



PROBLEM SOLVING COURTS

Presented by:

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Tenth Judicial District, Suffolk County
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Hosted by:



As a result of this presentation you will have a better understanding of:

- The genesis and development of PSC
- The common principles of PS justice
- The various models under which PSC operate
- The various PSC & detailed knowledge of what they do and how they operate.

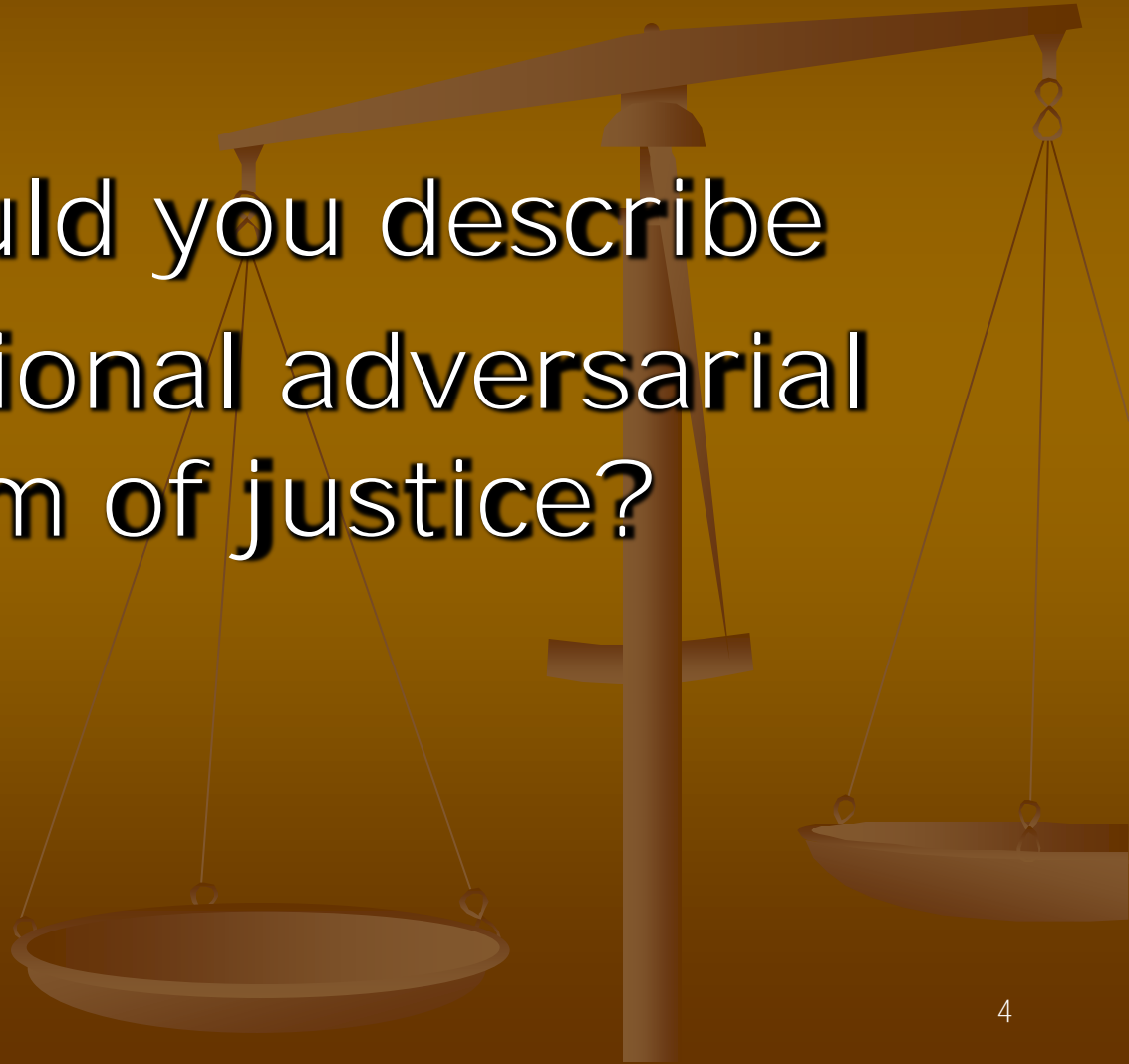
Introductions

Me
&
You

A balance scale is depicted against a solid brown background. The scale's beam is tilted upwards on the right side. The left pan, which is lower, contains the text 'Me & You' in a white, bold, serif font. The right pan is higher and empty. The scale's central pillar and various mechanical components are rendered in a darker brown color.

Traditional Adversarial System

How would you describe
our traditional adversarial
system of justice?



Traditional Adversary Approach

- Two sided – pits one side against the other
- Most effective adversary that can convince Judge his perspective of case is correct wins
- Backward looking process designed to assign blame and allocate rights
- Judge = fault finder OR rights adjudicator
- Goal is to process cases
- Success measured by # of cases disposed of

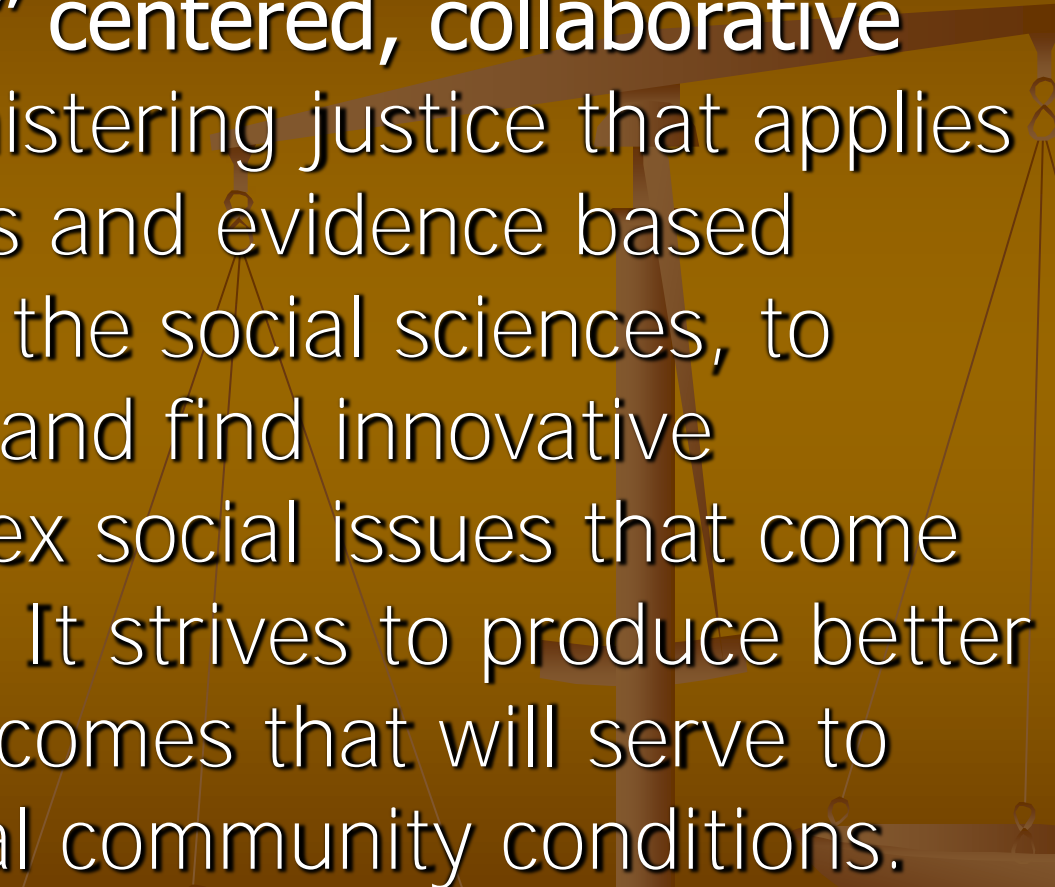
Problem Solving Justice

What is it?



How do we define PSJ?

PSJ is a “judge” centered, collaborative approach to administering justice that applies promising practices and evidence based interventions from the social sciences, to effectuate change and find innovative solutions to complex social issues that come before the courts. It strives to produce better individual case outcomes that will serve to remedy detrimental community conditions.



PSJ – Key Principles

- Better Case Outcomes
- Judge Centered (Use Judicial Authority)
- Use of Evidence Based Interventions
- Collaboration
- Protect Individual Rights



The Problem Solving Court Movement



A Court is Born...



1989



PROBLEM SOLVING COURTS



Civil Rights
Movement

Academic
Interest


Foot Patrol

Broken Window Theory

Community Policing

1960s

The Civil Rights Movement

- Political & Social Upheavals
 - Widespread Riots & Protests
 - Visible Displays of Police Authority
 - Public Criticism of Police
 - Minorities Not Represented in Police Department
 - Studies Suggested Police Treated Minorities More Harshly Than Whites
- 

1970s

Academic Interest in Policing

- Government Funds for Police Research
 - Kansas City Patrol Experiment
- Writings/Studies suggest need for greater cooperation between Police & Community

Foot Patrol

Flint, Michigan Program

vs.

Newark Foot Patrol Experiment

1980s

Brings the Development of
“Community Policing”

Police Depts embrace foot patrols and focus
on relationships with community

1982 publication of an article entitled,
“BROKEN WINDOWS”

Accelerates development of
Community Policing

Broken Window Theory



PROBLEM SOLVING COURTS



Civil Rights
Movement

Frustrated Judges

Overcrowded jails

Academic
Interest

Therapeutic Justice

Foot Patrol

Crack Epidemic

RACIAL TENSION RESTORATIVE JUSTICE

Broken Window Theory

Community Policing

“Firsts”


in Problem Solving Courts

- 1899 – Juvenile Court – Cook County, IL
 - 1989 – Drug Court – Miami, FL
 - 1989 – Homeless Court – San Diego, CA
 - 1990 – Teen Court – All over US
 - 1993 – Community Court, New York, NY
 - 1994 – Gun Court – Rhode Island
 - 1996 – Mental Health Court – Indiana*
 - 1996 – Domestic Violence Court – Brooklyn, NY
 - 1997 – DWI Court - Las Cruces, NM
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“Firsts”

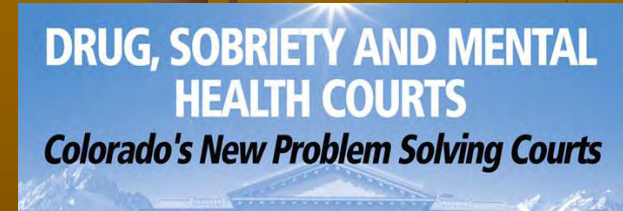
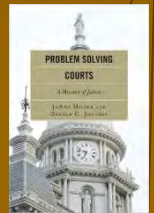
in Problem Solving Courts

(continued)



- 2001 – Integrated DV Court – Brooklyn, NY
- 2001 – Reentry Court – Harlem, NY
- 2001 – Prostitution Court – Alleghany, PA
- 2003 – Youth DV Court – Brooklyn, NY
- 2006 – Sex Offense Court – NY (Nassau, Westchester, Oswego)
- 2008 – Veterans Treatment Court – Buffalo, NY
- 2013 – Human Trafficking Court – NYC, NY

PREVELANCE OF PROBLEM SOLVING COURTS IN THE UNITED STATES



Over 4000 DRUG COURTS

in Operation in the U.S. as of October 2023

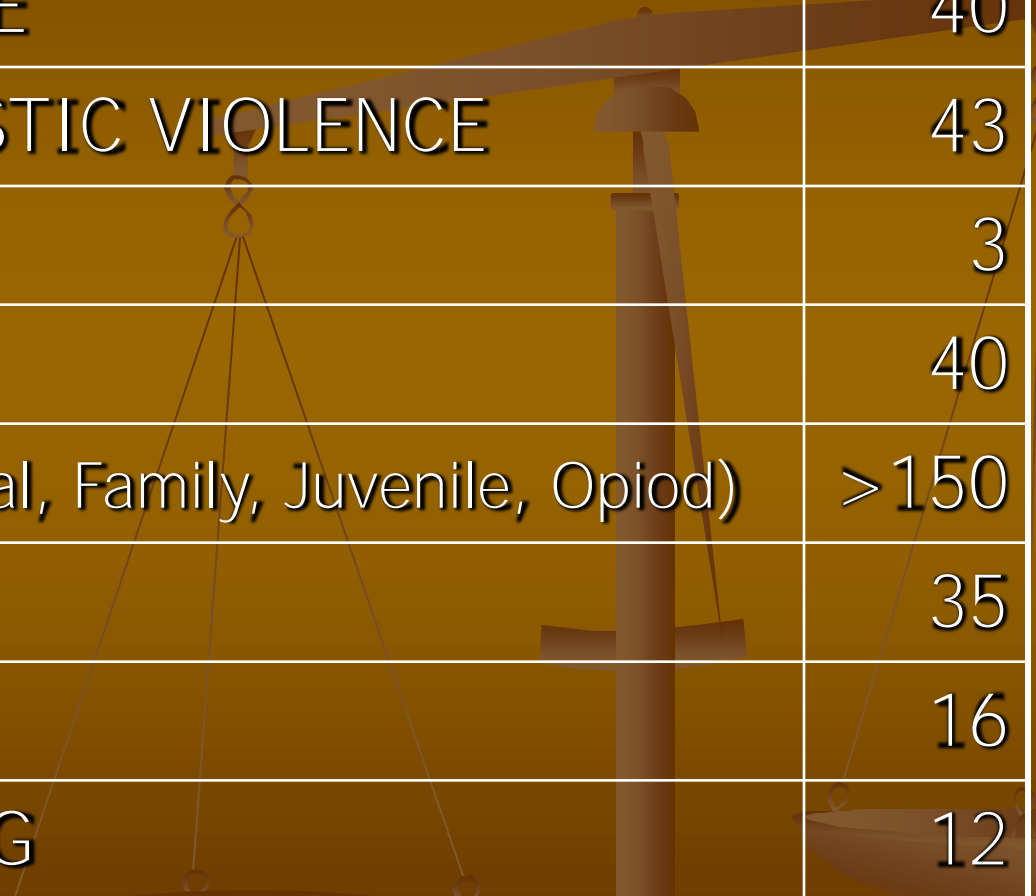


Approximately 600 VETERAN TREATMENT COURTS in the U.S.



NEW YORK – 352 PSC

January 2025



DOMESTIC VIOLENCE	40
INTEGRATED DOMESTIC VIOLENCE	43
SEX OFFENSE	3
MENTAL HEALTH	40
DRUG (Includes Criminal, Family, Juvenile, Opiod)	>150
VETERANS	35
DWI Court	16
HUMAN TRAFFICKING	12

What Makes a Court Problem Solving?

Common Principles of PSJ

Enhanced Information

Community Engagement

Collaboration

Individualized Justice

Accountability

Better Substantive Outcomes

Common Principles of PSJ

Enhanced Information

Better Staff Training

+

Better Information

=

Better Decision Making

EDUCATION

MEETINGS

TECHNOLOGY

Common Principles of PSJ

COLLABORATION & COMMUNITY ENGAGEMENT

PSC engage a diverse range of people and organizations in a collaborative effort to bring together justice partners and potential stakeholders to foster new responses to problems.

TRADITIONAL COURT MODEL

CHARGES
FILED

POLICE

ADJUDICATION

PROSECUTOR
DEFENSE
COUNSEL

PUNISHMENT

PROBATION
CORRECTIONS

Common Principles of PSJ

COLLABORATION & COMMUNITY ENGAGEMENT

Judges brings together

Justice Partners

(Prosecutors, Attorneys, Probation, Court Managers, etc,)

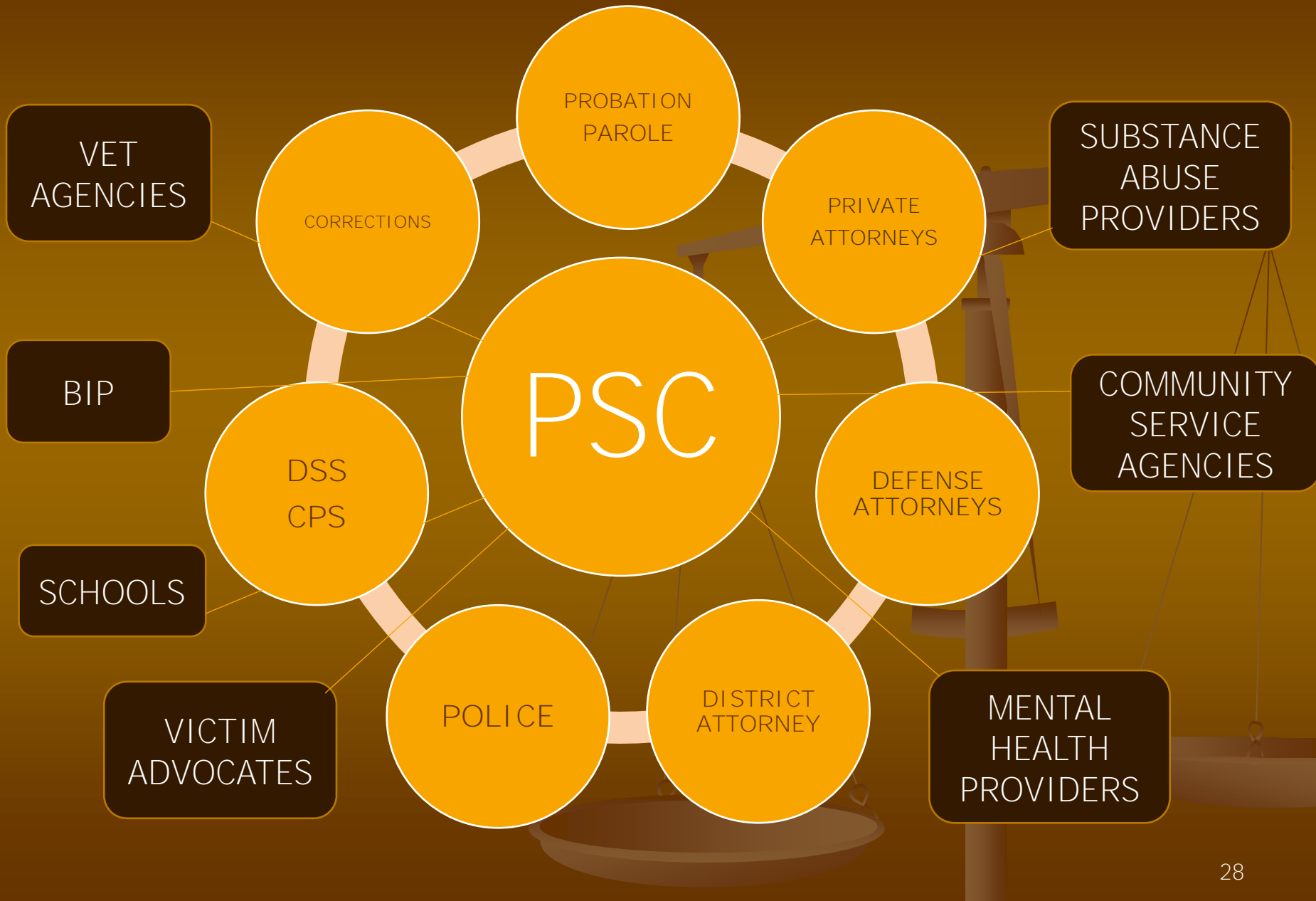
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Stakeholders

(Treatment Providers, Victim Agencies, Social Services, etc.)

To find better solutions to problems

COLLABORATION



Common Principles of PSJ

Individualized Justice

PSCs can tailor individual services and interventions for offenders and victims to help improve individuals lives, reduce recidivism, and improve community safety.

Common Principles of PSJ

Individualized Justice

Defendants should be treated with dignity and respect

Defendants are individuals
not number on a docket

Recognizes cases involve individual with
complicated lives

Seek to address offenders' underlying problems

Common Principles of PSJ

Individualized Justice

Goal is to reduce re-offending

Increase likelihood offender can be a productive member of society

Seek to reduce incarceration

Some PSC also provide services to victims

Goal is to reduce “re-victimization”
and restore self actualization for victim

Common Principles of PSJ

ACCOUNTABILITY

What is meant by “Accountability”
as a principle of
Problem Solving Courts?

It means: Holding offenders accountable for
their conduct (both past and present).

It also means: Regular and rigorous
compliance monitoring – including clear
consequences for non-compliance.

Common Principles of PSJ

ACCOUNTABILITY

- PSCs link offenders to alternative sanctions
- PSCs rely on Judicial compliance monitoring
- Focus on clear communication with offender
- Non-compliance- communicated immediately
- Rapid Judicial response to non-compliance

Common Principles of PSJ

OUTCOMES

*TRADITIONAL COURTS measure success
by # of cases processed*

PSC measure outcomes by:

1. Collection & Analysis of Data
and
2. Observing what Participant
Demographics are associated
with program success

Problem Solving Courts: Three Basic Paradigms

Therapeutic Jurisprudence

(Treatment Model)

Accountability

(Accountability Model)

Community Justice

(Community Justice Model)

Problem Solving Courts: Basic Paradigms

THERAPUETIC JURISPRUDENCE

- Also known as the “Treatment Model”
- Identifies the NEEDS of the involved parties
- Focus is to coordinate a remedial response
- Purpose is to TREAT and REHABILITATE
- Goal is to better individual and reduce likelihood of recidivism

Problem Solving Courts: Basic Paradigms

ACCOUNTABILITY

- Focus is on holding offender RESPONSIBLE
- Increased Judicial supervision
- Goal is to deter future criminal behavior
- Victim (and public) safety emphasized
- Goal is to reduce likelihood of reoccurrence

Problem Solving Courts: Basic Paradigms

COMMUNITY JUSTICE

- Follows principles of Restorative Justice
- Engage and involve local community
- Identify local problems to be addressed
- Goal is to improve community conditions
- Goal is to improve public trust

WHAT COURTS BEST EXEMPLIFY EACH MODEL?

- Therapeutic Jurisprudence (*Treatment Model*)

Examples: Drug Courts, Mental Health Courts

- Accountability (*Accountability Model*)

Examples: Domestic Violence Courts, Sex Offense Courts

- Community Justice (*Community Justice Model*)

Examples: Community Courts, Homeless Courts, Truancy Courts

THREE PARADIGMS ARE NOT MUTUALLY EXCLUSIVE

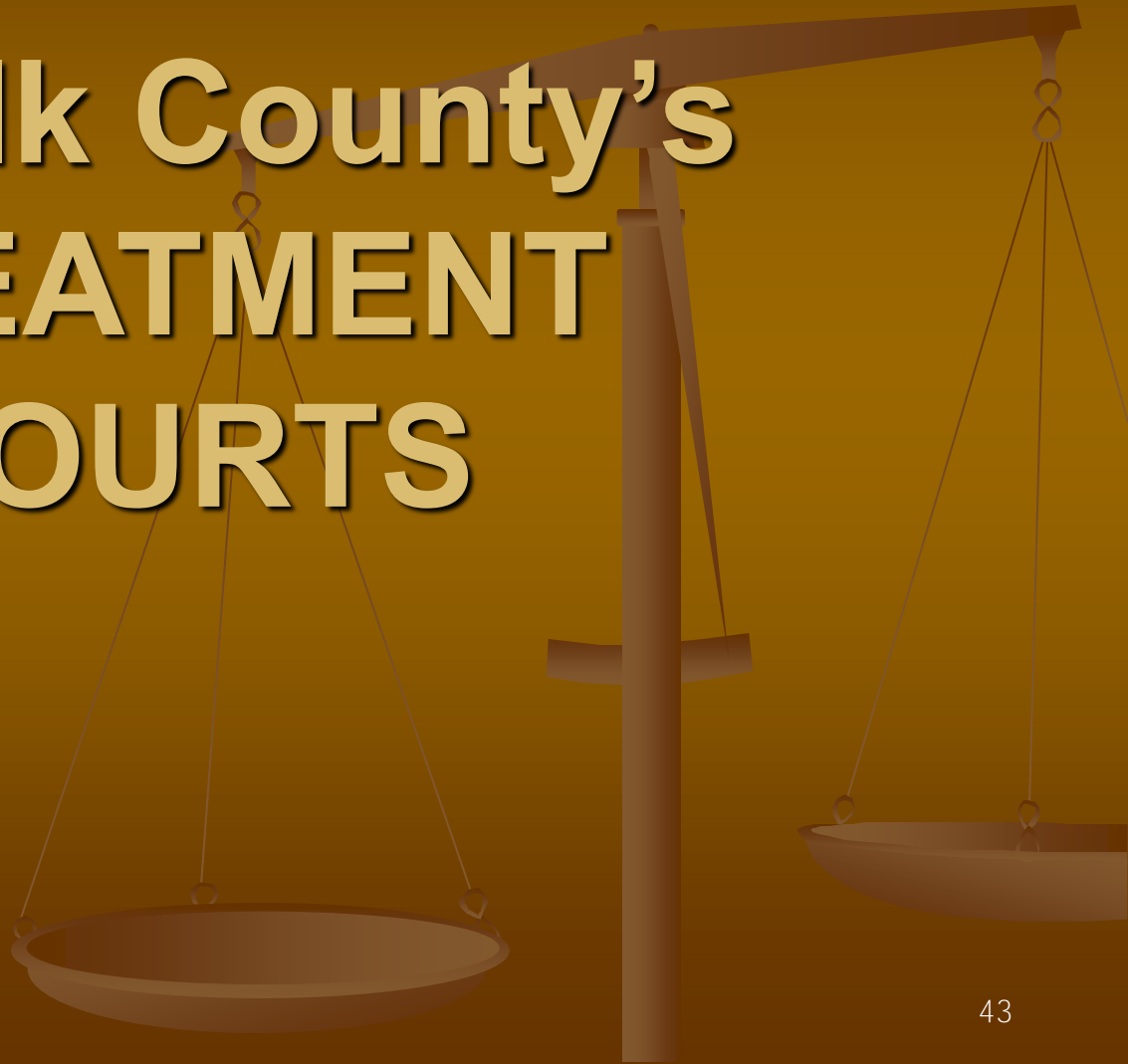


TREATMENT COURTS

Problem Solving Courts in Suffolk

- Drug Treatment Court
- Judicial Diversion Program (JDP) Court
- Family Treatment Courts (East, West, FOCUS)
- Juvenile Treatment Court (ConcepTS Court)
- Human Trafficking Intervention Courts (Adult & Youth)
- Sex Offense Court
- Felony Youth Part
- Mental Health Courts
- C.A.R.E. (Opioid Court - Comprehensive Addiction Recovery & Education)
- **Veteran's Treatment Courts**
- DWI Court
- Domestic Violence/Integrated Domestic Violence

Suffolk County's TREATMENT COURTS



Drug Treatment Court

- Non-violent addicted offenders enter court-supervised treatment in return for a reduced sentence.
- Intervention involves collaboration with the defense, prosecution, treatment, education and law enforcement.
- Eligibility: For misdemeanor or felony offenders. All Possession 7th cases are automatically sent to be screened for eligibility.
- DA's office must agree to referral. Usually at defense attorney's request.

C.A.R.E./Opioid Courts

Connects defendants at high risk of overdose to treatment and intensive judicial supervision

- Eligible for first-time non-violent misdemeanor offenders with a substance abuse disorder.
- Voluntary participation
- DA's office is the gatekeeper/screens for eligibility
- No plea upfront, 60-90 days meaningfully engaged in treatment then get a dismissal.

Judicial Diversion Program (JDP)

Instead of jail or probation, JDP helps offenders enter and stay in a drug or alcohol treatment program.

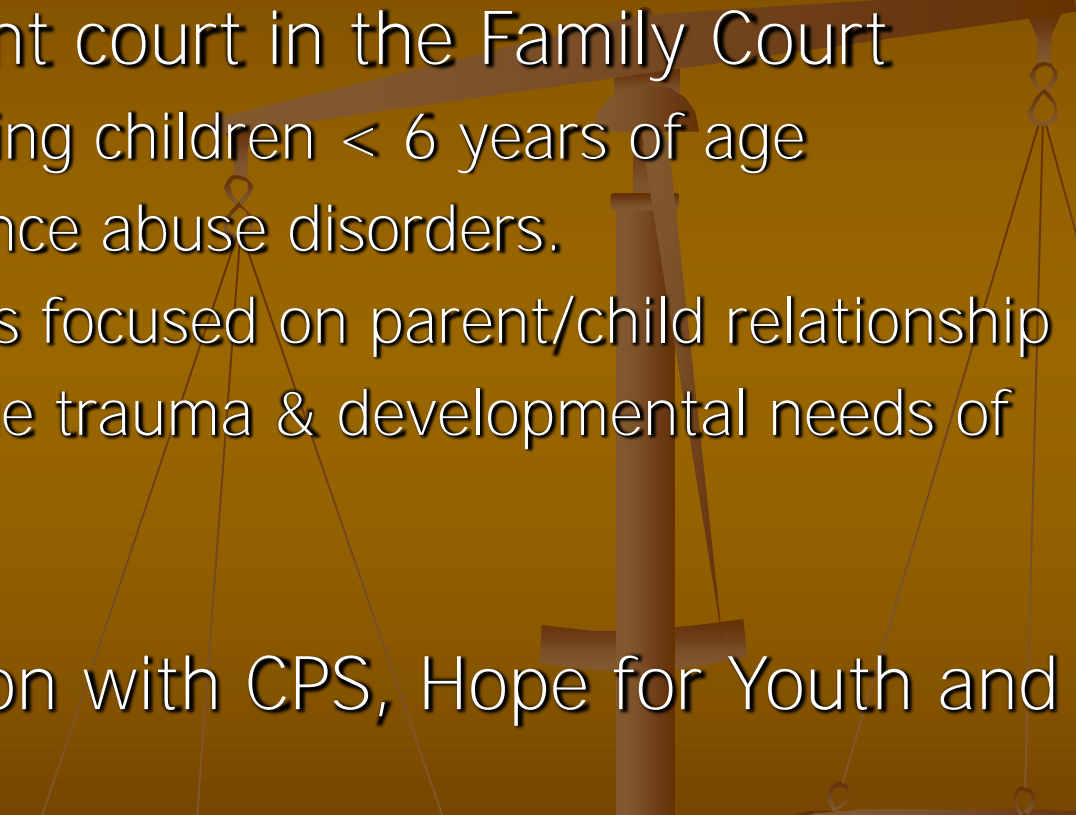
- Eligibility set forth in CPL 216: Non-violent, drug dependent offenders charged with felony drug sales or possession, or other addiction-driven felonies (with no prior conviction for a violent felony in past 10 years).
- After indictment or SCI, can be referred to JDP. Not need DA consent.
- Treatment model. Probation heavily involved.

Family Treatment Courts

- Follows the Drug Court Model
 - interagency collaboration,
 - coordinated and comprehensive service delivery,
 - effective drug testing and enhanced accountability.
- Eligibility: Neglect cases where Respondent has a substance use issue
- Referrals may originate from multiple parties:
 - **Respondent's attorney**
 - CPS caseworkers may recommend
 - Presiding Judge

FOCUS COURT

Families Overcoming Crisis through Unified Services

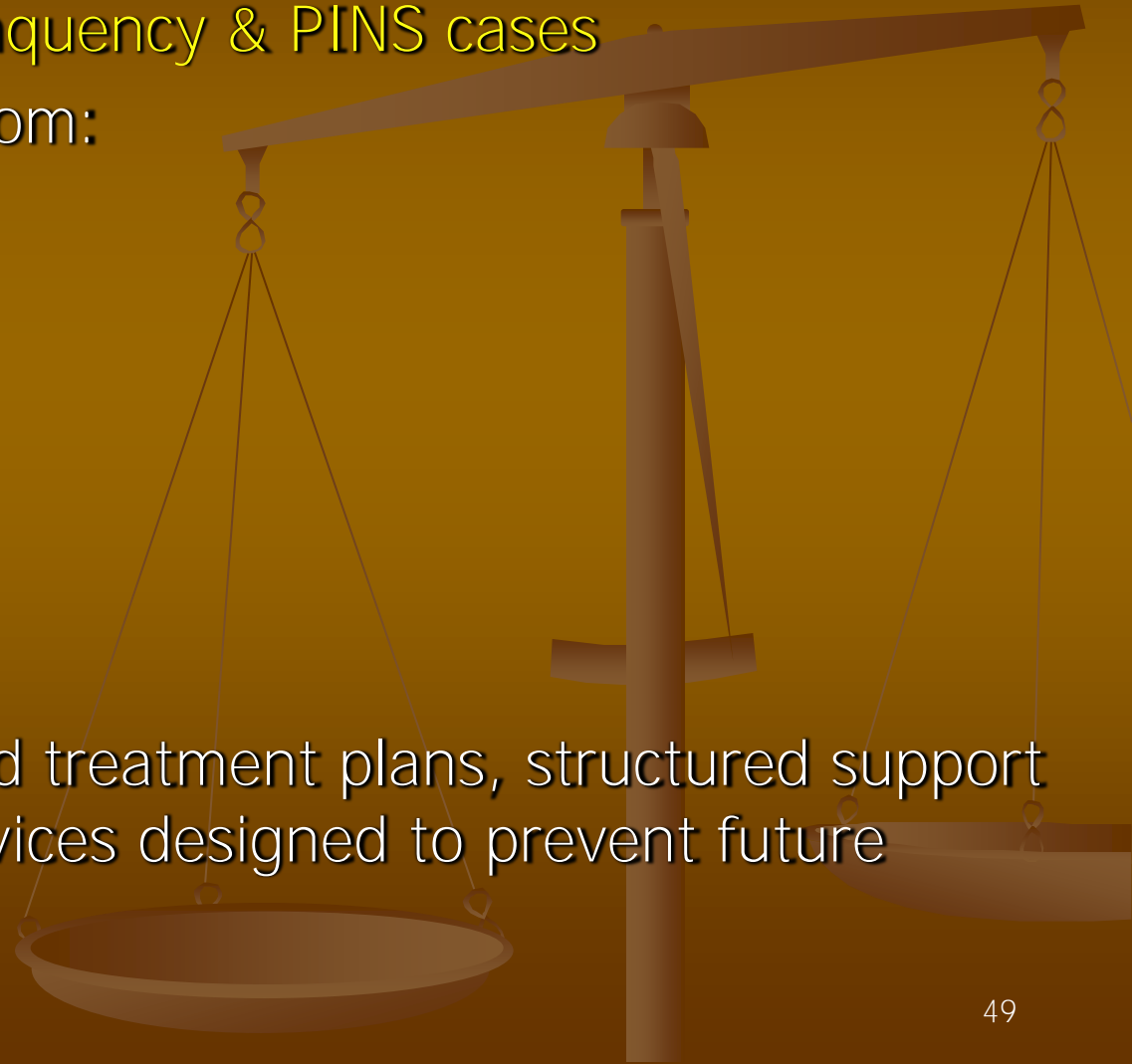
- Specialized treatment court in the Family Court
 - neglect cases involving children < 6 years of age
 - parents with substance abuse disorders.
 - Provides MH services focused on parent/child relationship
 - Addresses the unique trauma & developmental needs of child
 - Involves collaboration with CPS, Hope for Youth and additional agencies.
- 

Juvenile Treatment Court

(ConcepTS Court)

Specialized intervention and treatment program that addresses Juvenile Delinquency & PINS cases

- Referrals can come from:
 - Probation Officers
 - Attorney for the Child
 - Presiding Judge
 - Parents, Guardians
 - School Officials
 - Partner Agencies
- Provides individualized treatment plans, structured support and rehabilitative services designed to prevent future criminal behavior.



Family Court Youth Human Trafficking Court

Suffolk recently launched NY's first Family Court-based HTIC – "ERIN" Court

(Expedient Resource Intervention Network).

- For children who have been, or are at risk of becoming, trafficked.
- Convenes a multidisciplinary team in the juvenile justice and child welfare systems to provide comprehensive, wrap-around services.
- Works to steer participants away from harm and address their complex trauma.

Human Trafficking Intervention Courts

Committed to ensuring trauma-informed responses to trafficking survivors who enter the criminal justice systems by incorporating specially trained judges, judicial monitoring and linkages to services.

- Cases automatically sent when charge is prostitution, practicing without a license, or a referral from DA or Defense Attorney etc.

Felony Youth Part

Treatment court for defendants who are 25 years old or younger charged with felony offenses.

- Cases are referred from arraignment. The DA's Office assess each case to determine eligibility.
- Operates like a treatment court. Once the case is accepted, the defendant has the option to take an up-front plea to a felony offense and undergo a one-year period interim probation. Defendant must appear before the Court regularly for updates.
- If successfully completed, the felony plea is vacated and the defendant pleads to a misdemeanor or receives a non-criminal disposition.

Mental Health Court

Treatment court for defendants living with mental illness related to their current criminal justice involvement

- Provides court-supervised, community-based treatment
- Eligible for non-violent misdemeanor and felony offenders
- DA is gatekeeper, usually defense atty requests.

Veteran's Treatment Courts

Treatment court for justice-involved veterans

- Eligible for misdemeanor & felony offenders.
- DA is gatekeeper (more liberal in accepting cases)
- Connects defendant w/ veteran mentors
- Special services tailored to individual needs of the veteran (mental health, substance abuse, etc.)
- Northport VA involved since inception



DWI Court

Uses the drug court model with the goal of changing the behavior of DWI offenders through intensive supervision and treatment

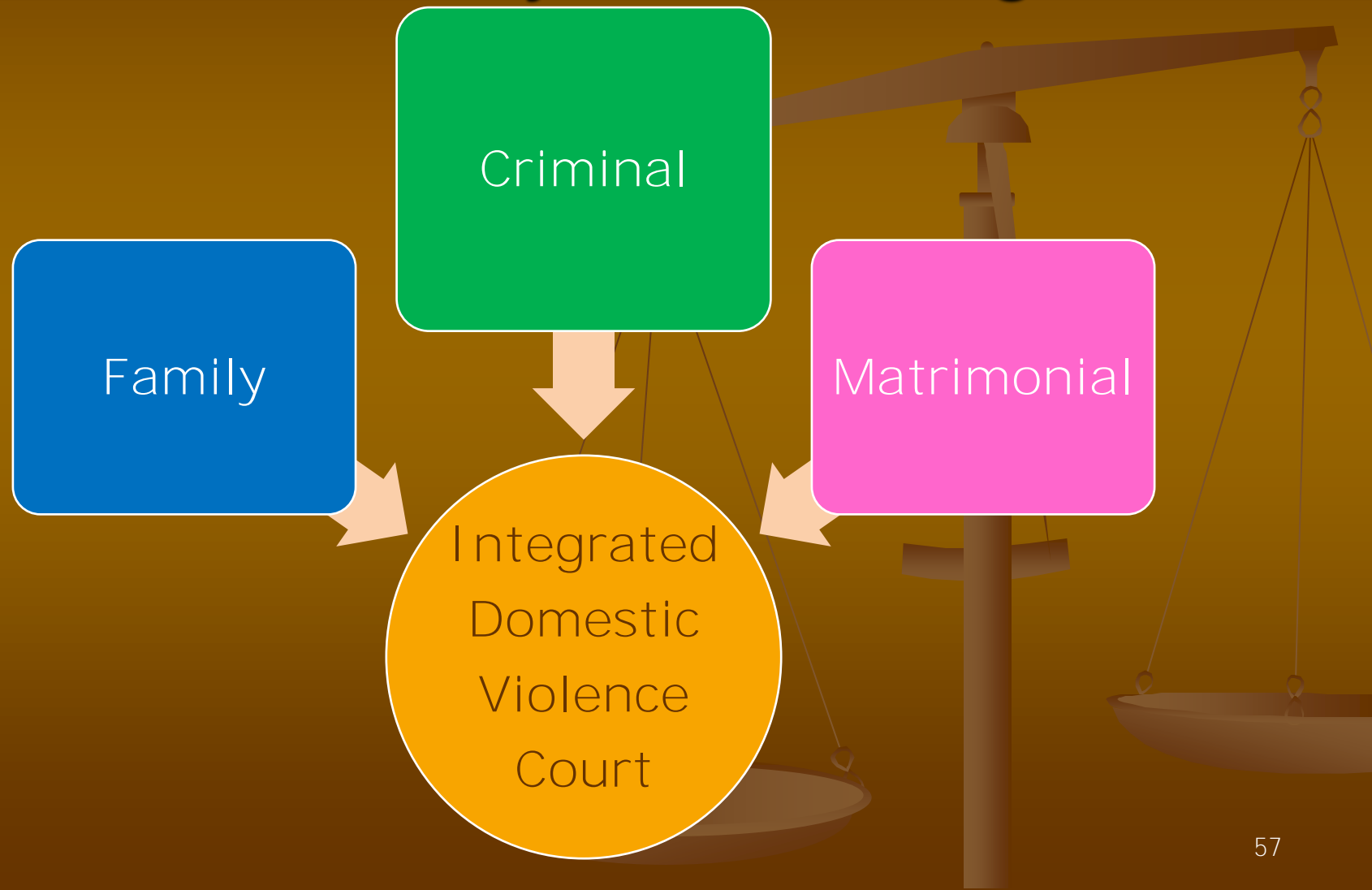
- Misdemeanor & felony offenders eligible
- Successful completion results in reduced sentence.
- DA is gatekeeper at defense attorney request.
- Involves SCRAM for first 3 months and ignition interlock in vehicles.

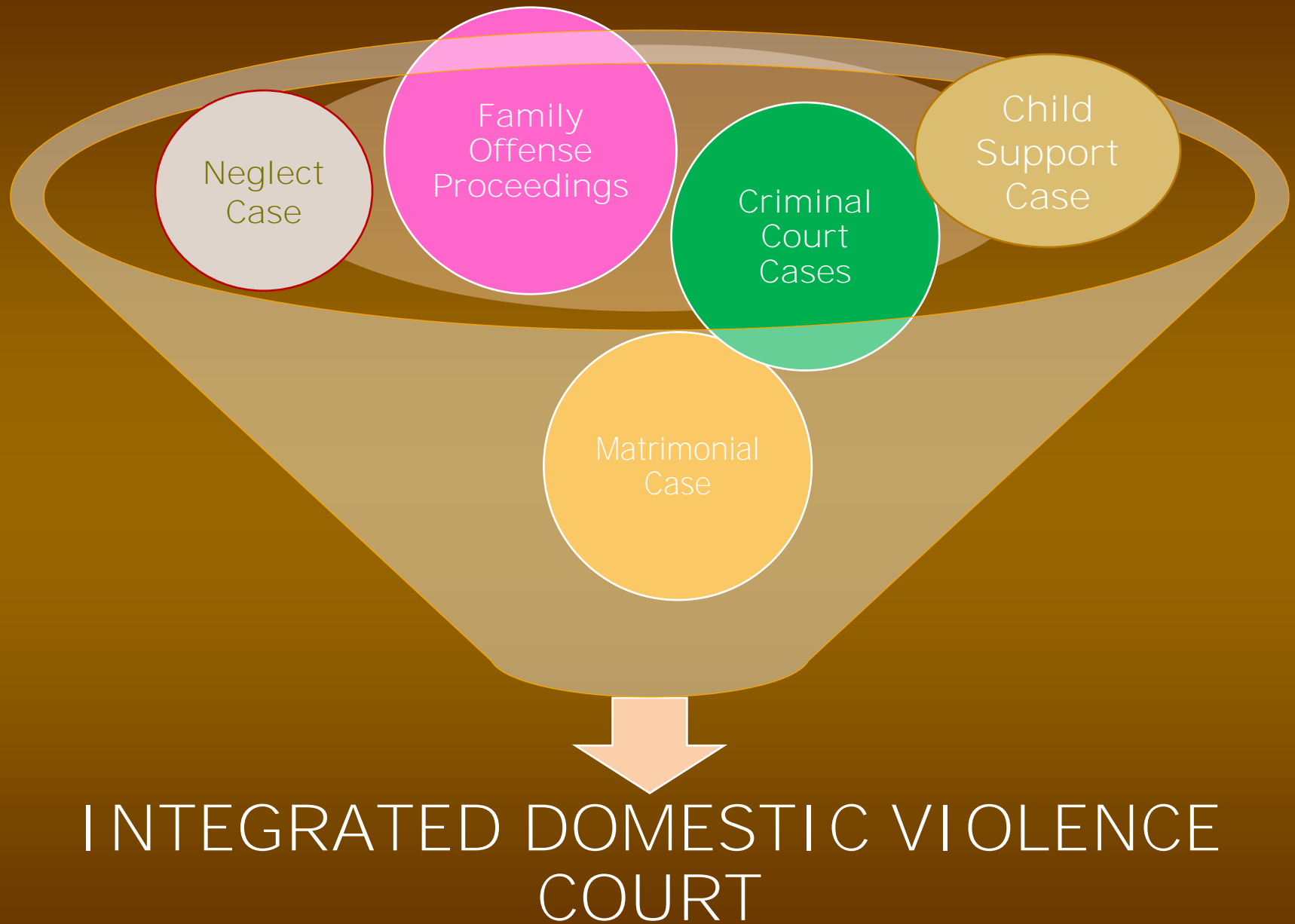
Domestic Violence Courts

- Accountability Court
- DV Cases identified at arraignment
- Connect victims & defendants to needed services
- Intensive court monitoring of abusers
- Coordination with community partners and victim services providers.

Integrated Domestic Violence Court

One Family – One Judge





Integrated Domestic Violence Courts: Overview

- Ensure consistency in handling complicated DV Cases
- Enhance services to victims & families
- Reduce burden on litigants
- Improve information flow to litigants and service providers

Both DV & IDV Courts:

Litigants may not choose to go or stay out

Sex Offense Courts

- Accountability court
- Felony cases involving sex offenses
- Goal: enhance public safety by preventing further victimization
- Judicial Monitoring (pre & post-disposition)

QUESTIONS





THANK YOU!