



Justice Speakers Institute

SPEAKING, TEACHING & TRAINING - WORLDWIDE

Judicial Best Practices in Drug Court

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Magistrates' Training
Melbourne, Victoria, Australia
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Role and Responsibilities of the Judge

Effective Drug Court Judges stay up-to-date on the law and research on drug courts

Participates in team meetings

Interacts frequently and respectfully with participants

Gives due consideration to other team members' and participants' input

Do Drug Courts Reduce Crime and Produce Psychosocial Benefits? Methodology and Results From the Multisite Adult Drug Court Evaluation (MADCE)



MADCE (2012) findings:

23-site study found drug courts produced significantly greater reductions in crime and substance

When judges were rated as being “knowledgeable about substance abuse treatment”

NY study showed better outcomes when judges “open to learning about addiction”

Professional development annually

Current law

Judicial ethics

Evidence-based substance abuse and mental health treatment

Behavior modification

Community supervision

Trauma-informed care

Child development (Juvenile Drug Court)

Length of Term

Preside for no less than 2 years = 3xs cost savings and significantly lower recidivism rates

Voluntary and indefinite assignment resulted in greater crime reduction

Learning curve ascends rapidly

Institutional memory is otherwise lost

Annual (or more frequent) rotation is counterproductive

Consistent docket

Participants should see the same judge throughout their tenure in drug court

Consistency and structure are important to participants

Feel closer connection to the judge

Participation in pre-court staffings

The judge is the final arbiter but should make her decision on after considering input of the whole team

Saves time in court and presents a consistent front

Some indication judges who do not attend staffing are less informed and prepared

Frequent status hearings

No less than every two weeks in Phase I

High risk offenders do better before the judge

Holds for urban vs. rural; misdemeanor vs. felony

Gradually reduce frequency

No less than every four weeks in Phase III and aftercare

Length of court interactions

Judge should spend at least 3 minutes per participant (70-site study)

Sufficient time to review progress with participant and give individual attention

Show their efforts are significant and valued



Judicial demeanor

Supportive comments

Stress importance of commitment to treatment

Completion of other program requirements

Express optimism about their ability to improve health and behavior

Judicial demeanor, cont.

Do no harm like humiliation, shame, stigma or abusive language

Allow input by the participant/representative

Judge who is “respectful,” “fair,” “attentive,” “enthusiastic,” “consistent” and “caring” gets better outcomes

Procedural Fairness/Justice

Provide Procedural Justice

Voice

Neutrality

Respectful treatment

Trustworthy authority

<http://proceduralfairness.org/>

<http://aja.ncsc.dni.us/pdfs/judge-key-component.pdf>

Judicial decision-making

Judge is final arbiter

Exercise independent discretion

Considers team and participant input

Relies on experts

Provides Due Process (Natural Law)

Behaves ethically

Is transparent

Questions/Comments?



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