

# PROBLEM SOLVING COURTS BEST PRACTICES MANUAL

## Team Member Roles and Responsibilities

One of the key components of the problem solving court model is the establishment of a multi-disciplinary, non-adversarial and collaborative team. This approach helps to ensure coordination in both supervision and treatment while preserving a defendant's right to due process. As important as this team-based approach is, it also represents one of the greatest challenges in implementing and sustaining a successful problem solving court. Stepping outside of traditional roles is not an easy task and can lead to some confusion regarding what role each team member plays on the team. The following section provides a framework for understanding the roles and responsibilities of each team member on a problem solving court team. This section begins by outlining the common functions that all members of the team are tasked with. The section then outlines recommended responsibilities of each specific team member beyond the common functions. It should be noted that this is not an exhaustive list of responsibilities, but rather recommended functions for team members consistent with best practices.

### I. All Problem Solving Court Team Members

1. Role in the Administration of Problem Solving Court:
  - a. Participates in development of the problem solving court policies and procedures including eligibility and disqualifying criteria and entry process
  - b. Promotes and maintain eligibility standards that ensure community safety and demonstrate an understanding of current research regarding addictions, effective treatment methods, and the defendant population for whom the problem solving courts are most effective
  - c. Assists in drafting participant handbooks, waivers and contracts
  - d. Assists in developing policies, processes, system improvements and program modifications
2. Role on the Problem Solving Court Team
  - a. Maintains effective communication with other team members regarding client interactions outside of court including violations or challenges encountered

## II. Judge:

***“The judge is the leader of the drug court team, linking participants to AOD treatment and to the criminal justice system. Ongoing judicial supervision also communicates to participants – often for the first time- that someone in authority cares about them and is closely watching what they do. A drug court judge must be prepared to encourage appropriate behavior and to discourage and penalize inappropriate behavior.” (Colorado Drug Courts, State of the State Report, SCAO, Nov. 28, 2006, quoting Defining Drug Courts, 1997).***

### 1. Role in the Administration of the Problem Solving Court

- a. Oversees the development and articulation of the problem solving court’s mission, goals, objectives and structure
- b. Presides over steering committee or other decision-making process that addresses changes in the program’s mission, goals, objectives and structure
- c. Oversees quality control, including
  - i. Education and training of team members, including the judge, on relevant issues such as, addiction issues, alcoholism, pharmacology, drug and alcohol testing, and the continuum of rewards and sanctions
  - ii. Data integrity plan that records and preserves information about individual participants and program in general in a manner that allows program to be monitored, evaluated and measured against program’s mission, goals and objectives
  - iii. Periodic review of program based on ten key components, new developments in treatment and problem solving court techniques, and the program’s mission, goals and objectives
  - iv. Ensure proper action taken to address problems as they arise
- d. Oversees outreach program to develop and maintain community understanding and support for the problem solving court
- e. Oversees proactive development and management of budget to achieve fiscal responsibility and long-term sustainability

### 2. Role on the Problem Solving Court Team

- a. Applies leadership skills that respect and engage the knowledge and talents of all team members, that promote the commitment and diligence of all team members, that inspire and motivate team members, and that recognize the judge is one team member among many
- b. Presides over team reviews of cases
- c. Provides opportunity for team members to speak as appropriate
- d. Provides opportunity for participants to speak
- e. Applies motivational interviewing techniques to engage in dialogue with participants and, if appropriate, team members
- f. Reviews and act upon requests for court approval of modifications of treatment regimen—residential treatment and travel requests, as examples
- g. Orders rewards and sanctions as appropriate
- h. Understands objectives particular to the nature of the appearance, including the first appearance, ongoing reviews, graduation and termination

- i. Conducts each case in manner that recognizes the interaction with the immediate participant is also a piece of the motivation and treatment framework for other observing participants
- j. Manages the docket to complete all reviews within the time available
- k. Confirms next court date
- l. Delegates any other responsibilities as necessary and appropriate for the success of the problem solving court and the efficient management of the available resources

### III. Prosecutor:

1. Role in the Administration of Problem Solving Court:
  - a. Promotes the problem solving court within the local legal and law enforcement community
  - b. Assists in developing funding sources
  - c. Participates as a member of the Problem Solving Court Steering Board or Committee
2. Role on the Problem Solving Court Team
  - a. Facilitates participants' entry into the program
    - i. Develops an efficient method of conducting legal screens for potential participants, which requires being able to quickly obtain the necessary information to accurately determine if any mandatory or discretionary qualifiers/disqualifiers apply
    - ii. Makes referrals or extend plea offers permitting participation where it appears to be in the best interests of both the community and the defendant and to be consistent with the eligibility and disqualifying criteria set forth in the policies and procedures
  - b. Attends and actively participate in regularly scheduled pre-court staffings, court hearings and graduations
  - c. Participates in training sessions related to the problem solving court
  - d. Maintains up-to-date record of participant performance for compliance and continued eligibility
  - e. Advocates for timely and effective incentives and sanctions with an understanding of effective, evidence-based behavior modification techniques.
  - f. Participates in the decision to dismiss participants who no longer meet eligibility criteria or who are failing to make adequate progress after a significant period of time in the program

#### IV. Defense Attorney:

1. **Role in the Administration of Problem Solving Court:**
  - a. Participates as a member of the Problem Solving Court Steering Board or Committee
  
2. **Role on the Problem Solving Court Team**
  - a. Facilitates the entry of participants into the program
    - i. Confers with defendants eligible for the problem solving court regarding their rights and the requirements of problem solving court including waivers of confidentiality to make sure that if they decide to enter problem solving court their waiver of rights is knowing and voluntary
    - ii. Confers with defendants eligible for problem solving court regarding their specific charges or allegations of violation of probation/deferred sentence and defenses they may raise
    - iii. Confers with defendants eligible for problem solving court regarding the consequences of declining the problem solving court option and pursuing the traditional processing of the case and the advantages and disadvantages of problem solving court
    - iv. Assists the defendants in signing required documents including contracts and waivers
  - b. Attends and actively participate in regularly scheduled case staffings, court hearings and graduations
  - c. Advocates for timely and effective incentives and sanctions with an understanding of effective, evidence-based behavior modification techniques
  - d. Participates in the decision to dismiss participants who no longer meet eligibility criteria or who are failing to make adequate progress after a significant period of time in the program
  - e. Participates in training sessions and planning meetings related to the problem solving court.

#### V. Problem Solving Court Coordinator:

1. **Role in the Administration of Problem Solving Court:**
  - a. Responsible for the overall operations of the problem solving court program
  - b. Oversees the problem solving court program under the direction of the Chief Judge or designee and provides programmatic information to all those involved in the facilitation of the program to ensure its monitoring and evaluation
  - c. Maintains the Policies and Procedures and updates them as necessary

- d. Assumes a lead role in education for staff and stakeholders. This includes developing a training schedule for new team members and ongoing, multidisciplinary team training
- e. Obtains outside funding and serves as liaison to the State Court Administrator's Office to coordinate State level funding and regarding data collection, data integrity, and program evaluation. Additionally, the coordinator is responsible for grant writing and grant project management
- f. Attends or chairs meetings of the problem solving court team and any advisory boards established to support the program
- g. Plans and leads team building and team planning meetings
- h. Prepares an annual report on the operation of the program
- i. Ensures long-term sustainability of the program and maintains programmatic integrity. This is to include having a presence at the State level and, where possible, at the National level. The coordinator is to interact with national organizations such as the National Problem solving court Institute (NDCI) and National Association of Problem solving court Professionals (NADCP) to ensure that the program is maintaining a research-based, best practices model that is in line with the goals of the Problem solving court Movement at the National level. Program materials are to be made available to any and all programs that request them and are to be shared with NDCI personnel for inclusion in those materials made available nationally should NDCI choose to do so.
- j. Serves as the key contact for all grants management functions including providing required program data and statistics
- k. Collects, maintains and organizes program records, participant data, and program statistics with the assistance of case managers and other team members
- l. Responsible for ongoing program evaluation and assessment for quality improvement. This includes identifying any trends, program and participant needs, barriers to program implementation and participant success. This information will be used to make necessary policy changes
- m. Engage in community outreach to include education of the public regarding the impact that the Problem Solving Court is having on recidivism, community safety, increased employment, and family restoration
- n. Monitors program adherence to 10 key components, Colorado Guiding Principles and emerging best practices

## 2. Role on the Problem Solving Court Team

- a. Maintains effective communication with all stakeholders including external agencies and customers
- b. Prepares or delegates preparation of pre-court staffing information and sends it to the team
- c. Coordinates or delegates graduation ceremonies
- d. Participates in or leads the pre-court staffing
- e. Administers the incentive program for the Court in collaboration with other team members

## VI. Probation Officer:

1. **Role in the Administration of Problem Solving Court:**
  - a. Coordinates and/or provides case management, case planning, contingency management, referral information as well as monitoring of substance use/sobriety through testing, home and other field visits, and provides all relevant information to the team
  - b. Facilitates data collection and entry for program statistics and measurement of program effectiveness
  - c. Attends training and strives to improve personal and team performance
  - d. Represents problem solving courts in efforts to educate and in obtaining resources
2. **Role on the Problem Solving Court Team**
  - a. Participates in problem solving court team activities, such as planning meetings, pre-court staffings, hearings, and graduation exercises
  - b. Makes recommendations regarding sanctions and incentives and treatment planning
  - c. Uses validated instruments to assess risk, level of treatment needs, strengths, and other areas of possible intervention or support and provides written reports (PSID's) and assessments of participants
  - d. Maintains a comprehensive knowledge base of local and state wide treatment, monitoring, and supervision resources for all aspects of client lives (for example: SA, MH, medical, psychiatric, housing, vocational, educational, charitable, transportation)
  - e. Demonstrates respectful, motivation enhancing communication skills (MI) with clients and other professionals. Models sober problem solving and optimism and sets positive expectations by working with offender to set goals
  - f. Adheres to risk/need/responsivity (RNR) principles, targets high risk clientele and behaviors, and understands stages of change, gender, age, and cultural differences. Understands learning styles and matches clientele to the most appropriate, responsive services

## VII. Treatment Provider:

1. **Role in the Administration of Problem Solving Court:**
  - a. Becomes involved from the earliest stages of the development of the problem solving court
  - b. Devises appropriate levels and types of care, and phase expectations, and pre-determine appropriate responses to critical events with the clients, (such as interventions after a relapse)

- c. Appreciates that some communities must overcome resource barriers to ensure the problem solving court has access to a full continuum of treatment services and works to develop substance abuse services, dual diagnosis services, access to psychiatric consultation and or medication consultation, and a robust referral system to deal with ancillary issues such as brain injury, domestic violence, trauma history, and other associated issues which might interfere with successful participation in the court
- d. Works towards providing treatment services that include social model detoxification, short-term residential treatment, possible referrals to long-term residential treatment, medication assisted therapies such as methadone or Suboxone, outpatient treatment, and enhanced/ intensive outpatient treatment.

## 2. Role on the Problem Solving Court Team

- a. Participate fully as problem solving court team members, committing themselves to the program mission and goals and working as a full partner to ensure their success.
- b. Participates in pre-court staffings, makes treatment recommendations to the Court, and as appropriate, identifies and/or provides a continuum of care for participants while advocating on behalf of the client and for the integrity of the Court
- c. Fosters a balanced approach in the pre-court staffings by offering a recovery-focused and strengths-based perspective regarding the court participants
- d. Refers participants to specific programs based on the programs clinical suitability, the willingness of the providers to participate in the court process, and the program's capacity to meet any special needs that may exist (e.g., mental or physical health, or language barriers)
- e. Ensures that offenders are evaluated in a timely and competent process and that placement and transportation are effectuated in an expedited manner
- f. Ensures that the participant receives the most appropriate level of care available, at a reasonable cost, by all contracted and ancillary service providers. They develops post program services, client outreach, mentor programs and alumni associations
- g. Develops a full understanding of the role and information provided by drug testing
- h. Assists in providing advanced training in substance abuse, addiction, mental health, recovery and treatment methodologies in order to provide the team with a meaningful basis to implement incentives and sanctions systems and design program protocols and procedures
- i. Advocates for effective incentives and sanctions for program compliance.
- j. Develops an understanding of gender, age, sexual orientation, religious, and cultural issues that may impact the offender's success
- k. Develops a full understanding of addiction, mental illness, dual diagnosis, recovery and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner
- l. Contributes to the team's efforts to educate the community and acquire additional resources

- m. Contributes to the education of peers, colleagues and the judiciary in their area of expertise
- n. Provides documentation and clear explanation of evidenced based screening tools used, substance abuse curriculum and weekly group session agendas, and other programmatic information on client numbers, group sizes, billing, etc.
- o. Possesses necessary expertise in diagnosing substance abuse disorders

## VIII. Law Enforcement Representative:

### I. Role on the Problem Solving Court Team

- a. Attends and actively participate in regularly scheduled pre-court staffings, court hearings and graduations
- b. Participates in training sessions related to the problem solving court
- c. Advocates for timely and effective incentives and sanctions with an understanding of effective, evidence-based behavior modification techniques
- d. Participates in the decision to dismiss participants who no longer meet eligibility criteria or who are failing to make adequate progress after a significant period of time in the program
- e. Acts as the liaison between the program and their respective department and be responsible for dissemination of information to officers that come in contact with participants to assure reasonable and appropriate measures are used when checking the participants for compliance
- f. Supports participants' recovery by giving encouragement to the participants to succeed in the program
- g. May identify members of the community with pending charges that appear to be appropriate for participation in the problem solving court

## IX. Court Personnel

### I. Role in the Administration of Problem Solving Court:

- a. Participates in problem solving court planning, staffing models, strategic planning session and associated committees
- b. Provides necessary courtroom staffing to assist the problem solving courts
- c. Provides necessary training to courtroom staff to meet the specific requirements of problem solving courts
- d. Supervises and monitors the courtroom staff for correct entry of problem solving courts coding

- e. Ensures the necessary courtroom space, equipment and materials are available for use by the problem solving court as needed
- f. Assists in facilitating the extraneous clerical needs associated with problem solving courts
- g. Ensures compliance with data integrity standards and record retention standards developed by the Judicial Branch

2. **Role on the Problem Solving Court Team**

- a. Prepares and maintains the court file in accordance with data integrity standards
- b. Updates the court record with all hearing dates and orders of the court
- c. Updates the court records with appropriate coding for problem solving court entry, incentives and sanctions event codes, and graduation or termination and prepares *mittimi* for any related jail sanctions
- f. Processes orders and notices of the court and provides the same to all parties of record
- g. Ensures all court hearings are on the record
- h. Participates in training sessions and planning meetings related to the problem solving court