

**COLORADO PROBLEM SOLVING COURT STANDARDS:
ADULT, CRIMINAL DRUG COURTS**



Adopted December 2014

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INTRODUCTION:

ABOUT THE COLORADO PROBLEM SOLVING COURT STANDARDS MANUAL FOR ADULT DRUG COURTS

FP = Minimum “Fundamental Practices” are expected standards for Problem Solving Court (PSC) programs based upon the COLORADO PROBLEM SOLVING COURTS BEST PRACTICES MANUAL adopted by the Problem Solving Court Advisory Committee and *Volume 1* of the NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS ADULT DRUG COURT BEST PRACTICE STANDARDS.

BPS = “Best Practice Standards” to be encouraged for use in all PSC programs, based upon the COLORADO PROBLEM SOLVING COURTS BEST PRACTICES MANUAL adopted by the Problem Solving Court Advisory Committee and *Volume 1* of the NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS ADULT DRUG COURT BEST PRACTICE STANDARDS.

The distinction between “Fundamental Practices” minimum standards and encouraged best practice standards is based upon a collaborative process in consultation with the Center for Court Innovation, NPC Research, the Technical Assistance and Program Support (TAPS) Sub-Committee of the Colorado Problem Solving Court Advisory Committee, and input from Colorado Problem Solving Court professionals.

For all components, allowances are made for local circumstances beyond the immediate control of the PSC Team. Recognition is given to the fact that many programs, especially in rural areas of the state, lack the resources and service providers that are needed for full compliance with practice standards. Many of those programs have found solutions to those challenges and operate effective programs. Teams should strive to resolve the local issues in an effective manner.

The Colorado Ten Key Components are based on the Ten Key Components adopted by the National Association of Drug Court Professionals (NADCP). The Key Component numbers in the “Colorado Standards” follow the sequence used by the NADCP with a notation identifying the corresponding Key number used in the Colorado 10 Key Components. Although Colorado has adopted language that differs from the NADCP in Key Components 5, 6 and 7; the intent and subject matter remains identical for all practical purposes.

KEY COMPONENT #1:

Drug courts will integrate alcohol and other drug treatment services with justice system case processing.

(COLORADO KEY COMPONENT #1)

- 1-1** The problem solving court team shall include the following roles/agencies: Problem solving court judge, treatment provider, treatment court coordinator, probation/case manager, law enforcement and legal advocates (prosecuting attorney, defense attorney).^{1 2} *FP*
- 1-2** The problem solving court team shall collaboratively develop, review, and agree upon all aspects of problem solving court operations (purpose, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, and program structure guidelines). The team shall create a policy manual and should review it yearly for content updates. *FP*
- 1-3** The problem solving court team shall develop a written agreement (i.e., a Memorandum of Understanding) between all participating agencies. This agreement shall include roles and responsibilities of all parties. *FP*
- 1-4** Problem solving court team members shall consistently attend and participate at scheduled staffing. At a minimum, law enforcement, defense attorney, district attorney, judge, treatment provider, probation/case manager or designated representatives.³ *FP*
- 1-5** Problem solving court team members shall consistently attend and participate at court sessions. At minimum law enforcement, defense attorney, district attorney, judge, treatment provider, coordinator, probation/case manager or designated representatives.⁴ *FP*
- 1-6** Treatment providers shall communicate, via email, with the problem solving court team between court sessions to report on participant progress and/or concerns in treatment, with confidentiality protocols in place to prevent the disclosure or re-disclosure of confidential information.⁵ *BPS*

¹ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014)

² 10 Key Components (NADCP, 1997)

³ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁴ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁵ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #2:

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

(COLORADO KEY COMPONENT #4)

- 2-1** Prosecution (District Attorney) and defense counsel shall both be members of the problem solving court team and shall participate in the design, implementation, and enforcement of the program's screening, eligibility, and case-processing policies and procedures.^{6,7} *FP*
- 2-2** The prosecutor and defense counsel shall work to create a sense of stability, cooperation, and collaboration in pursuit of the program's goals. The prosecutor and defense counsel shall pursue justice and protect public safety as well as preserve the constitutional rights of problem solving court participants.⁸ *FP*
- 2-3** The prosecutor and defense counsel shall consistently attend staffings and court sessions.⁹ *FP*
- 2-4** The prosecutor shall: review cases and determine whether a defendant is legally eligible for the problem solving court program; file all required legal documents; agree that a positive drug test or open court admission of drug use will not result in the filing of additional drug charges based on that admission; and work collaboratively with the team to decide on team response to participant behavior including the use of incentives, sanctions, therapeutic adjustments, and whether termination from the program is warranted.¹⁰ *FP*
- 2-5** The defense counsel shall: review the arrest warrant, affidavits, charging document, all program documents, and other relevant information; advise the defendant as to the nature and purpose of the problem solving court, the rules governing participation, the merits of the program, the consequences of failing to abide by the program rules, and how participation or non-participation will affect his/her interests.
- 2-5-1** Provide a list of and explain all of the rights that the defendant will temporarily or permanently relinquish¹¹ and advise the participants on alternative options.
- 2-5-2** Explain that the prosecution has agreed that admission to drug use in open court will not lead to additional charges, and therefore encourage truthfulness with the judge and treatment staff; and, inform the participant that they will be expected to take an active role in court sessions, including speaking directly to the judge as opposed to doing so through an attorney.

⁶ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014)

⁷ 10 Key Components (NADCP, 1997)

⁸ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014)

⁹ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁰ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014)

¹¹ Each right that will be temporarily or permanently relinquished as a condition of participation in drug court shall be distinguished and explained separately to ensure the defendant fully understands what they are waiving.

2-5-3 Work collaboratively with the team to decide on team response to participant behavior including incentives, sanctions and when or whether termination from the program is warranted (some of these duties may be performed by alternate defense counsel roles in a post-plea sentence modification, termination from the program and probation revocation). *FP*

KEY COMPONENT #3:

Eligible participants are identified early and promptly placed into the drug court program.

(COLORADO KEY COMPONENT #2)

- 3-1** Participant eligibility requirements/criteria (verified through objective legal and clinical screening conducted by appropriately trained and qualified professional staff) shall be developed and agreed upon by all members of the problem solving court team and included as part of the program's policies and procedures.¹² *FP*
- 3-1-1** Both the prosecution and the defense attorney shall perform their tasks as part of the eligibility process as swiftly as possible, including working with stakeholders in the legal system to shorten the time to entry into the problem solving court.¹³ *FP*
- 3-2** Time from arrest (or revocation) to program entry is 50 days or less.¹⁴ *BPS*
- 3-3** All participants shall receive a Participant Handbook including information regarding program expectations, requirements and behaviors that will result in sanctions and incentives upon accepting the terms of participation and entering the program.¹⁵ *FP*
- 3-4** The target population for problem solving courts shall be individuals classified as moderate-to-high-risk and high-need or those that are dependent on illicit drugs or alcohol and are high-risk for reoffending or failing to complete less intensive forms of supervision.^{16 17} *FP*
- 3-4-1** The court shall avoid serving a mixed population of low-risk and moderate to high-risk offenders in a single treatment setting. If a program chooses to serve a mix of low, moderate, and high-risk/need individuals, group services as well as court reviews shall be separated to ensure low-risk offenders are not attending group sessions with moderate- and high-risk offenders. The use of separate tracks to address serving a mixed population in a program is necessary to avoid causing harm to a lower risk population by exposing them to high-risk populations.^{18 19} *FP*

¹² Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹³ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁴ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁵ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁶ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁷ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

¹⁸ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁹ Alternative Tracks in Adult Drug Courts: Matching Your Program to the Needs of Your Clients. Available at <http://www.ndci.org/sites/default/files/nadcp/AlternativeTracksInAdultDrugCourts.pdf>.

- 3-5** Eligibility and Exclusion Criteria shall be defined objectively, specified in writing, and communicated to potential referral sources (Bhati et al., 2008; Sevigny et al., 2013). The team shall not apply subjective criteria, such as motivation, personal knowledge of defendants or impressions of defendants to determine eligibility.^{20 21} *FP*
- 3-6** Problem solving courts shall use validated risk and need assessments that are appropriate for the population served to assess the risk of the potential problem solving court candidate administered by appropriately trained and qualified professional staff (e.g. LSI-R, LS-CMI, PSC, CJRA, etc.). Services for participants shall be appropriate for their assessed risk and needs.^{22 23} *FP*
- 3-6-1** The problem solving court completes a full treatment screening or assessment prior to program entry, including a mental health screen.²⁴ *BPS*
- 3-6-2** Assessment for substance abuse and other treatment needs shall be conducted by appropriately trained and qualified professional staff, using validated and standardized assessment tools.²⁵ *FP*
- 3-6-3** If adequate treatment is available, candidates with co-occurring disorders or those who have been prescribed psychotropic or addictive medication shall be considered for program participation.²⁶ *FP*
- 3-7** The program shall not automatically disqualify individuals charged with drug dealing or violent histories unless restricted by grant funding (Carey et al., 2008, 2012).^{27 28} *FP*
- 3-8** Problem solving courts that are larger than 125 participants shall pay particular attention to whether they have the capacity (services and staff) to follow these standards.²⁹ *FP*

²⁰ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

²² Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

²⁴ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²⁵ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²⁶ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²⁷ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

²⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

²⁹ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #4:

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

(COLORADO KEY COMPONENT #6)

- 4-1** Problem solving courts shall partner with no more than two primary treatment providers. Programs with more than two treatment providers should designate one agency to coordinate treatment for the program participants and exercise oversight for treatment modalities.³⁰ *FP*
- 4-2** The problem solving court team shall ensure case management services are provided. *FP*
- 4-2-1** Ancillary services should be made available to meet the needs of participants. These services may include but are not limited to:
- a. Employment counseling and assistance
 - b. Educational component
 - c. Medical and dental care
 - d. Transportation
 - e. Housing
 - f. Mentoring and alumni groups *BPS*
- 4-3** Problem solving courts shall provide a continuum of services:³¹ A continuum of care consists of many elements that are not available to every program. These services may include but are not limited to:

<i>REQUIRED (R)</i>	<i>BEST PRACTICE (BPS)</i>	
Intensive Outpatient Treatment	Detox treatment	Anger Management
Group Counseling	Residential treatment	Health Screening
Individual Counseling	Sober Living facilities	Trauma-Informed Care
Drug Testing	Family Counseling	Parenting Classes
Co-Occurring Assessment (and counseling if appropriate)	Gender-Specific Counseling	In-Custody Treatment
	Domestic Violence Counseling	

- 4-4** Treatment and case management plans shall be individualized for each participant based on the results of the initial and reassessments. Participants should be reassessed at a frequency determined by the program and treatment plans may be modified or adjusted based on results.³² *FP*

³⁰ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

³¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³² Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

- 4-4-1 Treatment shall not be based on program phase structure. Treatment shall be individually tailored to the participants needs based on the assessment of needs. *FP*
- 4-5 While in-custody treatment is encouraged when appropriate, jail shall not be used to administer treatment services if appropriate community-based treatment services are available. *FP*
 - 4-5-1 Jail shall not be used for detox if other detox services are available. *FP*
 - 4-5-2 Jail shall not be used for sober living needs.³³ *FP*
- 4-6 Treatment shall be of adequate dosage and duration. *FP*
 - 4-6-1 Counseling shall be six to ten hours per week at the beginning of program for high-risk and need participants.³⁴ *FP*
 - 4-6-2 Treatment shall be 200 hours **or** more over nine to twelve months for high-risk and need participants.³⁵ *FP*
- 4-7 The problem solving court program shall offer a range of treatment modalities.
 - 4-7-1 Individual sessions shall be a part of treatment requirements.³⁶ *FP*
 - 4-7-2 Individual sessions shall be reduced only based on progress and stability. *BPS*
 - 4-7-3 Group interventions shall be a part of treatment requirements when found to be appropriate for the participant. *FP*
 - 4-7-4 Gender shall be considered in treatment planning. *FP*
 - 4-7-5 Trauma history shall be considered in treatment planning.³⁷ *FP*
 - 4-7-6 Co-occurring issues shall be considered in treatment planning. *FP*
 - 4-7-7 The size of treatment groups shall not exceed twelve participants.³⁸ *FP*
 - 4-7-8 Treatment groups shall be conducted by at least two licensed clinician facilitators.³⁹ *BPS*

³³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁴ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁵ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁶Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁷ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

³⁹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- 4-8** The problem solving court shall utilize evidence-based treatments.⁴⁰ *FP*
 (For an extensive listing of evidence-based treatment programming, visit [the NREPP website.](#)⁴¹)
- 4-8-1** Treatment shall be based on cognitive behavior therapy. (CBT).⁴² *FP*
- 4-8-2** Treatment is manual based. ⁴³ *FP*
- 4-8-3** Treatment is recognized as evidence based. *FP*
- 4-8-4** Treatment providers are appropriately trained and qualified in services provided. *FP*
- 4-9** Psychotropic medications are utilized, if clinically determined to be appropriate.⁴⁴ *FP*
- 4-9-1** Medication Assisted therapies shall be utilized (such as Vivitrol, buprenorphine or Antabuse) when found to be clinically appropriate. *FP*
- 4-9-2** Releases of information shall include the prescriber(s) of any medications. *FP*
- 4-9-3** The team shall facilitate ongoing communication with the prescriber(s) of medications for program participants. *BPS*
- 4-10** Relapse prevention and continuing care are addressed in all phases of the program, beginning in the first phase, with special emphasis in the final phase. *FP*
- 4-10-1** Aftercare and relapse prevention plans are required for program completion. *FP*
- 4-10-2** Peer support groups continue after graduation for a minimum of 90 days. *BPS*
- 4-10-3** Referrals for treatment and/or sober support after graduation are available. *FP*
- 4-10-4** Pro-social activities are established for participants. *BPS*
- 4-10-5** The team maintains follow-up contact with participants after graduation. *BPS*
- 4-11** The program shall use one to two primary treatment providers and additional treatment providers, if necessary, to provide a continuum of treatment.^{45 46} *FP*

⁴⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴¹ <http://www.nrepp.samhsa.gov/>

⁴² Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴⁴ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴⁵ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)
 Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴⁶ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

- 4-12** Treatment Providers serving on the problem solving court team shall be appropriately trained, qualified and licensed to provide the appropriate services. ⁴⁷ *FP*
- 4-13** Treatment providers shall share accurate information about participants with the team in a timely manner (e.g., prior to status review hearings). *FP*
- 4-13-1** As much as possible information should be shared via email with confidentiality protocols in place to prevent the disclosure or re-disclosure of confidential information. ⁴⁸ *BPS*
- 4-13-2** Communication protocols shall be in place to address HIPAA restrictions, releases of information (ROI), ex-parte communication, type of information to be shared etc. ⁴⁹ *FP*
- 4-14** Problem solving courts shall require a minimum of 12 months of participation to complete all program phases which shall include aftercare. Overall length of supervision and dosage of treatment for participants shall be based on the individual's risk and needs as determined from valid standardized assessments. ⁵⁰ *FP*
- 4-15** The context and nature of a participant's addiction shall be considered in any termination decisions. Participants shall not be terminated (discharged or excluded) from treatment or the program based solely on relapses until all available treatment options are exhausted, provided the participant is otherwise compliant with the program. ⁵¹ *FP*

⁴⁷ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁴⁸ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁴⁹ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014)

⁵⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁵¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

KEY COMPONENT #5:

Abstinence is monitored by frequent alcohol and other drug testing.

(COLORADO KEY COMPONENT #7)

- 5-1** The problem solving court program shall implement a standardized system in which participants will participate in drug testing.⁵²
- 5-1-1** Testing shall be administered randomly. *FP*
- 5-1-2** Testing frequency should be no less than twice per week. *FP*
- 5-1-3** Testing should occur on weekdays and weekends. *FP*
- 5-1-4** As treatment dosage and supervision is reduced, drug testing should be maintained until the participant has shown significant progress in meeting target behaviors. *FP*
- 5-2** All problem solving courts shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, and saliva testing, as well as patch and electronic monitoring.⁵³ *FP*
- 5-3** All drug testing shall be directly observed by an authorized, official. *FP*
- 5-4** Results of drug testing should be provided to the team within 48 hours. In the event the participant provides a diluted, altered or positive sample, or fails to submit a sample, this information should be communicated to the problem solving court team immediately.⁵⁴ *BPS*
- 5-5** A period greater than 90 continuous days of documented sobriety shall be required before a participant is eligible to graduate from the program.⁵⁵ *FP*

⁵² Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁵³ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁵⁴ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁵⁵ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #6:

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

(COLORADO KEY COMPONENT #5)

- 6-1** The problem solving court shall have for procedures for the use of incentives, sanctions and therapeutic adjustments, including a system for reporting noncompliance, established in writing and included in the court's policies and procedures manual, and provided to the team for use in staffings.⁵⁶ *FP*
- 6-1-1** Written policies and procedures for incentives, sanctions and therapeutic adjustments are in place.⁵⁷ *FP*
- 6-1-2** Policies and procedures are communicated in advance to participants.⁵⁸ *FP*
- 6-1-3** Clear definitions shall describe behaviors that elicit sanctions, incentives and therapeutic adjustments.⁵⁹ *FP*
- 6-1-4** Phase advancement criteria are in place.⁶⁰ *FP*
- 6-1-5** Graduation criteria are in place.⁶¹ *FP*
- 6-1-6** Termination criteria are in place.⁶² *FP*
- 6-1-7** Team has reasonable discretion based on case circumstances.⁶³ *BPS*
- 6-2** The formal system of incentives and sanctions shall be organized on a gradually escalating scale, offering a range of options, and applied in a consistent and appropriate manner to match a participant's conduct and level of compliance, taking into consideration proximal and distal goals.⁶⁴ *FP*
- 6-3** Incentives and sanctions should be tailored to the individual participant.⁶⁵ *BPS*

⁵⁶ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁵⁷ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁵⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁵⁹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013) Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶² Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶⁴ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁶⁵ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- 6-4** The program utilizes incentives to reinforce desired behaviors. (Examples include: employment, educational programs, peer support groups, volunteer service, etc.)⁶⁶ *FP*
- 6-5** Information regarding incidents of participant noncompliance shall be communicated immediately to all members of problem solving court teams to coordinate an appropriate response/sanction.⁶⁷ *BPS*
- 6-6** Incentives and sanctions must be immediate, certain, fair, and of appropriate intensity. Incentives and sanctions should be administered as closely in time to the targeted behavior as possible. If a participant does not agree with an immediate sanction, a non-compliance docket appearance date should be set to provide the participant with the hearing requested pursuant to section 6-8-4. Incentives and sanctions should target specific behaviors and be administered with a clear direction for the desired behavior change.⁶⁸ *FP*
- 6-6-1** Clear explanation for every consequence is given to the participant.⁶⁹ *FP*
- 6-7** Participant consequences are *equivalent* to others in same phase for comparable conduct.⁷⁰ *BPS*
- 6-7-1** Gender, race, ethnicity, nationality, socioeconomic status and sexual orientation is not considered in imposition of consequences.⁷¹ *FP*
- 6-7-2** Consequences may be modified for safety and harm related circumstances. *BPS*
- 6-8** Jail Sanctions are used judiciously and sparingly.⁷² *FP*
- 6-8-1** Less severe sanctions are used before jail sanctions are used.⁷³ *FP*
- 6-8-2** Jail sanctions have a definite term.⁷⁴ *FP*
- 6-8-3** Jail sanctions do not exceed six consecutive days.⁷⁵ *BPS*
- 6-8-4** Participants have an opportunity to be heard before imposition of jail.⁷⁶ *BPS*

⁶⁶ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶⁷ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Stat Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013) Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁶⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁶⁹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013) Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷² Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Stat Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013) Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁷³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁴ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁵ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁶ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- 6-9** Programs shall respond to non-prescribed use of addictive or intoxicating substances.⁷⁷ *FP*
- 6-9-1** Habit-forming prescriptions are not allowed unless clinically necessary. Programs shall adopt local policies concerning the eligibility or ineligibility for program admission of participants with prescriptions for habit-forming drugs. Local policies shall also be adopted concerning the use of habit-forming drugs while participating in the program. *FP*
- 6-9-2** Non-addictive medications are required when safe and effective alternatives are available. *FP*
- 6-10** Professional Demeanor shall be maintained in all interactions with participants. *FP*
- 6-10-1** Sanctions are delivered without anger or ridicule. *FP*
- 6-10-2** Foul or abusive language is not used in imposing sanctions. *FP*
- 6-10-3** Participants are not shamed at review hearings. *FP*
- 6-11** Participants have opportunity to explain their perspective on factual issues.⁷⁸ *BPS*
- 6-11-1** Participants with language, cognition, or nervousness issues may have legal representative speak for them. *FP*
- 6-12** Treatment plans are in place for every participant.⁷⁹ *FP*
- 6-12-1** Treatment plans are modified in order to reach treatment goals.⁸⁰ *FP*
- 6-12-2** Therapeutic adjustments are based on recommendations of qualified treatment staff.⁸¹ *FP*
- 6-12-3** Therapeutic adjustments are not used as sanctions.⁸² *FP*
- 6-12-4** Compliant participants not responding to treatment receive adjustments rather than sanctions.⁸³ *BPS*
- 6-13** Phase promotion is based on achievement of realistic and defined behavior objectives.⁸⁴ *FP*
- 6-13-1** Phase advancement requires specific period of sobriety.⁸⁵ *BPS*

⁷⁷ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁷⁹ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁸⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁸¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁸² Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁸³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁸⁴ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- 6-13-2** Incentives and sanctions are adjusted based on phase advancement. *BPS*
- 6-13-3** Supervision may be reduced in later phases of the program. *BPS*
- 6-13-4** Drug testing is not reduced unless clearly indicated based on participant behavior and sobriety. *BPS*
- 6-13-5** If a phase regression occurs, a remedial plan is created. *BPS*
- 6-14** Participants shall be employed, in school or participating in an approved pro-social activity in order to qualify for graduation from the program.⁸⁶ *FP*
- 6-15** Termination is based on repeated failures to comply with treatment and supervision. *FP*
- 6-15-1** Termination does not occur based on continued use if otherwise compliant. *BPS*
- 6-15-2** Termination does not result in augmented sentence or disposition. *FP*

⁸⁵ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁸⁶ Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #7:

Ongoing judicial interaction with each drug court participant is essential.

(COLORADO KEY COMPONENT #3)

- 7-1** The judge shall serve a term of at least 2 years.^{87 88} *FP*
- 7-2** The problem solving court judge shall be knowledgeable about the drug court model, addiction, treatment methods, drug screening, and other related issues and attend annual problem solving court training.⁸⁹ *FP*
- 7-2-1** The judge shall remain abreast of legal, ethical and constitutional issues.⁹⁰ *FP*
- 7-2-2** The judge participates in webinars and online learning programs. *BPS*
- 7-3** The problem solving court team shall include one presiding judge and have a backup judge trained in the problem solving court philosophy to cover any court hearings during the absence of the presiding judge.⁹¹ *BPS*
- 7-4** The judge shall attend all staffing meetings.⁹² *FP*
- 7-4-1** The judge encourages all staff input and perspectives. *BPS*
- 7-4-2** Judge utilizes information from the staff meeting to interact with participants in status hearings/court reviews. *BPS*
- 7-5** A regular schedule of status hearings shall be used to monitor participant progress.⁹³ *FP*
- 7-6** Participants shall attend at a minimum every other week status hearings while in the first phase of the problem solving court program depending on the participant's risk and need.⁹⁴ *FP*
- 7-7** Status hearings shall be held no less than once per month during the last phase of the program.⁹⁵ *FP*
- 7-8** Status review shall be conducted with each participant on an individual basis.⁹⁶ *FP*

⁸⁷ Finigan, M. W., Carey, S. M., & Cox, A. A. (April 2007). The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs: Final Report. NPC Research: Portland, OR.

⁸⁸ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁸⁹ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

⁹⁰ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹² Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹³ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹⁴ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹⁵ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

⁹⁶ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- 7-9** The judge shall strive to spend an average of 3 minutes with each participant during status review, especially those participants who are doing well. *FP*
- 7-10** The judge shall be assigned to drug court on a *voluntary* basis. *FP*
- 7-11** The judge retains and exercises independent discretion in decisions. *FP*
- 7-11-1** Judicial decisions are not delegated to staff. *FP*
- 7-11-2** The judge considers the opinions of the treatment professionals and other problem solving court team members. *BPS*
- 7-11-3** Decisions are rational and informed. *FP*

KEY COMPONENT #8:

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness⁹⁷

(COLORADO KEY COMPONENT #9)

- 8-1** Participant progress, success, and satisfaction should be monitored on a regular basis (including at program entry and graduation) through the use of surveys, including exit surveys at the time of graduation or termination. *FP*
- 8-2** Participant data should be monitored and analyzed on a regular basis per local policy development to determine program effectiveness. *BPS*
- 8-3** A process and outcome evaluation should be conducted by an independent evaluator within 3 years of implementation of a drug court program and in regular intervals, as necessary, appropriate, and/or feasible for the program, thereafter. *BPS*
- 8-4** Findings from evaluations should be considered when (and used for) modifying program operations, procedures and practices. *FP*
- 8-5** Data needed for program monitoring and management should be kept in electronic data systems, be easily obtainable, and maintained in useful formats for regular review by program teams and management. *FP*
- 8-6** Courts shall use the preferred statewide case management program, currently PSC3D, in the interest of the formal and systematic collection of program performance data. *FP*
- 8-7** The problem solving court team will coordinate through Colorado Crime Information Center (CCIC), State Court Administrator's Office (SCAO), the Division of Probation Services (DPS) and other available means to obtain recidivism data. *FP*
- 8-8** The problem solving court program will work collaboratively with the SCAO to conduct a cost-benefit analysis of the problem solving court program. *BPS*
- 8-9** Problem solving court programs will participate in the TAPS/Fidelity peer review process as determined necessary by SCAO. Participation in the peer review could be included as appropriate process evaluation (see 8-3). *FP*

⁹⁷ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #9:

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.⁹⁸

(Colorado Key Component #10)

- 9-1** Problem solving court programs shall address staff training requirements and continuing education in their policy manual. Recommended training shall align with SCAO and national standards and practices endorsed by the National Association of Drug Court Professionals (NADCP) and the National Drug Court Institute (NDCI). Treatment practices must be evidence based, and endorsed by NREPP and SAMSHA. The training and education recommendations of the COLORADO PROBLEM SOLVING COURT ADVISORY COMMITTEE’S EDUCATION SUB-COMMITTEE shall be followed. *FP*
- 9-2** Training and education should include topics such as the drug court model; best practices; substance abuse and addictions; treatment; co-occurring disorders; sanctions and incentives; drug testing standards and protocols; confidentiality and ethics; and proficiency in dealing with participants’ race, culture, ethnicity, gender and sexual orientation, and trauma histories. Team members will assist in cross-training other team members in their specific disciplines. *FP*
- 9-3** Court teams, to the extent possible, should attend comprehensive training yearly or every other year as provided by SCAO or NADCP. *FP*
- 9-4** New team members shall attend formal orientation and training on problem solving court basics consistent with the recommendations of the Training and Education Subcommittee – *see APPENDIX B.* *FP*

⁹⁸ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

KEY COMPONENT #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.⁹⁹

(COLORADO KEY COMPONENT #8)

- 10-1** The problem solving court team/steering committee shall meet periodically to oversee the operations of the court and to establish and review policies and procedures. The policies and procedures should address sustainability of the court's operation, resources, information management, and evaluation needs. The policies and procedures shall include implementation tasks and timeframes to ensure compliance with the PROBLEM SOLVING COURT BEST PRACTICE MANUAL. The policies and procedures should incorporate the goals of participant abstinence from alcohol and illicit drugs, and the promotion of law-abiding behavior in the interest of public safety. *FP*
- 10-1-1** The problem solving court team should meet to review policies and procedures, quarterly at a minimum. Participating agencies may differ depending on the court type. Recommended agencies include: the prosecutor's office, the public defender's office, community corrections agency or probation department, the court, law enforcement, and the treatment provider. *BPS*
- 10-2** The problem solving court shall organize a local Advisory Committee consisting of representatives from the court, community organizations, law enforcement, treatment providers, health providers, social service agencies, the business community, media, faith community, and other community groups. The Advisory Committee should meet at least twice per year to provide guidance to the problem solving court team. *FP*

⁹⁹ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

Historically Disadvantaged Groups (HDG) should have programs matched to their specific needs and receive fair and equal treatment.^{100 101} Issues of significance in serving HDG populations are:

I. EQUIVALENT ACCESS

- a. Assessment tools validated for the HDG population *BPS*
- b. Eligibility criteria are nondiscriminatory *FP*
- c. Admissions criteria are adjusted to accommodate diversity *BPS*
- d. Participants provide feedback on clarity, relevance, and cultural sensitivity of assessments *BPS*

II. EQUIVALENT RETENTION

- a. Program monitors completion rates for HDG *FP*
- b. Remedial plans are placed into action if needed *FP*
- c. Remedial plans are evaluated for effectiveness *FP*
- d. Education and employment assistance is provided to HDG participants as appropriate *BPS*
- e. Program progress results are tracked by HDG identification *FP*

III. EQUIVALENT TREATMENT (MOVE TO BEFORE #2)

- a. Equal access to treatment is assured *FP*
- b. Treatment modalities are validated for HDG populations *BPS*
- c. Treatment is responsive to HDG issues *FP*

IV. EQUIVALENT INCENTIVES AND SANCTIONS

- a. HDG participants receive same incentives as other participants *FP*

¹⁰⁰ Colorado Problem Solving Courts Best Practices Manual (Problem Solving Court Advisory Committee, 2014), Colorado Statewide Process Assessment and Outcome Evaluation (NPC Research, 2012)

¹⁰¹ Adult Drug Court Best Practice Standards, Volume 1 (NADCP, 2013)

- The Training and Education Subcommittee of the problem solving court Advisory Committee exists for the purpose of developing standards and training curricula that promote adherence to “best practices” and fidelity to the problem solving court model. Standardized training curricula and protocols will increase consistency in training and education practices in drug courts across the state and ensure that all drug court programs have access to critical resources, information and training.
- New problem solving court team members should have substantial experience in their traditional role and should demonstrate the ability to function in a collaborative team environment, a willingness to learn and step outside of a traditional role when appropriate, a willingness to utilize “best practices,” and a commitment to the principles of problem solving courts. *BPS*
- New drug court team members should be provided access to trainings and materials prior to joining the drug court team. *FP*
- Consistent with “best practices,” new team members should be assigned to the drug court team for a minimum term length of two (2) years. *BPS*
- New drug court team members should complete the (Phase I) core curriculum trainings within three (3) months of joining the drug court team. It is further required that each new team member complete the NDCI online training course “Essential Elements of Adult Drug Courts” prior to attending the first drug court staffing and/or court. *FP*
- Drug court teams shall collaborate and share training and education resources with other problem solving court teams whenever possible. Problem solving court Coordinators will serve as points of contact for collaboration efforts. *FP*
- The drug court team members will assume the responsibility of educating peers, colleagues, and the judiciary as a whole on the principles, practices, and expectations of problem solving courts. Additionally, the drug court team members are tasked with sharing the principles and philosophies, as well as the value, of problem solving courts with the community. *FP*

TEAM TRAINING

FP

- I. Treatment staff is culturally sensitive
- II. Treatment staff attends training in cultural sensitivity
- III. Program staff is culturally sensitive
- IV. Program staff is trained in cultural sensitivity
- V. Judicial Officer is trained in cultural sensitivity
- VI. Judicial Officer demonstrates cultural sensitivity
- VII. Bias is monitored by performance procedures
- VIII. Identified solutions to bias are employed

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