

Georgia's Accountability Courts: Defining Elements

There are more than 90 Accountability Courts operating in Georgia today. While these courts have much in common, each class of court is unique in that a particular target population is addressed while adhering to standard operating principles. Adult Drug Courts and DUI Courts have been recognized by the Georgia Legislature by Statute whereas other courts have not received this recognition, to date.

The first adult drug court was developed in Dade County, Florida, as a response to the rapid increase in crime associated with cocaine. Adult drug courts were soon established in other communities throughout the United States and the Ten Key Components were developed as a set of common principles defining these special courts. As time has progressed, other criminal justice issues have been addressed through the use of this drug court model and many of these efforts have used or modified the Key Components to define the approach for combating these problems. Other guiding principles have also been established specific to certain types of Accountability Courts.

This document provides the key elements for Georgia's Accountability Courts. The recent addition of child support courts and domestic violence courts has not resulted in special guiding principles at this time and these courts adhere to the original Ten Key Components as a general guideline for operational purposes. Family Dependency Treatment Courts have been operational for several years and have opted to adhere to the Components as a general guide as amended by substantial literature regarding techniques, strategies and evidence-based practices to employ. As additional guidelines for these and other courts are established, they will be posted on the Accountability Courts website.

Adult Drug Court Key Components

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Defining Drug Courts: The Key Components, U.S. Department of Justice, Drug Court Program Office and National Association of Drug Court Professionals, Drug Court Standards Committee, 1997. Adopted by the Standing Committee on Drug Courts of the Judicial Council of Georgia.

Adult Mental Health Court Ten Essential Elements

1. **Planning and Administration:** A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.
2. **Target Population:** Eligibility criteria addresses public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illness. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered.
3. **Timely Participant Identification and Linkage to Services:** Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.
4. **Terms of Participation:** Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.
5. **Informed Choice:** Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise.
6. **Treatment Supports and Services:** Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use-and increase the availability of-treatment and services that are evidence-based.
7. **Confidentiality:** Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.
8. **Court Team:** A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.
9. **Monitoring Adherence to Court Requirements:** Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.
10. **Sustainability:** Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

DUI Courts Guiding Principles

1. **Determine the Population:** Targeting is the process of identifying a subset of the DUI offender population for inclusion in the DUI Court program. This is a complex task given that DUI Courts, in comparison to traditional Drug Court programs, accept only one type of offender: the hardcore impaired driver. The DUI court target population, therefore, must be clearly defined, with eligibility criteria clearly documented.
2. **Perform a Clinical Assessment :** A clinically competent and objective assessment of the impaired-driving offender must address a number of bio-psychosocial domains including alcohol use severity and drug involvement, the level of needed care, medical and mental health status, extent of social support systems, and individual motivation to change. Without clearly identifying a client's needs, strengths, and resources along each of these important bio-psychosocial domains, the clinician will have considerable difficulty in developing a clinically sound treatment plan.
3. **Develop the Treatment Plan:** Substance dependence is a chronic, relapsing condition that can be effectively treated with the right type and length of treatment regimen. In addition to having a substance abuse problem, a significant proportion of the DUI population also suffers from a variety of co-occurring mental health disorders. Therefore, DUI Courts must carefully select and implement treatment strategies demonstrated through research to be effective with the hardcore impaired driver to ensure long-term success.
4. **Supervise the Offender:** Driving while impaired presents a significant danger to the public. Increased supervision and monitoring by the court, probation department, and treatment provider must occur as part of a coordinated strategy to intervene with hardcore DUI offenders and to protect against future impaired driving.
5. **Forge Agency, Organization, and Community Partnerships:** Partnerships are an essential component of the DUI Court model as they enhance credibility, bolster support, and broaden available resources. Because the DUI Court model is built on and dependent upon a strong team approach, both within the court and beyond, the court should solicit the cooperation of other agencies, as well as community organizations to form a partnership in support of the goals of the DUI Court program.
6. **Take a Judicial Leadership Role:** Judges are a vital part of the DUI Court team. As leader of this team, the judge's role is paramount to the success of the DUI Court program. The judge must be committed to the sobriety of program participants, possess exceptional knowledge and skill in behavioral science, own recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the DUI Court team, therefore, is of utmost importance.
7. **Develop Case Management Strategies:** Case management, the series of inter-related functions that provides for a coordinated team strategy and seamless collaboration across the treatment and justice systems, is essential for an integrated and effective DUI Court program.
8. **Address Transportation Issues:** Though nearly every state revokes or suspends a person's driving license upon conviction for an impaired driving offense, the loss of driving privileges poses a significant issue for those individuals involved in a DUI Court program. In many cases, the participant solves the transportation problem created by the loss of their driver's license by driving anyway and taking a chance that he or she will not be caught. With this knowledge, the court must caution the participant against taking such chances in the future and to alter their attitude about driving without a license.

9. **Evaluate the Program:** To convince stakeholders about the power and efficacy of DUI Court, program planners must design a DUI Court evaluation model capable of documenting behavioral change and linking that change to the program's existence. A credible evaluation is the only mechanism for mapping the road to program success or failure. To prove whether a program is efficient and effective requires the assistance of a competent evaluator, an understanding of and control over all relevant variables that can systematically contribute to behavioral change, and a commitment from the DUI Court team to rigorously abide by the rules of the evaluation design.
10. **Ensure a Sustainable Program:** The foundation for sustainability is laid, to a considerable degree, by careful and strategic planning. Such planning includes considerations of structure and scale, organization and participation and, of course, funding. Becoming an integral and proven approach to the DUI problem in the community however is the ultimate key to sustainability.

The Ten Guiding Principles of DUI Courts. National Center for DUI Courts. Adopted by the Standing Committee on Drug Courts of the Judicial Council of Georgia.

Juvenile Drug Courts

1. **Collaborative Planning:** Engage all stakeholders in creating an interdisciplinary, coordinated, and systemic approach to working with youth and their families.
2. **Teamwork:** Develop and maintain an interdisciplinary, non-adversarial work team.
3. **Clearly Defined Target Population and Eligibility Criteria:** Define a target population and eligibility criteria that are aligned with the program's goals and objectives.
4. **Judicial Involvement and Supervision:** Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families.
5. **Monitoring and Evaluation:** Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field.
6. **Community Partnerships:** Build partnerships with community organizations to expand the range of opportunities available to youth and their families.
7. **Comprehensive Treatment Planning:** Tailor interventions to the complex and varied needs of youth and their families.
8. **Developmentally Appropriate Services:** Tailor treatment to the developmental needs of adolescents.
9. **Gender-Appropriate Services:** Design treatment to address the unique needs of each gender.
10. **Cultural Competence:** Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent.
11. **Focus on Strengths:** Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves.
12. **Family Engagement:** Recognize and engage the family as a valued partner in all components of the program.
13. **Educational Linkages:** Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs.
14. **Drug Testing:** Design drug testing to be frequent, random, and observed. Document testing policies and procedures in writing.
15. **Goal-Oriented Incentives and Sanctions:** Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families.
16. **Confidentiality:** Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information.

Juvenile Drug Courts: Strategies in Practice. U.S. Department of Justice, Bureau of Justice Assistance, 2003.

Veterans Treatment Court Ten Key Components

1. Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the Veterans Treatment Court program.
4. Veterans Treatment Courts provide access to a continuum of alcohol, drug, mental health and related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs Veterans Treatment Court responses to participants' compliance.
7. Ongoing judicial interaction with each Veteran is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations.
10. Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness.

(Posted on NDCI/NADCP website and adopted from the Buffalo Veterans Treatment Court, 2007)