

Indiana's Problem-Solving Courts

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INDIANAPOLIS VETERANS COURT

Problem-Solving Courts

- ❑ 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

- 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

Courts may NOT provide direct treatment unless certified by DMHA!

Program Legal Authorities

- 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

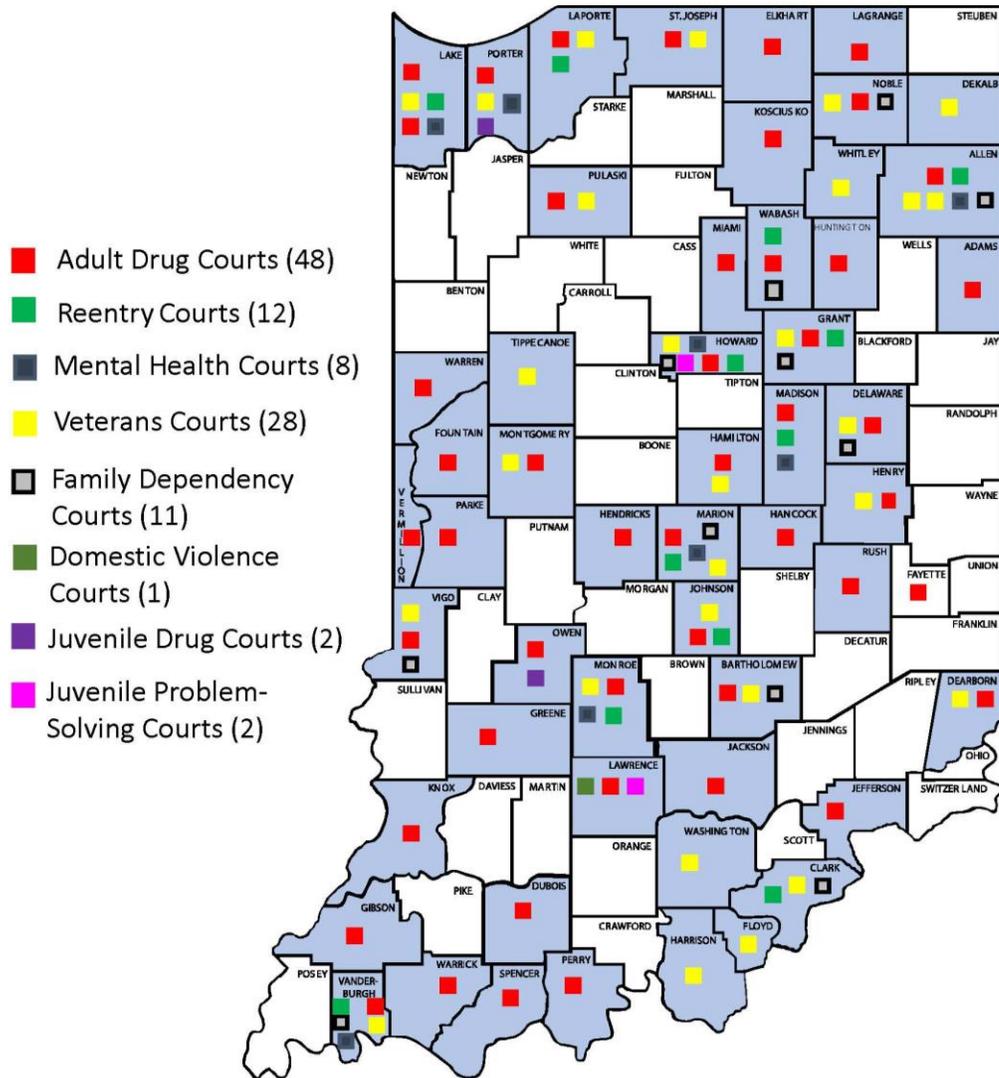
Indiana Problem-Solving Courts Directory

Indiana Office of Court Services certifies Problem-Solving Courts

More than 100 certified courts in 50 counties

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

Indiana Certified Problem-Solving Courts Projection for 2020



Projected Certified Problem-Solving Courts for 2020

(most recent map available)

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

Drug Courts

- 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.

- 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.org- National Association of Drug Court Professionals

LINKS TO TRAINING,
TECHNICAL ASSISTANCE,
AND BEST PRACTICES

10 Key Components of Drug Courts

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)

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)

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

Written application- **Defense attorney help is crucial**

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

Many programs are pre-conviction but may include post-conviction

Must have demonstrated treatment needs

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

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!

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

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

Phase 1- weekly court, 2x weekly drug testing, 30 days sobriety, begin 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

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

Medication Assisted Treatment

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!

Family Recovery Court

- 19 certified Family Recovery Courts in Indiana (3 in development)
- Target cases of abuse or neglect where parent or primary caregiver suffers from a substance use disorder or co-occurring disorders
- Marion County FRC closed



Mental Health Court

9 certified Mental Health Courts with
3 under development

Reduce inappropriate incarceration of
mentally ill, promote their well-being,
and improve public safety by
integrating MH treatment with case
management.

Re-Entry Courts

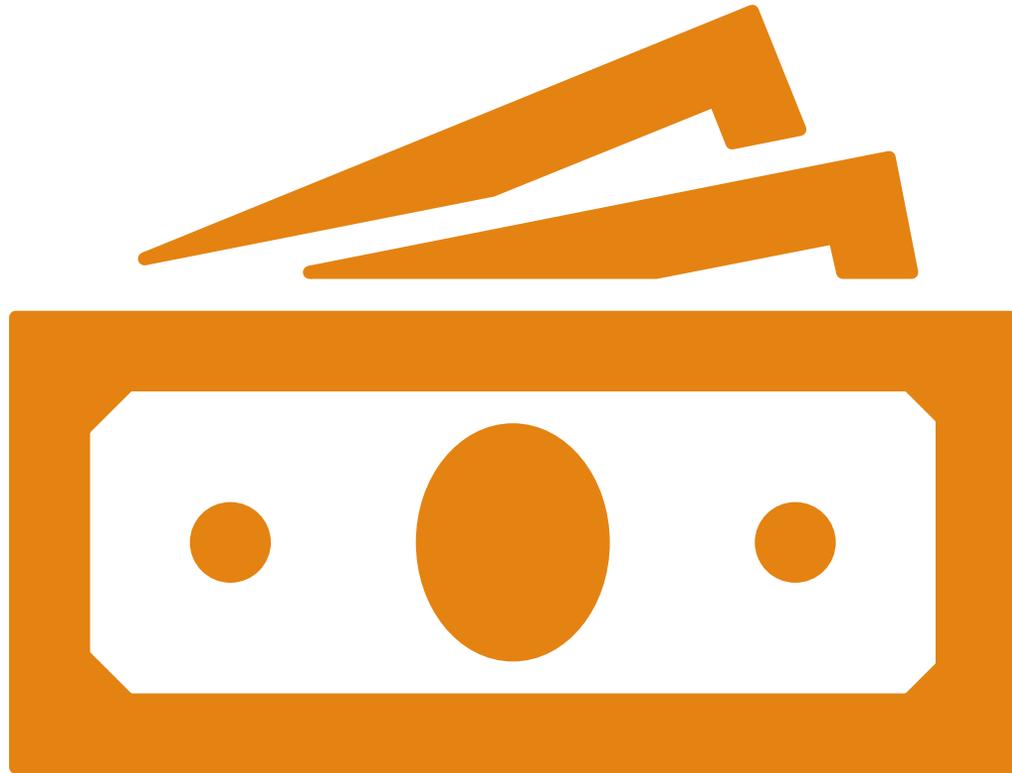
- 11 certified Re-Entry Courts
- Assist individuals released from prison to reintegrate into their communities
- Combine support with accountability by partnering with IDOC Division of Parole Services
- Reduce recidivism with jobs, mentors, treatment, and support

Veterans Treatment Courts

- 28 Certified Veterans Treatment Courts (2 in planning)
- Support veterans involved in the criminal justice system to live as productive, law-abiding civilians
- Veterans get arrested at a lower rate than civilians and succeed more often with the right intervention

The “F” Word - Funding

- Medicaid/ Recovery Works/ Private Insurance
- Office of Court Services Grants for problem-solving courts
- Federal Grants: Bureau of Justice Assistance, 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

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

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

Thank you!

Judge David Certo

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