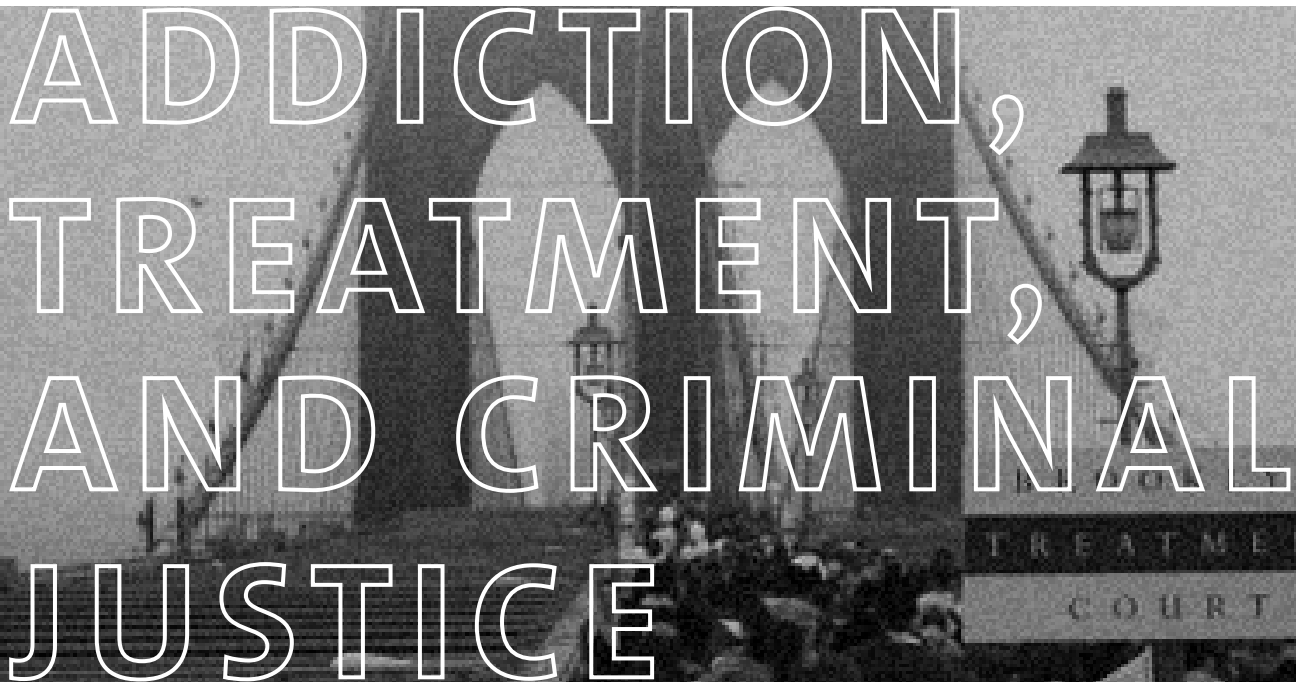


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ADDICTION,  
TREATMENT,  
AND CRIMINAL  
JUSTICE

An Inside View of the Brooklyn Treatment Court

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*authors*

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2012

Jo Ann Ferdinand has been the presiding judge of the Brooklyn Treatment Court since it opened in 1996. She was appointed to the bench in 1986.

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## FOREWORD

As the Brooklyn Treatment Court looks back 15 years to its start as an experimental project of the Center for Court Innovation, it is important not only to acknowledge the progress we have made in responding to substance abuse and mental health as contributing factors to criminal behavior, but also look to the future and how these lessons can be sustained and expanded.

When I first became a judge in the Criminal Court of New York City in the 1980s, addiction was considered a moral failure; it was commonly believed that people become addicted and stay addicted to drugs because they are weak or lack willpower. Since drug use is voluntary, courts were loathe to excuse criminal behavior resulting of addiction. Individuals who enrolled in treatment as an alternative to incarceration, were expected to succeed immediately, and were punished harshly for any relapse. As a result drug addicts cycled through the criminal justice system, continuing to use drugs and commit new crimes. It wasn't until the late 1990s when scientific evidence showing that addiction was a disease of the brain became widely accepted. Once drug abuse was understood to be characterized by compulsive drug seeking and use despite negative consequences, leading to impaired behavioral responses and triggering negative and sometimes criminal social behaviors, drug courts were able to properly respond to relapses.

The Brooklyn Treatment Court was designed as a collaboration between the Kings County District Attorney, the Legal Aid Society, and the Supreme Court to identify offenders whose non-violent crimes were a consequence of their substance abuse or dependence, utilize individualized treatment interventions, provide strong inducements to promptly enroll them in treatment, apply sanctions and rewards to keep them in intensive treatment until they had effectively changed patterns of risky behaviors, and use the power of a single designated judge as an identifiable authority figure to teach consequential thinking.

With the recognition that addiction causes havoc with all aspects of an offender's life, the Brooklyn Treatment Court developed partnerships with community-based providers of resources to help address myriad problems such as health, education, employment, and family relations. We require defendants to be responsible by closely monitoring their activities. We give hope and encouragement to those whose drug use was a response to trauma and who feel unable to live drug-free. We give drug addicts the opportunity to live a healthy and rewarding life. In return the criminal justice system has seen great benefits in the reduced recidivism of drug court graduates. We could not have succeeded without the full support of all our partners.

We hope our story of the approach taken by the Brooklyn Treatment Court will give insight and ideas to those who are looking for ways to address addiction in the criminal justice system.

Judge Jo Ann Ferdinand  
Presiding Judge  
Brooklyn Treatment Court

# **ADDICTION, TREATMENT, AND CRIMINAL JUSTICE: AN INSIDE VIEW OF THE BROOKLYN TREATMENT COURT**

## **OVERVIEW**

In 1996, the New York State Unified Court System, in partnership with the Center for Court Innovation, opened New York City's first drug treatment court, the Brooklyn Treatment Court. The court links nonviolent, substance-abusing defendants to drug treatment as an alternative to incarceration. Defendants who successfully complete the treatment program have their cases dismissed or their charges reduced. The Center for Court Innovation was responsible for the operations of the Brooklyn Treatment Court during its demonstration phase. In 2003, the project was institutionalized by the New York State Unified Court System, which has assumed total administrative oversight of the program. This is an account of the Brooklyn Treatment Court's work from 1996 to 2011.

The Brooklyn Treatment Court offers a comprehensive substance abuse treatment program to drug-involved offenders arrested in Brooklyn, New York and charged with non-violent felony crimes. The court alters the criminal justice response by identifying those individuals who were committing crimes to support their drug addiction and offering a prompt resolution of their criminal case with mandated enrollment in rigorous drug treatment rather than incarceration. The court represents a paradigm shift away from punishment towards one of personal accountability and responsibility. The role of the judge is to galvanize the treatment process into a more powerful and accountable form of rehabilitation than available in the traditional criminal court. The focus of the court is on the rehabilitation and social reintegration of drug-involved offenders. The goal of the Brooklyn Treatment Court is to reduce substance abuse and criminal involvement of its participants while simultaneously improving their life skills so that they can live crime-free lives.

Judge Jo Ann Ferdinand has been the presiding judge in the Brooklyn Treatment Court since the court was established in 1996. By using the concept of therapeutic jurisprudence, Judge Ferdinand engages participants with informed questions designed to elicit introspective responses, which teach consequential thinking. These responses are also helpful to the vigilant participants in the courtroom, in that they may better internalize messages from peers to apply to their own situation. Judge Ferdinand not only directly involves participants in their court experience, she also engages in program outreach and provides continuing education for attorneys, law



enforcement and community service providers who may never have entered a problem solving court. This ongoing outreach and education of the public has the impact of improving understanding of the drug court concept, of modifying attorney's perceptions of the court thereby increasing court referrals, and of providing recognition and leveraged support for the effort that service providers make on behalf of the court to effectively treat the program participants.

The U.S. Department of Justice has a website, [crimesolutions.gov](http://crimesolutions.gov), that helps taxpayers judge the effectiveness of state and local anti-crime programs. The site was billed by federal officials as a "single, credible, online resource to inform practitioners and policymakers about what works in criminal justice, juvenile justice, and crime victim services." A team of experts from the Office of Justice Programs assembled the database by reviewing academic studies evaluating hundreds of anti-crime programs under accepted scientific standards. Program were classified as either effective, promising, or no effects. Many programs didn't make the cut either because they were judged ineffective or there wasn't enough evidence to make a judgment. Notably, the Brooklyn Treatment Court is one of only six programs judged to be "effective" in the "Courts" category.

## THE JOURNEY

### Life on the Street

Addiction is "[t]he physical and psychological craving for a substance or behavior that develops into a dependency and continues even though it is causing the addicted person physical, psychological, and social harm.... Addictive behavior in the context of trauma can be seen as a form of self-medication and/or as an unhealthy coping mechanism."<sup>1</sup> It has recently been estimated that 22.6 million people nationwide over the age of eleven (or 9.2 percent of the population) have had either substance abuse or substance dependency problems within the preceding year.<sup>2</sup> These "addicts have a shortened life expectancy and more frequently experience social and emotional problems. This is in part due to their exposure to infection, violence, and poor living conditions."<sup>3</sup> In addition, "those suffering from addiction are particularly prone to commit [quality-of-life] types of crimes, and circulate in and out of the municipal justice system."<sup>4</sup>

### Arrest and Arraignment in Brooklyn Criminal Court

At the critical point of arrest, a two-stage screening process begins for identifying those defendants who, based entirely on objective criteria, would be eligible to participate in Brooklyn Treatment Court. Stage one of the screening process is conducted in Criminal Court at the Arraignment. Every defendant over 18 years old, who is charged with felony drug sale or possession (except Class A felonies) and has no pending violent charges or prior felony conviction for a violent crime, is flagged for referral to treatment court. Whether released on their own recognizance or held on bail, defendants appear in treatment court the next business day. Since the court's inception, more than 20,000 cases have been received for stage two screening.

Stage two of the screening process is conducted every morning by the Assistant District Attorney (ADA) assigned to Brooklyn Treatment Court. The ADA reviews the facts of each new case and determines whether a treatment disposition would be appropriate based on the circumstances of the underlying charges. For example,

the District Attorney's Office will not consent to a treatment disposition in cases where the defendant is in possession of or sells large quantities of drugs because such crimes are not indicative of someone who is selling drugs solely to support his or her own drug addiction. Once found eligible, defendants proceed to the clinical assessment.

### **Intake and Clinical Assessment**

Brooklyn Treatment Court case managers perform an intake and clinical assessment of legally eligible defendants prior to their first appearance in court. The intake consists of: an orientation session; a review of the objectives and procedures of the court; the collection of urine and a urinalysis; and a review of confidentiality issues, including the signing of a waiver of confidentiality and release forms that permit the case management unit to exchange information with treatment providers and the court about the defendant's prognosis, attendance, cooperation, compliance, and urinalysis results. Case managers, trained in drug counseling, examine and assess each defendant and identify those whose criminal conduct is essentially addiction driven.

The case manager determines each defendant's need for treatment and recommends an appropriate modality using a comprehensive psycho-social assessment instrument. Through a confidential interview, the case manager determines the defendant's history of substance abuse or dependence (if any), living arrangements, employment status, and other data necessary to identify service needs, develop an individualized treatment plan, assess the risks of community-based treatment, and support the independent and cross-site evaluations developed for the OPI to calculate addiction severity, criminal history/risk, and social support scores. These scales, in addition to the results of the defendant's first urinalysis, are used to help determine the appropriate type, duration, and intensity of treatment. If the assessment reveals that the defendant is not an addict or has insufficient documentation for placement in a treatment program, the case manager informs the court that the individual is not a suitable candidate. Ongoing assessments continue to provide additional information on the defendant's prior history of trauma, more detailed information on prior substance abuse, and an update on the defendant's psycho-social status. At each court appearance, psycho-social information is reviewed and updated to provide a basis for modifying the defendant's treatment plan in response to new problems.

### **The Plea**

The Brooklyn Treatment Court uses a post-plea model, whereby participants plead guilty to an eligible drug charge and agree to a specific jail or prison sentence to be imposed in the event of program failure. Internal motivation at the outset is not necessary to benefit from treatment.<sup>5</sup> In fact, the denial of addiction at the inception of treatment is common. Participants' motivation for enrollment in treatment is primarily to avoid adverse consequences of their criminal cases. Individuals who are legally mandated to treatment often have better outcomes than voluntary clients because they are likely to stay in treatment longer and are more likely to graduate.

Once a defendant is determined to be legally and clinically appropriate to participate in Brooklyn Treatment Court, the assistant district attorney makes a disposition that takes into account the defendant's criminal record, the strength of the present case, and the amount of jail time potentially faced by the defendant. The defense attor-

ney then consults with her client to determine whether the treatment offer should be accepted. If a guilty plea is entered, the sentence is deferred. Upon the successful completion of the treatment regimen, the plea will be vacated, the charges dismissed, and the record sealed. If a participant fails to complete the treatment regimen or fails to adhere to the rules of the court or the treatment program, the agreed upon jail alternative will be imposed.

Based upon the plea agreement, participants are assigned to one of the following four treatment mandates, which define the minimum length of overall participation and phases of treatment (phase minimums must be completed as consecutive drug-free and sanction-less time).

1. Misdemeanor: Mandated to a minimum of eight months in Brooklyn Treatment Court; typically face six months in jail if they fail the program.
2. First Felony: Mandated to a minimum of twelve months in Brooklyn Treatment Court; typically face one year in jail or a 1-3 year prison sentence if they fail the program.
3. Multiple Felony: Pleading guilty to two or more felonies, but who do not have a prior felony conviction, are mandated to a minimum of eighteen months; face a prison sentence of 1½-4½ years or 2-6 years depending on the specifics of the criminal case.
4. Predicate Felony: Pleading guilty to a predicate felony and having at least one prior felony conviction have eighteen total months but face a longer prison alternative, usually a 3-6 year prison sentence but in some cases 4½-9 years or even longer.

Pre-indictment disposition of cases preserves judicial resources and expedites entry into treatment. Those defendants who initially refuse a treatment offer are given the opportunity to reconsider, even after an indictment has been filed against them.

### **Veterans Court**

The Brooklyn Treatment Court continued its legacy of innovation through the development of the Veterans Court. The purpose of this court is to address the specific and unique needs facing veterans today. All Brooklyn Treatment Court veteran participants are calendared together on one designated day per week to provide consistent judicial monitoring and specialized case management services. Veteran participants are managed by a team of specifically trained and experienced clinical case managers who work directly for the court and provide intensive monitoring and supervision. In addition, Brooklyn Treatment Court has expanded its existing partnerships with community-based treatment providers to include veteran-specific substance abuse and mental health services. The case management team works closely with these specialized treatment programs, which have specific experience and expertise in assessing and treating the unique and challenging needs of returning veterans. By increasing its collaboration with community-based organizations, the court offers a comprehensive systemic approach to treating chemically-dependent veterans in the criminal justice system.

A critical component of the Veterans Court includes the development of a Veterans Mentorship program.

Veteran participants are matched with a community based Veteran Mentor who will serve as a role-model to the participant to build a supportive relationship. This enhancement will provide an additional supportive component to the existing drug court model.

Establishing a veterans' track within Brooklyn Treatment Court has positively impacted upon the specific challenges faced by veterans by providing greater expertise through dedicated staff, greater accountability from participants, and immediate placement into specialized treatment.

### **DWI Court**

The Brooklyn Treatment Court has recently implemented a DWI Court targeting adult males and females at least 21 years old, who have been arrested in Kings County and charged with a felony offense of driving while intoxicated with no resulting serious physical injury or death. Under New York State law, such individuals would normally face jail time. In cases involving property damage, decisions regarding eligibility are made on a case-by-case basis. In order to be eligible, potential participants must have no prior violent felony conviction or pending violent felony, and meet the DSMIV-R criteria for alcohol abuse/dependence.

Under New York State law, a defendant may be charged with a felony DWI if he has a prior DWI conviction within the preceding 10 years. The indictment charges the defendant a felony DWI and misdemeanor DWI, both of which the defendant must plead guilty in order to participate in DWI Court. The National Highway Traffic Safety Administration (2004) estimates that approximately one-third of all drivers arrested or convicted of alcohol related offenses are repeat offenders. Moreover, the New York State Department of Motor Vehicles reports that in 2008 there were 445 deaths or injuries related to driving under the influence of alcohol in Brooklyn.

The Brooklyn DWI Court increases public safety by providing DWI offenders with quality treatment for their addiction while holding them accountable for their actions through intensive judicial and case management monitoring. The driver's licenses of those participating in DWI Court are suspended by the court and participants are not permitted to drive. Any arrest related to a violation of this condition can result in a participant's termination from DWI Court and the imposition of sentence.

Participants are expected to follow the policies and procedures designed for Treatment Court participants, including: attending community treatment, reporting to case managers, and submitting to drug and alcohol testing. Protocols for phase advancements, along with the imposition of sanctions and rewards, are set forth in a participant handbook. In order to ensure compliance, participants are required to wear a SCRAM alcohol monitoring bracelet for 90 consecutive days upon the participant's initial enrollment in DWI Court (after any inpatient portion of treatment is completed). If infractions occur during this time, participants may be required to wear the bracelet for an additional time period, the length of which is at the judge's discretion. Upon the successful completion of 12-18 months of treatment, defendants are assured that their felony DWI will be dismissed and they will receive no jail time.

In 2012, the Century Council named the Brooklyn Treatment Court's DWI Court one of eight promising criminal justice programs for DWI offenders in the country.

## Educational/Vocational Advisory Board

The Educational/Vocational Advisory Board was created to provide a forum for the Brooklyn Treatment Court Vocational Department and Treatment Providers to discuss the issues surrounding clients with criminal backgrounds seeking employment, training and educational services. The purpose of the Advisory Board Meeting is to trouble shoot, problem solve, and enhance communication between criminal justice and community based agencies. This is important to ensure a continuum of care while providing direct services to our clients. Moreover, the forum has provided us an opportunity to build on our partnerships, cultivate ideas and accommodate suggestions regarding our clients vocational/educational needs. Ultimately, this process serves to aid our clients in becoming productive members of their community.

### Health of Participants

Once defendants accept a treatment offer by entering a plea of guilty, they become participants in the Brooklyn Treatment Court/Veterans Court/Judicial Diversion/DWI Court and are all provided with ancillary services. Since 1998, prior to being placed into a treatment program, all new Brooklyn Treatment Court participants who are not incarcerated receive a physical examination and tuberculosis test at the Brooklyn Treatment Court Primary Care Clinic, a part-time extension clinic operating under the license of Woodhull Medical Center in compliance with Department of Health standards. The clinic operates out of a fully equipped medical examination room located in the court's treatment center on the 14th floor of the Supreme Court Building at 320 Jay Street.

Many participants present with significant needs for primary care services but are generally not linked to primary care providers. As a result, in addition to the initial medical screenings performed on all new released participants, primary care services and clinical services are provided by a board certified physician to all Brooklyn Treatment Court participants for the duration of the time that they are mandated to a treatment program, which averages 12 to 15 months. Ongoing primary care services and referrals are also provided to Brooklyn Treatment Court alumni in need of those services.

The clinic's physician provides ongoing pediatric, obstetric/gynecologic, and specialty services referrals as needed, and may also refer participants to the onsite Kings County Hospital psychiatrist through the Brooklyn Treatment Court Trauma-Informed Care Enhancement Track.

### Orientation and Pre-Placement Groups

Depending upon the availability of appropriate treatment placements, some participants may be placed in a program immediately while others may have to wait. Those participants who are incarcerated at the time of their plea, and who have been mandated to a residential program, will remain in jail until they have been accepted into a program (usually within 5-10 days). Those who are at liberty and awaiting placement participate in Pre-Placement groups held in the Treatment Center.

Pre-Placement groups take place Monday through Friday for approximately 50 minutes per day. During that time, alumni speak about their experiences in drug court; new participants are introduced to substance abuse treatment; the gap between the participants' initial acceptance into Brooklyn Treatment Court and the beginning of their mandated treatment programs is bridged; and, participants become oriented with the rules, regulations, and expectations of the court. In addition, the early engagement of participants awaiting placement increases the retention rate within the first 30 days of acceptance and is ultimately vital to the successful completion of treatment.

### Placement

The Brooklyn Treatment Court works with an extensive network of community-based substance abuse treatment providers. Their services include hospital-based detoxification, short-term residential treatment, long-term residential treatment, outpatient treatment, and intensive outpatient treatment. The clinical staff refers participants to specific programs based on their clinical need, the program's ability to comply with the court's reporting requirements, and the program's capacity to meet any special needs that may exist (e.g., mental/physical health, language barriers, etc.). Also, in the case of outpatient services, the clinical staff will attempt to refer participants to a provider located near their community. The clinical staff maintains close communication with treatment providers by conducting regular site visits and holding regular meetings of the Clinical Advisory Board.

Depending on their assessed clinical needs, participants can be referred to one of several treatment modalities. Residential detoxification usually involves a 3-10 day stay at a hospital-based detoxification facility. Ambulatory detoxification, which accounts for only two percent of all detox referrals, differs from residential in that patients only attend during the day. Detox referrals stem from a judgment that, often at the outset of recovery, a participant may experience severe withdrawal-related problems, necessitating intensive hospital-based services. Statistical analyses as well as feedback from interviews with Brooklyn Treatment Court case managers indicated that participants with a primary drug of heroin were the most likely subgroup to require a detox stay at the outset of participation.<sup>6</sup>

Residential treatment involves 6-24 months at a 24-hour inpatient facility. Short-term inpatient rehabilitation (short-term rehab) is a brief, usually 28-day, intensive inpatient program. When participants are referred to short-term rehab, the expectation is that upon completion, they will switch to an outpatient modality. Intensive outpatient usually runs five days per week. Outpatient usually runs three days per week for only part of the day. If a participant works or attends school, it is possible to attend an outpatient program in the evening. Finally, methadone-to-abstinence is an outpatient program designed to assist participants in reducing their dependence on both methadone and heroin. Less than two percent of Brooklyn Treatment Court participants ever attended a methadone-to-abstinence program. Brooklyn Treatment Court imposes as one of its eligibility requirements that a defendant cannot be on a higher methadone dose than 80mm at the time of intake. Participants entering with a lower dose must completely detox off methadone by the end of Phase Two and must continue to be methadone-free in order to graduate.<sup>7</sup>

### How the Court Monitors Progress and Defines Success

Progress in treatment is marked by band levels and phase schemes. Case managers assign a band level to each participant that dictates the frequency of program attendance, meetings with the case manager, drug testing, and court appearances. Changes in band assignment reflect progress in treatment; levels of restrictions are reduced for participants who demonstrate positive growth, while more restrictive requirements are increased for those struggling with establishing and maintaining abstinence. During the first thirty days of participation in Brooklyn Treatment Court, all participants appear in court every two weeks. After thirty days, the frequency of appearances will vary depending on documented progress. However, all participants must appear before the judge at least once a month.

Participants advance through three phases that define the parameters for successful completion of the treatment mandate:

- Phase I - “Choice” - is the entry-level phase for all participants. The focus of this phase is to encourage and ease the participant’s choice to lead a drug free life. Specific objectives include establishing abstinence and beginning early recovery. After being drug free and in compliance with the mandate for 120 consecutive days, the participant is advanced to the next phase.
- Phase II - “Challenge” - requires compliance for two additional months for participants who plead guilty to a misdemeanor, four months for those with a single felony, and six months for predicates or those with multiple felonies. This phase focuses on efforts to stabilize the individual in treatment, foster self-esteem, work on personal life goals, and establish abstinence skills. In this phase, participants prepare for community reentry by focusing on specific education and employment objectives.
- Phase III - “Change” - requires compliance for an additional two, four, or six months for each respective group. Objectives of this phase include the pursuit of educational or vocational goals, reintegration with the community, and continued progress toward sobriety and independent daily living skills.

During all treatment phases, participants may attend educational or vocational programs along with parenting, domestic violence, and anger management workshops. During Phase Three of their court mandate, one of the requirements for graduation is community service. All clients must meet with the Vocational/Educational Department to plan and complete a personalized “Giving Back to the Community” service project pertaining to each participant’s specific interest. At the Brooklyn Treatment Court, community service is not to be viewed as a “punishment,” but rather an “opportunity” to give back. Many participants choose a location that has a personal meaning to them for example, returning to their former high school or junior high school and speaking to students about the harsh realities of drug addictions. Others choose to assist the homeless or volunteer at local charity events. This approach provides the participant with a sense of empowerment and internal satisfaction.

### Graduated Sanctions

The Brooklyn Treatment Court works from a clinically designed scheme of sanctions/incentives. Incentives are clinically designed to increase motivation, strengthen the re-engagement process, and reinforce the therapeutic



## The Clinical Advisory Board

The Brooklyn Treatment Court Clinical Advisory Board is a group of administrators from over 25 primary substance abuse treatment providers who meet at the court to discuss shared issues that affect treatment court and provider operations. These quarterly meetings are a unique opportunity for providers and the court's clinical staff to discuss communication problems, barriers to entry to services, gaps in services, procedures for exchanging participant information, confidentiality issues, compliance monitoring, referral and screening requirements, urine testing, notification of participant discharge or termination of treatment, submission of monthly progress reports, electronic computer linkages, video conferencing, and therapeutic responses to noncompliant behaviors. In these meetings, both parties are able to share expectations and recommit to shared purposes.

alliance between the participant and the judge. In contrast, sanctions are designed to immediately interrupt maladaptive behaviors, provide the participant with the opportunity to take responsibility for their actions, and teach consequential thinking. Sanctions are designed to not be physically/psychologically harmful. In order for sanctions to be effective, they should be delivered by the judge in a timely manner. This delivery should occur as soon as possible after the infraction has occurred. Individualized sanctions/incentives are essential to a participant's success in drug court.

Because sanctions are designed to be learning experiences, rather than purely punitive, the court has sought to incorporate sanctions that provoke thought. The penalty box requires that the participant sit in the jury box for two days during which they are expected to answer the judge's questions regarding their impressions of the proceedings. This level of exposure and engagement can be very thought-provoking and can impress upon the client not only the potential ramifications of their behavior, but also that the court's response to them is within their control. The court may also assign an essay, or a cognitive behavioral journaling exercise, which will be processed with clinical staff and then discussed with the court at the next appearances.

When asked what they learned from sanctions and how sanctions helped them to reach their treatment goals, some participants stated:

- They helped me to learn that following rules is not hard, and it gave me a different outlook on life.
- I learned more in that 28 days than I could ever have. My life has changed for the better.
- I learned to write about my day so I don't forget my past or I'll be right back there going backwards.
- Writing an essay helped me in more ways than I could ever imagined.
- When I was in the jury box it helped me to see how much the judge was trying to help me. I saw what happens to people who do not comply with the program rules. It helped me not to make the same mistakes.



## Does Re-Arrest Result in Termination?

If a participant is re-arrested for a drug dependency motivated crime during the program, the prosecutor investigates the new case and assesses the appropriateness of continued program participation. If a client commits an offense that would otherwise be eligible for participation with the court and the prosecutors agree to allow the participant to continue in the program, the client may be able to plead to a new crime with increase in the mandate length and an increased jail alternative. This policy mirrors the reasoning behind the use of sanctions and incentives to keep participants engaged in treatment long enough to have maximum impact on recovery and recidivism. This policy also recognizes the significant challenges and barriers that drug-dependant individuals face in achieving recovery.

### Achievements and Rewards

Rewards can be recommended by treatment staff and are granted at the judge's discretion for particular accomplishments in treatment. The reward system is intrinsic to the court operation. Whenever the opportunity arises, the court will seek to support treatment through positive reinforcement. Some methods are built into the process and are not event driven, (e.g., in-court acknowledgment, early calendaring, etc.). Less frequently, when a participant has reached a treatment milestone, more specific "rewards" are given: fewer restrictions; fewer reports to case managers, treatment programs, and court; inspirational framed poems; presentation of certificates; congratulatory notes.

### A Trauma-Informed Approach to Recovery

Since its inception, the Brooklyn Treatment Court has taken a trauma-informed approach to recovery. The court was initially designed to assist women who were struggling with addiction. As stated previously, the mission of drug courts is to reduce drug abuse and its related criminal activity by offering substance abuse treatment to nonviolent addicted offenders and providing continuous judicial supervision to ensure compliance with the treatment mandate. Research has shown that women who use drugs have fewer resources to support them through treatment: they often have histories of physical and sexual abuse, fear loss of their children if they admit drug use, may live with a male partner whose lifestyle supports drug use, and have low self-esteem and little self-confidence. Moreover, these women are more likely to have a co-occurring mental health condition.

During the assessment process, case managers conduct a bio-psycho-social assessment of all potential participants to determine eligibility for drug court, severity of addiction, and required level of care. Early on the court became aware that many of the women referred to the court exhibited symptoms of mental health problems and/or reported a history of mental illness. Through funds received from the Center for Substance Abuse Treatment, the Brooklyn Treatment Court was able to enhance the mental health component of its assessment tool to identify participants requiring special treatment needs in their placement. Under an agreement with the

Kings County Hospital Psychiatric Department, a forensic psychiatrist, trained in the eligibility criteria and treatment capabilities of the Brooklyn Treatment Court, evaluates candidates and provides a diagnosis and recommendation. When the diagnosis rules out a serious and persistent mental illness, the court can arrange rapid placement. If the psychiatrist recommends medication, the court ensures that the medical staff at the local prison places the candidate on such medication. Once she is stable, the court finds placement with a treatment provider able to provide the necessary psychiatric care.

The psychiatric evaluations made us aware that a large number of drug-addicted women have experienced trauma. If not appropriately addressed with specialized treatment by trained staff, the prospects for long-term recovery are diminished. A trauma-informed approach in substance abuse treatment programs is essential in effectively addressing the multiple and unique needs of trauma survivors. The Brooklyn Treatment Court learned from research that a history of childhood abuse, as well as other forms of trauma, is especially likely for people in the criminal justice system who struggle with mental health problems. Alcohol and other substances is a method of “self-medicating” used by traumatized people to “numb-out” or escape from intrusive thoughts and emotional pain. In 1999, to ensure that female participants receive appropriate care, the court collaborated with Palladia, a residential substance abuse treatment provider, to create a comprehensive program for both mental health and addiction. Participants in this program receive specialized services from an interdisciplinary team. This collaboration has greatly impacted the rates of retention for women in treatment.

In 2003, the National Development and Research Institutes (NDRI) and the Center for Court Innovation conducted additional evaluations, which evidenced that young men between the ages of 19 and 24 coming through the court were also victims of trauma but often did not disclose until they were in treatment for months. At this point, the court realized that a more proactive approach to assessment/placement was required. The Brooklyn Treatment Court approach is guided by the Sequential Intercept Model that indicates where mental health intervention can be made to prevent individuals from entering or penetrating deeper into the criminal justice system. This model specifically includes special jurisdiction courts like the Brooklyn Treatment Court, which intercepts offenders at the plea stage and dismisses charges upon program completion. The model’s authors suggest that this intervention should be utilized at early points in the system.<sup>8</sup> Brooklyn Treatment Court will intercept and treat offenders with trauma related and substance abuse issues to keep them from returning to the criminal justice system.

The Brooklyn Treatment Court, like all drug courts, uses sanctions and rewards to change drug using behaviors and teach consequential thinking. The court assumed that the same sanctions and rewards would work for all participants. For instance, the judge may send recalcitrant participants to jail for a few days to teach the lesson that if they continue to use drugs they will spend more time in jail. Afterward, they generally realize that the court expects them to keep their commitment to get clean and that they have to take their part seriously. Trauma survivors must be taught how to draw this connection between their negative behavior and the court-imposed response in order to change their behavior. Jail sanctions may unintentionally confirm their belief that they are failures. Many of them already feel shame for the things they did in order to get drugs, and especially feel

tremendous guilt for neglecting their children. They feel that they are unworthy, and often lack the confidence to change. Therefore, when the court imposes a sanction for their behavior by sending them to jail for a few days, they believe that the judge correctly sees them for who they are and knows that jail is where they belong. They often return to court saying, “Just sentence me. It’s too hard. I would rather do my time.”

To overcome this obstacle to recovery, the court must use a strength-based approach in which positive reinforcements are used much more frequently than negative ones. For example, the judge makes a point of recognizing every effort a participant makes to do the right thing. All small steps are acknowledged as progress: keeping appointments, showing up on time, dressing well, admitting to urges, choosing to stay in treatment even after a rule breaking, accepting punishment for misconduct, taking responsibility for poor choices. By rewarding every accomplishment, the judge is teaching them that negative behaviors are not who they are but what they did and demonstrates her belief in their ability to do the right thing. Veterans, women, and young men, in particular, thrive on these positive interactions and, upon finishing treatment, often say to the judge, “You saw something in me I didn’t see in myself. You had faith in me.”

The Brooklyn Treatment Court developed new rewards that are particularly meaningful to our veterans, women, and young men. Picture Your Recovery is used as both an incentive and a motivational intervention. With the support of case managers, participants take photographs using a disposable camera provided by the court and create photo journals which catalog people, places, and objects that symbolize their strengths and inspirations. It offers a creative and expressive outlet to tell one’s stories visually. The photo journal becomes a strength in itself, a tangible object that represents positive achievement and behavior. Finally, the cooperative process of assembling the journal fosters the relationship between participants and case managers.

Because it is difficult for parents to participate in their children’s lives when they are separated, the Brooklyn Treatment Court developed a restorative program that provides residential participants an opportunity to connect with their children. Parents With A Story allows parents to play an active role in their children’s lives by allowing them to select a book donated to the court and then film them reading the story aloud. The recorded DVD and corresponding book are sent home to the child who is then able to repeatedly view the DVD and read along with his or her parent. This can minimize the distance between parent and child and provide an opportunity for positive communication. When parents are able to be a constructive part of their children’s lives, they develop nurturing skills, such as reading to their children, that can be continued after completion of treatment. This program additionally assists in the development of reading skills and promotes reading as a positive activity.

To further enhance the services participants receive from treatment providers, the Brooklyn Treatment Court partnered with the National Center for Trauma-Informed Care to sponsor a training, Creating Trauma-Informed Systems of Care for Substance Abuse Settings. The court invited local treatment providers to a two-day trauma workshop conducted by the National Coordinating Center for the Seclusion and Restraint Reduction Initiative. Treatment providers sent their agency’s in-house trainers to learn the skills necessary to more fully engage trauma surviving drug court participants. The court’s goal is to ensure that all veterans, women, and young men are sent to programs that are trauma-informed.

## Picture Your Recovery

“Picture Your Recovery” is a Brooklyn Treatment Court program for outpatient clients. The program is used as an incentive encouraging participants entering Phase III to share their motivation for recovery be acknowledged by the court for progress in this court-mandated drug treatment program.

“Picture Your Recovery” offers participants a creative, expressive outlet, and allows them to tell their stories visually. The photo journals catalog people, places and objects that act as strengths for participants. Moreover, a completed journal becomes a strength itself; a tangible object that represents positive achievements and a behaviors. Finally, the cooperative process of assembling the journal fosters the relationship between participants and case managers.

### On-Site Programs, Services, and Activities

#### *The Educational and Vocational Department*

All Brooklyn Treatment Court participants must participate in a mandatory Vocational and Educational Assessment to determine their employment skills, educational levels, and potential learning disabilities. This assessment provides the Educational and Vocational Department with educational, financial, and entitlement information, as well as military and work history, about the participants to help determine appropriate services for them.

The Educational and Vocational Department seeks to increase participants’ chances of remaining drug-free and staying out of the criminal justice system by offering vocational and educational enhancement services. After establishing a period of sobriety, participants may be referred for vocational training. Participants may qualify for sponsorship through the Vocational and Educational Services for Individuals with Disabilities (VESID) due to their substance abuse disability, or assistance from the New York State Department of Labor due to loss of employment, or support for training from the Veterans Administration due to a service related disability. Individuals who are “job-ready” may be referred to agencies that help find employment.

Utilizing the Strengths-Based Approach, the Educational and Vocational Department and community service providers focus on what people have learned about themselves and others to utilize personal, cultural, and community strengths in the reintegration process. Recognizing that each client’s educational experience and abilities range from limited literacy skills to bachelor’s degrees, the department focuses on assuring that all receive educational and vocational assistance at their individual level. Part of the shared assessment process focuses on issues related to education and vocation. This information is incorporated into each client’s case plan. Once substance abuse and other issues are stabilized, services are identified to address the client’s educational and vocational needs. For some, these services include literacy training at the public library or adult school; others are referred for GED tutoring.

### *Library Learning Centers*

Many Brooklyn Treatment Court clients do not have a library card and are not aware of the resources available at the Brooklyn Public Library. Many also do not have access to a computer or know how to access the Internet in order to research community resources and employment information. The Brooklyn Public Library's Learning Center has agreed to provide educational assessments, basic computer training sessions, a library resources overview, adult GED, and literacy classes to Brooklyn Treatment Court participants. There are five Brooklyn Public Library Learning Centers that can provide these services and sixty local libraries in Brooklyn where these resources can be accessed. Clients who have been identified by the educational and vocational resource coordinator as needing an educational assessment will receive the Test of Adult Basic Education (TABE) at a Library Learning Center to assess their reading and writing skills. Based on the results of the initial educational assessment and the input of the educational and vocational resource coordinator, the Library Learning Center can refer clients to adult basic education classes, pre-GED classes, GED classes or other appropriate educational programs. All clients apply for a library card and receive a tour of the library and orientation.

### *The Computer Learning Center*

Although Brooklyn Treatment Court clients are free to accept referrals to adult basic education classes, pre-GED classes, GED classes, or other appropriate educational programs after they complete the Computer Basics training, Brooklyn Treatment Court also has its own Computer Learning Center where participants can access several employment readiness modules to improve their skills, and use the computer-based PLATO application to build knowledge of word processing, reading comprehension, GED practice tests, and Microsoft Office and WordPerfect computer applications. The Computer Learning Center has six computers that are loaded with PLATO, which was created over forty years ago by a company at the forefront of the education technology market with innovative research-based products and solutions to meet the changing needs of educators and learners. This system was studied by the U.S. Department of Education, which found that participation in state correctional education programs lowered the likelihood of repeat incarceration by 29 percent.<sup>9</sup>

Participants' fundamental skill levels are initially assessed and read by the educational and vocational resource coordinator, who shares the results with the participant's counselor in the treatment program to develop an educational/vocational plan that includes computer-aided learning. This type of individualized learning reduces barriers to engagement in formal GED classes by allowing clients to experience some success prior to moving forward. Web-based access, whether at a treatment program, library, or home specifically addresses the client's need for flexibility pertaining to work and child care obligations.

### *VESID/ACCESS*

The Office of Vocational and Educational Services for Individual with Disabilities (VESID) has partnered with the Brooklyn Treatment Court to identify clients who are motivated to attend school or vocational services. VESID offers college tuition and job placement to eligible participants.

### *Brooklyn Treatment Court and Kingsborough Community College Partnership*

The Brooklyn Treatment Court and Kingsborough Community College have started a program of enhanced student services to move challenged young adults out of the court system and into higher education. The program consists of coordinating existing student services at Kingsborough Community College and communicating to information regarding service referrals, progress, problems, and achievements. The Substance Abuse Counseling Club at the College recently raised enough money to award four Brooklyn Treatment Court participants scholarships to attend the college's GED program. Getting participants on a college campus is key to their motivation and determination.

### *Presentations and Workshops*

Through educational presentations and workshops, the Educational and Vocational Department assists clients in defining and achieving educational and vocational rehabilitation goals to allow them to function successfully in the competitive workplace. The Citibank Workshop was designed to provide Brooklyn Treatment Court clients with an opportunity to learn the basics of banking. This free financial educational workshop addresses the following topics: the importance of saving (even minimal amounts), how to open a bank account, how to write a check, how to obtain and check your credit, how to read a bank statement, how to use a bank card, how to deposit and withdraw money, and how to balance a checkbook, among other skills.

### *The Civil Legal Needs Initiative with Brooklyn Law School and South Brooklyn Legal Services*

Many clients who enter the Brooklyn Treatment Court have civil legal issues that potentially impact their stability in recovery. To address the issue, the court created a community partnership to address clients' civil legal problems through the Civil Legal Needs Initiative, a groundbreaking cross-disciplinary approach to recovery. The initiative is a partnership between Brooklyn Law School, South Brooklyn Legal Services, and the Brooklyn Treatment Court. The initiative was organized to address the civil legal needs of the court's treatment population. Brooklyn Law School students, working as interns through the school's clinical program, interview clients at the court's clinical office. Following the initial interview and under the instruction of a supervising attorney from South Brooklyn Legal Services, the interns address civil legal problems. Those clients who have civil legal issues frequently present problems in the areas of public assistance, consumer, housing, and family law. The initiative provides an opportunity for clients to voice their issues and have them reviewed and addressed.

Mentoring is the development of a partnership through which one person shares knowledge, skills, information, and perspective to promote the personal and professional growth of another individual. Through this partnership, the mentor and mentee create an opportunity for collaborative goal achievement and problem solving.

Group mentoring is a variation on traditional one-on-one mentoring that is most commonly used. Group mentoring is an effective strategy to provide individuals with the benefits of mentoring when resources are limited. This type of mentoring also allows for added benefits by creating a safe environment for young adults to better understand social processes and further develop their social skills. In addition, group mentoring is curricu-

lum-based and exposes mentees to a variety of fun and inspiring lessons, while still gaining perspective and insight from the mentor.

The Brooklyn Treatment Court's on-site Young Adult Mentoring Initiative is a way of providing a young population with additional support during their recovery. This mentoring initiative is for the Brooklyn Treatment Court's young adult clients in the beginning phases of treatment. These clients will be referred by case management staff and placed in a group led by a Brooklyn Treatment Court graduate. The group will meet once a month and the graduate mentor will be able to share their past experience in drug treatment and in Brooklyn Treatment Court. The group sessions will be structured, allowing for individual sharing as well as group exercises and psycho-educational lessons.

The Brooklyn Treatment Court's on-site Veterans Mentoring Initiative is a way of providing a veteran population with additional support during their recovery. Clients who have served in the United States armed forces will be eligible to participate in this mentoring initiative during their time in treatment. These clients will be assigned to a Veteran Mentor with a significant amount of time in recovery and they will meet prior to each of the clients' court appearances. The goals and objectives of the Veterans Mentoring Initiative is to provide additional support to clients who face unique challenges during their time in treatment court. Veterans make up a population that often struggles in treatment with issues such as alcohol and substance abuse, mental illness, homelessness, unemployment, poor health, and strained relationships. The goal of this mentoring program is to facilitate change and help this population overcome the challenges they face to become successful, specifically through social skills, problem-solving skills, relapse prevention strategies, effective self-care strategies, conflict resolution skills, and educational/vocational motivation.

#### *The Department of Health*

The Brooklyn Treatment Court has forged a partnership with the New York City Department of Health and Mental Hygiene Correction Community Linkage Program. A Department of Health representative is present in the Treatment Center one day per week. This representative provides clients with health education, smoking cessation materials, no-cost birth certificates, and referrals to Medicaid. This valuable service benefits clients by promoting a healthier lifestyle, helping the client to obtain identification and insurance, and linking them to health resources in the community.

#### *New York State Public Assistance - Human Resources Administration*

On a monthly basis, a Human Resources Administration representative is on-site at the Brooklyn Treatment Court to assist qualified participants in obtaining financial assistance for food through the New York State Food Assistance Program.

#### *Expressive Therapies*

Art Expression is a well-established method of treating addiction. For a limited time, the court had a certified art therapist on staff who supervised our mural project. In small group art expression sessions (4-6 people), clients



were encouraged to explore the emotional impact of the issues they were facing, i.e., addiction, legal issues, personal/familial issues, etc. Sessions were a combination of directives and open art-making time. Clients were led in constructive discussions of each other's work and asked to speak about their own experience of making art. There was little focus on technique or formal art instruction; the goal was to increase self-awareness and the ability to articulate internal experience, as well as to provide the opportunity for positive social interaction. Clients had the chance to contribute something lasting to the environment of the Brooklyn Treatment Court while working side-by-side with peers, participating in their own unique way to the larger framework of the mural required clients to come up with their own message or image, and helping to define and strengthen their roles as people successful in recovery.

#### *Moral Reconciliation Therapy*

In 2005, the Brooklyn Treatment Court received technical assistance from the National Institute of Corrections to conduct Moral Reconciliation Therapy (MRT) groups with young adults to treat them from a cognitive-behavioral perspective. MRT focuses on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behaviors and habits; positive identity formation/enhancement of self-concept; decrease in hedonism; development of frustration tolerance; and development of higher stages of moral reasoning. This intervention for young adults is delivered at the court in three open-ended groups.

#### *The Reading Circle*

The Reading Circle is a voluntary book club that meets bi-weekly at a local library. It began from the belief that literature has a transformative power that could broaden the horizons of participants, and could also provide an opportunity for sober socialization. The members choose the books, which have included *Blink*, *Letters to a Young Brother*, *Monster*, *Of Mice and Men*, *One Flew Over the Cuckoo's Nest*, *The Catcher in the Rye*, and *To Kill a Mockingbird*.

Discussions center on questions drawn from the literature and are moderated by a Brooklyn Treatment Court staff member. The club improves the reading ability of its members, supports their academic goals, introduces them to literature and the library system, and provides a sober peer network.

#### *The Basketball Team*

Thanks to the skills of its caring staff, the Brooklyn Treatment Court has always been a leader in creating innovative ways of engaging participants and channeling their many talents into constructive outlets. The Brooklyn Treatment Court believes that it is not enough to tell people in recovery, particularly young people, to stop getting high: positive and enjoyable activities must be available to help occupy them. In this regard, one of the court's senior case managers recently came up with the idea to recruit participants interested in playing basketball to form a team called "The Brooklyn Treatment Court Renaissance." His plan was to show these young participants that the court cares about their interests and wants them to be able to enjoy their lives through sober activities.



The plan has become a reality and has been a resounding success. Every Saturday in the summer of 2008, this dedicated case manager used his personal time to join a growing number of Brooklyn Treatment Court participants in an outdoor basketball court where the Brooklyn Treatment Court Renaissance practice and play. An older participant acts as referee, and many staff members spend a large part of their Saturday afternoons offering support, helping out, cheering, and providing cold water. Due to the popularity of this activity, the court made arrangements for the team to continue playing on an indoor basketball court for fall and winter seasons.

### **Final Disposition**

#### *Dismissal of Charges/Graduation*

Once participants have completed all of the necessary requirements, they are eligible to have their cases dismissed and graduate from the Brooklyn Treatment Court. Along with mandated time requirements, participants must meet the recovery requirements by assuming responsibility for themselves and demonstrating an ability to make good choices. They must also achieve life change requirements by completing all Brooklyn Treatment Court phases, obtaining the treatment program's approval for graduation, progressing toward vocational, educational, and employment goals, and submitting a written dismissal application.

#### *Imposition of Final Sentence*

The following circumstances will result in a participant's failure of the Brooklyn Treatment Court mandate: arrest for any violent offense, including robbery, assault, or criminal possession of a weapon; arrest for a new felony that the district attorney deems ineligible for continued participation in treatment; refusal to enter and remain in the court-mandated treatment program; and continuation of drug-use after being warned for failure to comply. Upon a participant's failure, the court will impose the alternative jail/prison sentence.

### **Life After Brooklyn Treatment Court**

#### *Alumni Advisory Board*

Since opening in 1996, approximately 2,000 people have graduated from the Brooklyn Treatment Court and had their charges dismissed. At the 10 year graduation, a dozen former graduates emceed the ceremony.

Approximately 25 graduates visit the Brooklyn Treatment Court each year, and still more continue to call and/or e-mail. This group of "alumni" constitute an invaluable resource of knowledge and have been invited to join an Alumni Advisory Board, which will speak to new participants in pre-placement groups, address community groups, meet with participants who are struggling, and provide advice on how to handle job interviews, among other things. The alumni are a critical component to the court's success because they provide suggestions and recommendations on how to overall improve the court and its programming.

## ABOUT BROOKLYN TREATMENT COURT

### History

On January 29, 1997, the Brooklyn Treatment Court celebrated its official opening (although it began accepting participants on June 6, 1996). It is the oldest drug treatment court in New York City. The Brooklyn Treatment Court reduces crime by recognizing the role that substance abuse plays in criminal behavior. Viewing an arrest as a window of opportunity, the court uses the criminal justice system to motivate offenders to commit themselves to recovery with the support of dedicated treatment providers. The court focuses on rehabilitating addicts and has given special attention to the distinctive needs of all who enter the court.

The New York State Unified Court System and the Center for Court Innovation coordinated the establishment of the Brooklyn Treatment Court. The court is operated under the aegis of the chief judge of the State of New York and the administrative judge of the Second Judicial District.

Since Brooklyn Treatment Court's inception, over 4,100 defendants have been found eligible to participate. Nearly all (92 percent) agreed to participate in court supervised treatment mandates and were referred to substance abuse programs. Of these, more than 2,400 have successfully completed their court-supervised treatment mandates and have had the charges against them dismissed. Many have maintained their recovery and continue to live productive and fulfilling lives.

### Mission Statement

The Brooklyn Treatment Court offers substance abuse treatment as an alternative to incarceration for drug-addicted individuals arrested in Brooklyn and charged with felony possession or sale of a controlled substance. The court emerged out of the realization that a substantial number of these individuals engaged in criminal behavior as a result of their need to support a drug addiction rather than from deep-seated criminality. By offering court-monitored treatment, the court aims to decrease the prevalence of drug addiction and drug-related crime in Brooklyn by breaking the damaging and costly cycle of addiction, crime, and incarceration. The court aims to accomplish its mission by:

- Mandating drug-addicted offenders to judicially supervised treatment as an alternative to incarceration;
- Educating substance-abusing offenders about the hazards of substance abuse;
- Providing rigorous case management to ensure that each participant complies with the treatment mandate;
- Helping all participants learn how to control their addictions so that they can maintain long-term recovery and sobriety;
- Utilizing health education to reduce high-risk behaviors among offenders;
- Identifying and treating the health problems of high-risk offenders; and
- Assisting participants with their vocational, educational, and/or employment needs.

## Organizational Structure

The Brooklyn Treatment Court judge heads a collaborative treatment team with the prosecutor, defense attorney, and clinical staff. In this capacity, the judge regularly reviews case status reports that detail each participant's compliance with the treatment mandate, drug test results, cooperation with the treatment provider, progress toward abstinence, and law-abiding behavior. During regular court appearances (about one per month), the judge administers a system of graduated sanctions and rewards to increase each participant's accountability and enhance the likelihood of recovery.

As a result of their frequent interactions during court appearances, participants develop a good rapport with the judge, who speaks directly to them, asks about their progress, exhorts them to try harder, and applauds their accomplishments. At the same time, the judge reminds them of their continuing obligation to remain drug-free, often acknowledging improvements in their hygiene and physical appearance resulting from the cessation of drug use. Participants often exhibit appreciation of the judge's recognition of their efforts toward recovery.

### *Project Director*

The project director manages all aspects of the Brooklyn Treatment Court. The director is responsible for oversight of all personnel matters, as well as interfacing with governmental agencies, criminal justice agencies, and community-based organizations. The director develops and supervises special projects, technology, and program enhancements, which enhance services for special needs populations, including those with mental illness, women and children, those with health care issues, and those with vocational/educational needs. The director also prepares monthly, quarterly, and annual reports, including the preparation and modification of program budgets, and participates in state and national drug court training activities.

### *District Attorney*

The role of the district attorney in a drug court is radically different. Typically, prosecutors and defense attorneys are adversarial. However, in the Brooklyn Treatment Court, all parties share the common goal of helping participants successfully complete their mandates. The prosecutor reviews new cases, determines which are appropriate, and creates plea offers, which all include a jail alternative for a defendant's failure to comply with the treatment mandate. As part of a collaborative team with the judge, defense attorney, and clinical staff, the prosecutor monitors participant progress and can make recommendations regarding sanctions and ultimate treatment outcomes. Also, if a participant is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued participation.

### *Defense Attorney*

The defense attorney represents and counsels the defendant in all court proceedings. In the Brooklyn Treatment Court, while the protection of all defendants' constitutional rights is always the primary concern, the defense attorney is also interested in promoting their health and well-being.

### *Courtroom Resource Coordinator*

The courtroom resource coordinator serves as the primary liaison between the courtroom and the clinical staff. In this capacity, the resource coordinator oversees the communication of treatment-related information to the judge, keeps the clinical staff informed of relevant courtroom news, electronically updates the status of all cases, and ensures the flow of cases during court proceedings. The coordinator also acts as the clinical staff representative during collaborative decision-making in the courtroom.

### *Educational and Vocational Case Manager*

The educational and vocational case manager develops and implements comprehensive educational and vocational rehabilitation services for the substance abuse offender population. This case manager conducts educational and vocational assessments on all clients and participates in case conferences for each client with the case management unit, providing and coordinating educational and vocational activities within the court and the community. These activities assist clients in achieving the educational and vocational rehabilitation goals needed to function successfully in the competitive workplace. This case manager also provides post-placement support services to graduates, including referrals to vocational and educational service providers.

The educational and vocational case manager conducts educational and vocational assessments on all clients and participates in conferences with the case management unit regarding these assessments, helping clients achieve their educational and vocational rehabilitation goals so that they can function successfully in the competitive workplace. Lastly, the educational and vocational case manager enters and maintains concise and accurate records of the vocational status and progress of all clients in the Uniform Treatment Application.

### *Community Resource Coordinator*

The community resource coordinator develops new relationships and funding sources to address the treatment and supportive service needs of clients. This coordinator assists in the management of the Universal Screening Project and in the development and implementation of new program initiatives, including the drafting of grant applications, monitoring of outcomes, and reporting to funding sources. He assists in overseeing the court's established network of treatment providers and helps resolve service provision issues by addressing linkage problems and court reporting issues, and conducting treatment outcome reporting through regular monitoring and site visits. He manages access to and data entry into the Uniform Treatment Application, which includes linking treatment providers, managing reporting issues, and generating regular statistical reports for outcome analysis and program development. He schedules, organizes, and conducts visits to the Brooklyn Treatment Court, and assists with presentations to agency representatives, court visitors, project providers, and community partners. Lastly, he assists in the development, revision, production, printing, and distribution of publications and marketing materials, and participates in the development of the court's website and educational videos.

### *Case Managers*

Case managers assess, monitor compliance, and report to the court about participants' progress. They conduct psycho-social assessments of new cases and prepare treatment plans. Drawing from a large network of providers,

they make referrals to treatment programs, coordinate and facilitate each participant's entry into treatment, intensively monitor participant progress through exhaustive communication with treatment programs, maintain compliance-related information using the court's computer system, and provide updated clinical information to the court for each scheduled court appearance. The case managers counsel participants who are awaiting admission to a full time rehabilitative program. They also conduct orientations for family and friends of defendants to engage them in the recovery process and address employment, health, and housing issues.

#### *Certified Lab Technician*

The certified lab technician is responsible for the urinalysis-testing component of the Brooklyn Treatment Court. This responsibility includes operating the testing instruments and escorting and observing participants as they provide urine samples. She also tracks specimens for each client by assigning and writing a specimen number on the sample cup, entering the name of each client and the specimen number into the testing data management system, and then entering the results into the Uniform Treatment Application based on the client's name and ID number.

#### *Intake Coordinator*

The intake coordinator is responsible for the flow of new cases through the Brooklyn Treatment Court waiting area. He monitors new cases, conducts an orientation, and observes participants as they provide urine samples. He also provides administrative assistance to the treatment staff, monitors and issues office supplies, and maintains intake statistics.

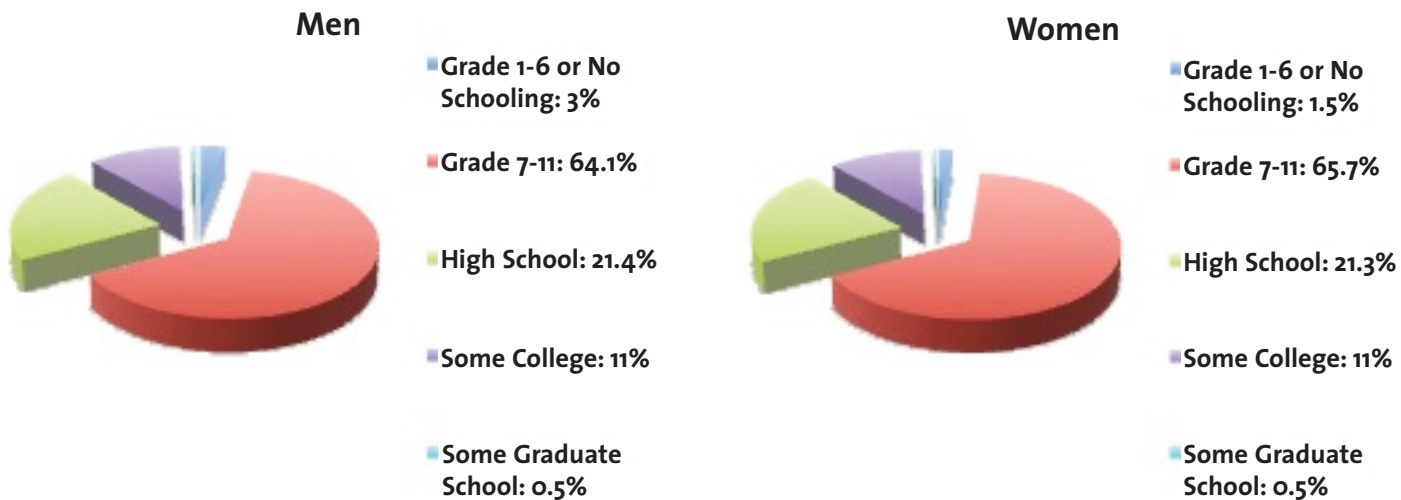
#### *Treatment Providers*

The Brooklyn Treatment Court works with an extensive network of community-based substance abuse treatment providers. Their services include hospital-based detoxification, short-term (30-day) residential treatment, long-term residential treatment, outpatient treatment, and intensive outpatient treatment. The clinical staff refers participants to specific programs based on their clinical need, the program's ability to comply with the court's reporting requirements, and the program's capacity to meet any special needs that may exist (e.g., mental/physical health, language barriers, etc.). Also, in the case of outpatient services, the clinical staff will attempt to refer participants to a provider located near their community. The clinical staff maintains close communication with treatment providers by conducting visits and holding regular meetings of the Clinical Advisory Board.

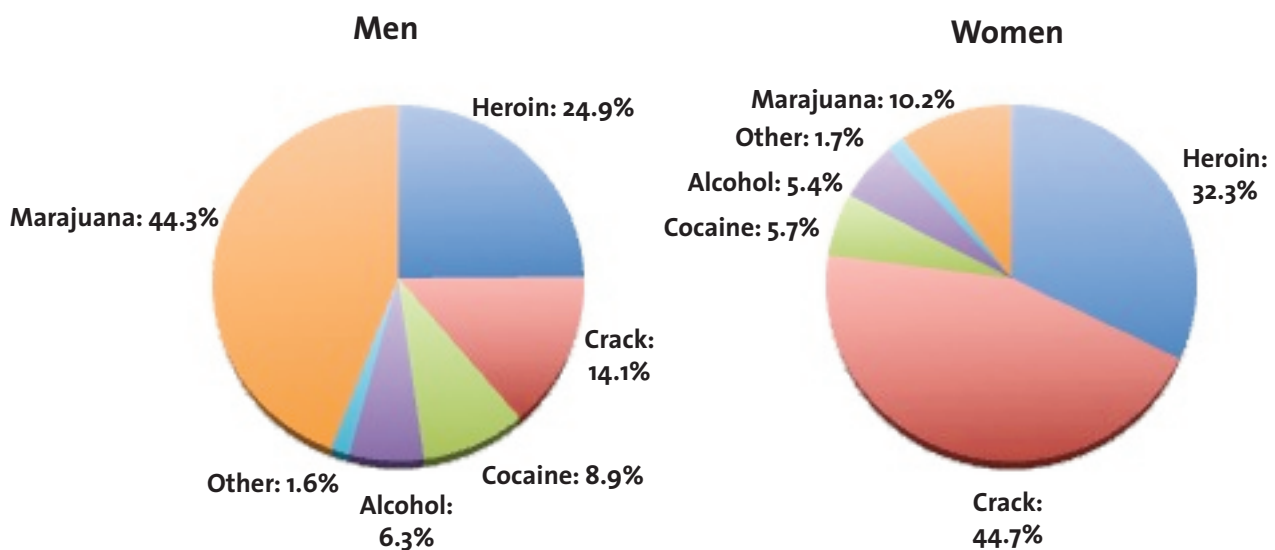
### **Participant Profile**

Since its inception, more than 3,800 defendants have entered a guilty plea and agreed to participate in Brooklyn Treatment Court. The following graphs provide a basic profile of the status of those participants at the time of intake where data is available.

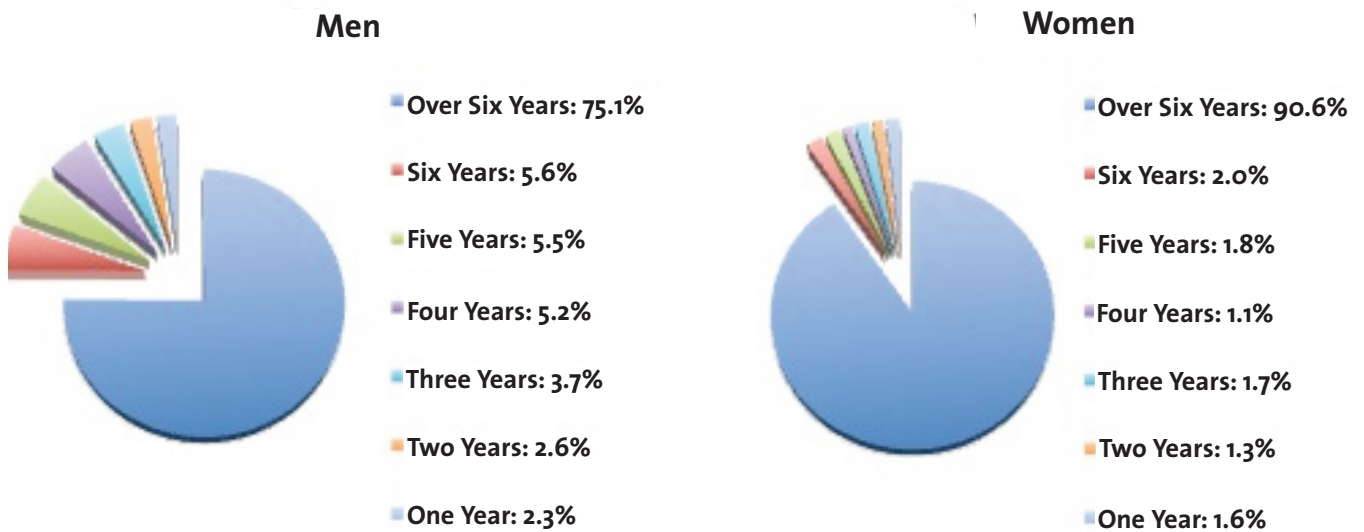
### Brooklyn Treatment Court Participants by Highest Grade Completed



### Brooklyn Treatment Court Participants by Primary Drug Used



### Brooklyn Treatment Court Participants by Years of Drug Use



#### Toxicology Standards

Brooklyn Treatment Court participants are expected to be drug- and alcohol-free. The court monitors compliance with this mandate through case management visits, drug testing, and court appearances. Case managers and a drug-testing laboratory are located in the Treatment Center, Room 14.85 of the Kings County Supreme Court Building at 320 Jay Street.

There are several purposes for drug testing. Drug tests help to identify those persons who are addicts and the drugs to which they are addicted. Knowing the particular drug addiction aids case managers in developing an appropriate treatment plan that meets the needs of the individual. Drug tests also confirm when someone is clean, demonstrating compliance with the court mandate. The desire to be acknowledged by the court for progress in recovery is a powerful incentive to alter behavior.

By detecting the presence of drugs, drug tests reveal the effectiveness of a particular course of treatment and can disclose the need for a more structured level of care. A positive test can be an opportunity for an addict to learn what triggers a relapse and to take responsibility for the choice to use drugs.

Brooklyn Treatment Court participants are tested prior to each court appearance, each time they visit their case manager, and during visits to their treatment provider. Ideally, drug tests should be random to avoid a participant’s planning of drug use around testing. However, frequent testing can substitute for the inability to test randomly. All collections of urine are observed by a same-sex collector in order to ensure that the donor does not attempt to substitute or adulterate the specimen. The Brooklyn Treatment Court Band System details how often

a participant is required to be tested. Reducing the frequency of testing can be a valuable reward.

Whenever a participant enters the Treatment Center, for any reason, he or she is required to submit to a drug test. Each person is expected to be ready to submit a urine sample for testing within an hour and a half of arrival. Anytime a participant refuses to be tested or cannot give a urine sample during a visit, it is considered to be a positive test result. Participant who are unable to submit a urine sample during a court appearance must return to the Treatment Center after their case is called to submit a sample. If a sample is not submitted, it is considered to be a positive test result. A participant who tests positive or fails to submit a sample for testing must return to the court the next day for a new test.

To understand how recently a participant used drugs, it is necessary to know a drug's retention time. The retention time, or the length of time a drug is in an individual's system and able to be detected, varies based on the drug used, the individual's metabolism and physical condition, the frequency of drug use, and the amount of drug consumed.

### **Court-Based Technological Support**

The technology developed to support the Brooklyn Treatment Court include:

- A management information system combining information from the courtroom, the case management unit, treatment providers, and other criminal justice agencies, into a comprehensive and integrated database;
- A customized technology application that graphically and immediately displays information about a participant's treatment attendance, history of urine test results, compliance with treatment plans, and actions taken in response to noncompliance;
- A computer network that enables case management staff and treatment providers to share information electronically; and,
- A comprehensive research database for local evaluation, cross-site evaluation, and operational research.

The management information system is a comprehensive computer system that integrates court processing, detailed defendant assessment, case management, referral, placement, and monitoring, as well as data for project evaluation and operational research. This system incorporates direct links between the courtroom, court-based case managers, and a range of treatment providers. This integrated system is designed to provide complete, accurate, and instantaneous information to decision makers throughout the network, including the judge, attorneys, clerks, on-site clinical staff, and partner treatment providers. Through automated case management functions, the system provides up-to-date information on treatment status for all participants, ensuring high accountability. By incorporating information on both treatment and courtroom activities, the system focuses disparate staff on the common objective of guiding participants successfully through drug treatment.

Substantial resources were leveraged to build the management information system. The Office of Court



Administration assumed the full cost of analyzing, designing, and building the management information system database and responsibility for integrating the system into the statewide criminal justice network, building the local area network, including the installation of cables and routers, and developing a court interface application to deliver court sentencing information to treatment staff. Funds from the Office of Justice Programs were used for purchasing hardware and software. In addition, the Office of Court Administration contributed much of the office software used by the staff.

The management information system was initially slow and prone to crashes and unexplained data losses. In October 1997, the programmer regenerated the Uniform Treatment Application so that all users would work in the same environment. This was achieved through the installation of additional memory on all computers, eliminating some of the application “bugs,” and conducting training with all users. The technology staff has continued extensive training of personnel in the application as it has developed. Clinical staff, courtroom personnel, as well as the judge and courtroom resource coordinator, are now fully comfortable with the use of the core application.

### **The Role of Counsel**

The role of counsel in a drug court environment is different from traditional court settings. In the Brooklyn Treatment Court, all parties share the common goal of helping participants successfully complete their mandates. In the Brooklyn Treatment Court, the defense attorney represents and counsels the defendant in all court proceedings. While the protection of all defendants’ constitutional rights remains the primary concern, the defense attorney is also interested in promoting their health and well-being. The prosecutor reviews new cases to determine which are legally appropriate and makes treatment plea offers. As part of a collaborative team, the judge, the prosecutor, the defense attorney, and the clinical staff monitor participant progress and make recommendations regarding sanctions and ultimate treatment outcomes.

### **A Therapeutic and Educational Environment**

The Brooklyn Treatment Court is dedicated to creating a therapeutic and supportive environment in the courtroom and in the Brooklyn Treatment Court Clinic. The clinic shows therapeutic and educational videos in the waiting room while clients wait to speak with their case manager. Artwork from graduates that speak to the pitfalls of substances and the joys of recovery hang on the walls. External providers of services are invited to give presentations in the waiting room describing available supportive services and developmental programs.

#### *Sharing Assessment and Treatment Planning Information*

Even though the court clinical staff completes a full bio-psychosocial assessment, external treatment providers are still required to complete their own clinical assessment. This seemingly unfortunate duplication of effort presents an opportunity to share information through the Uniform Treatment Application to justify often divergent self reports or to match different types of assessment outcomes. Court case managers make initial place

**“Getting arrested has affected me in many ways. If it never happened, I don’t think I would be doing as well as I am now. It made me see that sometimes life should be taken more seriously. The way I was living was detrimental to my health, mentally and physically, and I was hurting the people around me.”**

**Brooklyn Treatment Court Participant**

ment recommendations that can be easily shared through the Uniform Treatment Application and incorporated into the initial treatment plans and regular plan updates. In this way, Brooklyn Treatment Court case managers ensure continuity of care when participants are placed in successive providers over the lifetime of their court mandate. When treatment plan long-term goals and short-term objectives are shared with the court, the court can leverage and reinforce these plans through the therapeutic interaction with the participant. It is critical for drug court teams to be aware of the current treatment goals. This information will provide the drug court judge with a clearer picture of the client’s progress in relation to the treatment plan and the quality of care offered by the treatment provider. Drug court case management staff also need information regarding the treatment plan because the drug court often serves as the hub of a network of service providers and court staff are ultimately responsible for the continuity of care over the lifetime of the court’s supervision and treatment mandate. The drug court judge and team can reinforce and leverage the goals and objectives developed by the treatment team and the client. This sharing of information will strengthen the continuity of care, ensure quality care, and reduce “splitting” by drug court participants.

### **The Young Adult Track**

#### *Enhanced Student Services Programs*

In an effort to reduce barriers to engagement in education, the Brooklyn Treatment Court has negotiated with local community colleges and universities to build an enhanced student services similar to Buffalo Drug Treatment Court and Erie Community College’s “Education to Recovery” program. This development was determined to be essential when the court linked the results of the Young Adult Needs Analysis to the Community Service Society Annual Report, “A Crisis of Black Male Employment.” The analysis of assessment data from the Uniform Treatment Application which confirmed low levels of education and poor histories of stable employment was linked with verifiable research findings on employment data trends for young adults in New York City provided a justification for the need for educational linkages that aided offenders in accessing education. This linkage will address Brooklyn Treatment Court completion criteria and the New York State Office of Alcoholism and Substance Abuse Services program licensure requirement that each client have an established individualized plan for education and employment. The Brooklyn Treatment Court has hosted regular educational symposia at the court for potential students, describing the enhanced student services offered at Kingsborough Community

## A Resource for Private Defense Counsel

Having a client participate in a program which requires intensive and frequent judicial monitoring can be daunting for private counsel who may have limited time for appearances and limited access to the reporting system which track their client's progress and compliance. The courtroom resource coordinator is a resource for private defense counsel, providing written copies of system reports for review at appearances and reporting progress to the court on behalf of counsel when their appearance is excused due to other obligations or satisfactory performance by their client. The courtroom resource coordinator is also an informational resource for counsel who may be unfamiliar with the referral process and the internal workings of the court. This position provides critical courtroom support for counsel and can forward questions to clinical staff that may resolve client's concerns prior to the matter being heard before the court, allowing for swift and satisfactory hearings for the client, for the court, and for counsel.

College and Medgar Evers University. The Brooklyn Treatment Court has initiated Enhanced Student Services pilot programs at these institutions, and is building linkages with many other community educational institutions to provide needed support services for young adult offenders.

### *New Linkages to Community Supportive Services*

The Brooklyn Treatment Court has developed new supportive service linkages with the CASES Court Employment Project. The project is aimed at developing innovative programs which will provide the structure and specialized services for young adults with co-occurring disorders to become self-sufficient and responsible

adults. The Court Employment Project is a GED testing site that offers participants opportunities to become involved in employment services, expressive therapies, recreational services, and internships in established work settings.

### *The Bureau of Justice Assistance Grant for Short-Term Residential Program for Young Adults*

Beginning October 2009, this short-term (6-8 month) residential program at Phoenix House provides the requisite level of structure for young men with marijuana dependence and unique social stressors to establish and maintain abstinence, gain marketable employment skills, and advance academically. This program has an impressive 78 percent retention rate.

## **Strategies for Reducing Barriers to Stabilization in Recovery: Building Supportive Services in Drug Courts**

In the U.S. Department of Justice publication, *Drug Courts: The Ten Key Components*, often the most difficult component for drug court teams to address is Key Component 10: "Forging partnerships among drug courts,

public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.” With this in mind, the Brooklyn Treatment Court makes conscious efforts to build effective strategies to link with supportive services in the community to enhance services for participants and fulfill the drug court mission. Experts suggest that treatment of any one problem in isolation is futile. However many drug courts focus on the provision of treatment services and only over time become integrally involved in accessing and coordinating supportive services for drug court participants.

Because many clients lack a basic foundation for community reintegration, identifying supportive service needs in the early stages of participation helps to treat the person, not just the disease. Supportive services include services such as housing assistance, educational and vocational training and skills development, physical health and testing services, prenatal services, entitlement counseling, debt counseling, financial health, family and domestic violence counseling, child care and parenting, recreational and expressive therapies, mentoring, and many other necessary social services. Improvements in education and employment levels are key indicators for reductions in recidivism and are a graduation requirement at the Brooklyn Treatment Court. Supportive services are often referred to as ancillary services or supplemental services, which suggests that they remain secondary to substance abuse treatment services. As the Brooklyn Treatment Court matured and expanded its population, it has struggled to stabilize individuals in the recovery program. At the same time, supportive services have called for more attention. It is clear that supportive services enhance relapse prevention, improve self-esteem, and address family needs that may help to stabilize the participant. The court has come to understand that these services eventually become primary services, especially when managing populations that are young or who have less intensive histories of addiction.

If individuals become stabilized in their recovery quickly, then supportive services need to receive earlier attention in the service planning process. Courts and treatment providers must be careful to provide supportive services to all clients, not just the clients who have earned it, for these services may engage resistant clients and bring stability to newly won recovery. Drug courts in the past often left the job of providing or accessing supportive services to the community providers who provide primary substance abuse treatment services. Most substance abuse agencies provide or improve access to supportive services to enable clients to stabilize themselves in recovery and meet their treatment plan goals. The Brooklyn Treatment Court now recognizes that courts have a role to play in not only identifying needed supportive services, but also coordinating and accessing those services to ensure a continuum of care across systems. The Brooklyn Treatment Court project director acts as an intermediary between the court and the community providers to address particular service issues as they relate to the client. This position often oversees community supervision and serves as an interagency coordinator of services. The project director works on behalf of the court to serve as the hub of a network of service providers that provide a full range of services. This position manages the interagency and community linkages necessary to ensure the integration of treatment within a continuum of supportive services. The project director, in cooperation with the drug court team and supporting organizations, is charged with implementing these development strategies to organize the court’s provider network.

Additionally, the Brooklyn Treatment Court clinical director is often called upon to conduct quality assurance of the services provided and ensures accountability of the participant to make sure that linkages are not strained due to a client's failure to follow through with a referral for supportive services or are disruptive to the delivery of those services. This drug court team can assist in the provision of information to determine eligibility for supportive services by accessing client criminal information and by providing court documentation for financial aid, certifications, licenses, and driving privileges. The team members can also work to improve the speed of the delivery of services and thus improve their effectiveness by working to overcome barriers to entry. In 2004, it was determined that there was a significant need for a coordinating role for community outreach and development. A senior technical assistant position that had helped to build the Uniform Treatment Application was thus changed to a community resource coordinator position. The Brooklyn Treatment Court community resource coordinator is responsible for building supportive service linkages and for identifying potential social services or funding sources to address the supportive service needs of clients. He is actively engaged in the development and implementation of new program initiatives.

### **The Brooklyn Treatment Court Training Academy**

The Brooklyn Treatment Court recently collaborated with Odyssey House and St. Francis College to present a training on "Creating Trauma Informed Systems of Care." This was a two-day trauma workshop designed to discuss methods and acquire the skills necessary to more fully engage trauma surviving drug court participants in treatment and supportive services.

This year, the court collaborated with Samaritan Village and John Jay College to present a training entitled "A Pledge to Healing: A Multi-System Approach to Treating Chemically Dependent Veterans." This very successful conference was attended by more than 400 people and was designed to raise awareness as to the vast and different needs of this population and encourage an increase in treatment options available to them.

In June 2011, the court collaborated with the Office of Alcoholism and Substance Abuse Services, the New York Association of Drug Treatment Court Professionals, and Siemens Health and Diagnostics to present a training addressing the tremendous challenge synthetic drugs pose to the field of addiction treatment and our partners in the criminal justice system. These drugs are undetectable through current toxicology tests, pose physical risks to the users, and compromise treatment integrity. However, the Office of Alcoholism and Substance Abuse Services, the New York State Courts, and treatment providers have made successful inroads in meeting the challenge. This workshop described the current synthetic drugs that have been reported and the effect they have on the user, and reviewed methods of detection and prevention that have proven helpful in addressing use of these substances.

### *Internships with New York University, Columbia University, and John Jay College of Criminal Justice*

The Brooklyn Treatment Court provides field placement opportunities for New York University and Columbia University graduate-level social work students, as well as students pursuing a master's degree in Criminal

## How Does the Court Team Conduct Staffing Sessions for Hundreds of Clients?

Drug courts nationwide typically employ multidisciplinary team meetings where individual cases are “staffed” to develop consensus on proposed responses to participant compliance. The Brooklyn Treatment Court has used technology to reduce the need for individual staffing sessions. The management information system that was developed by the Brooklyn Treatment Court is a real time, extensive information and operational resource that allows for real time entry of participant progress, immediate responses to on site drug testing results and for the communication of clinical recommendations for court action regarding responses to a client's compliance. Bench conferences and quick chambers conferences between courtroom legal and clinical staff are often sufficient to allow the team to come to a consensus on a particularly difficult decision, allowing the court to hear cases all day, every day.

Psychology from the John Jay College of Criminal Justice. Each student works within the role of a clinical case manager and receives comprehensive clinical supervision from the project director.

### *“City as School” Internships*

A new initiative that the Brooklyn Treatment Court has recently developed is their relationship with “City as School,” which is a school designed for at-risk high schools students. Students who are placed here have the opportunity to learn about the criminal justice system and drug courts. Students from the high school also assist the support staff with day-to-day planning events.

### Process and Outcome Studies

Through the use of funds made available by the Center for Substance Abuse Treatment, several reports have been prepared on behalf of the Brooklyn Treatment Court, including the following:

1. *A Process Evaluation of the Brooklyn Treatment Court and Network of Services: The First Three Years*, authored by Adelle Harrell and John Roman of the Urban Institute
2. *Drug Court Services for Female Offenders, 1996 – 1999: Evaluation of the Brooklyn Treatment Court*, authored by Adelle Harrell, John Roman and Emily Sack of the Urban Institute
3. *Juvenile/Criminal Justice Treatment Networks Brooklyn Treatment Court Systems-Level Report*, September 2001, prepared by Caliber Associates

**“Vocational/Educational counseling was very encouraging and made me feel that I can do whatever I put my mind to. I got my GED while in a residential program, and it was nice to know that when I came to court I would be asked about it. It showed me that others were interested in what I was doing and helped me believe that I could do it.”**

**Brooklyn Treatment Court Participant**

In addition, the following report was prepared for Chief Judge Judith S. Kaye: *Confronting the Cycle of Addiction and Recidivism* by the New York State Commission on Drugs and the Courts.

The reports listed above in conjunction with research analysis titled, *Five Years of the Brooklyn Treatment Court: Final On-site Research Report on Participants entering June 1996 through September 2001*, authored by Michael Rempel, deputy research director of the Center for Court Innovation, have served to comprehensively outline program structure and the effectiveness of the Brooklyn Treatment Court model in diverting offenders from jail and prison into treatment. Study findings reveal that Brooklyn Treatment Court has been quite successful in meeting its goals and objectives. The following is a summary of its accomplishments:

- Created one point in the criminal justice system from which clients can be referred;
- Established partnerships with more than 130 community-based substance abuse treatment and ancillary service providers;
- Successfully identified the target population of addicted offenders and got them into treatment;
- Developed a broad array of on-site services, including health care and wellness;
- Established an intensive case management component;
- Developed a comprehensive treatment planning process;
- Established an on-site laboratory for analyzing urinalysis results;
- Established procedures for sharing urinalysis results between agencies;
- Created a management information system that tracks client information including assessment, drug use history, drug screenings, criminal history, criminal activity, mental health services, and ancillary service records; and
- Implemented video conferencing technology with Rikers Island used by Brooklyn Treatment Court staff and treatment providers.

### **A Holistic Approach to Treatment**

Taking a holistic approach to treatment has been a mandatory practice for the Brooklyn Treatment Court since its inception. Understanding that participants come into the court with additional stressors other than their addictions has allowed the treatment staff to assist clients in other aspects of their lives.

#### *Women with Co-Occurring Disorders Enhancement*

A strong emphasis is placed on the correlation between substance abuse and mental health. In 1999, the Brooklyn Treatment Court received a Bureau of Justice Assistance grant to work with women with co-occurring



disorders. Through the use of the Uniform Treatment Application, case managers conduct a bio-psycho-social assessment of all participants. This application creates a red flag when an applicant answers affirmatively to a mental health focused question. When that flag is raised, a case manager must seek additional assistance in evaluation from the court's director, who is a New York State licensed clinical social worker. The director conducts a higher level of screening to determine if the individual needs a complete psychiatric evaluation in an effort to conserve evaluation resources. A partnership was developed with the Kings County Hospital Center's



*Brooklyn Treatment Court participants walk in the Recovery March across the Brooklyn Bridge.*

Psychiatric Department Annex, located on the 13th floor of the courthouse, in which one of its forensic psychologists performs the psychiatric evaluations and provides an immediate verbal report as to whether she feels the participant is clinically eligible to participate in Brooklyn Treatment Court and, if so, recommends an appropriate treatment setting. If the applicant is not eligible for Brooklyn Treatment Court due to the severity of any mental health issues, then the case may be referred to the Brooklyn Mental Health Court.

If needed, the assigned psychologist can conduct on-site video conferences with applicants who are incarcerated on Riker's Island and works in a collaborative manner with the staff there to evaluate mental health defendants in a timely way. Recommendations may then be made for individuals to be transferred to the Mental Observation Unit at Riker's Island for psychiatric stabilization or sent to court for placement in an appropriate treatment program. The court's case managers and supervisors continue to communicate any questions and concerns that may arise during treatment to the psychologist to ensure the accuracy of appropriate treatment placement.

The forensic psychologist was trained on the eligibility criteria and treatment capabilities of all of Brooklyn's specialized courts and is able to make appropriate recommendations to them. The Brooklyn Treatment Court will take individuals who are diagnosed with Axis I disorders whereas the Brooklyn Mental Health Court can accept individuals who have a more severe mental health diagnosis. This process increases the efficiency of all the Brooklyn problem-solving courts, ensuring that all participants with mental health concerns are adequately assessed and are quickly enrolled in the appropriate supervision setting.

The second component of this approach involved the Brooklyn Treatment Court contracting with a local treatment provider, Palladia, to develop a program that would allow female, mentally ill drug court participants to



explore the roots of their co-occurring disorders and realize strategies to meet and overcome such obstacles. Palladia provides a residential treatment setting for women that offers intensive emotional and psychological supports to women while they receive simultaneous mental health and substance abuse treatment. The program is designed to help the women understand their history of addiction and mental illness, while developing the skills to address their multiple symptoms and strengthen their ongoing sobriety. The program offers maximum emotional and psychological support to the women while they receive substance abuse treatment.

A mental health specialist has been retained to work specifically with this population and to develop individual treatment plans that address participants' individual emotional, cognitive, and social needs. The mental health specialist provides all participants with individual therapy at least once a week and more frequently as needed. The mental health specialist facilitates group psychotherapy sessions where clients can educate each other in illness management methods. These groups focus on issues of medication management, dealing with trauma, and finding alternative coping mechanisms outside of taking illegal substances. The mental health specialist also oversees a life skills curriculum to teach participants the basic skills they need to be able to live and communicate in the outside world once their residential treatment period is over. The life skills classes cover subjects such as personal hygiene, cooking, basic socialization skills, and discharge planning, particularly parenting classes and family reunification planning. The participants also receive a full array of treatment options around their substance abuse, including education on drug abuse and relapse prevention and support groups that focus on issues of recovering from addiction. The mental health specialist also identifies medical issues and confers with the court's clinical director and the psychiatric nurse practitioner on issues of medication.

The mental health specialist position initially facilitates trauma assessments in order to provide appropriate specialty services. All program-referred residents meet with the mental health specialist on the same day of their admission to the facility. If the admission happens to take place later in the day, the resident will be introduced to the mental health specialist the following morning. This immediate introduction serves to strengthen the engagement process and decrease program resident fears about treatment and the process of recovery. The mental health specialist provides daily group services and weekly individual therapy. All program residents continue to attend specialty group services. These groups include but are not limited to: Coping and Life Skills for women (teaches positive coping), Seeking Safety (addresses issues and concerns related to trauma), Anger Management (behavioral skills development to improve impulse control), Mental Health Adjustment (psycho-educational format), Bereavement, and Sober Socialization. All program residents are involved in individual counseling where they can begin to address the chronic nature of their diseases and ways to improve the overall quality of their lives.

Many program residents are suffering from traumatic abuse histories that will require a lengthy exploration of the issues along with a specific plan for corrective emotional experience. This unique group of women has become a community of their own and have scheduled family trips and outings, share meals and are housed in close proximity to each other. The mental health specialist has weekly meetings with the Senior Case manager to discuss the participants and any specialized issues that may come up regarding intake issues. These resources

**“Painting the mural at Brooklyn Treatment Court let me express myself. It reminded me of some of the talents that I have. It helped me utilize free time. As far as my recovery, it showed me that there are more important things to life besides getting high, and that some things have a beautiful outlook when you remain sober. You see things clearer. So, the next time I think about picking up a blunt, I’ll tell myself I’d rather pick up a paintbrush because there’s nothing beautiful about getting high.”**

**Brooklyn Treatment Court Participant**

are also made available to the participants of the Screening and Treatment Enhancement part and the Brooklyn Misdemeanor Treatment Court, with a combined annual enrollment of over 800 participants.

In 1988, the Brooklyn Treatment Court in collaboration with New York University’s Division of Nursing obtained a two-year grant from the van Ameringen Foundation. These funds were used to hire a full-time psychiatric nurse practitioner to conduct psychiatric evaluations for clients who had mental health disorders. The psychiatric nurse practitioner worked at the court with the case managers. Because of lack of continuation in funds, this service was discontinued.

The Brooklyn Treatment Court later received funds from the Center for Substance Abuse Treatment to enhance the mental health component of the psychosocial assessment the case managers use to decide clients’ treatment needs. These funds supported a consultant from the New York University School of Social Work to work with the clinical staff at the Brooklyn Treatment Court to develop a validated screening instrument. This instrument assisted the case managers to identify clients that had mental health issues at the time of the initial psychosocial assessment. The instrument was incorporated into the Uniform Treatment Application, New York State’s Drug Treatment Court psychosocial assessment.

In the fall of 2000, the Brooklyn Treatment Court introduced the Women’s Program to address the multiple needs of female participants, nearly 95 percent of who are Latina or African-American, with co-occurring disorders. In collaboration with Palladia, a substance abuse treatment provider, the court created a comprehensive treatment program for both mental illness and addiction. When fully funded the program included an on-site psychiatric nurse practitioner to evaluate potential participants and, when appropriate, refer them to Palladia’s residential facility, Starhill. Since the introduction of the program, women have stayed at Starhill for periods of 6-12 months where they were assigned to a single Modified Therapeutic Community Program served by an interdisciplinary treatment team. Participants take part in group interventions and individual counseling, as well as an array of occupational and educational workshops, art and dance therapy, health education sessions, and parenting skills workshops.

The Brooklyn Treatment Court Women’s Program statistics reflect that the services provided through this collaboration greatly impacted the rates of retention in treatment of the participants. An initial analysis of the data compared clients’ retention at Palladia in the enhanced environment. The comparison group at Palladia did not receive services in an enhanced environment.

**“Having the opportunity to serve as the director for the Brooklyn Treatment Court has been one of the most enlightening and rewarding experiences of my career. I have seen individuals regain control of their lives, accept responsibility for their actions, and create a positive future for themselves and their families. The Brooklyn Treatment Court represents an opportunity for individuals to live and enjoy life rather than just existing and trying to survive. ‘Brooklyn Treatment Court’ means hope, hard work, commitment, serenity, and an opportunity for success.”**

**Brooklyn Treatment Court Director Joseph Madonia**

Retention Rate	Group 1	Group 2
30-Day	95%	81%
90-Day	85%	62%
180-Day (i.e., 6-month)	79%	47%

These results were tremendously encouraging and caused the Brooklyn Treatment Court to build ongoing evaluation models to compare outcomes among participants with different mental health disorders. Staffing the psychiatric nurse practitioner, revising the screening instrument, and developing the Women’s Program at Palladia have also allowed the Brooklyn Treatment Court to collect much needed data on this population. This data was particularly important as the court sought to develop partnerships with the mental health treatment community and expand court-based programs.

In 2002, the Brooklyn Treatment Court received an enhancement grant from the Bureau of Justice Assistance to continue these services. In February 2003, the Psychiatric Nurse Practitioner left the program for personal reasons. Grant funding was no longer adequate to hire a replacement. To sustain the model, the court approached the Kings County Hospital Psychiatric Unit, which agreed to conduct the psychiatric evaluations and the necessary reporting for the drug treatment courts in Brooklyn.

The benefits of this integrated system of treatment are that clients who would ordinarily be excluded from drug court treatment now have an opportunity to receive this needed service. This addition has vastly improved the ability to refer all participants (men and women) to appropriate treatment settings and has enabled participants with co-occurring disorders the best chance for addressing the issues that lead to their arrest and involvement in the criminal justice system. Moreover, the Brooklyn Treatment Court has partnered with Palladia to hire an on-site mental health case manager at the Brooklyn Treatment Court. This position will provide enhanced mental health case management services to participants who are referred to integrated mental health and substance abuse treatment providers.

*Brooklyn Treatment Court Website Video Testimonies*

The Brooklyn Treatment Court website offers a collection of video testimonies of prior graduates for viewing.

Testimonies consist of real-life, first-hand experiences of what can be expected as a participant in the court, how to get the most from time with the court, and how to succeed in treatment.

#### *Parents with a Story*

“Parents with a Story” is a restorative program that provides the Brooklyn Treatment Court residential participants an opportunity to connect with their children through audio-video recorded storytelling. Its purpose is to provide absent parents an active role in their children’s lives by audio-video recording them reading a story aloud and then sending the recorded DVD or CD and corresponding book home to the child. The child is then able to view the DVD or CD and read along with his or her parent as often as he or she wishes.

#### *The Brooklyn Treatment Court Annual Newsletter*

In an attempt to encourage alumni and participants to stay connected and informed on what’s new in the court, an annual newsletter has recently been developed and published. Each newsletter will include a message from the judge, developments of new partnerships, upcoming events and/or activities, and participant and staff achievements.

### **Brooklyn Treatment Court Videos**

#### *The Brooklyn Treatment Court Educational Videos*

The Brooklyn Treatment Court educational video will be a structured compilation of program component descriptions, operational descriptions by staff, interviews with the judge, staff, providers, and stakeholders, and testimonials by Brooklyn Treatment Court graduates and family members. The educational tool will be utilized to educate community partners, visiting jurists, and new drug courts on the elements, structure, and impact of the Brooklyn Treatment Court.

#### *The Brooklyn Treatment Court Engagement Video Project*

Participants who are not eligible to enter a substance abuse treatment program immediately are required to attend on-site pre-placement groups daily. Early engagement, particularly within the first 30 days impacts participant retention in treatment and ultimately contributes to successful completion of the court mandate. The goal of the pre-placement groups is to assist with introducing the client to substance abuse treatment. In addition, the expectation is that not only will the groups bridge the gap between initial acceptance into the court and beginning their mandated treatment programs, but also help to orient the client with respect to the rules, regulations, and expectations of the court. Early engagement of the client is key to successful completion of treatment and assists with client retention within the first 30 days of acceptance while awaiting placement. Client feedback forms are filled out to help identify areas of concern. Program modifications are implemented as needed in response to the client feedback. Topics include an orientation group, an educational/vocational orientation group, a treatment education group, a stress management group, and a relapse prevention group.

When participants graduate from the drug court, they are asked if they would like to leave a video testimonial to incoming clients to describe what their experience in the Brooklyn Treatment Court was like. These graduates sign releases allowing these videos to be shown to incoming clients. The video testimonials are shown as a component of the pre-placement groups in an effort to give new clients a graduate's insight into the drug court process and motivation to engage themselves in that process. The intake coordinator facilitates the groups Monday through Friday.

### **Future Developments**

#### *The Brooklyn Treatment Court Orientation Video Project*

New drug court participants often know little about substance abuse treatment and the types and levels of treatment they are being referred to by the case manager. To provide education about treatment and providers and to reduce apprehension around placement efforts, community providers have participated in this project by filming brief orientation videos that allow intake personnel to explain the program and describe the environment of the facility. Because different people take in information in different ways, video orientations can enhance a client's understanding of the program which they will be attending. These videos will also be streamed through the Brooklyn Treatment Court website so they may be easily accessed by case managers for immediate viewing.

#### *The Brooklyn Treatment Court Community Resource Video Project*

The Brooklyn Treatment Court Community Resource Guide will be developed with the purpose of providing information on available community support services that could assist clients in addressing a variety of needs that they may have during the drug court process. Because Brooklyn Treatment Court clients often have low literacy levels or are not easily engaged with voluminous resource materials, a video project was initiated by the court's community resource coordinator to ask representatives of supportive service agencies to participate in the creation of educational videos that would be played for active clients in the waiting area at the court. This approach to increasing awareness of available services was taken in recognition of the format in which participants most frequently receive information.

### **Recent Studies**

#### *I Live Inspired*

I Live Inspired was a five-month pilot project study that was conducted from September 2008 until February 2009. It was an award/incentive that was given to participants solely at the judge's discretion. The service, which is available through [ILiveInspired.com](http://ILiveInspired.com), sent text messages to awarded participants' cell phones at 8:30 p.m. for 90 days to help keep them focused on staying clean. They served as reminders that there is a community of people out there who know what they are going through and are willing to support them along the way. The messages reminded them to reach out for help when they felt tempted to use drugs. They also offered a suggestion for an action participants could take each day to come closer to their recovery. In order to be eligible, participants

**“The Brooklyn Treatment Court allows me to give back to Brooklyn, the borough I was born and raised in. Having resided in over twenty communities in Brooklyn throughout my life, I am able to help make a difference in Brooklyn by working to assist the unguided to improve their communities. I believe the Brooklyn Treatment Court allows me to make a difference and accomplish meaningful work in the borough I love.”**

**Brooklyn Treatment Court Senior Case Manager Ramon Guzman**

had to be outpatient in Phase Two or Three and have a cell phone capable of receiving text messages. The results of this study suggest that a daily text message intervention was not only feasible but also positively received by drug court participants. Additionally, it documented the high prevalence of cell phones in this population. The pilot study was presented at the 2009 National Drug Court Conference in Anaheim, California, where enthusiasm was high for a more rigorous study of this intervention, and suggestions were made to develop messages tailored specifically to drug court participants.

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### **Center for Court Innovation**

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's demonstration projects include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts, reentry courts and others.

Beyond New York, the Center disseminates the lessons learned from its experiments in New York, helping court reformers around the world test new solutions to local problems. The Center contributes to the international conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators about program design, technology and performance measures.

**For more information, call 646 386 4462 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org).**