

How to Plan and Open a Problem Solving Court Project

How does a problem solving court project become established?

Step 1. Initial exploration of a project concept.

When a judge (or other person) has an interest in beginning a project that may be characterized as a problem solving court project, the judge should first determine if the scope and character of the project triggers the problem solving project review process. As a general rule:

- A. Does the change in court process proposed by the judge only impact the conduct of proceedings within the judge's courtroom, without impacting the court calendar and workload of court staff, and without affecting the workload and resources of justice agencies (e.g. county attorney, public defender, probation or treatment services)? If the answer to this question is "yes" the judge does not need to initiate this review procedure to review the proposed change in court process.
- B. Does the proposed change in court process impact the court calendar (in multi-judge locations) and/or the workload of court staff but not the workload or resources of justice agencies? If the answer to this question is "yes" the judge should discuss the plan with the presiding judge, who is responsible for workload allocation and calendaring decisions.
- C. Does the proposed change impact the court calendar and/or workload of court staff and impact the workload or resources of justice agencies? If the answer is "yes" the judge should first discuss the plan with the presiding judge. Then, the judge should request a planning packet from the Administrative Office of the Courts (Rick Schwermer) which will contain:
 - a. A definition/description of "problem solving court project," and
 - b. The form "Application for Initial Project Planning Approval" for the judge to complete that requires some basic information about the judge's vision for the proposed project including the target population, motivating factors, scope of the problem and funding ideas.

NOTE: Even if the proposed project does not completely meet the definition of a problem solving court, the presiding judge may still want the review process to be followed, if it is projected to have a significant impact on court system operations.

Step 2. The "Application for Initial Project Planning Approval" is submitted.

The interested judge submits this form (with comments by the TCE and presiding judge) to the AOC. Staff may schedule a meeting or teleconference

with the judge to discuss the proposal. The Management Committee of the Judicial Council then makes a recommendation to the Council as to whether the project should be approved to proceed, and if so, offers resources and possibly a mentor for the planning of the project.

Step 3. Formal planning begins.

If the Judicial Council approves the plan, the formal planning for the project commences.

The planning guide lists the standards to be met and guides the judge (and the working committee that is customarily formed to plan the project) through the steps towards meeting the standards.

Note: In some instances a grant may have already been received to hire a project manager who is tasked with planning the project and meeting the standards described in the planning guide. In all instances, the project manager works closely with the interested judge. The planning process may take several months or longer.

Step 4. Submission of the Planning Document

A planning document which addresses the requirements of the “Standards for the Development of Problem Solving Court Projects” is submitted to the AOC.

Step 5. Judicial Council Review

The Management Committee approves or disapproves the project moving forward as a pilot.

Step 6. Pilot Project Begins

The pilot moves forward with particular requirements relating to continuation standards, which include requirements for data collection and evaluation. The pilot will be for a 2-3 year period, with annual progress reports. At the end of the pilot period, the Management Committee will review the project’s success and make a recommendation to the full Council about continuation.

STANDARDS FOR THE DEVELOPMENT OF PROBLEM SOLVING COURT PROJECTS

The following are the standards that have been established for proposals for new Problem Solving court projects. A proposal for a new project should be submitted in writing to the Management Committee via the AOC. The Management Committee will make a recommendation and forward the proposal to the Judicial Council for consideration. The proposal should describe the planned project and discuss each of the standards below, in relation to the proposed plan.

These standards have been approved by the Judicial Council. Although they may seem initially to be complex, project plans that meet these standards will have an enhanced probability for success and continuing support. In the experience of both the Utah courts and other courts throughout the nation, a thorough planning process is essential.

Sometimes well-thought out proposals may not meet all of the standards listed below, because of the necessary phasing of the project. For example, the funding strategy may not be completely assured (perhaps because of pending grant applications) or all interagency agreements may not yet be in place. The Management Committee will still consider the proposal in such circumstances. However, in such cases, proposals should include an explanation of why one or more of the standards cannot currently be met.

- I. The plan must identify a target population with a common characteristic or characteristics that will have better outcomes if their court cases are handled in a problem solving setting.**

The plan must identify the types of legal cases and/or common characteristics of litigants (for example, a specific class of offender, category of offense, geographic area, type of issues) that are not successfully handled by conventional court processes and in which improved tangible outcomes for litigants, victims, offenders and the public could be expected if handled in a problem solving court setting. Tangible outcomes include reduced recidivism, reduced stays in jail, in juvenile detention or in foster care for children, increased sobriety for addicts, family reunification, etc.

The plan should explain why a problem solving project (which customarily involves the ongoing monitoring of participants by a multidisciplinary criminal justice and treatment team) might be expected to improve tangible outcomes.

- II. The plan must list all of the justice, community, treatment and service partners who will participate in the project, and their roles. The partners must agree to participate in the project, and to devote sufficient resources to the project, as appropriate.**

Problem solving court projects employ a collaborative approach. As such, it is very important that all affected entities are fully informed about the project and

agree to participate. The plan should state how the proposed project was developed through a planning and implementation process that included all the key stakeholders. The roles and responsibilities of all the criminal justice, social service providers, non-profit partners, community groups, and others who will directly be participating in the project should be listed with considerable specificity.

III. The relationships and obligations among justice, community and treatment partners should be defined in interagency agreements.

Because the success of these types of projects depends upon the continuing cooperation of the affected justice partners (as described in II, above), these partners should be asked to execute interagency agreements that specify the roles and responsibilities of each entity. Because interagency agreements obligate the court system, they must be executed by the appropriate TCE and State Level Court Administrator.

IV. The plan must specify the staffing model for the project (i.e., the individual positions within the court and other affected entities which will be devoted, in whole or in part, to support the project.) If the staffing proposes new positions, a description of the duties of the positions and the funding source for the new positions must be provided.

Problem solving court projects consume more judicial and court staff resources than the traditional model initially but with reduced recidivism there may be a long term benefit. The plan should list the support requirements and a court team staffing model for the project (i.e. the individual positions, in whole or in part, that will be devoted to the project, both within the court system and within collaborating entities). The roles and responsibilities of each contributing individual should be described. If the staffing model includes new positions, a position description and funding source for each new position should be included. The plan should describe the physical location for each individual, and if court space is being proposed for use, the TCE must approve the plan.

V. The plan must include calendaring and case assignment protocols that are approved by the presiding judge.

Problem solving court projects rely on the active use of judicial monitoring and authority coupled with treatment to solve underlying and complex behavioral and social problems. This active judicial monitoring usually requires the scheduling of additional and more frequent court hearings. Especially in multi-judge locations, these additional hearings will affect calendaring practices. The plan should include a proposal for calendaring and case assignment protocols that take into consideration the overall needs of the court to expeditiously process all cases that come before it. The plan must be approved by the presiding judge.

- VI. The plan must develop a system for early identification and prompt placement of eligible participants. The plan must explain how individuals will be screened and assessed in anticipation of their possible acceptance into the project. The plan must specify how these screenings and assessments will be funded.**

It is desirable that participants be advised of available problem solving court options, and be assessed to determine if they are appropriate for participation in these options, at a very early stage of the court case. The plan should explain how possible participants are initially identified, and how they will be screened and assessed for placement in the program and for treatment. The plan should explain how the participant will be linked to treatment and other services, and how the services will be funded. (See VII, below.)

- VII. The plan must identify treatment services and any other essential services (e.g. drug testing) that will be integral to the court project. The plan must specify how these treatment services will be obtained, provided to the participants and funded. The plan must specify how and with what frequency information and reports will be transmitted from the service provider to the court and other team members.**

Treatment resources are often difficult to obtain. Problem solving projects work closely with treatment providers. An appropriate treatment provider (or providers) must be identified and must agree to provide services on terms acceptable to the court. Typically other community services are also integral to the project, and these must also be identified. The plan must explain how participants will be linked to treatment and other services, and how these services will be funded.

- VIII. A funding strategy must be developed that will explain how the project will be financially supported. If the project will be supported initially by grant funds (or other temporary funding), the plan must also contain an exit strategy to either continue or end the project at the end of the grant funding period. If the program will be ended, the plan should also indicate what will happen to active program participants at that point.**

The additional resources needed to support a problem solving project usually translate into the need for additional financial support for the court system and/or for other participating entities (such as the public defender, the county attorney, the municipal attorney and the probation office and treatment provider(s)). The plan must explain how this additional financial support will be obtained. Often, grant funds are available to "jump start" a project. However, grant funds are time-limited and usually only are available, for a period of one to three years. Therefore, if grant funds are a funding source, a continuation or exit plan must be included, which indicates how the program will be continued after grant funding is no longer available, or how the program will be ended when grant funds are no longer available.

- IX. The plan must define how success will be measured, and include a specific evaluation plan to measure the success of the project. The evaluation plan will define the data elements and how those elements will be collected. The plan will specify when evaluation(s) will take place, which will be responsible for conducting the data analysis and evaluation report, and the source of funding for the evaluation(s).**

A credible evaluation component is an essential element of every problem solving project. How will you know whether you've succeeded or not? Is the expenditure of extra time and funding for the project justified by the outcome? The plan must define the improved tangible outcome measures expected and include a specific evaluation plan to measure the stated outcomes. The plan should also specify the data elements that will be needed to conduct the evaluation, and how those data elements will be collected and compiled.

Information submitted should include a description of the information collected on behalf of the participants, the method of collection, by whom it will be collected and where it will be stored.

- X. The plan should specify anticipated initial and ongoing training and cross-training needs of all staff (judges, attorneys, treatment providers and court staff) and include a plan for how such training will be obtained, accommodated and funded.**

Because problem solving projects operate on principles that are somewhat different from the traditional court process, judges, court staff and justice partners often need to participate in training about problem solving principles and the operation of problem solving projects. Sometimes this training is available in-state (at judicial conferences, or from mentoring opportunities with experienced judges and staff) or at out-of-state conferences (such as trainings provided by the National Drug Court Institute). There are two major issues associated with such training, especially with regard to training opportunities that remove the judge or staff from the calendar: (1) what is the funding source for conference fees, travel, hotel and per diem costs?, and (2) can the court accommodate the absence of judges and staff for the trainings (with regard to calendaring, caseload needs, etc.) With regard to consideration (2) above, judges may want to discuss this issue with their presiding judges early in the planning process.

- XI. The plan should attach an overall budget for the project.**

Various funding elements have been discussed in the standards above. The budget (prepared on a standard form) brings these funding issues together and provides an overall financial snapshot of the project.

XII. The plan should attach any specialized court forms that will be needed for the project (or describe them with specificity, if the forms have not yet been finalized.)

The problem solving court process often requires different court forms. These forms should be included as an attachment to the plan. If these forms do not yet exist, the plan should describe which additional forms will be needed, why they are needed, and (to the extent available) should include the language of new provisions to be included. If the forms are not available, the plan should also indicate who is developing the forms, the timeline for forms development, and the current stage of development.

STANDARDS FOR THE CONTINUATION OF PROBLEM SOLVING COURT PROJECTS

Annual Report

Each project is to prepare an annual report, due no later than one month after the anniversary of the court's opening.

Listed below is the information to be included in the report:

1. Statistics on the program participants. The number of opt ins and opt outs during the year, the number of participants discharged from the project, the number of graduates and the number of active participants at the end of the year.
2. Recidivism rate (convictions) of participants and graduates during the past year.
3. Statement about whether the partnering agencies continue their support and cooperation.
4. Summary of actual expenses incurred during the year with a breakdown by type. Also list the source of funding for all expenses.
5. List any specialized training any team members received.
6. Describe any challenges/ needs encountered during the reporting period and what the outcomes were.
7. A funding/ budget projection for the next year: a simple budget showing projected expenditures and sources of funding.
8. Statement from the presiding judge and TCE regarding support, concerns etc.

Note: the annual reports are sent to the AOC, which will forward them to the Management Committee.

End of Pilot Report

Note: an "End of Pilot" report ("EOP" report) is also required. The EOP report should contain the same information as the annual report described above.

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL
FOR PROPOSED PROBLEM SOLVING COURT PROJECT**

Name/Working Title of Proposed Project: _____

Court Location: _____

Application Submitted by: _____

I. Target Population

Describe the types of cases or the description of the population that will be served by this project. Please be specific.

II. Purpose/Goal of Project

Please explain why you believe this project is necessary or desirable. How will a problem solving approach benefit your target population?

III. What is the size of the proposed project?

Approximately how large is your target population and how many participants would likely be served by the proposed project?

IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

V. Funding considerations/stakeholders
Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.

Trial Court Executive Comment:

Date: _____ Signature: _____
Trial Court Executive

Presiding Judge Comment:

Date: _____ Signature: _____
Presiding Judge

Date: _____ Signature: _____
Applicant