness violence. (See [Sack, 2002, pp.19-20](#); [Levey, Steketee, and Keilitz, 2000, p. 18](#))
- According to [Levey, Steketee, and Keilitz \(2000, p. 18\)](#), training for judges on domestic violence issues is not always easy to find, but it is crucial for judges to understand the cases they are handling.
- Cultural competency training could be provided by staff from domestic violence shelters and safe houses.
- See [Legal Aid University](#) for educational opportunities for attorneys involved in problem-solving efforts.
- See [Mazur and Aldrich \(2003, pp. 9, 41\)](#).

Step 11: Public Outreach Activities

- [Sack \(2002, p. 18\)](#) highlights the Santa Clara County Juvenile Domestic and Family Violence Court’s *Domestic/Family Violence Victim Advocacy Project*’s procedures for victim outreach. Formal procedures are in place for providing victim information to advocacy groups, and rules dictate how information can be used or shared. Advocacy groups are trained in these procedures and have the opportunity to make suggestions for revisions.

Step 12: Evaluation

General resources on domestic violence court evaluations

- See [Gavin and Puffett \(2005, pp. 5-7\)](#).
- See [Mazur and Aldrich \(2003, pp. 10-11\)](#) for a discussion regarding the difficulty of defining success for a domestic violence court.
- See [Newmark, Rempel, Diffly, and Kane \(2001\)](#) for an evaluation of Brooklyn’s Felony Domestic Violence Court.
- Evaluations of domestic violence courts are different from other problem-solving courts because their focus on victims (see [Sack, 2002, pp. 9-10](#)).



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Adult Drug Court Programs

Step 1: Typical Stakeholders

- See [Steering Committee for the 15th Judicial Circuit/Palm Beach County Drug Court](#)
- For a discussion about relevant members for a steering committee, planning team, and drug court team, see [Texas Association of Drug Court Professionals \(2005, pp. 8-9\)](#). Also see the steering committee worksheet in Appendix F.

Step 2: Examples of Drug Court Programs

- [American University \(2006\)](#) lists drug courts by state and county.
- The [National Association of Drug Court Professionals \(1997\)](#) has defined ten essential components of drug courts.
- [Finnigan and Carey \(2001\)](#) identify lessons learned from a review of 26 process evaluations of drug courts.
- The National Center for State Courts provides [links to drug court sites](#).
- [National Institute of Justice \(2006\)](#) synthesizes the information from several studies on drug courts.
- [Peters and Osher \(2004\)](#) discuss features of specialty courts addressing co-occurring disorders.
- For information on international drug court programs, see
- [Australian Government, Australian Institute of Criminology](#).
- [International Association of Drug Treatment Courts](#).
- [McIvor, Barnsdale, Eley, Malloch, Yates, and Brown \(2006\)](#) for description of Scottish drug courts.
- [Toronto Drug Treatment Court](#).
- [United Nations Office on Drugs and Crime](#) for information on drug courts in several countries.

Step 3: Goals and Objectives

- [Drug Court Program, Blount County, Tennessee](#)
- [Drug Court Program, Dallas, Texas](#)
- [Drug Court Program, Virginia Beach, Virginia](#)
- [Drug Court Program, Bernalillo County, New Mexico](#)
- [Drug Court Program, Oklahoma City, OK](#)
- See [Texas Association of Drug Court Professionals \(2005, pp. 10-11\)](#).

Step 4: Target Population and Screening Criteria

- Eligibility criteria used by existing drug court programs
 - ▲ [Santa Barbara County, California Drug Court](#) (pp. 3-4)
 - ▲ [Eligibility Criteria – Palm Beach County, FL](#)
 - ▲ [Eligibility Criteria – DUI/Drug Court, 3rd Judicial District, NM](#)
 - ▲ [Eligibility Criteria – Bernalillo Co, NM \(DWI/Drug Court\)](#)
 - ▲ [Eligibility Criteria – Buffalo, NY](#)
 - ▲ [Eligibility Criteria – Blount County, TN](#)
 - ▲ [Eligibility – Virginia Beach, VA](#)
 - ▲ [Eligibility Standards – Brooklyn, NY](#)
 - ▲ [Eligibility Checklist – Oklahoma City, OK](#)
 - ▲ [Eligibility Charges and Excluded Charges – Oklahoma City, OK](#)
- Screening and Assessment Tools
 - ▲ [Screening Procedures – DUI/Drug Court, 3rd Judicial District, NM](#)
 - ▲ [Assessment and Treatment – Virginia Beach, VA](#)
 - ▲ [Entrance Requirements – Louisville, KY](#)
 - ▲ [Violent Offender Prohibition – Louisville, KY](#)
 - ▲ [Screening and Assessment – Blount County, TN](#)
 - ▲ [Screening Criteria – 22nd JDC, LA](#)



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Step 5: Terms of Participation

Step 5a: Legal status of participants

- See [Texas Association of Drug Court Professionals \(2005, p.13\)](#) for pre- and post-adjudication status options.

Step 5b: Fees and fines associated with the program

- Texas law allows drug courts to charge up to \$1000 per participant in program fees (Texas Health and Safety Code §469.004). In most programs, program fees must be paid before graduation ([Texas Association of Drug Court Professionals, 2005, p. 18](#)).

Step 5c: Attorney Representation

- See [Freeman-Wilson, Sullivan, and Weinstein \(2003, p. 3\)](#).
- See [Freeman-Wilson, Tuttle, and Weinstein \(2001\)](#) for a discussion of ethical issues for attorneys and judges in drug courts.
- According to the Texas Association of Drug Court Professionals (2005, p. 29), “the Public Defender’s Representative protects the rights of the participants before they become a program participant and protects the welfare of participants during court, especially if they face termination. The public defender is a member of the team and attends all drug court sessions.”

Step 5d: Confidentiality

- Sample policies and forms related to confidentiality of participant information and matters discussed at team meetings:
 - ▲ [Consent for Disclosure – Palm Beach County, FL](#)
 - ▲ [Confidentiality Issues – DUI/Drug Court, 3rd Judicial District, NM](#)
 - ▲ [Confidentiality – Blount County, TN](#)
 - ▲ [Confidentiality Statement Form – San Diego, CA](#)
 - ▲ [Consent for Disclosure – San Diego, CA](#)
 - ▲ [Procedure – Confidentiality and Drug Court - San Diego, CA](#)
 - ▲ [Confidentiality – Oklahoma City, OK](#)
 - ▲ [Confidentiality – Hayward, CA](#)
 - ▲ [Site Visit Confidentiality Form](#)
 - ▲ See [Tauber, Weinstein, and Taube \(1999\)](#) for a discussion of federal confidentiality laws and drug courts.

Step 6: Program Elements

Step 6a: Assessment

- The [National Institute of Corrections \(2003\)](#) offers information about common substance abuse screening and assessment tools.
- The assessment instrument for a drug court helps determine the severity of substance dependence. Common instruments include the Addiction Severity Index (ASI), Simple Screening Instrument (SSI), Adult Substance Use Survey (ASUS), Substance Abuse Questionnaire (SAQ), and Substance Abuse Subtle Screening Inventory (SASSI).

Step 6b: Intervention and service delivery

- The [Texas Association of Drug Court Professionals \(2005\)](#) provides an example of a four-phase drug court program in Appendix D.
- The [National Association of Drug Court Professionals \(1997, p.17\)](#) suggests considering co-occurring factors from the beginning of the intervention. Examples of co-occurring factors include mental illness, medical problems, sexually transmitted diseases, homelessness, educational attainment, family dynamics, domestic violence, and childhood trauma.

Step 6c: Monitoring

- According to the [National Association of Drug Court Professionals \(1997, pp. 11-12\)](#), frequent alcohol and drug abuse testing sets up a system of accountability and provides a gauge of participant progress toward sobriety. While the main goals of drug court are abstinence and public safety, incremental progress should be rewarded too. For example, consistently appearing in court at the time specified, arriving at treatment sessions on time, and participating willingly in treatment should be recognized by the court team.

Step 6d: Sanctions and incentives

- See Appendix E in [Texas Association of Drug Court Professionals \(2005\)](#) for examples of sanctions and incentives.
- See [Harrell \(1998\)](#) for a discussion of graduated sanctions.
- [Marlowe and Kirby \(1999, pp. 11-29\)](#) define different types of sanctions and discuss how they should be used with drug court clients.
- [Tauber \(2000\)](#) discusses the use of jail as a sanction.



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Step 6e: Completion and follow-up

- See [Texas Association of Drug Court Professionals \(2005, p. 19\)](#). A ceremony may be held for participants who successfully complete the program. During the ceremony the judge could highlight and a keynote speaker could deliver words of inspiration.

Step 7: Resources for Program Elements

Step 7a: Estimating required resources

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 7b: Using and enhancing existing resources

- See [Judicial Council of California \(2006\): Collaborative Justice Courts Resource Workbook](#), Part I, p. 8 on how to conduct an environmental scan and p. 11 on how to determine resource capability and needs.
- [Marlowe, Heck, Huddleston, and Casebolt \(2006, pp. 1, 21-22\)](#) summarize the effectiveness and positive impact of drug courts.

Step 7c: Securing external resources

- See [Tauber and Huddleston \(1999, p. 10\)](#).

Step 8: Phasing-in the Program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 9: Management Structure and Procedures

- For examples of program reference documents, see:
 - ▲ [Ninth Circuit Court, Kalamazoo County, Policies and Procedures Manual](#)
 - ▲ [Baltimore, MD's S.T.E.P. Drug Court Procedures Manual](#)
 - ▲ [Sisseton-Wahpeton Sioux Tribal Treatment Court Policies and Procedures](#)
 - ▲ [Poarch Creek Indian Drug Court Program Staff Manual](#)
 - ▲ [Texas Association of Drug Court Professionals \(2005\)](#)
- See [National Drug Court Institute](#) for a self-assessment guide to help identify major program elements to include in the court's planning and documentation.
- See [SEARCH \(2003, pp. 11-17\)](#) and [Justice Management Institute \(1998, Section III\)](#) for characteristics of effective information systems for drug courts.

Step 10: Education and Training

- The National Drug Court Training and Technical Assistance Program (NDCTTAP) is a training initiative that assists in developing effective drug court programs. Its [Web site](#) provides information on NDCTTAP training programs and resource materials.
- Training topics for drug court personnel, judges, and treatment providers might include goals and philosophy of drug courts; the nature, treatment, and terminology of substance abuse; dynamics of abstinence and techniques for preventing relapse; responses to relapse and other noncompliance; legal requirements of the program and an overview of local criminal justice system policies, procedures, and terminology; drug-testing standards and procedures; sensitivity to racial, cultural, ethnic, gender, and sexual orientation; interrelationships of co-occurring conditions such as alcohol and drug abuse and mental illness (also known as “dual diagnosis”); and federal, state, and local confidentiality requirements ([National Association of Drug Court Professionals, 1997, p. 22](#)).
- See [Legal Aid University](#) for educational opportunities for attorneys involved in problem-solving efforts.



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Step 11: Public Outreach Activities

- See [Texas Association of Drug Court Professionals \(2005, p. 19\)](#). Members of the media can be invited to the program completion ceremony held for participants to generate publicity for the program. This may help to spread the community's awareness of the program and its successes and lead to additional sources of local support.

Step 12: Evaluation

General resources on drug court evaluations

- The [Government Accounting Office \(2005\)](#) summarizes results of evaluations published between 1997 and 2004.
- The [Justice Management Institute \(1998, Section II\)](#) offers a concise discussion of issues related to drug court evaluations
- See [Carey, Crumpton, Finigan, and Waller \(2005\)](#) and the [California Administrative Office of the Courts \(2006\)](#) summary of its drug court cost study for methodologies for cost effectiveness evaluations.
- [Heck and Thanner \(2006, pp. 33-50\)](#) describe typical performance factors (e.g., recidivism) used in drug court evaluations.
- [Heck and Thanner \(2006, pp. 51-82\)](#) provide a process evaluation model for local jurisdictions.
- [National Institute of Justice \(2006\)](#) synthesizes the information from several studies on drug courts..
- [Rempel \(2006, pp. 83-112\)](#) offers advice for conducting effective outcome evaluations of recidivism.
- Roehl and Guertin (2002, revised) provide a self-evaluation manual and case management system for adult drug courts. Access online at the [Justice Research Center](#), click on "MIS and evaluation services for problem-solving courts," and scroll down to "Adult Drug Court MIS Users Manual."
- [McIvor, Barnsdale, Eley, Malloch, Yates, and Brown \(2006\)](#) report the evaluation of two pilot drug courts in Scotland.



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Juvenile Drug Court Programs

Step 1: Typical Stakeholders

- See [Cooper \(2001, p. 7\)](#).
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, p. 11\)](#): “At a minimum, the planning team should include the judge; court administrator; prosecutor; public defender or defense counsel; the evaluator or specialist in management information systems (MIS); and representatives from probation, schools, social services, law enforcement, treatment providers, and other community-based organizations. As the convenor of the team, the judge plays an essential leadership role in establishing the juvenile drug court.” See also p. 15: “To form the operational team, select team members who work in the juvenile drug court on a daily basis—the drug court judge, assigned prosecutor, public defender or private defense attorneys, coordinator, probation officer, case manager, treatment provider, law enforcement officer, and education program provider.”

Step 2: Examples of Juvenile Drug Court Programs

- [Baltimore County Juvenile Drug Court Program](#)
- [Maine Juvenile Drug Treatment Court](#)
- [Rhode Island Juvenile Drug Court](#)

Step 3: Goals and Objectives

- See [Cooper \(2001, p. 4\)](#).
- See [Judiciary of Rhode Island Juvenile Drug Court](#).
- See [Maine Juvenile Drug Treatment Court](#).
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 8-9\)](#): goals should be tailored to the jurisdiction with regard to geography, population size, substance use/abuse patterns, youth characteristics, and community culture and norms.
- See “mission statement” and “goals” in Idaho’s [Seventh Judicial District Juvenile Drug Court Participant Handbook \(not dated\)](#).

Step 4: Target Population and Screening Criteria

- See [Cooper \(2001, pp. 2-3, 5\)](#).
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 17-19\)](#) for strategy recommendations to define the target population and eligibility criteria for juvenile drug courts.
- See “eligibility criteria” in Idaho’s [Seventh Judicial District Juvenile Drug Court Participant Handbook \(not dated\)](#).

Step 5: Terms of Participation

Step 5a: Legal status of participants

- See [Cooper \(2001, p. 6\)](#).
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, p. 18\)](#).
- See [Texas Association of Drug Court Professionals \(2005, p.13\)](#) for pre- and post-adjudication status options.

Step 5b: Fees and fines associated with the program

- See [Baltimore County, Maryland, Juvenile Drug Court Participant Handbook](#): no costs associated with participating in the program.
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, p. 31\)](#), calling for affordable and convenient services.

Step 5c: Attorney representation

- See [Cooper \(2001, p. 13\)](#).
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 55-56\)](#).

Step 5d: Confidentiality

- While a policy for revocation of participant confidentiality agreements is not needed for adult drug courts, they must be provided for juvenile and family drug courts. See [Confidentiality – Oklahoma City, OK](#)
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 55-57\)](#) discuss the unique confidentiality considerations for juvenile drug courts.



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Step 6: Program Elements

Step 6a: Assessment

- According to [Cooper \(2001, pp. 5, 9\)](#), assessment of juveniles can be difficult because there is less information available due to their age, relatively short criminal histories, and confidentiality laws regarding prior offenses. The assessment should include the family's history of substance abuse and the impact of family substance abuse on the juvenile. It is important to consider the family's needs when developing a treatment plan.

Step 6b: Intervention and service delivery

- See [Cooper \(2001, pp. 5-6\)](#).
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 20-22, 32-39, 43-48\)](#). For a juvenile court, it is important to ensure that services are developmentally and gender-appropriate, that the family is engaged, and that the treatment coordinates with the school system. Hearings should be scheduled outside school hours, and the court should have an open-door policy so that cases can be heard in an emergency. The court team might consider requiring that one parent attend the hearings so that the drug court treatment team can see the interaction between youth and parent.
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 26-28\)](#) for ideas on building partnerships with community organizations to expand the range of services available to youth and their families.
- See "phases" in Idaho's [Seventh Judicial District Juvenile Drug Court Participant Handbook \(not dated\)](#).

Step 6c: Monitoring

- See [Cooper \(2001, p. 6\)](#).
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 20-22\)](#) discuss the unique considerations for judicial monitoring in the juvenile drug court.

Step 6d: Sanctions and incentives

- See "incentives" and "sanctions" in [Baltimore County, Maryland, Juvenile Drug Court Participant Handbook](#).
- See [Cooper \(2001, p. 6\)](#).

- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 53-54\)](#) for recommendations regarding goal-oriented incentives and sanctions.

Step 6e: Completion and follow-up

- See "graduation requirements," "graduation," and "termination" in Idaho's [Seventh Judicial District Juvenile Drug Court Participant Handbook \(not dated\)](#).
- See description of continued care in [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 67\)](#).

Step 7: Resources for Program Elements

Step 7a: Estimating required resources

- See [Cooper \(2001, pp. 7-8\)](#).
- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 26-28\)](#).
- See [Judicial Council of California \(2006\): Collaborative Justice Courts Resource Workbook](#), Part I, p. 8 on how to conduct an environmental scan and p. 11 on how to determine resource capability and needs.

Step 7b: Using and enhancing existing resources

- See [Cooper \(2001, pp. 7-8\)](#) regarding common community agencies providing support to juvenile drug courts.
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 26-28\)](#).

Step 7c: Securing external resources

- See [Cooper \(2001, pp. 8-9\)](#).
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 26-28\)](#).

Step 8: Phasing-in the Program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 9: Management Structure and Procedures

- See [Cooper \(2001, pp. 8\)](#).
- For examples of program reference documents, see:
 - ▲ [North Dakota's Juvenile Drug Court Program Manual](#)
 - ▲ [Valencia County, NM, Juvenile Drug Court Policies and Procedures Manual](#)
 - ▲ [ID's Seventh Judicial District Juvenile Drug Court Program Standards and Practices](#)
- [Hack \(2003\)](#) describes the Juvenile Intervention Court Application, an intranet technology that creates an electronic workplace for juvenile court team members to access information quickly and easily in a secure environment.
- [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 12\)](#).

Step 10: Education and Training

- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 37-39\)](#) for a discussion of the importance of cultural competency training.
- See [Legal Aid University](#) for educational opportunities for attorneys involved in problem-solving efforts.

Step 11: Public Outreach Activities

- See [Cooper \(2001, pp. 8-9\)](#) regarding the importance of outreach to the community.
- See [Texas Association of Drug Court Professionals \(2005, p. 19\)](#). Members of the media can be invited to the program completion ceremony held for participants to generate publicity for the program. This may help to spread the community's awareness of the program and its successes and lead to additional sources of local support.

Step 12: Evaluation

General resources on juvenile drug court evaluations

- See [National Drug Court Institute and National Council of Juvenile and Family Court Judges \(2003, pp. 23-25\)](#).
- Roehl, Guertin, Huitt, and Soos (2002). [A Self-Evaluation Toolkit for Juvenile Drug Courts](#).
- See evaluation resources listed under adult drug courts.



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Mental Health Court Programs

Step 1: Typical Stakeholders

- See [Council of State Governments \(June 2005, p. 4\)](#): “A broad-based group of stakeholders representing the community, the criminal justice, mental health, substance abuse treatment, and related systems guides the planning and administration of the court.” Discussions of efforts to improve the response to people with mental illness in the justice system, more broadly, should include “police and sheriff’s officials, judges, prosecutors, defense counsel, court administrators, pretrial services staff and correctional officials; mental health, substance abuse treatment, housing, and other service providers; and mental health advocates, crime victims, consumers, and family and community members.”
- See [Council of State Governments \(May 2005, pp. 11-12\)](#) for list of key stakeholders who should be involved in discussions about developing a mental health court.
- See the “Administration” section in the following program descriptions:
- [Akron, OH Mental Health Court](#)
- [Bonneville County, ID Mental Health Court](#)
- [Bronx County, NY Mental Health Court](#)
- [Dougherty Superior Court, Georgia](#)
- [Washoe County, NV Mental Health Court](#)

Step 2: Examples of Mental Health Court Programs

- See the “Notable Features” section in the following program descriptions:
 - ▲ [Akron, OH Mental Health Court](#)
 - ▲ [Bonneville County, ID Mental Health Court](#)
 - ▲ [Bronx County, NY Mental Health Court](#)
 - ▲ [Dougherty Superior Court, Georgia](#)
 - ▲ [Washoe County, NV Mental Health Court](#)
- See [Goldkamp and Irons-Guynn \(2000\)](#), describing four programs.

- The Criminal Justice/Mental Health Consensus Project’s [Web site](#) includes descriptions of the following programs:
 - ▲ [Allegheny County Mental Health Court, PA](#)
 - ▲ [Bonneville County Mental Health Court, ID](#)
 - ▲ [Bronx County Mental Health Court, NY](#)
 - ▲ [Brooklyn Mental Health Court, NY](#)
 - ▲ [Broward County Mental Health Court, FL](#)
 - ▲ [Clackamas County Mental Health Court, OR](#)
 - ▲ [Coordinated Resources Program / Anchorage Mental Health Court, AK](#)
 - ▲ [Court Coordinated Services, OR](#)
 - ▲ [Diversion Treatment Court \(DTC\), GA](#)
 - ▲ [Eighth Judicial District Mental Health Court, NV](#)
 - ▲ [Hennepin County Mental Health Court, MN](#)
 - ▲ [Jackson County Mental Health Court, MO](#)
 - ▲ [Jail Diversion of Mentally Ill, OK](#)
 - ▲ [King County Mental Health Court, WA](#)
 - ▲ [Kootenai County Mental Health Court, ID](#)
 - ▲ [Marlboro County Mental Health Court, SC](#)
 - ▲ [Mental Health Court, Orange County, CA](#)
 - ▲ [Mental Health Court, Riverside County, CA](#)
 - ▲ [Mental Health Court, Bernalillo County, NM](#)
 - ▲ [Mental Health Court, Seattle, WA](#)
 - ▲ [Mental Health Court, Clark County, WA](#)
 - ▲ [Mental Health Court Program, Akron, OH](#)
 - ▲ [Mental Health Unit, Seattle, WA](#)
 - ▲ [Multi-Jurisdictional Mental Health Court, Reno, NV](#)
 - ▲ [Multijurisdictional Mental Health Courts, Maricopa County, AZ](#)
 - ▲ [Muscookee County Mental Health Court, GA](#)
 - ▲ [Norfolk Mental Health Court, VA](#)
 - ▲ [Oklahoma County Mental Health Court Program, OK](#)
 - ▲ [Orange County Community Resource Court Program, NC](#)
 - ▲ [Orleans District Mental Health Court, LA](#)
 - ▲ [Skagit County Mental Health Court, WA](#)



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- ▲ [St. Louis County Mental Health Court](#), MO
- ▲ [Tarrant County Mental Health Court Diversion Program](#), TX
- ▲ [West Virginia's Mental Health Court](#), WV
- ▲ [York County Mental Health Court](#), PA
- See [Judicial Council of California \(2002\)](#) mental health satellite broadcast materials designed, in part, to help practitioners plan a mental health court.
- [Cocozza and Shufelt \(2006\)](#) describe the features of several juvenile mental health courts, including the first court in Santa Clara, CA.
- [Goldkamp and Irons-Guynn \(2000\)](#) describes the first four mental health courts in the country.
- [Hiday, Moore, Lamoureux, and deMagistris \(2005\)](#) describe the mental health court in North Carolina.
- [Peters and Osher \(2004\)](#) discuss features of specialty courts addressing co-occurring disorders.
- [Petrila \(2002\)](#) describes the Broward County, Florida, Mental Health Court.
- [Watson, Hanrahan, Luchins, and Lurigio \(2001\)](#) provide overview of four mental health courts.
- National Center for State Courts [state links to mental health courts](#).
- For information on international mental health court programs, see
 - ▲ [Australia's Mental Health Courts](#).
 - ▲ [Canada's Mental Health Court in New Brunswick](#).

Step 3: Goals and Objectives

- See [Council of State Governments \(May 2005, pp. 25-28\)](#) for a discussion of common goals.
- See summary table of four programs on pp. 62-65 in [Goldkamp and Irons-Guynn \(2000\)](#).
- Many of the court descriptions listed under Step 2, above, include goals and objectives.

Step 4: Target Population and Screening Criteria

- See the "Eligibility" section in the following program descriptions:
 - ▲ [Akron, OH Mental Health Court](#)
 - ▲ [Bonneville County, ID Mental Health Court](#)
 - ▲ [Bronx County, NY Mental Health Court](#)
 - ▲ [Dougherty Superior Court, GA](#)
 - ▲ [Washoe County, NV Mental Health Court](#)
- [Council of State Governments \(June 2005, p. 5\)](#). The eligibility criteria for mental health court participation often include the potential threat of the offender to the public, the relationship between mental illness and a defendant's offenses, and the availability of other alternatives for defendants with mental illness. "Clinical eligibility criteria should be well-defined and should be developed with an understanding of treatment capacity in each community. Mental health courts should also focus on defendants whose mental illness is related to their current offenses. To that end, mental health court representatives should develop a process or a mechanism, informed by mental health professionals, to enable staff charged with identifying mental health court participants to make this determination."
- See [Council of State Governments \(May 2005, pp. 28-36\)](#) for a discussion of the ethical implications of eligibility criteria and the issues related to determining the extent to which a mental illness diagnosis can be used to explain unlawful behavior.
- [Council of State Governments \(May 2005, pp. 43-46\)](#). Informed and voluntary choice and legal competency are critical requirements.
- See [Council of State Governments \(May 2005, p. 89\)](#) for a sample referral form for mental health court.
- See summary table of four programs on pp. 62-65 in [Goldkamp and Irons-Guynn \(2000\)](#).
- See [Peters and Osher \(2004\)](#) for discussion of eligibility issues for individuals with co-occurring disorders.



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Step 5: Terms of Participation

Step 5a: Legal Status of participants

- See [Council of State Governments \(May 2005, pp. 39-40\)](#).
- See [Council of State Governments \(June 2005, p. 7\)](#).
- [Council of State Governments \(June 2005, p. 10\)](#) suggests “defendants should not be asked to sign release of information forms until competency issues have been resolved,” that criminal and criminal justice files be kept separate, and that the fact that a defendant has been referred to or is a participant in a mental health court should be confidential.
- See summary table of four programs on pp. 62-65 in [Goldkamp and Irons-Guynn \(2000\)](#).

Step 5b: Fees and fines associated with the program

- See [Council of State Governments \(June 2005, p. 7, 72\)](#). Mental health courts rarely charge a fee for program participation. Fees associated with drug testing and probation supervision could be reduced as a reward for adhering to the program’s parameters.

Step 5c: Attorney representation

- See [Council of State Governments \(May 2005, pp. 44-45\)](#) for a brief discussion about the role of defense counsel in ensuring the defendant’s comprehension of the implications of agreeing to participate in the mental health court.

Step 5d: Confidentiality

- See [Council of State Governments \(May 2005, pp. 37-38\)](#).
- See [Council of State Governments \(June 2005, p. 10\)](#).

Step 6: Program Elements

Step 6a: Assessment

- See [Council of State Governments \(May 2005, p. 49\)](#). The mental health professional needs to review health records, observe behavior, and administer a mental status exam to the participant. Mental health assessment is a continuous process, as it takes time to rule out substance abuse or other medical conditions that might account for the abnormal behavior or thinking. See p. 89 for a sample referral form for mental health court.
- [Peters and Osher \(2004\)](#) discuss assessment for individual with co-occurring disorders.
- See [Peters and Bartoi \(1997\)](#) for information on screening for co-occurring disorders.

Step 6b: Intervention and service delivery

- See the “Treatment and Other Services” section in the following program descriptions:
 - ▲ [Akron, OH Mental Health Court](#)
 - ▲ [Bonneville County, ID Mental Health Court](#)
 - ▲ [Bronx County, NY Mental Health Court](#)
 - ▲ [Dougherty Superior Court, GA](#)
 - ▲ [Washoe County, NV Mental Health Court](#)
- According to [Steadman \(2005, p.5\)](#), services provided by the court program might include assessment; case management; medication appointments; outpatient treatment; psychosocial rehabilitation; housing; residential substance abuse treatment; treatment for co-occurring disorders; employment; vocational or educational training; self-help groups; enrollment in Medicaid, Supplemental Security Income, Social Security Disability Income; and community-based services.
- [Peters and Osher \(2004\)](#) discuss strategies for individuals with co-occurring disorders.

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Step 6c: Monitoring

- See summary table of four programs on pp. 62-65 in [Goldkamp and Irons-Guynn \(2000\)](#).
- [O’Keefe \(2006, pp. 28-29\)](#) discusses judicial and clinical monitoring.
- [Peters and Osher \(2004\)](#) discuss strategies for individuals with co-occurring disorders.

Step 6d: Sanctions and Incentives

- See summary table of four programs on pp. 62-65 in [Goldkamp and Irons-Guynn \(2000\)](#).
- See [Griffin, Steadman, and Petrila \(2002\)](#).
- [O’Keefe \(2006, pp. 31-32\)](#) discusses the difficulty with defining rewards, sanctions, and clinical responses in a mental health court. A sanction for one participant may be a reward for another.
- [Peters and Osher \(2004\)](#) discuss strategies for individuals with co-occurring disorders.

Step 6e: Completion and follow-up

- See [Council of State Governments \(May 2005, p. 74\)](#) for specific information regarding mental health court graduation.

Step 7: Resources for program elements

Step 7a: Estimating required resources

- See [Judicial Council of California \(2006\): Collaborative Justice Courts Resource Workbook](#), Part I, p. 8 on how to conduct an environmental scan and p. 11 on how to determine resource capability and needs.

Step 7b: Using and enhancing existing resources

- See programs listed under 7c for examples of combining existing community resources with new, external resources.

Step 7c: Securing external resources

- See the “Funding and Sustainability” section in the following program descriptions:
 - ▲ [Akron, OH Mental Health Court](#)
 - ▲ [Bonneville County, ID Mental Health Court](#)
 - ▲ [Bronx County, NY Mental Health Court](#)
 - ▲ [Dougherty Superior Court, GA](#)
 - ▲ [Washoe County, NV Mental Health Court](#)
- See [Council of State Governments \(May 2005, p. 79\)](#).

Step 8: Phasing-in the Program

- No specific resources on this topic—please e-mail pcasey@ncsc.dni.us if you have resources to suggest.

Step 9: Management Structure and Procedures

- See [Council of State Governments \(May 2005, pp. 77-78\)](#).



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Step 10: Education and Training

- Training is especially important for mental health court judges, staff, and treatment providers because there are often disparate views of mental health and the criminal justice system. Judges need to learn about mental illnesses, and the mental health professionals need to learn about the justice system and legal terminology. (See [Council of State Governments, May 2005, pp. 66-67](#))
- The [National Judicial College](#) has courses that are relevant to mental health court judges, including [Managing Cases Involving Persons with Mental Disabilities](#).
- See [Judges' Criminal Justice/Mental Health Leadership Initiative](#) for resources targeted to judges.
- See [A Judge's Primer on Mental Illness, Addictive Disorders, Co-occurring Disorders, and Integrated Treatment](#) prepared by the Criminal Justice/Mental Health Consensus Project.
- [Peters and Osher \(2004\)](#) discuss training for practitioners addressing individuals with co-occurring disorders.
- See [Legal Aid University](#) for educational opportunities for attorneys involved in problem-solving efforts.

Step 11: Public Outreach Activities

- The [Council of State Governments \(May 2005, p. 20-81\)](#) provides strategies for informing the criminal justice agencies not directly involved in the operation of the court, as well as the larger community about the reasons for creating the mental health court and its potential impact on the community.

Step 12: Evaluation

General resources on mental health court evaluations

- See [Council of State Governments \(May 2005, p. 78\)](#).
- [O'Keefe \(2006\)](#) provides an evaluation of the Brooklyn Mental Health Court.
- [Petrila \(2002\)](#) reports on an evaluation of the Mental Health Court in Broward County, FL.
- See [Steadman \(2005\)](#). The appendix includes a sample referral data sheet.
- [Trupin, Richards, Wertheimer, and Gruschi \(2001\)](#) provide an evaluation of the Seattle Municipal Mental Health Court.



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Other Problem-Solving Court Programs

In addition to community, domestic violence, mental health, and substance abuse, problem-solving court principles have been applied to address other problems such as homelessness and the inability to pay child support. At this point, there are fewer resources available on these efforts. Rather than listing resources for each implementation step, resources are listed by type of problem-solving program.

Child Support Court

- [Ashton \(2006\)](#) describes the application of problem-solving principles to child support dockets.
- The [DC Superior Court](#) is exploring a fathering initiative.

Elder Abuse Court

- [Flaherty \(2004\)](#). *California Bar Journal* article about an elder abuse docket in Alameda County Superior Court.

Gambling Court

- [Farrell \(2007\)](#) writes about the gambling court concept.
- [Missouri Alliance to Curb Problem Gambling \(May 2005\)](#) reports on the gambling court in Amherst, NY.

Homeless Court

- [American Bar Association Commission on Homelessness and Poverty](#) provides an overview of homeless courts.
- American Bar Association Commission on Homelessness and Poverty (2004). [The Homeless Court Conference Course Book](#). Includes conference agenda and articles about homeless courts.

- Homeless Court: Alameda, CA
- Homeless Court: Orange County, CA
- Homeless Court: San Diego, CA

- American Bar Association [recommendations](#) regarding principles of homeless courts.
- [American Bar Association Commission on Homelessness and Poverty and National Coalition for Homeless Veterans \(2006\)](#) describes how to create a homeless court at Stand Down events for homeless veterans.
- [Binder \(2002\)](#) describes San Diego's homeless court program for veterans.
- [California Administrative Office of the Courts, American Bar Association Commission on Homelessness and Poverty and Judicial Division, and the Superior Court of Alameda County \(2006\)](#) describes 24 homeless courts across the country.

Reentry Court

- Allen County Community Corrections: [Reentry Court in Fort Wayne, IN](#).
- Center for Court Innovation: [Juvenile Reentry Court in New York](#).
- [Delaware Superior Court](#) description of reentry court initiative.
- [Farole \(2003\)](#). The Harlem Parole Reentry Court evaluation: Implementation and preliminary impacts.
- [Griffin \(2005\)](#) describes three models of juvenile court-controlled reentry.
- [Hiller, Narevic, Leukefeld, and Webster \(2002\)](#). Kentucky reentry courts: Evaluation of the pilot programs.
- [Leitenberger \(2005\)](#). Richland County Model Reentry Court.
- [Lindquist, Hardison, and Lattimore \(2003\)](#) describe reentry programs in nine sites participating in the Office of Justice programs' Reentry Initiative.
- [Maruna and LeBel \(2003\)](#) describe a reentry program based on a strengths-based perspective.
- Office of Juvenile Justice and Delinquency Prevention Models Program Guide: [Reentry Court](#)

Revocation/Suspension of License Court

- [52nd District Court – 1st Division, MI](#) describes its DRIVE Program.



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Topic 1: Broadening the application of the problem-solving approach

Topic 2: Addressing resistant partners

Topic 3: Interview questions for jurisdictions with problem-solving courts

Topic 4: Tracking program information for future evaluations

Topic 5: Pros and cons of pre- and post-plea programs

Topic 6: Dissemination methods

Topic 1: Broadening the application of the problem-solving approach

This Special Topic is linked to:

- Introduction
- Question 4:

What options are there to address the problem?

Ⓜ General examples

Ⓜ Family law examples

Ⓜ Domestic violence/mental health examples

One of the recommendations the Conference of Chief Justices and the Conference of State Court Administrators made in their [resolution](#) in support of problem-solving courts is to:

Encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community.

This integration is beginning to take place. The Bureau of Justice Assistance has funded ten demonstration sites seeking to broaden the application of problem-solving principles beyond the problem-solving court context. See [Community-Based Problem-Solving Criminal Justice Initiative](#) to learn more about the program.

In addition to institutional efforts, a more informal integration is occurring among individual judges. Interviews conducted in 2004 with several judges and court administrators involved in problem-solving courts revealed that a problem-solving orientation remained when judges rotated back into traditional court calendars. For example, a former drug court judge said he frequently requires individuals convicted of welfare fraud to return to court periodically and update the judge regarding progress on restitution. A former family court judge noted that she sends many of her civil cases to ADR early because they involve ongoing relationships between neighbors, business partners, or community members that, when addressed, can affect successful long-term resolution of cases. Another judge noted that he works with individuals that the system seems to have given up on and who would be problematic if returned to the community as well as individuals who have struggled and finally seem determined to address their problems. Other judges discussed crafting sentences involving services due to their knowledge of options available in the community. Still others mentioned



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that they speak to defendants differently; they listen better and watch for cues regarding addiction and readiness to change. One judge noted that some of his colleagues who have not had a problem-solving court experience have begun using problem-solving practices because they have seen their effectiveness in the problem-solving court context.

[King \(2006\)](#) and [Goldberg \(2004\)](#) offer ideas and suggestions for judges interested in exploring the use of problem-solving practices outside of a formal problem-solving court. Both discuss some basic techniques such as active listening that all judges can incorporate into their hearings as well as some specific approaches to crafting more effective orders. See the [Judicial Council of California's 2006 Faculty Guide on Applying Collaborative Justice Court Principles and Practices](#) (especially "Concrete Applications of Problem-Solving Court Principles in Conventional Courts and Calendars" under Tab 7), the National Judicial College's 2006 [Effective Judging for Busy Judges](#), and the [International Network on Therapeutic Jurisprudence](#), for additional resources on understanding and using the problem-solving approach and therapeutic jurisprudence more generally. For a general discussion of the issues involved in applying problem-solving practices in a conventional setting, see [Farole, Puffett, Rempel, and Byrne \(2006\)](#) and [Farole, Puffett, and Rempel \(2005\)](#).

Topic 2: Addressing resistant partners

This Special Topic is linked to:

[Addressing attorney issues](#)

- [Question 2: Are other relevant stakeholders also seeing the problems?](#)

[Addressing judicial issues](#)

- [Step 1: Identify stakeholders to involve in the planning process](#)

There are several reasons why stakeholders may resist participating in planning, such as:

- Limited resources (e.g., staff, time, money)
- Concerns about taking on new responsibilities
- Comfortableness with the status quo and fear of the unknown
- Concerns about independence and neutrality
- Attorney concerns about the potential impact of the program on their clients
- Conflict between service providers and justice system goals
- Fear of political consequences
- Turf issues

It is important to hear from those who oppose the program to understand their concerns and discuss options to address them. Issues that are not addressed up-front likely will surface during implementation when they may be more difficult to address. Strategies to engage reluctant stakeholders include:

- Actively listening to their concerns and seeking their input.
- Identifying how the collaborative effort will help them (e.g., more job satisfaction/culture of cooperation and teamwork, shared resources across agencies to achieve common goals, ability to reach more marginalized populations, recognition of work, more coordinated efforts to secure additional funding), the population manifesting the problem (e.g., reduced clinical and legal recidivism, more healthy and productive lives), and the public (e.g., enhanced public safety, more efficient use of public resources).
- Citing an authority as motivation to move ahead. For example, some chief justices have promoted problem-solving efforts in their state-of-the-judiciary addresses or other speeches and articles; the Conference of Chief Justices and the Conference of State Court Administrators have passed a [resolution in support of problem-solving courts](#), and the National Legal Aid and Defender Association has emphasized the importance of defense attorneys participating in the planning stages of problem-solving efforts in its [Ten Tenets of Fair and Effective Problem Solving Courts](#).
- Providing examples of successful efforts in other jurisdictions.
- Putting a face on the problem—using a real-life story to demonstrate the issues and the need for action.
- Keeping the big picture in mind—the goals of the effort—when discussions become contentious or bogged down in detail.

Leading a collaborative effort requires different skills than those used in an adversarial system. [Carter \(2006, pp. 3-4\)](#) discusses the political, interpersonal, and process skills collaborative leaders need to be effective. See also [Gilligan and Carter \(2006\)](#) for strategies to run effective meetings.

Topic 3: Interview questions for jurisdictions with problem-solving courts

This Special Topic is linked to:

- [Step 2](#): Identify possible models for court-centered program

It is a good idea to supplement written materials on a specialized court with interviews and discussions with individuals who are involved in designing and implementing the court. Such contacts can provide a context for formal, written information and could bring in information not readily available in reports. The questions to ask will vary, depending on the type of program being developed and specific issues or concerns the planning committee may have. Since several different committee members may be involved in interviewing individuals, it will be easier to compare information across courts if a standard set of questions is used. The following list offers a starting point for developing questions for all interviews. The committee should review and modify these as appropriate.

- Jurisdictional statistics
 - ▲ What is your jurisdiction's caseload?
 - ▲ How many judges are on the bench?
- Special docket statistics
 - ▲ How long has your special docket been operating?
 - ▲ What is the size of the special docket caseload?
- Characteristics of the special docket
 - ▲ Describe a typical day in the special docket court.
 - ▲ What are you most pleased with?
 - ▲ What would you change?
- Elements of the program
 - ▲ Gather written materials on eligibility criteria, terms of participation, program characteristics, rewards and sanctions, and so forth
- Planning process
 - ▲ How long did the planning process take?
 - ▲ How did you go about planning the court (e.g., who was involved, how often did they meet, did you address specific issues in subcommittees, how did you handle disagreements)?
 - ▲ What worked well about the planning process?
 - ▲ What obstacles did you encounter?
 - ▲ What advice would you give a jurisdiction at the front end of the planning process?

Topic 4: Tracking program information for future evaluations

This Special Topic is linked to:

- [Step 4](#): Define target population and screening criteria
- [Step 6d](#): Incentives and sanctions
- [Step 7a](#): Estimating the required program resources
- [Step 9](#): Specify management structure and program procedures
- [Step 12b](#): Review previous implementation steps to prepare for the program's evaluation

During the eligibility-screening process, [Steadman \(2005, p. 5\)](#) suggests tracking items such as the number of individuals screened, the number of individuals determined to be eligible, the number of individuals accepted, characteristics of the individuals who were eligible but not accepted (including demographics, charges, prior criminal history, diagnosis), legal or clinical reasons an individual was not accepted, characteristics of eligible defendants who decline to participate, and characteristics of those accepted into the court (e.g., demographics, charges, prior criminal history, diagnosis). Having a record of this kind of information is vital to the evaluation of the program and to justify funding requests. Roehl and Guertin from the [Justice Research Center](#) (click on "MIS and evaluation services for problem-solving courts") also provide several resources on the types of data to collect for case tracking and evaluation and provide a sample case management system based on Microsoft Access software.

The effective use of the information collected depends on an adequate management information system (MIS). Options for obtaining the right MIS system include redesigning an existing system, developing a new one, or purchasing an off-the-shelf system. [Monchick, Scheyett, and Pfeifer \(2006, pp. 58-59\)](#) advise that the choice of an MIS system should be based on input from the drug court administrator, case managers, evaluators, and a computer expert. A forthcoming monograph by Steelman, Webster, and Friess of the National Center for State Courts includes a list of functional requirements for an MIS that supports problem-solving courts. Contact [David Steelman](#) for information.

Comprehensive guides to issues related to drug court MIS systems are available from [SEARCH \(2003\)](#) and the [Justice Management Institute \(1998, Section III\)](#). The SEARCH guide notes that during the monitoring process, the court should keep a record of sanctions, incentives, and rewards. A checklist of items to record is on pp. 39-42.

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Topic 5: Pros and cons of pre- and post-plea programs

This Special Topic is linked to:

- [Step 5: Legal status of participants](#)

Incentives for participation in a program differ for pre- and post-plea programs. Considerations from the perspective of prosecutors and potential participants include:

If the court is pre-plea:

- A participant's failure in a program may come too late for effective prosecution as mandated by speedy trial rules.
- Pursuing a case is more difficult the greater the amount of time that has passed since arrest.

If the court is post-plea:

- Defendants who fail a program will in many post-plea models have waived many of the rights.
- A guilty plea on their record will make getting a job, finding housing, or receiving treatment more difficult.
- A guilty plea may enhance the penalty received if convicted of a subsequent criminal offense due to mandatory minimum and habitual offender status.
- Failure in a problem-solving program may expose defendants to more severe custodial sentences than if they had entered a plea for the original charges.

Topic 6: Dissemination methods

This Special Topic is linked to:

- [Step 11: Determine when and how to disseminate program information to the public](#)

The following are ideas for disseminating program information to the public:

- Solicit media coverage, whether through a news article or a television segment that highlights the program.
- Print executive summaries since this will be cheaper than printing the entire report. An executive summary will also be more useful than a full length report for the media and funders.
- Use software to design brochures. Keep the word count low and the graphics simple.
- Send press releases to local newspapers.
- Send letters to key legislators or funding sources to ensure that they are aware of the program's success and need for sustained funding.
- Use a local National Public Radio station for public service announcements or a talk show interview to highlight the program's efforts and success.
- Arrange for stakeholders to speak with local civic organizations as potential supporters or funders.
- Create and maintain a Web site.
- Hold information sessions for attorneys, law enforcement officers, and members of the general public to educate them about the program.
- Use research results from evaluation efforts to publicize the court's effectiveness.
- Convene town-hall or neighborhood meetings



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