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Problem-Solving Courts: A Cost-Effective, Community Based Alternative

What Is A Problem-Solving Court?

In Idaho's problem-solving courts, teams apply a practice of utilizing treatment, supervision, and accountability to address behavioral health issues facing the court-involved population. People facing criminal charges or child protection cases can apply to participate in a problem-solving court which provides them with support services to access needed programs, but which also requires them to be continuously accountable for their progress in addressing non-productive behaviors. Idaho's problem-solving courts admit participants into the various programs on a case-by-case basis, taking into consideration the needs of the applicant and the resources available in the local community. Studies have found this community-based option to more effectively change unproductive and illegal behaviors than traditional supervision, probation, or incarceration alone.

Idaho's problem-solving courts focus on managing those who are at high risk of recidivism and who have significant behavioral health treatment needs. The majority of these people are at risk of incarceration in a prison system that is beyond capacity and increasingly costly. Other participants face the possibility of having their parental rights terminated or having children in the foster care system on a prolonged basis. Through the provision of services in the community, Idaho avoids additional possible costs associated with incarceration and improves the lives of Idaho's children.

Idaho's Problem Solving Courts

- 30 Felony Drug Courts
- 12 Adult Mental Health Courts
- 2 Juvenile Mental Health Cts
- 5 Misdemeanor / DUI Courts
- 7 DUI Courts
- 5 Juvenile Drug Courts
- 6 Veterans' Treatment Courts
- 1 Domestic Violence Drug Ct
- 1 Young Adult Drug Court
- 2 Child Protection Drug

Once a participant is admitted into a problem-solving court, judges, court staff, and other partners take a much more proactive role than would typically occur in a court case. Based upon an individual's needs, coordinators help the participant identify community resources for treatment, housing, and employment. Participants are expected to utilize the resources to develop healthy and productive behaviors, doing the hard work of recovery. Coordinators also regularly hold meetings with the attorneys, treatment providers, and probation officers to document and discuss a participant's progress through the program. As a result of the

active participation of all team members, judges receive regular updates on progress and meet in court with participants regularly. This system allows for close monitoring and quick reaction to both productive and unproductive changes in behavior. Participants are rewarded for their positive efforts and quickly held accountable for inappropriate or unproductive actions.

Improving Practice through Quality Assurance

Idaho's problem-solving courts have long promoted evidence-based practices in order to achieve the best possible outcomes. However, ensuring fidelity to these practices through ongoing quality review is critical to safeguarding continued effectiveness. Thus, the Idaho Supreme Court recently adopted a comprehensive quality assurance plan for problem-solving courts which establishes processes for monitoring adherence to the Court's standards and guidelines and will strengthen continuous quality improvement efforts. The plan incorporates peer reviews, certifications, performance metrics, and outcome evaluations. It will assist in identifying areas where problem-solving courts are most in need of additional resources, improvement, or training, and will encourage data-driven practices and decision making. Initial implementation of the plan is expected to begin in early 2019, and the Court has included a request to ensure adequate resources to fully implement in its Fiscal Year 2020 budget request.

Statewide Problem-Solving Court Participant Gap Assessment

In light of discussions of the possible expansion of problem solving courts, in 2016 court staff attempted to estimate the number of people who met eligibility criteria for a problem-solving court, but were not admitted. Utilizing data from the Courts, the Department of Health and Welfare, the Department of Correction, and the Department of Juvenile Corrections, the review showed approximately 2,719 adults and 65 juveniles sentenced to traditional probation or incarceration in 2016 were candidates for a problem-solving court, but not admitted. The chart below identifies the populations and courts for which eligibility was likely, but not utilized.

	2016 Active Participants	Eligible Felony Probationers	Eligible Retained Jurisdiction Popu- lation	Eligible Prison/DJC Commitment Population
Felony Drug Courts	1,136	1,222	436	212
Mental Health Courts	357	93	350	70
DUI Courts	320	153	63	36
Veterans Treatment Courts	141	42	18	24
Juvenile Drug Court	89	6	-	59
TOTAL	2,043	1,516	867	401

Resourcing For Continued Success

The success of Idaho's problem-solving courts depends on numerous public and private partnerships including with the counties, the Department of Health and Welfare, the Department of Idaho Correction, the Department of Juvenile Corrections, the Division of Veterans Services, treatment providers, and federal grantors. These justice providers provide financial support, permit staff to serve on problem-solving court teams, and participate in the collaborative implementation and improvement of Idaho's problem-solving courts.

Currently, Idaho's problem-solving courts are functioning above capacity, and expansion is limited by available resources, including those required for treatment, drug testing, and supervision. Many treatment providers are reporting that in order to meet the needs of court participants, services are being provided without compensation. In addition, current resources do not allow for the full continuum of treatment options and dosage levels that are most effective at changing behavior and reducing recidivism. According to current research, the full range of treatment options supported should include detoxification, residential treatment, intensive outpatient treatment, medication assisted treatment for opiate dependence, and important recovery support services. Judges, attorneys, and probation officers across the state report that some participants fail because appropriate treatment and recovery support services are not available. Expansion of available services would support long-term recovery and help assure that the investment in treatment made during drug court continues to pay long-term dividends to individuals, families, and the communities in Idaho.

To support the needs of Idaho's problem solving courts the Idaho Supreme Court has recently adopted plans to increase the level of dedicated fund spending on treatment and recovery services. In Fiscal Year 2018, revenue to the Drug Court, Mental Health Court, and Family Court Services fund totaled \$5,577,139 while expenditures totaled \$5,050,096. The Court's Fiscal Year 2019 spending plan includes distributions of cash balance to local communities and treatment providers for services rendered without compensation. In addition, future plans include the possible transfer of court assistance services funding from the Drug Court Fund which would allow additional funding of treatment and testing services, as is reflected in the Court's FY2020 budget request.

Team Members and Partners

- 34 Counties
- 62 Judges
- 7 District Managers
- 31 Coordinators
- 23 Treatment Providers

Idaho Department of Health
and Welfare

Prosecutors

Defense Attorneys

Misdemeanor Probation

IDOC Felony Probation