

**ANNUAL REPORT  
OF THE  
COMMITTEE ON CRIMINAL  
LAW AND PROBATION ADMINISTRATION  
TO THE ILLINOIS JUDICIAL CONFERENCE**

Hon. Donald C. Hudson, Chair

Hon. Thomas R. Appleton  
Hon. Ann Callis  
Hon. Kathy Bradshaw Elliott  
Hon. Vincent M. Gaughan  
Hon. Daniel P. Guerin  
Hon. John Knight  
Hon. Paul G. Lawrence  
Hon. Ralph J. Mendelsohn

Hon. Steven H. Nardulli  
Hon. Lewis Nixon  
Hon. James L. Rhodes  
Hon. Teresa K. Righter  
Hon. Mary S. Schostok  
Hon. Eddie A. Stephens  
Hon. Michael P. Toomin  
Hon. Walter Williams

October 2006

## I. STATEMENT ON COMMITTEE CONTINUATION

The purpose of the Criminal Law and Probation Administration Committee (“Committee”) of the Illinois Judicial Conference is to review and make recommendation on matters affecting the administration of criminal law and monitor, evaluate, and provide recommendations on issues affecting the probation system. The Committee is further charged to review, analyze and examine new issues arising out of legislation and case law that impact criminal law and procedures and probation resources and operations.

Since the Committee’s inception, a number of critical issues related to criminal law and probation administration have been addressed. Over the years, the Committee has been instrumental in sponsoring amendments to Supreme Court Rules, which have been adopted by the Supreme Court, including Rule 604 (D,) 605 (A), and 605 (B). The Committee has made recommendations for the enactment of new rules, specifically Supreme Court Rule 402 (A), which was adopted by the Court.

The Committee continued to examine the possible implementation of a Youthful Offender Program during the past Conference year. At the 2004 Illinois Judicial Conference, the Committee submitted proposed legislation for a non-violent youthful offender sentencing program. This proposed legislation was based on extensive research from other states that have implemented similar programs.

The Committee has also devoted time monitoring pending legislation and analyzing its potential impact on probation resources. During the past two years, the Committee has concentrated some of its efforts on examining the trends, models and outcomes of problem-solving courts. During the 2005 Conference year, a guide was developed entitled “*Issues and Factors to Consider When Planning and Implementing Specialty Courts.*” This year, the Committee will submit a report to the Court examining the efficacy of problem-solving courts. The Committee has also dedicated time to researching the principles of Evidence-based Practices (EBP) in reducing offender recidivism. Lengthy discussions have occurred on the changing role of probation as well as examination of policies and practices to be considered for the judiciary as it relates to the implementation of EBP. It is the Committee’s recommendation that they continue their focus addressing matters affecting criminal law and procedures and the administration of probation services.

## II. SUMMARY OF COMMITTEE ACTIVITIES

### A. Probation Programs

#### Evidence-Based Practices: Moving from Theory to Practice

Significant research over the past few decades has yielded a body of knowledge, principles and effective practices that can reduce re-offending behaviors. The terms “What Works” or “Evidence-Based Practices” have been used interchangeably and refer to well-designed programs that are empirically and theoretically based and meet certain criteria that, when applied as

designed, can reduce offender recidivism substantially. Researchers have made considerable strides in identifying reliable predictors of offender recidivism, what does not work in offender treatment, and what has proven to be effective in offender treatment.

Researchers have determined core principles that should guide correctional programs:

- **Risk Principle** states that the most intensive treatment and interventions should be targeted to the higher risk offenders. Conversely, placing lower risk offenders in such programming can actually disrupt intact prosocial networks and, as some studies suggest, can even increase recidivism rates.
- **Need Principle** states that programs and interventions should target the criminogenic needs that contribute significantly to the offending behavior. Programs and interventions must focus on these needs in order to be effective in reducing re-offending behavior.
- **Responsivity Principle** states that programs and interventions must be delivered in a style, format, and content consistent with the ability of the offender using valid cognitive-behavioral/social learning approaches and techniques.

The adoption and application of EBP continues to gain momentum and functionality as the judiciary and justice system practitioners face a steadily increasing number of cases with divergent needs and budgetary restraints. Too often, judges have limited information and option in sentencing and supervising offenders. Application of cutting edge Evidence-Based Practices, which have been proven to be effective in reducing recidivism, can provide judges with access to key information to sentence and manage adult and juvenile offenders more effectively. Judicial participation and leadership, in tandem with probation and other justice system stakeholders is required in the successful planning and implementation of EBP. This is complicated work. The concepts and principles of EBP must be embraced; practitioners must be adequately trained; and programs and interventions that have been proven to be effective in reducing recidivism must be advocated and implemented.

### **Committee Work**

***Priority 1: Consistent with the principles of Evidence-Based Probation Practices, examine the implications for the judiciary in defining the scope of pre-sentence investigations and specific conditions of probation sentences.***

To achieve the established priority of “examining the implications for the judiciary in defining the scope of pre-sentence investigations and conditions of probation within the context of Evidence Based Practices,” a sub-committee was created consisting of the Hon. Donald C. Hudson, Hon. Ann Callis, Hon. Kathy Bradshaw Elliott, and Hon. John Knight. The sub-committee’s work began

with a literature search and review on the EBP research. Some sub-committee members attended the “Evidence-Based Practices in Managing Offenders” workshops offered at the Education Conference 2006. Select probation officers and managers were also interviewed to learn about the EBP probation practices and programs as well as to obtain input on how judges could incorporate EBP in their sentencing practices. The sub-committee conducted teleconferences with judiciary from some of the Illinois EBP implementation sites to learn about their efforts to implement EBP into their sentencing practices. The Hon. Michael H. Marcus from Multnomah County, Oregon, was contacted by some of the sub-committee members about a pre-sentence investigation order and a benchbook that he created which incorporates the principles of EBP. Materials have been forwarded to the sub-committee for review to determine their potential application to the Illinois EBP effort. Additionally, a presentation was made by Cheryl Barrett, Program Manager of the Administrative Office of the Illinois Courts, Probation Services Division, on EBP to the entire Criminal Law and Probation Administration Committee.

The Committee’s efforts culminated with a plan to develop “An Evidence-Based Practices Guide for the Judiciary.” The purpose of this guide would be to assist the judiciary in gaining an understanding of the principles of EBP and their effort in reducing offender recidivism as well as to provide some practical and concrete examples of EBP sentencing practices. The Committee has outlined a table of contents which includes information about the EBP research, EBP probation policies and practices, recommendation of how judges can incorporate EBP into their practices as well as a reference section. The sub-committee is in the process of creating this guide and expects that it will be completed and ready for presentation at the 2007 Judicial Conference. It is the Committee’s goal that this guide provide concrete and practical recommendations to the judiciary on sentencing practices and policies proven to reduce the risk of reoffending and increase public safety.

#### **B. Problem-Solving Courts Trends and Challenges**

Over the last decade, there has been a significant increase in the implementation of Problem-Solving Courts on a national and local level. The exponential growth in specialized courts is in response to the increasing number of offenders entering the system with a multitude of psycho-social problems such as mental illness, domestic violence, and substance abuse and the decreasing number of community-based support services available to address those issues. Growing court dockets consisting of repeat offenders motivated justice and community stakeholders to seek alternative sentencing and treatment practices to stop the revolving door and ultimately reduce recidivism.

In Illinois, there are a variety of Problem-Solving Courts serving specialized offender populations which include drug, family, mental health and domestic violence courts. While these courts are designed to address the needs of specialized offender populations, the models and practices vary throughout the state. Many jurisdictions have customized the structure, policies and practices of their Problem-Solving Courts in response to the needs of the offenders and the

resources available. There are, however, some common elements of Problem-Solving Courts as cited by the Bureau of Justice Assistance which include:

- **Outcome Focused:** Utilizes a holistic approach focusing on the victim, offender and the community.
- **System Change:** Requires buy-in and involvement by justice and community stakeholders to address the needs of the offenders served. Case processing, sanctions and interventions are all designed to promote change and to reduce offender recidivism.
- **Judicial Authority:** The judge plays an integral role in ensuring compliance with the court order and in promoting pro-social changes in the offender.
- **Collaboration:** There is collaboration among all stakeholders to ensure the issues of the offender are being addressed.
- **Non-Traditional Roles:** This is a team approach where all justice stakeholders are working together to achieve the same end; addressing the risk and needs of the offender and recidivism reduction.

While there is a growing interest and expansion of Problem-Solving Courts, there are also several challenges jurisdictions face in implementing and sustaining them. Problem-Solving Courts require significantly more resources than traditional courts. Judges and other justice stakeholders are much more involved in the management and supervision of the offender. Ethical issues have also surfaced, specifically related to the role of the judiciary. Finally more process and outcome data is needed to ensure that the investment of time and resources is having an impact in reducing offender recidivism.

### **Committee Work**

#### ***Priority 2: Study, examine and report on the efficacy of “Problem-Solving Courts” in the management of criminal felony and misdemeanor cases and offenders.***

In Conference Year 2005, in response to the growing number of jurisdictions implementing specialty courts, the Committee created a guide entitled *Issues and Factors to Consider When Planning and Implementing Specialty Courts*. The guide was intended to provide a framework on the essential elements in planning and implementing a Problem-Solving Court.

This year, the Committee was directed to expand its efforts to examine the efficacy of Problem-Solving Courts in the management of criminal felony and misdemeanor cases and offenders. To meet this charge, a sub-committee was formed whose membership consisted of Hon. Donald Hudson, Hon. Teresa Righter, Hon. Daniel Guerin and Hon. Walter Williams. The sub-committee examined literature on problem-solving courts, current trends, models and outcome data. The result of the Committee’s efforts provided for the development of a report on specialty courts, which addresses the current trends, models, benefits, obstacles and outcome measures (See attached report on Problem-Solving Courts).

The sub-committee also recognized the importance of obtaining an accurate assessment on the implementation and practices of all the existing Problem-Solving Courts within the Illinois circuit court system. To that end the sub-committee developed a survey to obtain information on the various Illinois Problem-Solving Courts focusing on the type and model of the Problem-Solving Court, funding, case processing, treatment interventions, rewards and sanctions and outcome measures (See attached survey). As many of the existing Problem-Solving Courts have local probation involvement, the Administrative Office of the Illinois Courts, Probation Services Division field coordinators worked with their respective circuits to complete the survey. The survey results also provided for the development of a one page summary on Illinois Problem-Solving Courts. The Committee is hoping to continue examining the efficacy of Problem-Solving Courts through further analysis of the survey results and the completion of the development of an inventory of Illinois Problem-Solving Courts for Conference Year 2007.

### **C. Rules on Criminal Laws and Procedures**

#### **Committee Work**

**Priority 3: *Study, examine and report on Supreme Court Rules as they relate to criminal procedure and court processes.***

The Criminal Law and Probation Administration Committee received a request from the Supreme Court Rules Committee seeking its recommendation concerning a proposed amendment to Supreme Court Rule 415.

The Illinois Public Defender's Association had submitted a proposal to the Rules Committee seeking to amend Supreme Court Rule 415 to read as follows: "Any materials furnished to any attorney pursuant to these rules shall remain in his exclusive custody and may be used for the purpose of conducting his side of the case, and shall be subject to such other terms and conditions as the Court may provide. A defense attorney may provide a copy of the discovery to the defendant. (Amendment underlined)."

The Committee reviewed the proposed change to Supreme Court Rule 415 and pursuant to Supreme Court Rule 3 forwarded its recommendations and rationale to the Rules Committee.

### **D. Confrontation Clause Issues**

#### **Committee Work**

**Priority 4: *Continue to monitor the impact of Crawford and its progeny on the Illinois Courts.***

The Committee has continued to discuss and monitor the impact of the U.S. Supreme Court ruling in the case of *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed2d 177 (2004) and its progeny.

**E. Criminal Law Revision****Committee Work**

**Priority 5: *Undertake any such other projects or initiative that are consistent with the Committee charge.***

The Committee continues to support revisions of the Illinois criminal law statutes to simplify and clarify existing law, to provide trial courts with a range of effective sentencing options, and to provide trial judges with the discretion essential to a fair and effective system of criminal justice. The Hon. Michael Toomin is a member of the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. He has informed the Committee that while he can not report on the specifics of the Commission's work on this initiative, there has been much progress made on defining major crimes and offenses. The Committee will continue to keep abreast of this important initiative.

**III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR**

While the Committee has made significant progress addressing its charges, much of the Committee's work is on-going and developing. The Committee is requesting to continue its work in refining the guide for the judiciary on evidence-based practices as well as reviewing and analyzing the data collected from the Problem-Solving Courts survey. The Committee would also like to continue reviewing and making recommendations on matters affecting the administration of criminal law and the probation system.

**IV. RECOMMENDATIONS**

The Committee is making no recommendations to the Conference at this time.

## 2006 REPORT

**ATTACHMENT**

## 2006 REPORT

**THE**  
**EFFICACY AND TRENDS**  
**OF**  
**SPECIALTY COURTS**

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law and Probation Administration

Submitted by:

Honorable Donald C. Hudson

Honorable Daniel P. Guerin

Honorable Teresa K. Righter

Honorable Walter Williams

October 2006

## I. INTRODUCTION

Over the past decade, there has been a significant increase in the development and implementation of problem-solving courts on both a national and state level. A problem-solving or specialty court seeks to address complex and difficult individual and social issues that underlie the causes of crime and criminal behavior. Growing court dockets consisting of repeat offenders have motivated justice and community state holders to seek alternative sentencing and treatment practices. By focusing on and successfully treating the underlying causes of criminal behavior, a specialty court, also known as a problem-solving or therapeutic court, seeks to reduce recidivism and bring a halt to offenders recycling through the criminal justice system.

The purpose of this report is to examine and report on the efficacy of specialty courts as well as the trends that are emerging in the operation of specialty courts.

## II. COMMON PRACTICES AND KEY ELEMENTS OF SPECIALTY COURTS

While specialty or problem-solving courts have taken different forms and models, specialty courts in Illinois and throughout the nation share many common features. These common features include but are not limited to: integration of treatment services with justice system case processing, use of a non-adversarial approach, eligibility requirements, provision of continuing rehabilitative and treatment services after case disposition, frequent monitoring and supervision, ongoing judicial interaction with participants, monitoring and evaluation of the court program, continuing interdisciplinary education, promoting partnerships between the court and the public. In addition, the following have been identified as the common practices and key elements of specialty courts. Casey & Rottman, Problem-solving Courts: Models and Trends, National Center for State Courts, [www.ncsconline.org/wc/publications/comm\\_probsolvctspub.pdf](http://www.ncsconline.org/wc/publications/comm_probsolvctspub.pdf), July 2003.

### A. COMMON PRACTICES AND KEY ELEMENTS OF DRUG COURTS

1. Integration of alcohol and other drug treatment services with justice system processing
2. Nonadversarial approach prosecution and defense counsel promote public safety while protecting participants due process rights
3. Early identification and placement in drug court program
4. Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services
5. Frequent alcohol and other drug testing
6. A coordinated strategy to govern responses to participants compliance
7. Ongoing judicial interaction with each drug court participant
8. Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness
9. Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations
10. Partnerships among drug courts, public agencies, and community based organizations to generate local support and enhance program effectiveness

**B. COMMON PRACTICES AND KEY ELEMENTS OF MENTAL HEALTH COURTS**

1. Voluntary participation
2. Early identification and intervention
3. Emphasis on a therapeutic environment to reduce trauma often experienced by persons with a mental illness in the criminal justice system
4. Implementation of practices to reduce stigma associated with mental illness
5. Promotion of participation of individuals before the court in proceedings
6. A dedicated team approach with an involved judge, legal representatives, and interdisciplinary team of court and treatment professionals
7. A less formal court process
8. Essential role of case management
9. Essential role of case management and coordination of treatment
10. Client-centered treatment, focusing on the individuals specific needs
11. Regular status hearings to review progress and assess effectiveness of treatment plan
12. Consideration of public safety issues in any court decision

**C. COMMON PRACTICES AND KEY ELEMENTS OF DOMESTIC VIOLENCE**

1. Dedicated judge and staff
2. Specialized intake services to coordinate court and community resources
3. Early access to advocacy and services for victims
4. Integrated information systems
5. Screening for related cases
6. Coordination of a set of community partners
7. The court facility and process are victim and child friendly
8. Ongoing training and education for judge and staff
9. Close monitoring of compliance with court orders pre and post disposition
10. Judicial interaction with offenders that promotes the defendants understanding of court conditions

**III. UNIQUENESS OF SPECIALTY COURTS**

During the past decade, problem-solving or specialty courts, have become a significant and evolving feature of our criminal justice system. Specialty courts are based upon the concept of therapeutic justice, that is, the law becoming an agent of positive social change in the lives of individual defendants. Specialty courts throughout the State of Illinois focus on a closer collaboration with the services available in the communities located in the jurisdictions and stress a collaborative, multi-disciplinary, problem-solving approach to address the underlying causes of

criminal behavior. There are, however, significant differences between traditional and therapeutic approaches in the handling of criminal cases, both in the processes and in the roles of the judicial officers. The following are some of the significant differences to be aware of in the operation of traditional as opposed to specialty or problem-solving courts. *Judging for the Twenty First Century, A Problem-solving Approach*, National Judicial Institute, Ottawa, Canada, <http://www.nji.ca/nji/Public/documents/Judgingfor21scenturyDe.pdf>.

#### A. DIFFERENCES IN THE PROCESSES

##### **Traditional process**

Dispute resolution

Legal outcome

Adversarial process

Claim-or case-oriented

Rights-based

Emphasis on adjudication

Interpretation and application of law

Judge as arbiter

Precedent-based

Few participants and stakeholders

Individualistic

Legalistic

Formal

Efficient

Success measured by compliance

##### **Specialty Court process**

Problem-solving dispute avoidance

Therapeutic outcome

Collaborative process

People-oriented

Interest-or needs-based

Emphasis on post-adjudication and alternative dispute resolution

Interpretation and application of social science

Judge as coach

Planning-based

Wide range of participants and stakeholders

Interdependent

Common-sensical

Informal

Effective

Success measured by remediation of underlying problem

## B. DIFFERENCES IN ROLES OF JUDICIAL OFFICERS

### Traditional judicial officers

Decisions made in judicial language and in order to satisfy legal requirements, particularly with a view to review by the Appellate Court

Limited the communication

Communication only with counsel

Formal

Autonomous decision making

Never make “deals” with parties

Inert - doesn't tell counsel how to run cases and doesn't make suggestions

Refers only to legal texts, precedents and what counsel puts forward for information

### Specialty Court judicial officers

Decisions made in language understood by the parties

Open communication - ensuring stories are heard

Direct dialogue between judge and parties

Less formal ensures the comfort of all parties and creates a sense of inclusiveness

Team approach to decision making

Uses sanctions and rewards

Proactive-gets directly involved in problem-solving

Refers to other disciplines and experts for information

## IV. STATUTORY AUTHORITY FOR SPECIALTY COURTS

In Illinois there is statutory authority for drug courts for adults, 735 ILCS 160/30 and for juvenile drug courts, 705 ILCS 410/25. The statutes also contemplate that the Chief Judge of the circuit has the discretion to establish those courts as well as the discretion to determine the format under which they will operate. Currently, however, there is no statutory authority for the establishment of mental health courts in the State of Illinois. Authority for such courts, however, stem from Supreme Court Rule 21(b) which authorizes the Chief Judge of each circuit to enter general orders in the exercise of his/her general administrative authority providing for the assignment of judges, general or specialized divisions, and the times and places of holding court.

## V. CURRENT STATE OF SPECIALTY COURTS IN ILLINOIS

In Illinois, there are currently a number of specialty courts in operation. The Criminal Law and Probation Administration Committee of the Illinois Judicial Conference has developed a survey that seeks to obtain information from each problem-solving court in Illinois regarding the type or model of each court, funding sources, case processing management techniques, treatment interventions, rewards and sanctions, and outcome measures.

## A. TWELVE TRENDS OF SPECIALTY COURTS

Although problem-solving courts are still a relatively recent development in the criminal justice system, there are certain trends that are emerging that bear on the propriety and efficacy of problem-solving courts in the management of criminal cases. Casey, *Problem-solving Courts: Models and Trends*, National Center for State Courts, [www.ncsconline.org/wc/publications/comm\\_probsolvctspub.pdf](http://www.ncsconline.org/wc/publications/comm_probsolvctspub.pdf), July 2003.

### 1. Sustainability of Problem-Solving Courts

Problem-solving courts are proving that they can absorb a sufficient share of the court systems overall caseload to justify their existence. Early evaluations suggest that problem-solving courts can be as expeditious as the traditional courts hearing comparable types of cases. The additional pre-and post-plea appearances held for defendants in problem-solving courts do not prevent those courts from carrying their share of the court workload or make problem-solving court judges less productive than other judges. Because their caseloads are lighter than traditional courts, problem-solving courts have been more expeditious in the movement of cases through the system. Although defendants are required to appear in specialty courts more often and for longer periods of time, the cases are moved from indictment to disposition much faster.

### 2. Proliferation of Problem-Solving Courts Stabilizing

The Drug Court Clearinghouse maintains national information on the number of drug courts planned, implemented, and suspended each year. Comparable information is not available for community, domestic violence, and mental health courts. Information regarding the number of these courts is culled from various sources and may not capture all recently implemented courts and existing and planned courts that suspended operations. With these caveats, the growth rate of new problem-solving courts seems to be declining. In 2002, 103 adult drug courts were implemented. Based on the first five months of 2003, the estimated number of new adult drug courts is 53. One reason for the decline in growth is clearly financial. The state court systems are facing severe fiscal shortfalls. Many states are struggling to maintain their existing services and do not have the resources to start new initiatives. The exception to this trend is mental health courts. Their proliferation is buoyed by federal funding authorized by the Americas Law Enforcement and Mental Health Project Act (P.L. 106-515).

### 3. More rigorous evaluations of Problem-Solving Courts

When specialty courts first arose, they were evaluated by highly subjective means. Most of the studies focused on only the positive aspects of the courts and rarely focused on objective evidence. Modern evaluations have become more formal. They focus more on objective evidence. Even though the studies address positives and negatives equally, the conclusions remain positive. Future evaluations will more adequately shed light on the efficacy of problem-solving courts.

#### **4. More realistic expectations**

As more evaluation data on problem-solving courts accrues, advocates are offering more realistic appraisals of what problem-solving courts can do. Although generally positive, the evaluation data indicate that these courts are not a panacea for solving complex societal problems. Although we are able to say more and more about problem-solving courts, we know little about what specific factors contribute to the positive results being observed. Additional research that explores which practices and processes are most effective with different kinds of offenders will contribute further to the reasonableness of promises about what these courts can accomplish.

#### **5. Increased information sharing**

Integrated information systems created for problem-solving courts represent a quantum leap in the quantity and quality of information available to judges. New sources of information are being tapped to identify other cases involving a defendant or a family and to learn about the employment and health situations of defendants. Information on non-compliance with court orders and completion of alternative sanctions, a weak link in traditional courts, has become reliable. As a result, problem-solving court judges are better placed to assess risks, to order appropriate services to address the defendants specific needs, and to calibrate sanctions when offenders relapse. Some courts have new staff positions to direct the flow of information. The focus on information raises the bar for all courts in terms of what is possible.

#### **6. Tension between standardized models and local practice**

Continuous innovation is a hallmark of problem-solving courts. Those at the forefront of the problem-solving court movement stressed the importance of local flexibility to address local issues, resources, and culture. As problem-solving courts join the mainstream, there is pressure to standardize practices across courts both to ensure fairness and equality and facilitate resource management and accountability. The question is what level of standardization these courts can tolerate and remain effective.

#### **7. More discourse on ethical and legal issues**

As problem-solving courts become more of a fixture on the landscape of American jurisprudence, they are capturing the attention of the established legal community. As a result, more discussion and debate about the proper role of the court, judge, attorneys, and other professionals in problem-solving courts is expected. Although ethical issues have been raised since the inception of these courts, they tended to be raised and debated by those specifically for or against the problem-solving court approach. A broader range of voices and perspectives is likely as law schools and professional organizations join in the discussion. This broader vetting of the problem-solving approach is an important step in the acceptance of the approach by the more mainstream judicial and legal community.

### **8. Money saving**

The substitution of alternative sanctions and treatment programs for pre-and post-plea jail time produces system savings that help justify the costs of problem-solving courts. That gain is counterbalanced, in part, by the increased use of jail space for offenders who failed to comply with court conditions and receive jail time as a sanction. The net savings through reduced jail use may disappear as problem-solving courts experiment with handling cases involving more violent offenders.

### **9. Procedural fairness**

The demeanor and the style of interaction of problem-solving court judges track closely with the elements of fair procedures that have emerged from social psychological research. Problem-solving court proceedings are rated more highly than traditional court proceedings on the dimensions of respect, neutrality, voice, and trustworthiness. As the procedural justice perspective would predict, people taking part in problem-solving courts show higher levels of satisfaction with the process and outcomes than in traditional courts. Judges, court staff, treatment and service providers, and lawyers report improved satisfaction with their work.

### **10. Tensions over allocation of treatment and social services**

Problem-solving courts can strengthen the network of treatment and service providers in an area through coordination and coalition building. Although beneficial for the target population, some worry that the courts involvement in the allocation of treatment services to offenders changes the dynamics of service provision for the general population, leaving some in the community with inadequate treatment options.

### **11. Public support**

For the most part, the public has embraced the concept of problem-solving courts. Legislators can argue the virtues of problem-solving courts from both a law and order/more accountability perspective and a rehabilitation and treatment perspective. Public opinion polls indicate broad support for typical problem-solving court practices. Problem solving courts also tend to engage the community much more in their operations than traditional courts. In an environment in which public trust and confidence in the courts is uninspiring, problem-solving courts are an oasis of good will and public support.

### **12. Expansion of the problem-solving approach**

Although the number of problem-solving courts may be stabilizing, several options for expanding the overall approach to reach a greater target population of offenders are under consideration. The resolution in support of problem-solving courts passed by the Conference of

Chief Justices and the Conference of State Court Administrators calls for the integration of problem-solving court principles and methods into court processes more generally. The U.S. Department of Justice Bureau of Justice Assistance recently held a focus group to explore the feasibility of expanding the problem-solving approach to include a system-wide screening, assessment, and referral process that targets a population of offenders with diverse problems. In addition, some members of the drug court community are considering expanding the eligibility criteria to include violent offenders. Federal funding for drug courts restricts eligibility criteria to non-violent offenders. As some jurisdictions transition to funding from other sources, broadening the eligibility criteria becomes a possibility.

## **B. OBSTACLES PROBLEM-SOLVING COURTS FACE**

Despite the growing number of specialty courts and the advancements those courts have made in the State of Illinois, specialty courts still face significant obstacles that serve as an impediment to their ability to grow and gain better success.

### **1. Lack of funding**

Problem-solving courts are expensive. They require facilities, technologies, and increased personnel. Currently there is not a stable source of funding for specialty courts. Specialty courts must seek state or federal grants or allocations in most cases. But a problem is that the costs of specialty courts are not as easily predicted as traditional courts.

### **2. Lack of adequate testing**

Currently, there is not an effective recognized method of testing the successfulness of specialty courts. Furthermore, effective testing, when available, is costly. Despite the tendency to want to use studies from other jurisdictions to analyze local specialty courts, courts should only be assessed by testing of their own court. Only then can the court be improved.

### **3. Public support and interaction**

There is evidence that the public, in general, support problem-solving courts. However, this support should be enhanced. Many people do not even know specialty courts exist or which courts are available in their jurisdiction. In order to advance problem-solving courts and obtain adequate funding for such courts, it is imperative to have strong public support.

### **4. Reluctance to depart from traditional processes**

In a specialty court, the judge does not follow the traditional independent and impartial arbitrator role that is followed in traditional courts. There may be some reluctance to depart from the traditional judicial role. In order for a specialty court to be successful, however, there must be realization of the importance of change and adaptation.

## VI. DO PROBLEM-SOLVING COURTS WORK?

### A. CURRENT EVALUATIONS OF DRUG COURTS

The National Drug Court Institute did an evaluation of the benefits of drug courts and published its results on its website. [www.ndci.org/courtfacts\\_benefits.html](http://www.ndci.org/courtfacts_benefits.html). It looked at studies on the national, state, and local level and concluded that drug courts, and more broadly specialty courts, are successful. Below are the findings of the National Drug Court Institute.

#### 1. Increased Retention Rates

One way to measure the efficacy of courts is to measure its retention rates. Longer retention rates not only indicate success in the treatment of defendants but also help predict the continued success in the form of post-treatment behavior. Because drug courts have been around longer than other specialty courts, most studies have focused on their success rates. Drug courts have been consistently found to have higher retention rates than community based treatment programs. This is believed to be due in part to the legal pressure drug courts put on defendants to comply with the treatment plan or face incarceration.

A drug courts coercive power is the key to admitting drug-involved offenders into treatment quickly, for a period of time that is long enough to make a difference. This proposition is unequivocally supported by the empirical data on substance abuse treatment programs. Data consistently show that treatment, when completed, is effective. However, most addicts and alcoholics, given a choice, would not enter a treatment program voluntarily. Those who do enter programs rarely complete them; among such dropouts, relapse within a year is the norm.

Accordingly, if treatment is to fulfill its considerable promise, drug involved offenders must not only enter treatment but also remain in treatment and complete the program. If they are to do so, most will need incentives that may be characterized as coercive. In the context of treatment, the term coercion which is used more or less with compulsory treatment, mandated treatment, involuntary treatment, legal pressure into treatment refers to an array of strategies that shape behavior by responding to specific actions with external pressure and predictable consequences. Moreover, evidence shows that substance abusers who get treatment through court orders or employer mandates benefit as much as, and sometimes more than, their counterparts who enter treatment voluntarily (Satel, 1999; Huddleston, 2000).

Four national studies, which began as early as 1968 and ended as recently as 1995, assessed approximately 70,000 patients, 40 to 50 % of whom were court ordered or otherwise mandated into residential and outpatient treatment programs (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989; Center for Substance Abuse Treatment, 1996). Two major findings emerged.

First, the length of time a patient spent in treatment was a reliable predictor of his or her post-treatment performance. Beyond a 90-day threshold, treatment outcomes improved in direct relation to the length of time spent in treatment, with one year generally found to be the minimum effective duration of treatment (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989;

Center for Substance Abuse Treatment, 1996). Second, coerced patients tended to stay in treatment longer than their non-coerced counterparts. In short, the longer a patient stays in drug treatment, the better the outcome (Simpson & Curry; Simpson & Sells, 1983; Hubbard, et al., 1989; Center for Substance Abuse Treatment, 1996).

“Unfortunately, few drug abuse treatment clients reach these critical thresholds. Between 40% and 80% of drug abusers drop out of treatment” prior to the 90-day threshold of effective treatment length (Stark, 1992, as cited in Marlowe, DeMatteo, & Festinger, 2003) and 80 to 90 % drop out in fewer than twelve months (Satel, 1999, as cited in Marlowe, DeMatteo, & Festinger, 2003).

“Drug courts exceed these abysmal projections” (Marlowe, DeMatteo, & Festinger, 2003). Nationally, drug courts report retention rates between 67 and 71 % (American University).

In short, over two thirds of participants who begin treatment through a drug court complete it a year or more later. This represents a six-fold increase in treatment retention over most previous efforts (Marlowe, DeMatteo, & Festinger, 2003).

Drug court is the best vehicle within the criminal justice system to expedite the time interval between arrest and entry into treatment, and provide the necessary structure to see that an offender stays in treatment long enough for treatment benefits to be realized.

## **2. Reduced Recidivism Rates**

Another way to measure problem-solving court success is to measure recidivism rates. A Baltimore City Treatment Court study tracked defendants over a three year period and found that the specialty court had a 10% lower recidivism rate than traditional courts. A study of six New York drug courts reported consistent recidivism reductions in recidivism of 31% for both graduated and failed defendants and an astounding 71% reduction in recidivism for graduated defendants.

### **a. National Research**

According to a study released by the National Institute of Justice (NIJ) in 2003 from a sample of 17,000 drug court graduates nationwide, within one year of program graduation, only 16.4 % had been rearrested and charged with a felony offense (Roman, Townsend, & Bhati, 2003). A 2000 Vera Institute of Justice report concluded that the body of literature on recidivism is now strong enough, despite lingering methodological weaknesses, to conclude that completing a drug court program reduces the likelihood of future arrest (Fluellen & Trone, 2000).

### **b. Statewide Research**

The largest statewide study on drug courts to date was released in 2003 by the Center for Court Innovation (CCI). The study analyzed the impact of the New York State drug court system. The study found that the re-conviction rate among 2,135 defendants who participated in six of the states drug courts was, on average, 29 % lower (13% to 47%) over three years than the same types of offenders who did not enter the drug court (Rempel, et al., 2003). The study also

concluded that drug court cases reached initial disposition more quickly than conventional court cases and that the statewide drug court retention rate was approximately 65 %, exceeding the national average of 60 % (Rempel, et al., 2003).

### **c. Local Research**

To date, hundreds of evaluations have been conducted on local drug court programs throughout the nation. A sample of the most rigorous evaluations conducted among particular drug courts shows significant reductions in recidivism. In Chester County, Pennsylvania, drug court graduates had a re-arrest rate of 5.4 %, versus a 21.5 % re-arrest rate among the control group (Brewster, 2001); a 33 % re-arrest rate for drug court graduates in Dade county, Florida, versus a 48 % rearrest rate among the control group (Goldkamp & Weiland, 1993); and a 15.6 % re-arrest rate for drug court graduates in Dallas, Texas, versus a 48.7 % re-arrest rate for the control group (Turley & Sibley, 2001).

## **3. Substance Abuse**

Substance testing as a requirement of participation in problem-solving courts shows that substance abuse is lower among specialty court defendants than normal court defendants. Studies have found that defendants who participated in a specialty court were less likely to use illegal substances such as heroine and cocaine after one year. However, there are some studies that suggest that participants are more likely to use marijuana.

## **4. Cost Savings**

The final way to measure the success of problem-solving courts is to measure whether the courts result in cost savings. Two noteworthy statewide studies were done in Washington and California. The Washington study found savings of \$3,892 per drug court participant which equates to a savings of \$1.74 for every dollar invested. The California study reported average yearly savings of \$2000 per participant. Even though there can be substantial cost savings in the long term, it is important to realize that because of the relatively larger cost of implementing a specialty court, it is unlikely to result in cost savings in the short term.

### **a. Statewide Research**

A state taxpayer's return on the upfront investment in drug courts is substantial. A study of six drug courts in Washington State reports that "a county's investment in drug courts pays off through lower crime rates among participants and graduates" (Washington State Institute for Public Policy, 2003). The study estimates that the average drug court participant produces \$6,779 in benefits that stem from the estimated 13 % reductions in recidivism (Washington State Institute for Public Policy, 2003). Those benefits are made up of \$3,759 in avoided criminal justice system costs paid by taxpayers and \$3,020 in avoided costs to victims (Washington State Institute for Public

Policy, 2003). A total of \$1.74 in benefits for every dollar spent on drug court was realized (Washington State Institute for Public Policy, 2003).

Based on the Center for Court Innovations study of New York drug courts, the State Court System estimates that \$254 million in incarceration costs were saved by diverting 18,000 non-violent drug offenders into treatment (Rempel, et al., 2003).

In California, researchers have recently completed two studies that demonstrate significant cost-benefit savings. Both studies demonstrate a minimum savings of \$18 million per year through California drug courts. In fact, the studies concluded that California's investment of \$14 million, in combination with other funds, created a total cost avoidance of \$43.3 million over a two year period (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002; NPC Research, Inc. & Judicial Council of California, 2002). One of the two studies assessed the cost effectiveness of drug courts in terms of avoided incarceration costs and costs offset by participants payment of fees and fines. A total of 425,014 jail days were avoided, with an averted cost of approximately \$26 million (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002). A total of 227,894 prison days were avoided, with an averted cost of approximately \$16 million (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002). Participants who completed a drug court program paid almost one million dollars in fees and fines imposed by the court (Judicial Council of California & California Department of Alcohol & Drug Programs, 2002).

The other study, of three adult drug courts in California, documented cost avoidance averaging \$200,000 annually per court per 100 participants (NPC Research, Inc. & Judicial Council of California, 2002). When projected statewide, these savings amount to \$18 million in cost avoidance per year assuming that 90 adult drug courts operate with 100 clients per year (NPC Research, Inc. & Judicial Council of California, 2002). Due to these studies and an analysis of prison days saved by drug courts, 58 % of California's drug court funding is provided by a direct transfer of funds from the Department of Corrections budget.

#### **b. Local Research**

In Multnomah County, Oregon, a countywide study estimated that for every dollar spent on drug court, taxpayers saved ten dollars (Finigan, 1998). A follow-up study in the same location conducted by the National Institute of Justice showed that when costs were compared between doing business as usual and the drug court model, the drug court model saved an average of \$2,328.89 per year for each participant (Carey & Finigan, 2003). One of the components of cost benefit analysis research is the value of the costs associated with victims of crime. If crime is reduced, the cost to victims, also known as victimization costs, is also reduced. When the victimization costs were accounted for in the Multnomah County study, the average savings increased to \$3,596.92 per client (Carey & Finigan, 2003). The total savings to the local taxpayer over a thirty-month period was \$5,071.57 per participant, or a savings of \$1,521,471 per year (Carey & Finigan, 2003).

A study by the Department of Economics at Southern Methodist University reported that for every dollar spent on drug court in Dallas, Texas, \$9.43 in tax dollar savings was realized over a

forty-month period (Fomby & Rangaprasad, 2002).

Finally, a recent study on the effectiveness of the seven-year-old drug court in Saint Louis, Missouri, found that the programs benefits far outweigh its costs. The findings of the Institute of Applied Research, an independent social science research firm, indicated that nonviolent drug offenders who were placed in treatment instead of prison generally earned more money and took less from the welfare system than those who successfully completed probation. The study compared the 219 individuals who were the programs first graduates in 2001 with 219 people who pleaded guilty to drug charges during the same period and completed probation. For each drug court graduate, the cost to taxpayers was \$7,793, which was \$1,449 more than those on probation (Institute for Applied Research, 2004). However, during the two years following program completion, each graduate cost the city \$2,615 less than those on probation (Institute for Applied Research, 2004). The savings were realized in higher wages and related taxes paid, as well as lower costs for health care and mental health services.

What you learn is that drug courts, which involve treatment for all the individuals and real support along with sanctions when they fail - are a more cost effective method of dealing with drug problems than either probation or prison (Institute for Applied Research, 2004).

## **B. CURRENT EVALUATIONS OF MENTAL HEALTH COURTS**

Currently there are few evaluations available on mental health courts. Many courts keep statistics on their operations (e.g., how many cases processed and the outcomes of the cases) but have not undertaken rigorous evaluations with matched comparison groups. Many courts simply have not been in operation long enough to provide data on post-mental health court successes and failures. Evaluation data likely will increase as courts become more established. In addition, the National Institute of Justice recently awarded a grant to conduct an evaluation of mental health courts receiving funding from the federal government as a result of the passage of the Americas Law Enforcement and Mental Health Project Act.

Goldkamp and Irons-Guynn (2000) conducted a qualitative review of four mental health courts. In addition, an evaluation has been conducted for the Seattle, Washington, Municipal Mental Health Court (Trupin et al., 2001), and evaluations are underway for the Broward County (Fort Lauderdale), Florida, Mental Health Court (Boothroyd et al., 2003; Petrila, 2002), and the Clark County (Vancouver), Washington, Mental Health Court (Herinckx, 2003). The Seattle Municipal Mental Health Court evaluation was conducted two years after the court began and includes process information and preliminary outcome data. The Broward County evaluation includes a matched control group from another jurisdiction. Because the evaluation is still underway, recidivism data are not available at this time. Preliminary information also is available from the Clark County study.

Data from these studies suggest that a) mental health courts are effective in linking participants to treatment services; b) participants receive more treatment while involved in the mental health court compared to the level of treatment they received prior to entering the program; c) treatment plans are based on individuals specific needs; and d) bookings decrease for individuals once enrolled in the mental health court compared to prior mental health court involvement. Additional studies are needed to confirm these preliminary conclusions.

### C. CURRENT EVALUATIONS OF DOMESTIC VIOLENCE COURTS

Evaluations of DV courts are accumulating, adding to existing research on the effectiveness of various DV court components (Berman and Gulick, 2003). Currently, the largest amounts of data are available on subjective reactions to DV court involvement through surveys and systematic interviews with victims, perpetrators, advocates, judges, and staff from the court and batterer programs. More comprehensive studies (with control groups to compare case processing and case outcomes measures) are available from DV courts in Brooklyn (Newmark et al., 2001), District of Columbia (Steketee, Levey, and Keilitz, 2000), Fort Lauderdale, (Feder and Forde, 2000), Lexington, (Grove et al., 2003), Miami (Goldkamp, 1996), Minneapolis (Hennepin County District Court Research Division, 2002 a and b), San Diego (San Diego Superior Court, 2000), and three Connecticut courts (Lyon, 2002).

Conclusions about DV courts are limited by the lack of adequate control groups, an acute case of under reported recidivism, restrictions to the analysis associated with the small numbers of offenders and victims included, and rapid changes in law enforcement practices and in statutes that diminish the value of before/after comparisons. Not all studies report tests of statistical significance.

Nonetheless, sufficient points of agreement among these studies support some tentative conclusions. DV courts enhance victims and perpetrators satisfaction with court processes and outcomes and deliver more services to victims and their families. DV courts also tend to process cases faster, reduce the rate of case dismissals, increase the rate of guilty pleas, and make it more likely that perpetrators comply with judge-ordered conditions and remain in batterer and other programs. This finding may, in turn, reflect the subjective perceptions by victims and perpetrators that DV courts meet widely held expectations of procedural fairness (Petrucci, 2002). All of these conclusions reflect differences of degree, generally small improvements that DV courts make over the performance of traditional courts in the same types of cases.

There is some evidence that DV courts might enhance law enforcement's attentiveness to domestic violence (although the greatest impact is likely to be on judicial attentiveness) and reduce recidivism (studies differ in their criteria for failure, the length of time perpetrators are at risk of re-offending, and the persuasiveness of the comparison groups used).

The evidence remains inconclusive on whether participation in batterers programs on its own changes perpetrator behavior (Jackson et al., 2003; Bennett and Williams, 2001). The evidence also is unclear on whether DV courts are cost-effective. There is little evidence on the broader impact of DV courts on the well-being of children or on the ability of such courts to reduce the level of domestic violence in the community.

A more definitive assessment of DV courts will be possible in a few years. More courts are undergoing evaluation, including a comparative evaluation of three courts by the Urban Institute and an evaluation with an experimental design of court monitoring and Battering Intervention Programs in the Bronx Misdemeanor DV Court.

## VII. SUMMARY AND CONCLUSION

In recent years there has been a major shift in the thinking of leading policymakers, criminal justice practitioners, the legal community, and the general public concerning the appropriate societal response to criminal behavior. Treatment is increasingly being regarded as a desirable and less expensive alternative to incarceration. Problem-solving courts, especially drug courts, have been recognized as a model for effectively handling cases involving nonviolent offenders. The future for specialty courts can be challenging. Because of the success of those courts, it is likely that they will be greatly expanded in the future. It is also likely that with expansion of the number of courts will come a corollary expansion of the responsibility of the courts. It would appear that specialty courts have received a great deal of public approval as a result of the judiciary being able to devise individual oriented solutions to societal problems that are acceptable to both litigants and the community. As a result, the future may give rise to increased expectations and demands on the court system as an institution to resolve societal problems. The road ahead for specialty courts is both challenging and evolving. Specialty courts have not yet reached their full utility. The development of problem-solving courts should not be viewed, however, as an end itself, but is an ongoing process that benefits society as a whole.

**BIBLIOGRAPHY**

Casey, Pamela and David Rottman, Problem Solving Courts: Models and Trends, National Center for State Courts, [www.ncsconline.org/wc/publications/comm\\_probsolvctspub.pdf](http://www.ncsconline.org/wc/publications/comm_probsolvctspub.pdf), July 2003.

Judging for the Twenty First Century, A Problem Solving Approach, National Judicial Institute, Ottawa Canada, [www.nji.ca/nji/Public/documents/Judgingfor21stcenturyDe.pdf](http://www.nji.ca/nji/Public/documents/Judgingfor21stcenturyDe.pdf).

National Drug Court Institute website, [www.ndci.org/courtfacts\\_benefits.html](http://www.ndci.org/courtfacts_benefits.html).

American University Drug Court Clearinghouse and Technical Assistance Project. (2003, November 7). Summary of drug court activity by state and county. Washington, DC: Author.

Belenko, S.R. (1998). Research on drug courts: A critical review. The National Center on Addiction and Substance Abuse, Columbia University.

\_\_\_\_\_. (2001). Research on drug courts: A critical review 2001 update. The National Center on Addiction and Substance Abuse, Columbia University.

Carey, S., & Finigan, M. (2003). A detailed cost analysis in a mature drug court setting: A cost-benefit evaluation of the Multnomah County drug court. Portland, OR: NPC Research, Inc.

Center for Substance Abuse Treatment. (1996, September). National treatment improvement evaluation study, preliminary report: Persistent effects of substance abuse treatment one year later. Rockville, MD: Author, Substance Abuse and Mental Health Services Administration, U.S. Department of Health & Human Services.

Finigan, M. (1998). An outcome program evaluation of the Multnomah County

S.T.O.P. drug diversion program. [Report to the Multnomah County Department of Community Corrections.]

Fluellen, R., & Trone, J. (2000, May). Issues in brief: Do drug courts save jail and prison beds? New York, NY: Vera Institute of Justice.

Fomby, T.B., & Rangaprasad, V. (2002, August 31). DIVERT Court of Dallas County: Cost benefit analysis. [Report to the Dallas County DIVERT Court.]

Fox, C., & Huddlestone, W. (2003, May). Drug courts in the U.S. Issues of Democracy, 8(1), 13-19. [Electronic Journals of the U.S. Department of State.]

Hubbard, R.L., Marsden, M.E., Rachal, J.V., Harwood, J.H., Cavanaugh, E.R., & Ginsburg, H.M. (1989). Drug abuse treatment: A national study of effectiveness. Chapel Hill, NC: University of North Carolina Press.

Huddleston, C.W. (2000). The promise of drug courts: The philosophy and history. National Drug Court Institute Training Presentation. Published Presentation.

Institute for Applied Research. (2004). A cost-benefit analysis of the Saint Louis city adult felony drug court. Saint Louis, MO: Author.

Judicial Council of California, & the California Department of Alcohol and Drug Programs. (2002, March). Drug court partnership: Final report. San Francisco, CA: Authors.

Mankin, L., Aspen Systems. (2004, January 12). Personal communication with the National Drug Court Institute.

Marlowe, D.B., DeMatteo, D.S., & Festinger, D.S. (2003, October). A sober assessment of drug courts. *Federal sentencing reporter*, (16)1, 113-128.

NPC Research, Inc., & Administrative Office of the Courts, Judicial Council of California. (2002, October). California drug courts: A methodology for determining costs and avoided costs: Phase I: Building the methodology: Final report. Portland, OR: Authors.

Rempel, M., Fox-Kralstein, D., Cissner, A., Cohen, R., Labriola, M., Farole, D., Bader, A., & Magnani, M. (2003). The New York State adult drug court evaluation: Policies, participants and impacts. New York, NY: Center for Court Innovation.

Roman, J., Townsend, W., & Bhati, A. (2003, July). National estimates of drug court recidivism rates. Washington, DC: National Institute of Justice, U.S. Department of Justice.

Satel, S.L. (1999). *Drug treatment: The case for coercion*. Washington, DC: American Enterprise Institute Press.

Simpson, D.D., & Curry, S.J. (Eds.). Special issue: Drug abuse treatment outcome study. *Psychology of addictive behaviors*, 11.

Simpson, D.D., & Sells, S.B. (1983). Effectiveness of treatment for drug abuse: An overview of the DARP research program. *Advances in alcohol and substance abuse*, 2, 7-29.

Stark, M.J. (1992). Dropping out of substance abuse treatment: A clinically oriented review. *Clinical psychological review*, 12, 93.

# SURVEY

## 2006 REPORT

## **ILLINOIS PROBLEM-SOLVING COURTS SURVEY**

Prepared by:  
The Illinois Supreme Court Conference on  
Criminal Law and Probation Administration

Problem-Solving Court Survey

CIRCUIT/COUNTY: \_\_\_\_\_

DATE: \_\_\_\_\_

COMPLETED BY : FIELD COORDINATOR: \_\_\_\_\_

OR

TRIAL COURT PERSONNEL: \_\_\_\_\_

(Name, position, phone, e-mail)

Please complete a separate survey for each Problem-Solving Court within the circuits/counties you are assigned.

1. This survey is regarding which type of problem-solving court?

Drug Court- Adult: \_\_\_\_\_ Domestic Violence Court: \_\_\_\_\_ Family Court: \_\_\_\_\_

Drug Court- Juvenile: \_\_\_\_\_ Mental Health Court: \_\_\_\_\_ DUI Court: \_\_\_\_\_

Others: \_\_\_\_\_

PLANNING PROCESS

2. Describe the planning process for implementing the problem-solving court. How was the need for a problem-solving court determined? Include data collection and analysis efforts that were employed. How long did the planning process take? Describe any technical assistance and/or funding provided to support your efforts.

3. What was the date of implementation?

**PROBLEM-SOLVING COURT MODEL**

- 4. Describe in detail the model used to establish the problem-solving court.
  
  
  
  
  
  
  
  
  
  
- 5. Is there a problem-solving court team?\_\_\_\_\_ If yes, who is on that team and what is their charge?
  
  
  
  
  
  
  
  
  
  
- 6. At what phase(s) in the case can offenders enter the problem-solving court program? (Check all that apply)  
Pre-plea: \_\_\_\_\_ Post-plea: \_\_\_\_\_  
Post-sentencing: \_\_\_\_\_ Probation violations: \_\_\_\_\_

**PROGRAM GOALS & OBJECTIVES**

- 7. Identify the stated goals and objectives of the problem-solving court in your jurisdiction.
  
  
  
  
  
  
  
  
  
  
- 8. Are there policies and procedures to guide the operations and management of your problem-solving court?  
\_\_\_\_\_ Yes, please submit a written/electronic version.  
\_\_\_\_\_ No
  
  
  
  
  
  
  
  
  
  
- 9. Describe offender eligibility criteria for participation in problem-solving court.  
(Target population; charge, age, criminal history, dual diagnosis)



**OUTCOME MEASURES**

14. Has there been any process/outcome evaluation of the problem-solving court? If yes, please describe the methodology and outcomes. (Please forward a copy to Field Coordinator)
  
15. Describe, if available, the measures that have been identified/agreed upon in order to assess the efficacy of your problem-solving court.
  
16. What data is regularly collected and how is it used in the planning/management of your problem-solving court?

**FUNDING**

17. What are the annual costs of the problem-solving court?
  - Personnel Costs:
  - Contractual Costs:
  - Non-personal Accounts Costs (e.g. commodities, travel, training):
  
18. How are you funding your problem-solving court? If you have received grants or other outside resources, how do you plan to sustain your efforts once the funding ends?
  
19. How many probation positions, that are reimbursed, are dedicated to the problem-solving court?

**COMMENTS**