

# Indiana's Drug Treatment Courts

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**JUDGE DAVID CERTO**

**INDIANAPOLIS VETERANS COURT**

# Problem Solving Courts

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- ❑ Courts use non-adversarial, collaborative approach to community supervision and participant rehabilitation.
- ❑ Participation is voluntary!
- ❑ Each court features an interdisciplinary team.
- ❑ Courts use incentives to address behavior

# Problem-Solving Court Types

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- Drug Treatment Court (Adult or Juvenile Jurisdiction)
- Domestic Violence Court
- Family Recovery Court
- Mental Health Treatment Court
- Re-Entry Court
- Veterans Treatment Court



# Services Available in Problem-Solving Courts

IC 33-23-16-20 Services provided by a problem solving court-

- (a) A problem solving court may provide the following services to individuals participating in problem solving court programs:
  - (1) Screening for eligibility and other appropriate services
- (2) Assessment
- (3) Education
- (4) Referral
- (5) Service coordination and case management
- (6) Supervision
- (7) Judicial involvement
- (8) Program evaluation
- (9) Rehabilitative services

# Program Legal Authorities

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- State and Federal Statutes: IC 33-23-16 and 42 CFR Part 2
- Administrative Rules: Admin. Rule 6 (file storage)
- Admin. Rule 7 (Records Retention),
- Admin. Rule 9 (Access to Records)
- Problem-Solving Court Rules approved by the Judicial Conference of Indiana.

# Indiana Problem-Solving Courts Directory

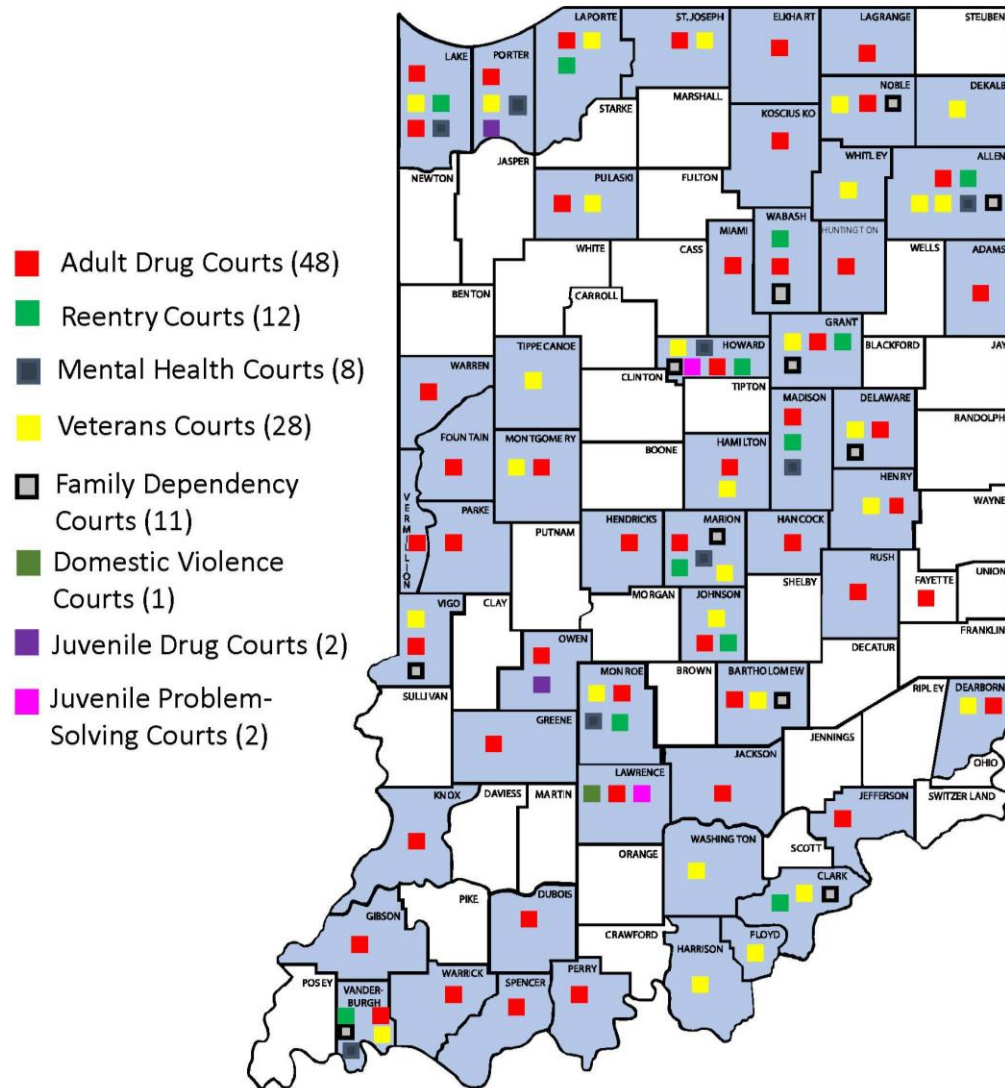
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Indiana Office of Court Services certifies  
Problem-Solving Courts

More than 100 certified courts in Indiana

<https://www.in.gov/judiciary/iocs/2330.htm>

# Indiana Certified Problem-Solving Courts Projection for 2020



# Projected Certified Problem-Solving Courts for 2020

<https://courtaapps.in.gov/reports/api/pscdirectory>

# Drug Courts

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- 48 certified Drug Courts in Indiana
- Specialized dockets within Court systems
- Started in Miami-Dade County in 1989 in response to the growing crack cocaine problem
- Legal process based on evidence and scientific research





# Why Drug Court? EVIDENCE supports it.

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- Lower Recidivism-Researchers in several studies found that drug courts reduced recidivism among program participants compared to other probationers.
- Cost savings-Reduced recidivism and other long-term program outcomes resulted in public savings of \$6,744 on average per participant. (Carey & Finnegan, 2004)
- Graduates tend to have shorter periods of incarceration for subsequent offenses (Brown, 2011; Carey & Finnegan, 2004)

## Problem-Solving Court Research

- ▣ 10 Key Components of Drug Courts
- ▣ Best Practice Standards
- ▣ Evidence-Based Practices
  - Tightly-controlled research studies
  - Practices proven effective in helping drug-dependent people recover



JUSTICE FOR ALL

Treatment Courts Save Lives

[Learn More](#)

### Treatment courts are justice reform

Treatment courts are the most successful intervention in our nation's history for leading people living with substance use and mental health disorders out of the justice system and into lives of recovery and stability. [Learn more.](#)



WHY TREATMENT COURTS



ADVOCACY & RESOURCES



New issue of All Rise now available!

[Read Now](#)

# NADCP- National Association of Drug Court Professionals

LINKS TO TRAINING,  
TECHNICAL ASSISTANCE,  
AND BEST PRACTICES

# 10 Key Components of Drug Courts

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1. Integrate alcohol and drug treatment with justice system case processing
2. Use non-adversarial approach, which allows prosecution and defense counsel to promote public safety while protecting due process rights
3. Identify eligible participants early and promptly placing them in the drug court program

# 10 Key Components (continued)

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4. Allow drug courts to provide access to a continuum of alcohol-, drug-, and other related treatment and rehabilitation services
5. Monitor abstinence by frequent alcohol and drug testing
6. Design a coordinated strategy that governs drug court responses to participants' compliance

# 10 Key Components (continued)

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7. Allow essential ongoing judicial interaction with each drug court participant
8. Monitor and evaluate program achievement to measure goals and to gauge effectiveness
9. Continue interdisciplinary education to promote effective drug court planning, implementation, and operation
10. Forge partnerships among drug courts, public agencies, and community-based organizations

Who is a Good Candidate?

Problem-Solving Courts Focus on Vulnerable Populations with Discreet Challenges

- Substance Use Disorder
- Co-occurring Mental Health disorders
- Unemployed
- Criminal History
- Unstable Housing
- History or Risk of Domestic Violence

# Candidates Apply and are Screened

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Written application- Most programs are voluntary!

Team screens applicant for legal eligibility (types of offense, consent of victim, local policy)

Some programs are pre-conviction or may include post-conviction

Must have demonstrated treatment needs

Applicant observes program or exercises an “opt in” period to try



# Deferred Prosecution

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- ❖ IC 33-23-16-14 Deferred prosecution
  - A court, without entering a judgment of conviction, may defer proceedings against an individual and place the individual in a problem solving court program

# Drug Court Team is Critical for Success!

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Judge

Prosecutor

Defense Attorney/Public Defender

Case Managers

Treatment Partners (Community Mental Health Center, Residential Facility)

Drug Lab Representative

Mentor/Peer Support Leader

Law Enforcement?

# Programs are Divided into Phases

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Programs have set duration (IVC-1 year for misdemeanors, 18 months for felonies)

Phase 1- weekly court, 2x weekly drug testing, 30 days sobriety, being treatment, no new arrests. Work on housing. Receive a mentor, peer support, or sponsor.

Phase 2- court every other week, 2x weekly drug testing, continue treatment, 60 days sober, attend recovery meetings regularly. Developing good habits with people, places, and things.

Phase 3- court every 3 weeks, 2x weekly drug testing, engage in aftercare, work on pro-social goals (job, child support, drivers license, legal aid), 90 days sober.

Phase 4- court once a month, 2x weekly drug testing, continue in aftercare, develop graduation plan. Maintain sobriety. Focus on community & family supports to promote recovery.

Graduation- dismiss charges or end supervision, ceremony, return as mentor?

# Problem-Solving Courts Use Positive and Negative Incentives

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## **Reward and encourage good behavior!**

Praise, case called first, “fishbowl” with tangible rewards (bus passes, candy, gift cards, etc.), phase promotion, approved travel, dismiss charges or end supervision, early expungement

## **Redirect poor behavior & refocus on treatment!**

Admonishment, essay, call case last, on line education programs, community service with targeted partners, curfew, GPS monitoring, home detention, alcohol monitoring, jail, phase demotion

# Family Recovery Court

- 13 certified FRCs in Indiana (4 in development)
- Target cases of abuse or neglect where parent or primary caregiver suffers from a substance use disorder or co-occurring disorders

# Medication Assisted Treatment

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**Best practices say to follow the standard of care for addiction treatment!**

**If prescribed by professionals with specialized training, judges should support MAT (and probably have to).**

**NADCP: Avoid general practitioners prescribing MAT.**

**Recent survey said approximately half of drug courts do not integrate MAT into their programs**

**NADCP attributes a lack of training or information given to judges, including confusion about which medications work based on drug of choice. Some judges also have a medication preference or feel concerned about effective drug testing.**

**Critically important to establish relationships between treatment providers and court judges and staff to promote appropriate care for each participant!**



# Mental Health Court

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8 certified MHCs in Indiana

Reduce inappropriate incarceration of mentally ill, promote their well-being, and improve public safety.

# Re-Entry Courts

- 10 certified RECs in Indiana
- Assist individuals released from prison to reintegrate into the community
- Combines support with accountability by partnering with IDOC Division of Parole Services
- Reduce recidivism with jobs, mentors, treatment, support



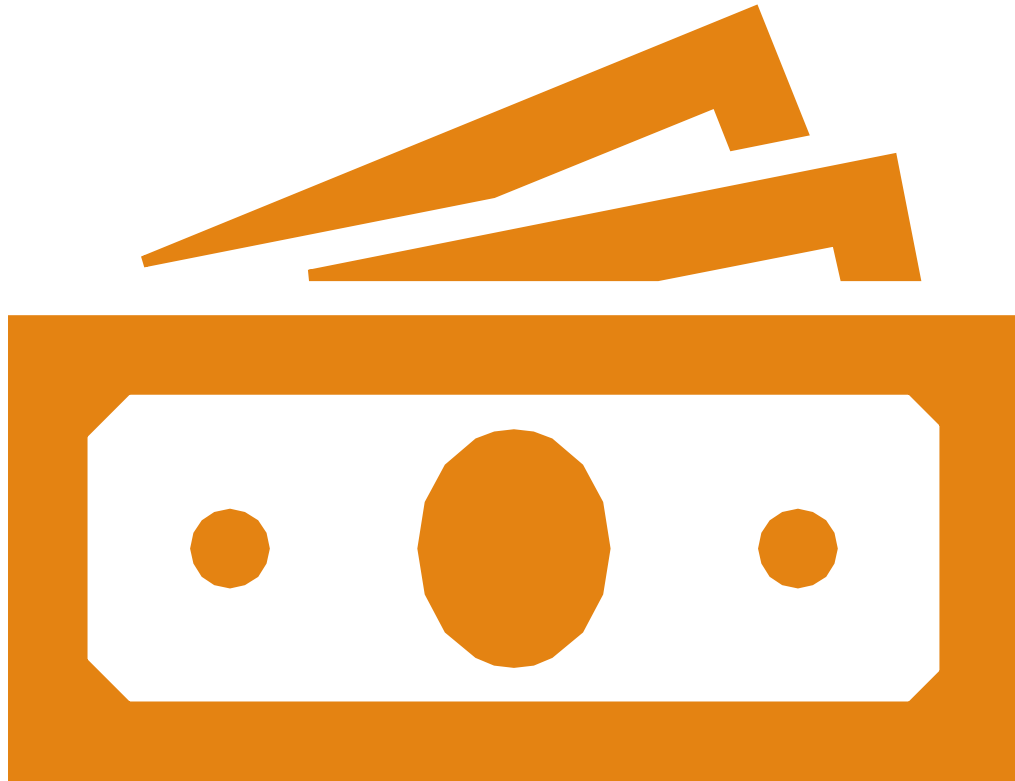
# Veterans Treatment Courts

- 27 Certified VTCs in Indiana
- Support veterans involved in the criminal justice system to live as productive, law-abiding civilians
- Veterans get arrested at a lower rate and succeed more often with the right intervention than civilians

# The “F” Word

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- Medicaid
- IOCS Grants: PSC, Family Court, Vet Court
- Federal Grants: BJA, SAMSHA, etc.
- State Program Grants: IDOC, HEA 1006
- County Council or Commissioners
- Community Donations/Partnerships/ 501 (c)(3)
- Universities: Interns, Data Evaluation



# Problem Solving Courts Funding

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IC 33-23-16-22 Funding of  
problem solving courts-

- Problem Solving Court Fees
  - \$100 Initial/\$50 per month starting the second month of participation
- Local Rules
- 501(c)(3)

Thank you!

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