

# JUSTICE SPEAKERS INSTITUTE TRAINING HANDOUT

## COLORADO PROBLEM SOLVING COURT JUDGES



**OVERVIEW OF PROBLEM-SOLVING COURT TEAMS**

**Mack Jenkins**  
*Vice President, Justice Speakers Institute*

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**COLORADO PROBLEM SOLVING COURTS**

• As of May 2023, there are 66 problem-solving courts in operation in 20 judicial districts in the State of Colorado. Available problem solving court programs include:

- Adult Drug Courts
- Juvenile Drug Courts
- DUI Courts
- Adult and Juvenile Mental Health Courts
- Family and Dependency/Neglect Courts
- Veteran's Treatment Courts

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**GOALS OF PROBLEM-SOLVING COURTS**

- Problem solving courts have become an important part of the criminal justice system
- Problem solving courts offer a non-traditional approach to integrating treatment provision and criminal justice case processing
- Rely on close collaboration by multidisciplinary teams, including members from the judicial and treatment communities
- Provide both accountability and treatment and services to justice involved
- To reduce substance use and recidivism

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**CHALLENGES FOR PROBLEM SOLVING COURTS**

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**CHALLENGES FOR COLORADO PROBLEM SOLVING COURTS**

- Ineffective leadership
- How to develop buy in from mandatory team players (PD/DA) to make programs a priority to staff and participate – low engagement of certain team members
- Finding equity when communicating between probation officers (law enforcement) and treatment providers (therapeutic interventions) when there is a participant who breaches the contract whether it's distal or proximal
- Real world tools to on board new members of a Problem-Solving Court team (members who have less than 2 yrs. experience) (outside of training modules)
- I would say my top one is the DA not being invested in Adult Drug Court, and
- My second would be the lack of involvement in either Adult Drug Court or Family Treatment Court by the local law enforcement

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**CHALLENGES FOR COLORADO PROBLEM SOLVING COURTS**

- Role clarification, balancing group brainstorming with specific expertise such as allowing the clinician's assessment to drive the decision for a trip to residential instead of the team's frustration (which is often linked to)
- Keeping a strength-based focus rather than dwelling on violations and sanctions
- The interplay between the probation officer and the treatment provider as far as getting sufficient information and also adequate treatment (in the eyes of the probation officer)

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### CHALLENGES FOR COLORADO PROBLEM SOLVING COURTS

- We also have had the challenge of getting total buy-in from the treatment provider to attend staffing and court
- Maintaining an appropriate role (attorneys)—collaborative, non-adversarial/not antagonistic in front of participant particularly
- Commitment to the program (attorneys)—not sufficiently staffed and not focused on the program due to other competing demands
- Turnover between rolled/filling positions on team/training and integrating new team members

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### TEAM ROLES

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### MISSION ORIENTED

In the problem solving court model, rather than abandoning traditional roles, the involved disciplines expand them. The disciplines collaborate on a single mission to collectively protect and serve the community, and improve outcomes for a justice involved population.

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### PROBLEM SOLVING COURT TEAM ROLES

- Court
- Prosecutor
- Defense
- Probation
- Treatment
- Coordinator
- Law Enforcement

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### ADDITIONAL TEAM ROLES

- VJO- Veterans Justice Outreach- Veterans Court
- Mentor Coordinator- Veterans Court
- Guardian ad litem- Family Court
- Parents Attorneys- Family Courts
- Education Representative- Juvenile Problem Solving Courts
- Recovery Coaches

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### JUDGE

- Leader of the team
- Adjudicates legal matters
- Final authority on program decisions
  - Admission to program
  - Sanctions/incentives- responses to participant conduct
  - Termination
  - Phase advancement
  - Commencement
- Participates in staffing
- Presides over status hearings
- Program advocate

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### COORDINATOR

- Serves as a liaison between, the court, the team, community and participants
- Oversees program budget, grant management
- Preparation and management of program dockets
- Attends staffing sessions
- As required or directed by the court, collects and maintains program data, i.e. participant progress, sanctions incentives, phase advancements, etc.
- Schedules team meetings, assist with agenda preparation
- Facilitates new team member orientation

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### PROSECUTOR

- Advocates for public safety, justice, and participate rehabilitation
- Screens candidates for legal eligibility (per program eligibility guidelines)
- Shares candidate criminal history information for candidate evaluation
- Participates as a team member, attend staffings for: 1) candidate evaluation, 2) participant progress, 3) responses to behavior, 4) phase advancement, 5) commencement, termination
- Works to achieve program mission and goals

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### DEFENSE

- Evaluates candidate's legal situation and advises in pursuit of best interest
- Identifies and refers eligible candidates
- Engages with prosecutor on candidate eligibility
- Advocates for the candidate/participant at every stage
- Ensures the protection of candidate/participant constitutional rights
- Participates as a team member, attends staffings for: 1) candidate evaluation, 2) participant progress, 3) behavior responses, 4) phase advancements, 5) commencement, termination
- Works to achieve program mission and goals

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### TREATMENT

- May include LCSWs, psychologists, addiction counselors, etc.
- Conducts SUD/MI screening
- Conducts clinical assessment/determines diagnosis
- Creates and shares treatment plan, contributes to developing a coordinated case plan
- Responsible for direct service intervention to address, substance use disorder (SUD), serious mental illness (SMI), co-occurring disorders, etc.
- Provides updates and information to the team sufficient inform and influence: 1) evaluation, 2) participant progress, 3) responses to behavior, 4) phase advancement, 5) commencement, termination
- Works to achieve program mission and goals

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### SUPERVISION

- May be performed by probation, case manager position, community supervision officer, etc.
- May provide background and criminal history information for screening and assessment
- Conducts risk needs assessment
- Monitors day to day activities of the participant
- Monitors compliance with program rules and supervision terms
- Develops a supervision plan based on assessment, and contributes to coordinated case plan

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### SUPERVISION

- Pursuant to assessed needs and the case plan, makes referrals to appropriate programs/services, facilitates enrollment/engagement and monitors progress
- Conducts random drug testing
- Conducts periodic home visits to assess home environment and monitor progress pursuant to case plan
- Attends staffing to discuss: 1) evaluation, 2) participant progress, 3) response to behavior, 4) phase advancement, 5) commencement, termination
- Works to achieve program mission and goals

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### LAW ENFORCEMENT

- Participates fully as a team member to support achieving program mission and goals
- Refers or recommends potential participants
- Provides relevant background information in support of screening and assessment process
- Assists in supervision of participants, provides up to date information.
- Advocates for prompt incentives and sanctions

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### LAW ENFORCEMENT

- Processes and serves warrants
- Acts as a liaison to police agencies, providing program information and training on the contribution of the problem solving court to community safety and participant rehabilitation.

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### TEAM DEVELOPMENT

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### STAGES OF TEAM OF TEAM DEVELOPMENT

- Forming
- Storming
- Norming
- Performing

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### FORMING

- The team comes together, members may be polite and congenial time is spent getting to know each other
- A “feeling out stage”
- Communication may be guarded, cautious
- As the group starts to familiarize themselves, roles and responsibilities will begin to form. It is important for team members to develop relationships and understand the part each person plays
- This stage focuses more on people that work; it may not be the most productive

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### STORMING

- Initial feelings of excitement and the need to be polite may wear off
- Personalities may clash
- There may be confusion, disagreement and misinformation about team goals, and responsibilities
- Conflict and communication breakdowns may emerge or surface.
- “Mission creep” may occur by accident or design
- Productivity is adversely impacted

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### NORMING

- During the norming stage, members start to notice and appreciate and understand their team members' strengths. Everyone is contributing and working as a cohesive unit.
- Members begin to settle into definitive roles (by design or accident)
- Ground rules become more clear and or are formed by agreement, or practice
- Disagreements and conflicts may still occur, but are more efficiently resolved

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### PERFORMING

- The highest level of the performance for a team
- Each team members role is well defined, understood and respected by all members
- Effective communication practices are in place
- Effective conflict resolution practices are in place
- There is a good understanding of the team's goals and priorities.
- Productivity is high

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### TEAM DEVELOPMENT

- At what stage is your team?
- Why do you think so?
- If not at "Performing", identify one step that can be taken to advance your team

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**IMPROVING TEAM FUNCTIONING**

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**BARRIERS TO EFFECTIVE COLLABORATION**

- Historical independence of operations
- Ineffective communication
- Lack of information or misunderstanding about the roles mission, limitation and duties of involved disciplines
- “Old school thinking,” “we have never done that before”
- Failure to expand
- Lack of clarity re goals
- Historical distrust between disciplines
- Frequent turnover of team members

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**FOCUS ON CORE TEAM FUNCTIONS**

- Be clear on, focused and committed to program mission and goals
- Communicate: consistently, timely and with relevant information
- Know program policies and procedures

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### COMMUNICATION

- Communication Practices
  - Avoid Ego-centered Communications
  - Avoid downward communication
  - Practice active listening
  - Reinforce others statements
  - Find common ground
  - Reframe statements naturally
  - Ensure inclusiveness
  - Show understanding
  - Engage in empathetic listening
  - Sum-up

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### STAFFING

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### PRE-COURT STAFFING PURPOSES

- Evaluate eligibility of Problem Solving Court candidates
- Develop initial case plan
- Review participant progress on case plans/goals
- Determine responses to behavior (incentives, sanctions, therapeutic)
- Consider phase advancement/termination/graduation

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### COLLABORATIVE CASE MANAGEMENT

- Collaborative case management is the process by which all members of the team join in the effort to manage the progress of the participants through the program
- The practices of assessment, planning, treatment, engagement, monitoring and advocacy are coordinated

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### NEW TEAM MEMBER ORIENTATION

- Create New Team Member Checklist. The Checklist should include:
  - A meeting with the program judicial officer
    - Judicial officer discussed program purpose, goals, expected role, and contribution of new team member
  - A meeting with each other team member
    - Each team member discuss their respective, role, duties, ethic and statutory obligations
  - Review program Policy Manual and Participant Handbook

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### NEW TEAM MEMBER ORIENTATION

- Review any additional problem solving court material as predetermined by the team. That may include:
  - NADCP Publications
  - Online trainings (i.e. team roles, Incentive sanctions, addiction, drug testing, etc.)
- Completed checklist is submitted to program coordinator within a predetermined time frame

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**SUMMARY**

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**PRACTICES TO SUPPORT TEAM DEVELOPMENT AND FUNCTIONING- ACTION STEPS**

- Develop a metrics to track team progress to goals and objectives and communicate regularly to team members
- Commend and reward team members for exceptional work
- Formally incorporate a new team member orientation process into team operations

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**PRACTICES TO SUPPORT TEAM DEVELOPMENT AND FUNCTIONING- ACTION STEPS**

- Collectively revisit program purpose, mission, and goals. Review at least annually
- Clearly establish and formalize team member roles and responsibilities, document include in manual and share
- Ensure each member is aware of individual agency purpose, statutory and administrative obligations and expectations
- Dedicate time to team review functioning. Conduct a retreat at least annually

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THANK YOU FOR YOUR KIND ATTENTION

MACK JENKINS, VICE PRESIDENT, JSI

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