



# The Role of the Judge in Drug Court

A drug court judge presides over non-adversarial court appearances for drug court appearances and leads the drug court team in creating a participant focused recovery program

Carrie L. Thompson  
Deputy State Public Defender  
Colorado Springs, CO

# The Role of the Courts

- Until recently, judges and magistrates have seen their powers to address problematic substance use, mental health problems, homelessness, unemployment and other factors contributing to offending behavior to be limited and largely the province of other professionals.
- The traditional way in which courts have operated has been reactive, uninvolved, adversarial, almost entirely non-collaborative and coercive.
- Drug Courts constitute a new direction in the Court's response to drug and alcohol related legal problems. The National Drug Court Institute and the National Association of Drug Court Professionals has identified 9 competencies for the judge in a Drug Court.

COMPETENCY 1: Participates fully as a Drug Court team member, committing him or herself to the program, mission and goals and works as a full partner to ensure their success

- Continues to schedule regular meetings, focused on program structure only
- Regularly revisits program mission and goals & objectives with team to assure their efficacy and application
- Schedules team building activities designed to promote and encourage team members



COMPETENCY 2: As part of the Drug Court Team, in appropriate non-court settings (i.e. staffing), the judge advocates for effective incentives and sanctions for program compliance or lack thereof.

- Participates in scheduled staff meetings to review progress of participants
- Presides over court sessions
- Solicits information regarding participant's progress from every team member in attendance
- Remains abreast of research regarding behavior modification techniques and the imposition of incentives and sanctions
- Imposes incentives and sanctions that are consistent while considering the individual needs of each drug court participants
- Establishes separate meetings to ensure that policy and staffing issues are discussed





COMPETENCY 3: Is knowledgeable of addiction, alcoholism and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

- Participates in regular cross-trainings with the treatment team
- Focuses on strengths based approaches



COMPETENCY 4: Is knowledgeable of gender, age and cultural issues that may impact the offender's success.

- Participates in on-going cultural awareness training
- Promotes cultural competency among entire team through outside and cross-training activity



COMPETENCY 5: Initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current court processes and procedures and thereafter collaborates to coordinate innovative solutions.

- Acts as a mediator to develop and maintain resources and improve interagency linkages



COMPETENCY 6: Becomes a program advocate by utilizing his/her community leadership role to create interest and develop support for the program

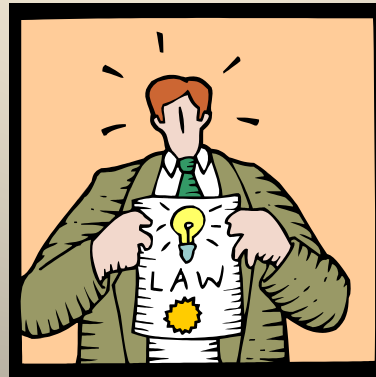
- Acts a spokesperson for the drug court at various community events





COMPETENCY 7: Effectively leads the team to develop all the protocols and procedures of the program.

- Regularly reviews protocols and procedures to assure their continued applicability and effectiveness
- Monitors drug court process to ensure protocols and procedures are utilized



COMPETENCY 8: Aware of the impact that substance abuse has on the court system, the lives of offenders, their families and the community at large.

- Assist in collection of data regarding drug court's impact on offender population
- Request and review process evaluation, ensure to reference original goals and objectives when doing so
- Request and review outcome evaluation, share positive information and address negative information resulting there from



COMPETENCY 9: Contributes to education of peers, colleagues and judiciary in the efficacy of Drug Courts.

- Oversees integrity of drug court program through quality assurance
- Disseminates information about drug court as frequently as possible



# Frequently Asked Questions

- Why consider having a problem solving court in my jurisdiction?
- Doesn't a problem solving court take up valuable docket time that could be better spent on more pressing matters?
- How do we get the resources to support these programs?
- By giving people so many opportunities to fail in the problem solving court, aren't we sending the wrong message to the defendants?
- Is it really necessary to have a multidisciplinary team for a problem solving court? Can't I do it myself?
- Don't I run afoul of the judicial code of conduct by participating in a problem solving court? (*ex parte* communication)

# Resources and Training Opportunities

- National Drug Court Institute: Judicial Training. This five-day, comprehensive training has been developed for judges with the assistance of the National Judicial College and Drug Court judges from across the country. The topics include constitutional issues, ethics and federal confidentiality laws, judicial styles, incentives and sanctions, and leadership and the role of the Drug Court judge.
- Therapeutic Jurisprudence's Challenge to the Judiciary, Michael S. King. This paper can be downloaded without charge from the Social Science Research Network electronic library at <http://ssrn.com/abstract=2100632>.
- Ethical Issues for Attorneys in Drug Court: Who's Team am I on? Hon. Peggy Fulton Hora (ret.), NADCP, 18<sup>th</sup> Annual Training Conference, May 30, 2012 to June 2, 2012.