

James E. Doyle American Inn of Court  
October 17, 2012

## Specialty Courts:

Using the judicial system in untraditional ways to solve  
traditional problems

### Presenters

Hon. William Conley, District Court Judge  
Hon. Elliott Levine, Circuit Court Judge  
Hon. John Markson, Circuit Court Judge

Organizer  
Anne Bensky


### Objective:

Understand how and why treatment courts are effective


### Universal themes:

Holistic approach to problem solving  
Finding flexibility in judicial proceedings  
Application of non-adversarial approach





# **TREATMENT COURTS**



**Inns of Court Presentation**  
By John Markson & Elliott Levine  
October 17, 2012

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## **Mission Statement**

**The mission of Treatment Courts is to increase community safety and restore sober, productive and law abiding citizens to the community by breaking the cycle of drug and alcohol addiction through effective, long-term treatment with intensive court supervision.**

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## **Treatment Court Defined**

**A specifically designed court calendar or docket with a purpose of reducing recidivism and substance abuse. The court increases the likelihood of successful habilitation through early, continuous and intensive treatment, case management and mandatory drug testing with judicial supervision.**

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### Why Treatment Courts?

- The best Drug Courts reduce crime up to 45%
- For Every dollar invested into Drug Courts they produce an average of \$2.21 in direct benefits to the criminal justice system.
- More serious, higher-risk drug offenders, average return for every \$1 invested has a \$3.36 return.
- The net economic benefit to local communities range from \$3000 to \$13,000 per Drug Court participant.
- OWI Courts, 2008 study of Waukesha OWI Court found significantly lower recidivism rate for OWI Court participants, 29%, verses wait listed OWI Offenders, 45%.

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### Why Treatment Courts Work

There are 10 Key Components for all Drug Courts to function effectively.  
(These will be discussed later)

There are, however, **THREE CRITICAL** components that must be mastered to have a successful Drug Court

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### Key Components for Specialty Courts

- ◆ Judicially Monitored Coerced Treatment
- ◆ Integrated Services
- ◆ Frequent and Random Testing
- ◆ Incentives and Immediate Graduated Sanctions

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### Treatment Court Phases

- ◆ Each Court structures Phases differently.
- ◆ Phases are based on the Stages of Change

**La Crosse County Drug Court (Example)**

- ◆ Pre-Admission Phase (assessment)
- ◆ Phase I (appear in court weekly, 3 months long)
- ◆ Phase II (appear in court every 2 weeks, 4 months long)
- ◆ Phase III (appear in court every 4 weeks, 6 months long)
- ◆ Commencement

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### Ten Key Components of Drug Court Programs

In 1997, the National Association of Drug Court Professionals developed the ten key components which were designed to provide courts with a model which can be adapted to fit the specific needs of any community.

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### Key Component #1

- ◆ **Drug Courts integrate alcohol and other drug treatment services with justice system case processing.**

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## The Drug Court Treatment Team

A successful Drug Court requires a team approach including collaboration and cooperation of the:

- ◆ Judge
- ◆ District Attorney
- ◆ Public Defender's Office/Defense Attorney
- ◆ Coordinator
- ◆ Probation & Parole Agent
- ◆ Treatment Provider
- ◆ Law Enforcement

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## Key Component #2

- ◆ **Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting each participant's due process rights.**

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## Key Component #3

- ◆ **Eligible participants are identified early and promptly placed in the drug court program.**

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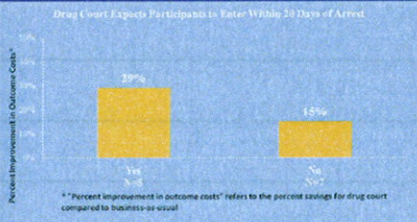
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**Is it important to get participants into the program quickly? This means from the time of arrest to the time they start Drug Court.**

- ◆ Drug Courts in which participants entered the program within 20 days of arrest had twice the savings.

Drug Court Expects Participants to Enter Within 20 Days of Arrest



Response	Percent Improvement in Outcome Costs
Yes	20%
No	10%

\* Percent improvement in outcome costs\* refers to the percent savings for drug court compared to business-as-usual

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**Key Component #4**

- ◆ Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

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**Key Component #5**

- ◆ Abstinence is monitored by frequent alcohol and other drug testing.

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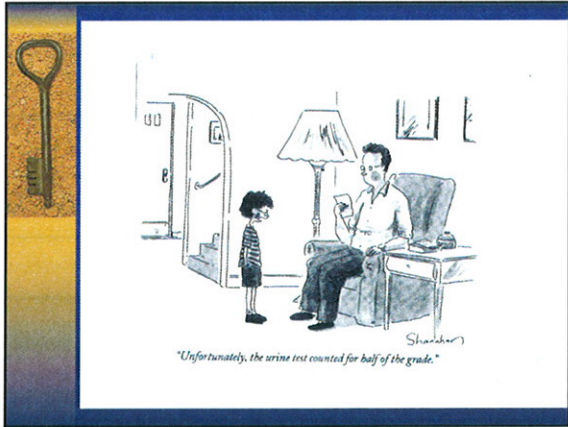
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### Key Component #6

- ◆ A coordinated strategy governs drug court responses to participants' compliance.

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### How effective is jail as a sanction?

Drug Courts that had written rules for team responses had almost 3 times the cost savings.

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Participants facing the possibility of jail as a sanction had lower recidivism.

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### Key Component #7

- ◆ Ongoing judicial interaction with each drug court participant is essential.

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Does it matter how long the judge spends interacting with each participant in court?

- ◆ Judges who spent at least 3 minutes talking to each participant in court had more than twice the savings.
- ◆ Motivational Interviewing skills carried through to the courtroom.

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### Key Component #8

- ◆ Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

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### Key Component #9

- ◆ Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

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### Key Component #10

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

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### Dane County's Drug Treatment Court

- ◆ Began in 1996 under Judge Aulik
  - The first in Wisconsin
  - Now more than 50 in about half of Wisconsin counties
  - Participants are non-violent felons whose criminal behavior is related to drug dependency
  - Capacity of 70 participants; 100 participants per year
  - Pre-adjudication model

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## Dane County's Drug Treatment Court

- ◆ Graduation:
  - Completion of treatment
  - Completion of three phases of the program takes 9 months, more or less
  - 120 days without relapse
- ◆ Dane County Graduation Stats:
  - 66% average (1996- 2011)
  - 84% in 2011
  - 45% national average

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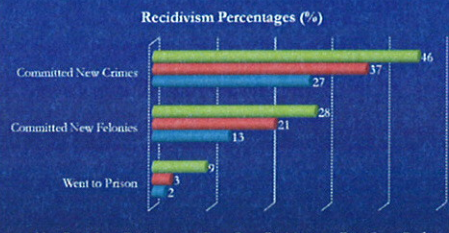
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## Dr. Brown's study

Recidivism Percentages (%)



Category	Non-Drug Court Participants (%)	Drug Court Participants (%)	Drug Court Graduates (%)
Committed New Crimes	46	37	27
Committed New Felonies	28	21	13
Went to Prison	9	3	2

■ Non-Drug Court Participants ■ Drug Court Participants ■ Drug Court Graduates

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## Dr. Brown's Study

- ◆ Other findings:
  - Minorities and those with a more extensive criminal history did particularly better after drug treatment court than after traditional adjudication
  - Dane County receives a marginal benefit of \$2,634 per participant based solely on jail days saved

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**Contact Information for Treatment Courts**

**Wisconsin Associations of Treatment Court Professionals**  
<http://www.watcp.org>

**National Association of Drug Court Professionals**  
<http://www.nadcp.org/naadcp/index>

**Substance Abuse and Mental Health Services Administration**  
<http://www.samhsa.gov/ndbcw>

**Center for Court Innovation**  
<http://www.courtinnovation.org/press/problem-solving-justice>

**National Institute on Drug Abuse**  
<http://www.nida.nih.gov/ndc/home.html>

**Bureau of Justice Assistance**  
<http://www.dept.justice.org>

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Center for Court Innovation

<http://www.courtinnovation.org/topic/problem-solving-justice>

National Institute on Drug Abuse

<http://www.nida.nih.gov/nidahome.html>

Bureau of Justice Assistance

<http://www.dcp.ncjrs.org/>



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

Court Intervention Program

**Mission Statement**

The mission of the Western District of Wisconsin Court Intervention Program (CIP) is to provide alternatives for individuals on federal supervision who are identified by the Court and the U.S. Probation Office as most likely to benefit from innovative case management. This may take the form of regular status hearings, informal meetings with the judge, or traditional hearings by summons or warrant, electronic monitoring, increased drug testing or other steps to insure regular interactions, oversight and feedback, whether positive or negative. To accomplish this, CIP will attempt to promote working relationships among all court participants and service providers.

**Goals**

The program's goals are to increase cooperation, reduce unfavorable outcomes and reduce criminal activity, all while improving the offender's quality of life and success. The program will provide progressive case management to those qualifying through partnership and collaboration between the U.S. District Court, U.S. Attorney's Office, Federal Public Defender's Office, U.S. Probation/Pretrial Services Office and community resources.

**Process**

Qualified participants will become eligible to participate in CIP by consensus, by procedural review and revocation proceedings, or by invitation and voluntary participation. Voluntary participants are required to enter into a contract for participation and abide by the contract terms. The voluntary program is designed to be 12 months in duration.

Voluntary participants will ordinarily be selected before sentencing, which will allow the judicial officer to add a special condition at the time of sentencing. Inmates in the Bureau of Prisons not already identified may also be selected within 90 days of

their release. If deemed qualified for CIP, an assessment related to substance abuse, employment and other barriers to success will be conducted while the participant remains a Bureau of Prisons' inmate or immediately upon their start of supervision.

Based on this assessment, an individual program plan will identify obstacles related to a successful transition to community supervision and, ultimately, to becoming a productive member of the community. Upon release from the Bureau of Prisons' custody, the participant shall enter CIP and be expected to adhere to three phase requirements, including a minimum of quarterly court appearances in order to report on and assess the participant's progress. Where deemed necessary and appropriate, a fourth phase preventing relapse may also apply. Each phase will have a specific purpose with distinct and achievable goals as set forth in the attached chart.

Ordinarily, successful completion of CIP will result in an order being entered by the judicial officer which reduces the participant's term of supervised release. Additional rewards and incentives will be employed during the program to recognize participants' achievements. Failure to abide by the mandates of a CIP contract may result in the imposition of sanctions, including increased monitoring, termination from the program, return to traditional supervision or, in the case of a serious breach of conditions of supervision, formal revocation proceedings.

A CIP team will ordinarily be comprised of a judge, a representative of the U.S. Attorney's Office, Federal Public Defender's Office, U.S. Probation/Pretrial Service's Office and, if appropriate, treatment providers. This team will meet at least quarterly to review a participant's progress and the CIP contract generally. Each member has a unique role.

### U.S. District Court Judge

The judge will employ formal and, if appropriate, informal means to assist a participant's assimilation back into society with reduced risk of recidivism. This will ordinarily include:

- Active participation in the program;
- Consideration of the thoughts and recommendations of the CIP team before meeting with a program participant;



- Providing regular and prompt reinforcement by freely praising and rewarding positive behavior and by requiring consequences or sanctions for unacceptable conduct;
- Availability on a quarterly basis (or more frequently if circumstances justify) to ensure regularity, continuity and consistency; and
- Making final decisions to terminate a participant from CIP, returning a participant to traditional supervision, or beginning formal revocation proceedings.

If consensus cannot be reached among the CIP team and offender on a way forward under the individual program plan, the judge will not impose a result. Throughout the process, the judge's role is one of mediator, understanding that she or he may be called upon to act as judge in a more formal revocation proceedings.

### U.S. Attorney's Office

The U.S. Attorney/Assistant U.S. Attorney will represent the interests of the United States. This will ordinarily require:

- Participation, as appropriate, in a team effort with the District Court, Federal Public Defender and the Probation Office to encourage the participant's successful completion of CIP;
- Providing a representative at CIP meetings;
- Participation in the development of operational standards and policies for the program in conjunction with other participating agencies;
- Reviewing cases and assisting in the determination of a defendant's eligibility;
- Attending regular status review meetings regarding the application of incentives or sanctions for participants; and
- Taking those formal and informal steps deemed necessary to promote success for the participant, and exercising discretion to file charges against a participant for any serious breach of conditions of release.

Throughout the process, the first obligation of the U.S. Attorney/Assistant U.S. Attorney shall remain representing the interests of the United States.

## Defense Counsel

The defense attorney will represent his or her client. This will ordinarily include:

- Participation, as appropriate, in a team effort with the District Court, U.S. Attorney's Office and the Probation Office to encourage the participant's successful completion of CIP;
- Providing a representative at CIP meetings;
- Advising the eligible client as to the nature and purpose of the program;
- Advising the client on the rules governing participation, the consequences of abiding by or failing to abide by the rules and whether participating in the program is in the interest of the client;
- Retaining a traditional attorney-client relationship while the participant completes the program;
- Representing the interests of the participant on issues of accountability, treatment and sanctions; and
- Advocating for the client at all team meetings, staffing, and program decisions about sanctions to be imposed for non-compliance.

Throughout the process, the first obligation of the Defense Attorney shall remain representing the interests of their client.

## U.S. Probation Officer

The U.S. Probation Officer in the program will provide effective supervision of participants per Monograph 109 and the expectations of the program team. This will ordinarily require:

- Coordinating the continuum of services through screening, referral and regular contact with treatment providers;
- Arranging substance abuse treatment and testing programs;
- Completing referrals to outside community-based resources;
- Participating in the case planning process; and
- Maintaining participant records and statistics, preparing court reports and providing information support to the CIP team as required.

Throughout the process, the first obligation of the U.S. Probation Officer shall be representing the interests of the court, public and client.

### Treatment Provider

The treatment provider will provide chemical dependence treatment and mental health counseling to participants in appropriate circumstances, utilizing proven methods. This will ordinarily require:

- Attending quarterly staffing and court hearings;
- Providing monthly written progress reports to the U.S. probation officer;
- Administering drug testing; and
- Assisting the participant (with input from the CIP) in developing an individualized treatment plan within the first 30 days of supervision, reviewing the treatment plan at least every 90 days and adjusting the plan as needed.

Throughout the process, the first obligation of the Treatment Provider shall be to provide proportional treatment to meet the client's needs, while promoting lasting change.

