

MARION COUNTY SUPERIOR COURT 23 PROBLEM SOLVING COURTS



DRUG TREATMENT COURT
AND
RE-ENTRY COURT

PROBLEM SOLVING COURTS- WHAT ARE THEY?

Problem Solving Courts address the underlying problems that contribute to criminal behavior. It is a different way to look at the drug epidemic. We look away from the traditional courtroom adversarial approach and focus on a wrap around treatment approach.

While the most widely recognized Problem-Solving Court is the drug treatment court, other examples include mental health courts, domestic violence courts, homeless courts, teen courts, veteran's courts and some forms for family courts. Generally, a problem solving court involves a single judge that works with a community team to develop a case plan and closely monitor a defendant's compliance, imposing proper sanctions when necessary.

HISTORY OF PROBLEM SOLVING COURTS

America's first Problem Solving Court, a Drug Court, was commissioned in 1989 in Miami, FL as a response to the extreme influx of cocaine and cocaine use to the area.

A group of justice professionals became acutely aware of the “revolving door of drug offenders” within the Criminal Justice System.

CAN'T THROW \$ AT THE PROBLEM.

The team set out to produce a response model that combined **evidence-based** drug treatment procedures with the authority and structure of the Court. Their purpose was to intelligently address the unique circumstances and challenges facing those with drug-related charges.

DRUG USE IS AN ILLNESS NOT
A CRIME

The Drug Treatment Court in Marion County was started in 1998.

CHANGES IN LAW

Look at the person like a “client” not a “defendant”.

GOALS OF PROBLEM SOLVING COURTS

- Immediate intervention
- Non-adversarial adjudication
- Hands-on judicial involvement
- Treatment programs with clear and structured goals
- Team Approach

WHAT DOES MARION COUNTY OFFER AS FAR AS PROBLEM SOLVING COURTS

ADULT SIDE

- **DRUG TREATMENT COURT-pre plea (defined in IC 33-23-16-5)**
- **RE-ENTRY COURT-post plea (defined in IC 33-23-16-9)**
- **PAIR-pre plea (defined in IC 33-23-16-7)**
- **BEHAVIOR HEALTH COURT-post plea (also IC 33-23-16-7)**
- **VETERANS COURT-post plea (defined in IC 33-23-16-10)**

CERTIFICATION

Problem Solving Courts State Certification

Certification enables the availability of a number of programs and alternatives for individuals.

Assistance from the State in developing new alternatives and in-staff training.

Some priority from Grant Funding Entities.

Access to national resources related to Problem Solving Courts.

In Marion County, both the Drug Treatment Courts and Re-Entry Courts are certified.

What does that mean: The State has basically audited our program and the process we use and found them to be in compliance with State-mandated program policies.

THE PROBLEM SOLVING COURT TEAM

DRUG TREATMENT COURT

6 MEMBERS

- The Judge
- The prosecutor and defense attorney
- The case manager (takes the place of the probation officer)
- The treatment provider
- The drug lab
- 2 Divisions Men and Women (one on group sessions)

2 DIVISIONS
MEN AND
WOMEN

RE-ENTRY COURT

7 MEMBERS

- The Judge
- The prosecutor and defense attorney
- The case manager
- The parole officer
- The treatment provider
- The drug lab

WHAT IS THE DIFFERENCE BETWEEN THE COURT PROGRAMS?

DRUG TREATMENT COURT

- Voluntary-you must want to be in the program.
- Pre plea-if you complete the program your case is dismissed.
- The program is geared toward keeping individuals from going to prison or jail.

RE-ENTRY COURT-parole clients

- Can be mandated by the Parole Board.
- Post plea-this is a program that you enter after you have completed the sentence you were originally given (program is completed during your parole time).
- The program is geared to prevent you from going **BACK** to prison.

WHO IS ELIGIBLE FOR THE DRUG TREATMENT COURT OR THE RE-ENTRY COURT?

Offenders eligible for diversion to DTC or REC are non-violent adults men and women (ages 18 or older) who have been arrested for the following offenses: not a complete list.

Possession of Controlled Substance

Possession of Cocaine or Narcotic Drugs

Possession of Marijuana

Theft

Attempting to Obtain a Controlled Substance by fraud or Deceit

Forgery

Burglary

Prostitution

Possession of Paraphernalia

VERY LIMITED DRUG DEALING OFFENSES
FOR DTC (NOT SO FOR REC)
CHARGE MUST HAVE A NEXUS TO DRUG USE.

WHO IS NOT ELIGIBLE FOR THE DRUG TREATMENT COURT?

(NOTICE I LEFT RE-ENTRY COURT OUT)

Offenses that disqualify someone from Drug Treatment Court are:

No evidence of significant dealing in instance offense of prior arrest (changing...)

No prior convictions for dealing in substance

Any “crime of violence”

No history of firearms violence

No prior charges filed for criminal recklessness

No juvenile filings for offenses stated in exclusion criteria

No open warrants

Not currently on probation or parole

No prior charges for domestic violence related offenses

No prior convictions for felony battery offenses.

No sex offenses

WHO IS NOT ELIGIBLE FOR THE RE-ENTRY COURT

Offenses that disqualify someone from Re-Entry Court are:

The Book is **WIDE OPEN**. Except NO sex offenders.

Anyone that DOC or the Parole Board feels would benefit from extra supervision during their term on parole.

If the defendant is on probation after their prison term; then it would be anyone the Judge from the original court feels would benefit from extra supervision during their term of probation.

KEY PHRASE IN BOTH OF THOSE CATEGORIES-**EXTRA SUPERVISION**

*THIS IS WHY OUR
PROGRAM WORKS.

WHAT TO YOU MEAN BY EXTRA SUPERVISION?

REGULAR PROBATION OR PAROLE

(Probation/parole officers) 150

- You see your officer once a month or maybe twice a month.
- You get drug tested once a month (unless you have special circumstances)
- It is your responsibility to comply with court ordered conditions.
- Officer's job is to make sure you are in compliance.
- Don't see a judge unless there is a violation

PROBLEM SOLVING COURTS

(Case Managers) 50

- You see a judge once a week (to start the program).
- You are drug tested weekly (you must respond to a daily text)
- You are required to attend two group sessions a week.
- You must talk to your case manager once a week.
- Case manager's job is to **HELP** you get in compliance with your specialized program needs.

WHAT IS THE PHILOSOPHY BEHIND PROBLEM SOLVING COURTS?

Problem Solving Courts are non-adversarial; meaning no arguing is allowed in the court session.

THIS IS NOT LIKE THE “LAW AND ORDER” TV SHOW

Arguments are made in staffing that occur either the day before or immediately prior to court. By the time Court comes around, the decisions on what is going to happen with each client have already been made.

Present in staffing are the Judge, Defense Attorney, Prosecutor, Case Managers, Parole Officers, Treatment Providers, Drug lab personnel, and any other person that the team deems necessary.

WHAT IS THE PHILOSOPHY BEHIND PROBLEM SOLVING COURTS?

Problem Solving Courts work on a schedule of incentives and sanctions.

Incentives are earned when someone has consistently done well with treatment, has consistently had negative drug screens, and they are in all around compliance with the program requirements.

Incentives can include clapping in the courtroom, certificates of achievement, candy/cookies, bus passes, gift cards, phase promotion or anything else created and approved by the court team.

FOR MANY CLIENTS THIS IS THE FIRST REAL
POSITIVE ACKNOWLEDGEMENT THEY GET.

WHAT IS THE PHILOSOPHY BEHIND PROBLEM SOLVING COURTS?

- Sanctions include verbal warnings, community service work, essays, periods on home detention, short stays in jail, extra court sessions, and phase demotion.
- Sanctions are progressive and are supposed to work up from minor sanctions to more aggressive sanctions. Sanctions are used when a person is not in compliance with program requirement. For example, if a person has a positive drug screen.
- In regular court they would be immediately violated. In our court, they will be given a sanction to address the issue.
- **Court has the final say on any sanction.**

CLIENTS AND CM GET
INVESTED IN THE PROGRAM.

WHAT IS THE REQUIREMENTS OF THE PROBLEM SOLVING COURTS?

Problem Solving Courts have three phases:

(... a 12 month program in theory)

Phase 1:

- Assessment, Detoxification Education, and Stabilization.
- Month 1 thru 4 minimum (@),
- Detox if needed, attend court 1x a week,
- Submit to random urine drug screens 2x a week,
- Attend weekly substance groups/individual sessions provided by the treatment provider.
- Obstacles: Funding, treatment facilities, and detox facilities.

WHAT IS THE REQUIREMENTS OF THE PROBLEM SOLVING COURTS?

Problem Solving Courts have three phases:

Phase 2:

- Overcoming Barriers to Recovery and Developing a Comprehensive Relapse Prevention Plan.
- Month 5 thru 8 minimum (@),
- Attend court 2x a month,
- Submit to random urine drug screens 2x a week,
- Follow your individualized treatment plan from provider.

WHAT IS THE REQUIREMENTS OF THE PROBLEM SOLVING COURTS?

Problem Solving Courts have three phases:

Phase 3:

- Aftercare Maintenance of Recovery and Responsibility to Self and Others.
- Month 9 thru 12 minimum (@),
- Attend court 1x month,
- Submit to random urine drug screens 2x a week,
- Follow individualized treatment plan,
- **Have a strong support network in place.**

HOW TO YOU GET SOMEONE INTO THE PROBLEM SOLVING COURT?

DRUG TREATMENT COURT

- Defendant's attorney must make a referral to the prosecutor. The prosecutor must accept the case(s).
- The referral form can be picked up at the problem solving court office (floor 0, CJC)
- Defendant must be given an evaluation to ensure that they are appropriate for the program.
- Once accepted into the program the case is transferred into D23
- Client will not want to do it, more requirements. (but case gets dismissed)

RE-ENTRY COURT-Probation clients

- Re-entry Court can be part of the original sentence that is issued by the Judge. (Attorney's are free to use REC as a negotiating tool to try to lesson the length of any prison or probation sentence a judge may impose).
- If the defendant is on probation after coming out of DOC, they can file motion to modify sentence to include REC as a condition of probation.
- It must be agreed to by the prosecutor and the judge must accept the modification.
- In these cases, the benefit to the defendant would be the possibility of reducing the length of their probation sentence.

WHAT HAPPENS IF YOUR CLIENT GRADUATES FROM THE PROBLEM SOLVING COURT?

DRUG TREATMENT COURT

- Upon completion of all program requirements the client will be deemed eligible for graduation from the program.
- If approved, the client's graduation will be acknowledged in open court (in front of other participants and family) .
- The client's case will be dismissed (**this is the carrot**).
- Client's case will also be open to expungement. Defense attorney must talk to the prosecutor as to the length of time needed before any motion for expungement can be filed by agreement.

RE-ENTRY COURT-Parole clients

- Upon completion of all program requirements the client will be deemed eligible for graduation from the program.
- If approved, the client's graduation will be acknowledged in open court (in front of other participants and family) .
- The Court will recommend to the Parole Board that the client be place on administrative parole or outright terminate the remaining portion of the client's parole time. (**this is the carrot**).
- Also, may be granted early expungement by agreement.

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- The client's case will be dismissed. **(this is the carrot)**
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- You are sober, strong support network

RE-ENTRY COURT-Probation clients

- Upon completion of all program requirements the client will be deemed eligible for graduation from the program.
- If approved, the client's graduation will be acknowledged in open court (in front of other participants and family).
- The Court will have the discretion to terminate the client's probation early. **(this is the carrot)**

WHAT HAPPENS IF YOUR CLIENT GET TERMINATED FROM THE PROBLEM SOLVING COURT?

DRUG TREATMENT COURT

- Upon termination from the program, pursuant to the plea agreement, the parties proceed directly to sentencing on the cases that are in DTC.
- At this time the case reverts back to the adversarial process.
- Each side will be have the opportunity to present evidence and argue as to the appropriate sentence that should be given by the Court.

RE-ENTRY COURT-Probation clients

- Upon termination of the program the client will be given the option to have a hearing on the issue of termination.
- This is like a probation violation hearing.
- If they do not fight their termination, then the parties can have a hearing on the appropriate sentence that should be given to the defendant.
- This is like a contested probation violation hearing. Attorneys can present evidence and make a recommendation as to the consequence.

WHAT OPTIONS ARE THERE-
PROBATION?

WHAT DOES THE FUTURE HOLD FOR PROBLEM SOLVING COURTS?

Problem Solving Courts are still an evolving entity.

Early days of DTC the program was geared toward helping those individuals that were basically first time offenders.

Over time the research showed that the rigors of our program are best suited for the “hard core addict”.

As such Problem Solving Courts can and should address the “high risk/high need” clients.

**THE COURT HAD TO
CHANGE.**

THE COURT IS CHANGING.

Problem Solving Courts are still evolving.

Early days of DTC the program was an abstinence based program geared toward making sure that all who graduated were completely off all substances period.

Over time the research has showed that some individuals are going to require medical assistance to maintain sobriety throughout their life or for extended periods

This approach is relatively NEW for DTCs... Medically Assisted Treatment or MAT.

Drugs like methadone, suboxone and vivitrol(among others) are recognized as medically needed for some individuals.

We require a letter from the client's doctor that details the need the client has for the medication if the client is going to graduate from our program while on a medication.

OBSTACLES.

We do not have a “pretty” target group.

- Funding is always an issue.
 - Department of Corrections.
 - Drug Free Marion County.
 - Federal grants.
- Treatment facilities are limited.
 - Residential.
 - Out patient.
- Detox facilities are limited.
 - Salvation Army Harbor Lights/Valle Vista/AIC is a new and evolving tool
 - Jail. (suboptimal for detox)

WHAT IS OUR FUTURE?

The new criminal justice campus has presented new opportunities and some new challenges..

The need for the problem-solving approach is clear and the approach is a successful and valuable tool for addressing criminogenic needs. What is certain is that Marion County has a variety of options under the Problem Solving Court umbrella for individuals that need them.

Thank you for being here and for your time.

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