

## Problem Solving Courts in the Federal System

### What Are Problem Solving Courts

- Promote Public Safety and Rehabilitation
- Assist Defendants to Build Sober, Employed and Law Abiding Lives
- Closer Supervision
- More Access to Services
- More Judicial Oversight
- Prompt Sanctions and Encouragement
- Responsibility and Accountability

## Why Have Such Programs

- Is Every Defendant Released from Your Court Sober, Employed and Law Abiding?
- Are You Satisfied with the Accomplishments of the Defendants on Supervision?

## How Do Problem Solving Courts Differ From Other Courts

- Forward Looking
- Address Non-Compliance Right Away
- Immediate Sanctions
- Integrate Services and Positive Encouragement
- Promote Responsibility, Recovery and Public Safety
- Remove Obstacles to Success

## Why the Different Approach

- Different Goal
  - Forward Looking
  - Trying to Change Defendant's Behavior
- Because Relapse Happens Before A Defendant Uses Drugs
- Court is Also Responsible for Success

## What is the Risk and Cost

- Small Risk
  - Defendant Under Closer Supervision
  - Requirements and Expectations Are Higher
  - One Year Off Reward Requires Defendant to Succeed
- Using Court Resources
  - Judge, AFD, AUSA and PO Time
  - Cost of Treatment Providers Attending Staff Meeting
- Savings
  - Fewer Marshal Arrests
  - Fewer Revocation Proceedings
  - Less Incarceration
  - Shorter Supervision Period, if Defendant Graduates

## Does It Work

- Yes. 10 Graduates to Date
  - 2x Federal Convict, Long History of Drug Abuse
  - Multiple Treatment Failures and Pattern of Lying
  - Each Accomplished 1 year of Sober, Employed and Law Abiding Behavior Prior to Graduation
- NIH Recommends the Components of a Problem Solving Court Approach Based Upon Scientific Research
- Research Shows that Drug Courts Reduce Recidivism In High Risk Offenders. Marlowe, Douglas B., Dematteo, David, S. And Festinger, David S. "A Sober Assessment of Drug Courts," Federal Sentencing Reporter 16.1 (Oct. 2003): 1-5.

## District of Massachusetts Court Assisted Recovery Effort

## CARE Philosophy

- Public Safety and Rehabilitation Are Complementary Goals

## Goals for Participants

- Sober
- Employed
- Law Abiding

# What is CARE

- Weekly Court Sessions
- Timely Sanctions and Rewards
- Close Supervision
- Integrate Services and Positive Encouragement
- Promote Responsibility, Recovery and Public Safety

# Program Requirements

- Graduation Requirements
  - 52 Weeks of Credit Required
  - Credit Awarded at Each Court Session, if fully compliant since last court session
  - Graduates Earn 1 Year Off of Supervised Release Term
- Four 3 Month Phases
  - Phase Promotion Requires Completion Ending with 4 Compliant Weeks
  - Phase 1
    - Court Every Week
    - Probation 2x/Week
  - Phase 2
    - Court Every Other Week
    - Probation 1x/Week, Plus Color Code
  - Phase 3
    - Court Every Third Week
    - Probation Every Other Week, Plus Color Code
  - Phase 4
    - Court 1x/Month
    - Probation 2x/Month, Plus Color Code

## CARE Structure

- Team – MJ, PO, AUSA, AFPD, Treatment Providers
- Tuesday PO Emails Team
- Wednesday
  - 9:30 Staff Meeting
    - Review Progress of Each Defendant
    - Start With Treatment Report
    - Discuss Sanctions/Rewards
  - 11:00 Court
    - Each Defendant Speaks With MJ
    - PO, AUSA and AFPD Are In Court
    - Participants in Jury Box
    - MJ on Bench in Robe
    - Sanctions Imposed and Rewards or Promotions Awarded

## Who Participates

- Post-Conviction, Only Defendants on Supervised Release or Probation
- Significant History of Drug Addiction or Drug Abuse
- Prior Treatment and/or Supervision Failures are Common
- No Major Mental Illness
- No Sex Offenders

## Voluntary Program

- Defendant Must Agree to Join
  - Might Join To Avoid Revocation
  - Might Join At Recommendation of DJ
- Defendant May Quit At Any Time
- Probation May File Revocation Petition In Lieu of CARE Sanction At Any Time
- MJ May Terminate Defendant At Any Time

## Authority of MJ

- No Revocations
- Maximum Jail Sanction of 7 Days
- Agreement to Sanctions By Not Quitting
  - What is Resolved in CARE is Resolved
  - New Criminal Conduct → Revocation
- DJ Signs Off on 3583(d) Treatment Exception for Every Positive Drug Test



## Why Do Defendants Agree to Sanctions

- They Buy Into Program
- They Find Program Fair
- They Accept Responsibility
- Timely Sanctions Relate to the Misconduct
- Small Sanctions Make It Hard to Give Up
- Quitting Means Facing Revocation and Larger Sanctions

## Sanctions

- Jail Up to 7 Days
- Community Service
- Demotion, Temporary or Permanent
- Essays
- Attendance at Commitments
- Verbal Reprimands

## Rewards

- 1 Year Off Upon Graduation
- Promotion to Higher Phase
  - Less Supervision and Court
  - Certificate and Applause
- Weekly Recognition of Success in Court
- Treatment Coordination
- More Access to Services

## The Ultimate Reward

- A Defendant's Recovery
- Returning a Defendant to the Community  
Sober, Employed and Law Abiding