

## **DRUG COURT TEAM ROLES**

Studies reveal the composition of the Drug Court team has a substantial influence on outcomes. Drug Courts produce significantly greater reductions in criminal recidivism and are significantly more cost-effective when the following professionals are dedicated members of the Drug Court team and participate regularly in pre-court staff meetings and status hearings (Carey et al., 2008, 2012; Cissner et al., 2013; Rossman et al., 2011; Shaffer, 2010):

### **Judge**

- Typically, a trial court judge leads the Drug Court team; however, in some jurisdictions a nonjudicial officer such as a magistrate or commissioner may preside over the Drug Court.
- Nonjudicial officers usually report directly to a judge and require judicial authorization for actions that affect participants' liberty interests such as jail sanctions or discharge from the program.
- No study has compared outcomes between judges and nonjudicial officers.

### **Program Coordinator**

- Typically a court administrator or clerk serves as the coordinator for the Drug Court program; however, some Drug Courts may employ a senior probation officer, case manager, or clinician as the coordinator.
- Among many other duties, the coordinator is responsible for maintaining accurate and timely records and documentation for the program, overseeing fiscal and contractual obligations, facilitating communication between team members and partner agencies, ensuring policies and procedures are followed, overseeing collection of performance and outcome data, scheduling court sessions and staff meetings, and orienting new hires.

### **Prosecutor**

- Typically an assistant district attorney serves on the team. Among other duties, the prosecutor advocates on behalf of public safety, victim interests, and holding participants accountable for meeting their obligations in the program.
- The prosecutor may also help to resolve other pending legal cases that impact participants' legal status or eligibility for Drug Court.

## Defense Attorney

- Typically an assistant public defender or private defense attorney specializing in Drug Court cases serves on the team.
- Among other duties, the defense attorney ensures participants' constitutional rights are protected and advocates for participants' stated legal interests.
- Defendants are usually represented by a public defender or private defense attorney in proceedings leading up to their entry into Drug Court.
- After entry, participants may retain their previous defense counsel, provide informed consent to be represented by a defense representative serving on the Drug Court team, or consent to be represented jointly by private defense counsel and the defense representative.
- In cases of joint representation, the defense representative typically handles most day-to-day issues relating to Drug Court participation, but private counsel may step in if the participant faces a potential jail sanction or discharge from the program (Freeman-Wilson et al., 2003; Tobin, 2012).
- In postconviction Drug Courts, participation in the program is a condition of probation or part of a criminal sentence. Ordinarily, participants are not entitled to defense representation at the postconviction stage unless they face a potential jail sanction or revocation of probation (Meyer, 2011a).
- Nevertheless, postconviction Drug Courts should include a defense representative on their team because studies indicate defense involvement improves outcomes significantly (Carey et al., 2012; Cissner et al., 2013; National Association of Drug Court Professionals [NADCP], 2009).
- Evidence suggests participants may be more likely to perceive Drug Court procedures as fair when a dedicated defense attorney represents their interests in team meetings and status hearings (Frazer, 2006), and greater perceptions of fairness are consistently associated with better outcomes in Drug Courts and other problem-solving courts (Berman & Gold, 2012; Burke, 2010; Gottfredson et al., 2007; Rossman et al., 2011).
- Some Drug Courts require participants to waive defense representation as a condition of entry.
- Although no case has addressed this issue squarely in the context of Drug Court, the weight of legal authority suggests defendants and probationers are entitled to withdraw such waivers and reassert their right to counsel at critical stages in the proceedings such as when they face a potential jail sanction or probation revocation (McKaskle v. Wiggins, 1984; Menefield v. Borg, 1989; Robinson v. Ignacio, 2004; State v. Pitts, 2014).

- Regardless of the legality of such waivers, defense representation should be encouraged rather than discouraged in Drug Courts because doing so is associated with significantly better outcomes and ensures participants' due process rights are protected (Hora & Stalcup, 2008; NADCP, 2009).

### **Community Supervision Officer**

- Typically a probation officer or pretrial services officer serves on the team; however, some Drug Courts may rely on law enforcement or specially trained case managers or social service professionals to provide community supervision.
- Duties of the community supervision officer may include performing drug and alcohol testing, conducting home or employment visits, enforcing curfews and travel restrictions, and delivering cognitive-behavioral interventions designed to improve participants' problem-solving skills and alter dysfunctional criminal-thinking patterns (Harberts, 2011).

### **Treatment Representative**

- Typically an addiction counselor, social worker, psychologist, or clinical case manager serves on the team.
- In many Drug Courts, participants can be referred to multiple treatment agencies or providers for substance abuse treatment and other complementary services such as mental health counseling or vocational rehabilitation.
- Because it is unwieldy to have multiple providers attend pre-court staff meetings and status hearings, many Drug Courts will designate one or two treatment professionals to serve as treatment representatives on the Drug Court team (Carey et al., 2012).
- The treatment representatives receive clinical information from programs treating Drug Court participants, report that information to the Drug Court team, and contribute clinical knowledge and expertise during team deliberation.

### **Law Enforcement Officer**

- Typically a police officer, deputy sheriff, highway patrol officer, or jail official serves on the team. Law enforcement is often the eyes and ears of Drug Court on the street, observing participant behavior and interacting with participants in the community.
- Law enforcement may also assist with home and employment visits, and serves as a liaison between the Drug Court and police department, sheriff's office, jail, and correctional system.

Drug Courts may include other community representatives on their team as well, such as peer mentors, vocational advisors, or sponsors from the self-help recovery community. Studies have not examined the impact of including such persons on the Drug Court team; however, anecdotal reports suggest this practice can enhance team decision making and effectiveness (Taylor, 2014). As a condition of federal grant funding and funding from many states, Drug Courts may also be required to include an evaluator on their team beginning in the planning stages for the program and continuing during implementation. This practice helps to ensure Drug Courts collect reliable performance data to report to grant-making authorities and is general advisable for all Drug Courts to ensure good-quality program monitoring and evaluation [see Standard X, Monitoring and Evaluation]. Finally, Drug Courts may be advised to include a nurse or physician on their team if they treat substantial numbers of participants requiring medication-assisted treatment or suffering from co-occurring medical or mental health disorders.