



COUNCIL OF
ACCOUNTABILITY
COURT JUDGES

PROCESSES
AND OUTCOMES

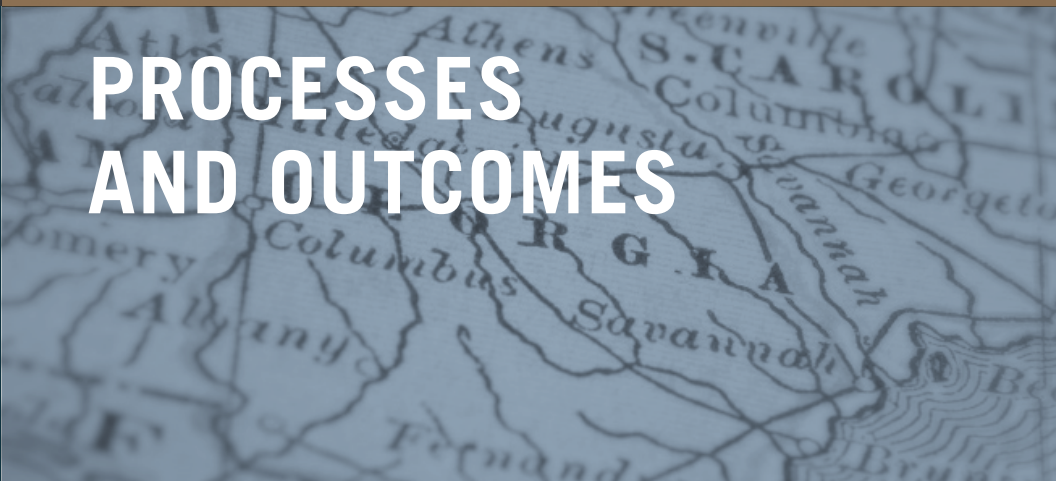


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Purpose of This Paper

The purpose of this paper is to help legislators, county elected officials, and other interested parties understand the role that accountability courts play in criminal justice reform. This paper is also intended to show the important role that the Council of Accountability Court Judges has in continuously monitoring and improving the quality and effectiveness of accountability courts throughout the state in order to improve program outcomes. Research shows that accountability courts are a cost-effective way to break the cycle of addiction and mental illness, reduce recidivism, and restore participants to productive, tax-paying citizens.

What Are Accountability Courts?

Accountability courts^a are an alternative model within the justice system in which focus is placed on intensive treatment, drug testing, and court supervision to hold offenders accountable for their rehabilitation, rather than sentencing them to prison. According to national estimates, 68% of jail inmates have a diagnosable substance use disorder, 14.5% of male inmates and 31% of female inmates in jails have a serious mental illness,¹ and overall recidivism hovers near 66% three years post-release.² To lower recidivism and prison costs, accountability courts seek to break the cycle of addiction and mental illness, the root cause of many offenses. Their goal is to restore participants to productive, working, tax-paying citizens who provide for their families, thereby reducing costs to social services and penal systems. Participants must submit to frequent drug testing, curfews, supervision, counseling, regular reviews before the presiding judge, and requirements to find work; stay on prescribed medications; and avoid further arrests. Court officials who work with accountability courts report that participants receive more scrutiny than those sentenced to prison. Audits, economic impact, and recidivism studies show that for those who complete the programs, accountability courts are a cost-effective strategy.

Currently, Georgia has five types of adult accountability courts and two types of juvenile accountability courts:

Adult drug courts are designed for participants arrested for drug crimes or whose addiction to drugs and/or alcohol led them to criminal behavior. Authorized in 2005 (O.C.G.A. § 15-1-15), they were the first type of accountability court in Georgia and can be established in a Superior and/or State Court. An adult drug court program should last a minimum of 18 months and not exceed 24 months, with exceptions based on participant progress. As of July 1, 2018, Georgia had 53 adult drug courts.

^a Accountability courts are sometimes called problem-solving or specialty courts. The federal government generally uses the term “drug court” to refer to any type of accountability court.



Adult mental health courts serve participants with significant mental health diagnoses and/or co-occurring mental health and substance use disorders, and whose crimes are related to their mental health issue. They were authorized in 2011 (O.C.G.A. § 15-1-16) and can be established in a Superior and/or State Court. The program should last a minimum of 12 months for misdemeanor charges and 18 months for felony charges, but no longer than the maximum sentence (24 months) if the participant had gone through traditional adjudication. As of July 1, 2018, Georgia had 31 adult mental health courts.

The first **drug court** in the US was established in Miami, Florida, in **1989**. The concept soon spread to other states, including Georgia, and now accountability courts exist in **all 50 states**. In 2018, the National Institute of Justice at the US Department of Justice estimated that more than **3,100** drug courts were operating in the US.³

Veterans treatment courts follow the drug court model but are designed to address unique issues veterans face as a result of their military service, often in a war zone. Veterans courts, which work closely with representatives from the US Department of Veterans Affairs, were authorized in 2014 (O.C.G.A. § 15-1-17) and can be established in a Superior and/or State Court. A misdemeanor veterans treatment court program should last at least 12 months, with a felony program lasting at least 18 months, but neither more than 24 months, with exceptions for participant progression. As of July 1, 2018, Georgia had 17 veterans treatment courts.

Operating under the influence courts, commonly called DUI (driving under the influence) or DUI/drug courts, are intended to treat people convicted^b of operating a vehicle under the influence of drugs or alcohol multiple times. They were authorized in 2016 (O.C.G.A. § 15-1-19) and can be established in a Superior and/or State Court. These programs must last at least 12 months. As of July 1, 2018, Georgia had 21 DUI courts.

Family treatment courts, sometimes called family dependency or family dependency treatment courts, are intended to bring families back together by treating adults who have lost or will lose their children to foster care due to substance abuse issues. They were authorized in 2016 (O.C.G.A. § 15-11-70) and can be established within a Juvenile Court. Programs typically last 18 to 24 months. As of July 1, 2018, Georgia had 20 family treatment courts.

^b “Courts shall only admit eligible DUI/Drug court participants postconviction. Under no circumstances shall a DUI charge be dismissed as a condition of completing a DUI court sentence/program.” (Adult DUI/Drug Court Standard 3.4. Standards for Georgia Accountability Courts, Council of Accountability Court Judges. Revised January 2018.)



Juvenile drug courts^c are designed to treat the unique needs of court-involved youth who use drugs or alcohol. Ideally, a juvenile drug court program should last 12 to 18 months. **Juvenile mental health courts** are designed to treat the unique needs of court-involved youth with serious unmet mental health needs. These courts typically serve juveniles aged 14 to 17. As of July 1, 2018, there were 14 juvenile accountability courts in Georgia.

BENEFITS OF ACCOUNTABILITY COURTS

The advantages of accountability courts over traditional adjudication have been clearly demonstrated, not only in Georgia but throughout the US. Georgia began evaluating their effectiveness in 2010 when the Department of Audits and Accounts conducted a performance audit of 2005 drug court participants. The audit found that the cohort analyzed recidivated^d (were reconvicted) at a rate of only 7% within two years of graduation, while a similar cohort sentenced to state prison recidivated at a rate of 29%. In addition, the “average daily cost of drug court is 72% to 80% less than the average daily cost of other traditional sentencing options.”⁴

In 2016, Applied Research Services, Inc. (ARS) conducted a recidivism study comparing accountability court graduates in Georgia with those who started an accountability court program but did not complete it.⁵ The data used for this study were collected by the state from 2012 to 2016. The study found significantly lower re-arrest rates for those who graduated from an accountability court than for those who were terminated, even three years later. For example, only 12% of family treatment court graduates were re-arrested within three years, while 84% of those terminated were re-arrested within the same time frame.

Table 1 Comparison of Recidivism Rates Between Accountability Court Graduates and Participants Terminated from a Program, 2012–2016

Court Type	Graduating from Program			Termination from Program		
	12 months	24 months	36 months	12 months	24 months	36 months
Adult Drug	14%	20%	27%	61%	71%	74%
Mental Health	16%	24%	32%	59%	69%	72%
Veterans	6%	12%	19%	51%	54%	54%
DUI	11%	17%	21%	49%	62%	63%
Family Treatment	0%	0%	12%	74%	84%	84%

Source: Applied Research Services, Inc.

CONTINUED ON FOLLOWING PAGE

^c While the Council of Accountability Court Judges (CACJ) publishes a recommended set of standards for juvenile drug courts and provides a small amount of grant funding specifically appropriated for these courts as well as juvenile mental health courts, the CACJ neither certifies nor peer reviews these courts.

^d O.C.G.A. § 42-2-11 defines recidivism as “returning to prison or jail within three years of being placed on probation or being discharged or released from a department or jail facility.”



BENEFITS OF ACCOUNTABILITY COURTS CONTINUED

In 2018, in a follow-up study, ARS compared accountability court participants (whether or not they graduated) to probationers in adjacent counties who did not enter an accountability court program. Both studies found that, with few exceptions, accountability court participants were re-arrested far less often and that those who reoffended were arrested later than nonparticipants.⁶ Recidivism among accountability court participants was generally 10 to 15 percentage points lower than among the comparison group.

Table 2 Comparison of Accountability Court Participants with a Sample of Similar Persons Who Did Not Enter an Accountability Court, 2012–2016

Any re-arrest within:	Drug		Mental Health		Veterans Treatment		DUI	
	Court	Comparison Group	Court	Comparison Group	Court	Comparison Group	Court	Comparison Group
6 months	21%	31%	13%	27%	13%	25%	7%	22%
12 months	36%	46%	26%	41%	23%	37%	16%	32%
18 months	44%	54%	35%	49%	29%	46%	22%	39%
Average days to re-arrest	449	338	560	369	565	366	611	385

Notes: The number of family treatment court participants for whom ARS could find a comparison group was too small, so those participants were not included in this study.

For the court groups, re-arrests were measured from the date the participant started an accountability court program. For the comparison groups, re-arrests were measured from the original arrest date.

Source: Applied Research Services, Inc.

The data from these two studies show that participants who graduate from an accountability court program do far better than terminated participants after being discharged from a program. Recidivism rates of offenders that have some participation in an accountability court program are lower compared to similarly situated offenders who did not participate in a program. Taken together, these findings indicate that any amount of participation in an accountability court, regardless of completion, leads to lower recidivism. The lower recidivism rates of accountability court participants in Georgia are consistent with national figures: Studies over the past two decades have consistently demonstrated lower recidivism rates for drug court participants than for nonparticipants.

In 2018, the Carl Vinson Institute of Government at the University of Georgia studied the economic impact of accountability courts in Georgia and found that each of the 1,729 participants who graduated from an accountability court program in fiscal year (FY) 2017 produced \$22,129 in economic benefits to the state. These primary benefits resulted from increased income tax revenue, avoided foster care and health care costs, and avoided recidivism costs (see Table 3). In addition, the Institute of Government estimated that participating in an accountability court saves almost \$5,000 per person over traditional adjudication and incarceration.⁷

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Table 3. Economic Benefits from 1,729 Accountability Court Graduates in FY 2017

\$3.3 million	Program fees collected from participants who graduate
\$8.1 million	Health care costs to the state avoided
\$11.6 million	Recidivism costs (victim and societal costs) avoided
\$3.9 million	Foster care system costs avoided
\$2.0 million	Value of community service work
\$1.2 million	State income taxes paid
\$8.1 million	Adjudication and incarceration savings
\$38.2 million	Total estimated annual benefits

Source: Carl Vinson Institute of Government, University of Georgia

A 2018 Congressional Research Service report highlighted both the growth in the number of drug courts and the amount of federal funding to support them. Over the past decade, the National Institute of Justice at the US Department of Justice evaluated 21 drug court programs and found that 19 were either effective or promising. Several studies have found evidence of lower recidivism rates and lower costs, including one that estimated a court that had been in operation for 10 years had saved taxpayers \$79 million.⁸

By statute, accountability courts are to serve those at moderate to high risk of re-arrest/re-offense and with moderate to high treatment needs. Research shows that these participants are the most effectively served by accountability courts. Those with lower risk of re-offense and treatment need do not do as well and can be adversely influenced by participants with higher risk and need if comingled in a program. Those with lower risk and need are better served by interventions like pretrial diversion programs or outside treatment.

Eligibility to participate in accountability courts varies by county but generally is limited to nonviolent offenders. Statutes regulating some types of courts prohibit only the most violent crimes.^e Defendants are screened for eligibility and offered the option to participate. The

^e The enabling statutes for mental health (O.C.G.A. § 15-1-16) and veterans treatment courts (O.C.G.A. § 15-1-17) prohibit the participation of defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation. Defendants charged with murder in the second degree may not participate in mental health courts.



defendant may decline and choose traditional adjudication instead. In some cases, participants can be sentenced to an accountability court as part of probation revocation.

Accountability courts may accept participants pre-plea, post-plea, or both. In pre-plea courts where prosecution is deferred, charges may be dismissed or reduced upon successful completion of the program. In post-plea courts, defendants have pled guilty but their sentence is deferred or suspended while participating in an accountability court program. Some programs accept both pre- and post-plea participants. In all three types, if the participant does not successfully complete the program, their original sentence may be imposed.

What Is the Council of Accountability Court Judges?

Created by House Bill 328 in 2015, the Council of Accountability Court Judges (CACJ) was created to standardize and consolidate certification, funding, and peer review of accountability courts. Previously these operations were divided between the Criminal Justice Coordinating Council (CJCC) and the Administrative Office of the Courts (AOC). While CACJ grant and administrative funding are appropriated to the CJCC and AOC, decisions about how that funding is spent are made by the CACJ's committees. (See page 21 for further information.)

The CACJ's mission is to "provide a unified framework that promotes and improves the quality, accessibility, and administration of Accountability Courts." The CACJ has six primary objectives:

1. To take Georgia's accountability courts to scale
2. To reduce incarceration rates
3. To determine funding priorities
4. To encourage adherence to standards
5. To save lives and restore families
6. To perform ongoing review and measurement

The CACJ is made up of all judges, senior judges, and judge emeriti who preside over accountability courts around the state. There are currently 157 member judges. In addition to an Executive Committee, the CACJ has five standing committees: Funding, Legislation, Nominations, Standards & Certification, and Training.

The **Executive Committee** provides overall leadership for the CACJ and is made up of a chair, a vice chair, three drug court judges, two mental health court judges, one DUI court judge, one veterans treatment court judge, and one family treatment court judge. One of the Executive Committee members is elected secretary. The immediate past chair of the CACJ serves as an



advisor, as does an accountability court coordinator appointed by the chair. Each member of the Executive Committee must have presided over an accountability court for at least two years. They serve one-year terms on the committee, beginning July 1, and may be reelected for up to four consecutive terms.

The **Funding Committee** recommends funding priorities and grants to accountability courts and works with other committees to fund training and special projects. The chair of the Executive Committee appoints the chair of the Funding Committee, and each remaining member of the Executive Committee appoints one member.

The **Legislation Committee** monitors and advocates for legislation that affects accountability courts. This committee may only oppose legislation with the approval of the CACJ. There are 13 appointed members, including the chair who is appointed by the chair of the Executive Committee.

The **Nominations Committee** solicits and nominates judges to fill the elected leadership roles of the CACJ. The committee is made up of a chair appointed by the chair of the Executive Committee, two drug court judges, one mental health court judge, one veterans treatment court judge, one DUI court judge, and one family treatment court judge.

The **Standards & Certification Committee** reviews the standards periodically and recommends updates based on evolving research and best practices. It also recommends certification status for courts that have applied, identifies data elements necessary for performance management, and coordinates with the AOC and CJCC on the development of a performance management data system. The Executive Committee chair appoints the chair of the committee, and each remaining member of the Executive Committee appoints one member. The **Metrics & Measures Subcommittee** is a coalition of stakeholders, including judges, two court coordinators, and AOC, CACJ, and CJCC staff. It works to refine performance measures, such as what data to collect, consequences for noncompliance in reporting, and required court and statewide reports.

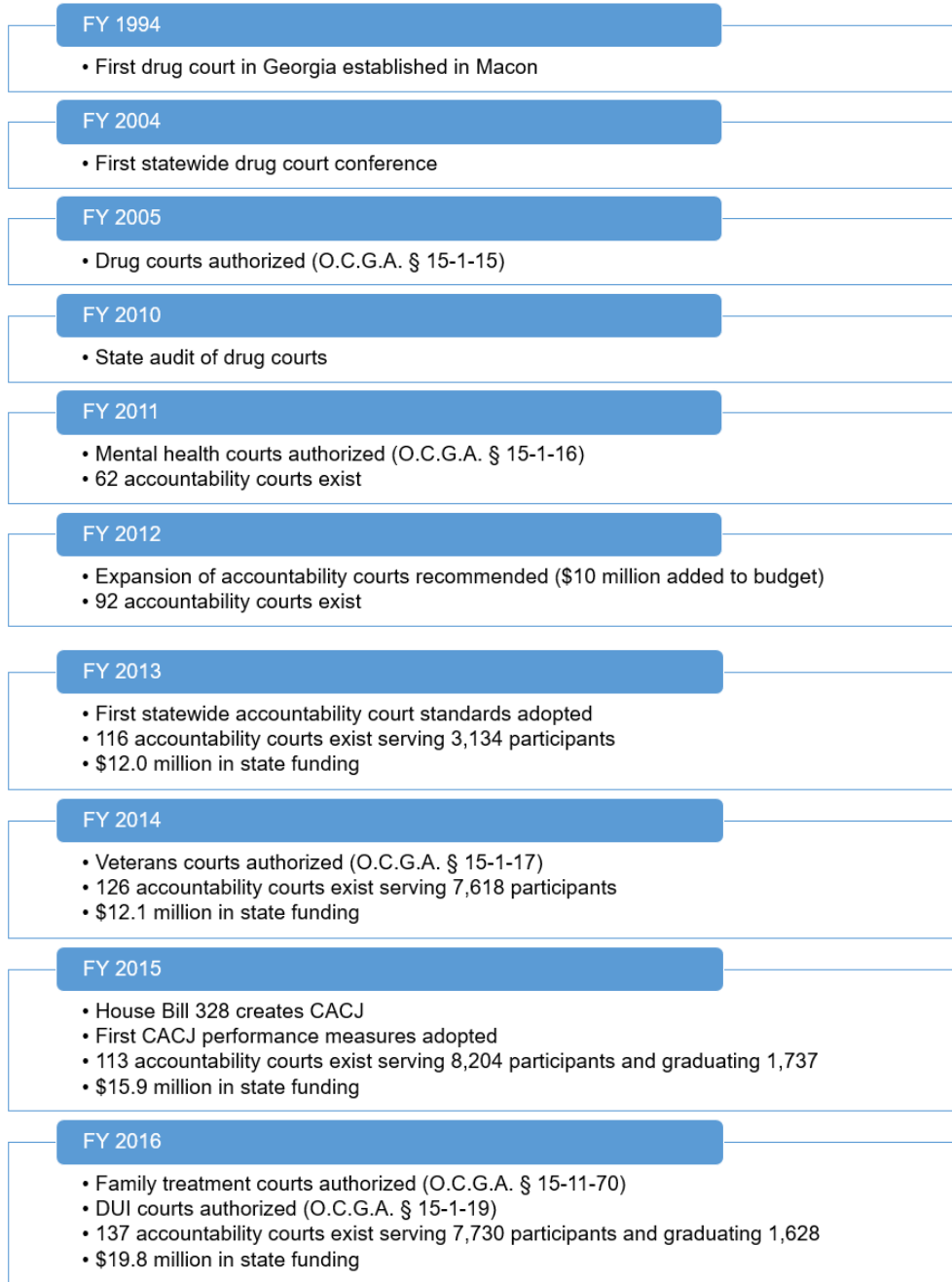
The **Training Committee** develops training priorities and recommendations, prescribes minimum training standards, and develops continuing education courses and programs for

As of July 1, 2018, Georgia had **156** certified and/or funded accountability courts (including juvenile accountability courts), with at least one in every judicial circuit in the state. In FY 2010, Georgia had only **29** adult felony drug courts in **75** counties.⁹ The number of participants in accountability courts throughout Georgia has grown steadily since FY 2013, when there were just over **3,100**, to **9,771** in FY 2017. An average of **1,700** participants graduated each year between FY 2015 and FY 2017.^f



judges, court staff, and other related personnel. It has 22 appointed members, including a chair appointed by the chair of the Executive Committee.

Figure 1. Timeline of Accountability Court Events



FY 2017	<ul style="list-style-type: none"> • Revised statewide performance measures adopted • 139 accountability courts exist serving 9,771 participants and graduating 1,729 • \$23.6 million in state funding
FY 2018	<ul style="list-style-type: none"> • 149 certified and/or funded accountability courts exist • \$26.9 million in state funding
FY 2019	<ul style="list-style-type: none"> • 156 certified and/or funded accountability courts exist • \$32.0 million in state funding

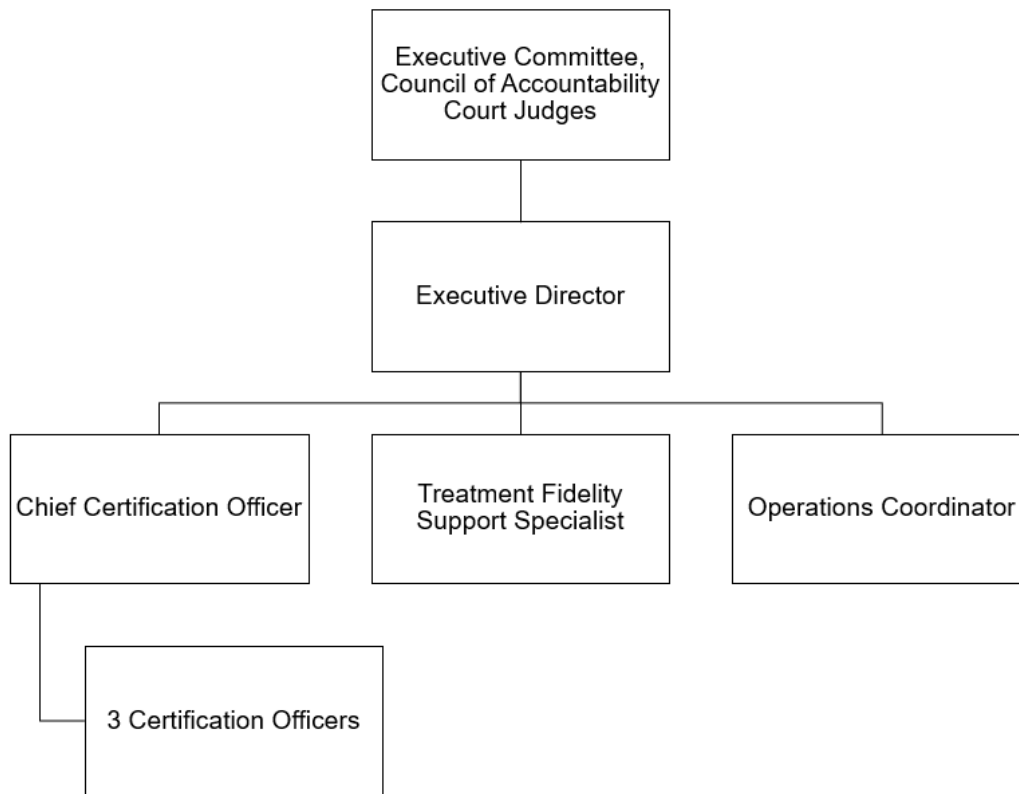
Sources: Council of Accountability Court Judges and state budget documents.

STAFF OF THE CACJ

The CACJ staff is housed within the AOC offices and consists of an executive director, a chief certification officer, three additional certification officers, a treatment fidelity support specialist, and an operations coordinator. The executive director reports to the chair of the Executive Committee and is responsible for the overall administration and implementation of accountability court standards and the certification and peer review processes, which the certification officers develop, implement, and monitor. The certification officers also provide technical assistance to courts to address certification requirements. The treatment fidelity support specialist assists providers in successfully implementing evidence-based treatments that each type of accountability court must provide to participants. The operations coordinator assists with coordinating the nearly two dozen training courses each year as well as other meetings and grant materials.



Figure 2. CACJ Staff Organizational Chart



RELATIONSHIPS WITH OTHER AGENCIES

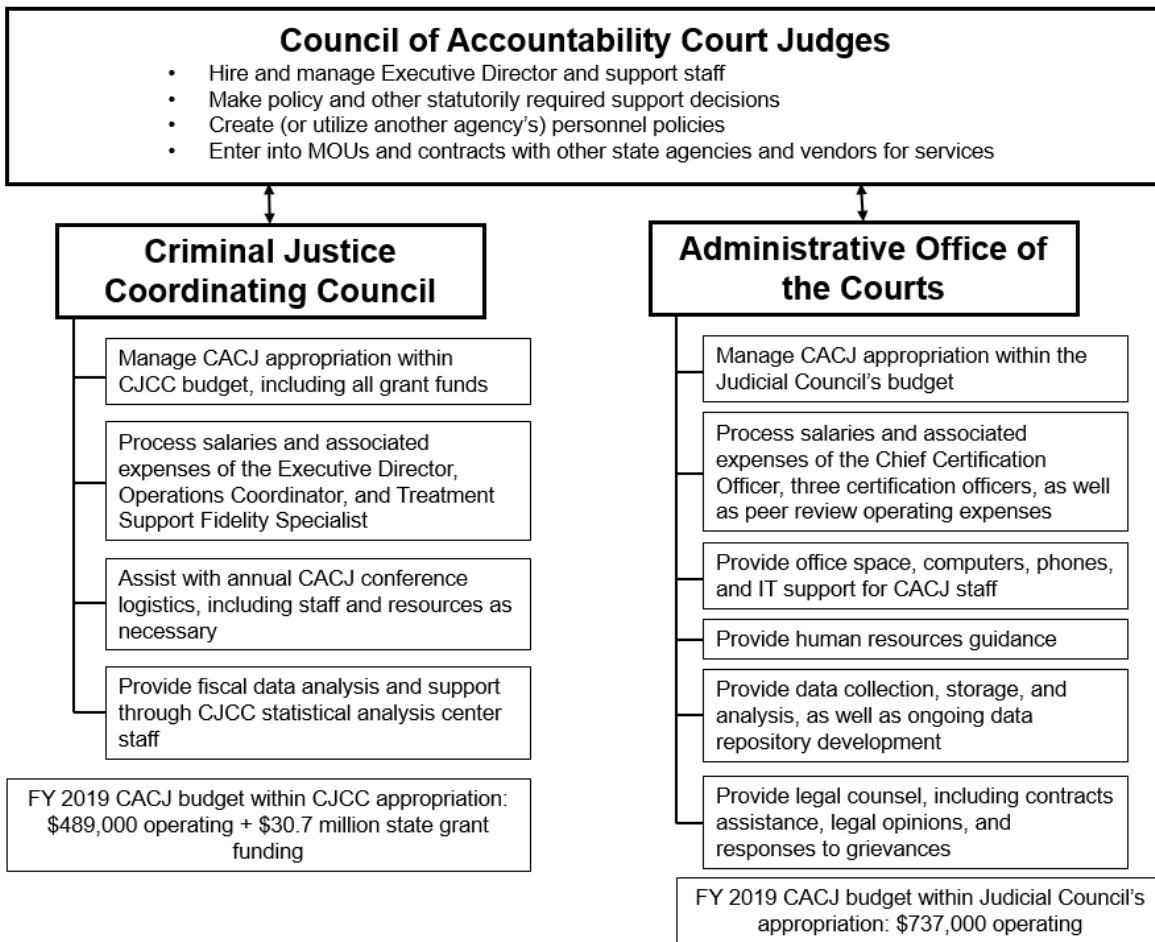
The CACJ has close relationships with both the AOC and CJCC because funding is appropriated to these two agencies for use by the CACJ. The AOC is a judicial branch agency and is the professional staff of the Judicial Council, the statewide policymaking body for the judiciary. The CJCC is an executive branch agency[†] “tasked with coordinating policy, data, practice, and funding across the range of state and local agencies that comprise the criminal justice system.”¹⁰ It is also the state administrative agency for a variety of federal competitive and formula criminal justice grants.

A memorandum of understanding (MOU) defines the responsibilities of each agency. Figure 3 describes the responsibilities of each agency.

[†] The CACJ is administratively attached to CJCC, which is administratively attached to the Georgia Bureau of Investigation.



Figure 3. Administrative Responsibilities of the Council of Accountability Court Judges, the Administrative Office of the Courts, and the Criminal Justice Coordinating Council



Source: Memorandum of Understanding between the Judicial Councils' Administrative Office of the Courts, the Criminal Justice Coordinating Council, and the Council of Accountability Courts Judges.



While grant funding for local accountability courts rests in the CJCC budget, all funding decisions are made by the CACJ Funding Committee. Funding for administrative positions and other expenses are divided between the AOC and CJCC. Table 4 provides a breakout of the funding appropriated to each agency for use by the CACJ.

Table 4. CACJ Funding, FY 2013–FY 2019

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
AOC	\$432,000	\$353,000	\$438,000	\$446,000	\$611,000	\$659,000	\$737,000
CJCC	\$11,600,000	\$11,800,000	\$15,500,000	\$19,300,000	\$23,000,000	\$26,200,000	\$31,200,000
Total	\$12,032,000	\$12,153,000	\$15,938,000	\$19,746,000	\$23,611,000	\$26,859,000	\$31,937,000

Note: CJCC funds include both administrative and state grant funds.

Source: State budget documents.

Accountability Court Structure

Generally, an accountability court team includes a judge, a prosecutor, a public defender, local law enforcement (either sheriff or police), community supervision, a treatment provider/substance abuse professional, a program coordinator, and a case manager. The program coordinator should be a dedicated court employee, independent of the treatment staff. Family treatment and veterans treatment courts have additional team members.

All accountability courts require participants to regularly go before the presiding judge (usually twice per month, sometimes more often), attend group and individual therapy, take any prescribed substance abuse and/or mental health medication (if necessary), and submit to mandatory drug testing and other monitoring by law enforcement. In addition, participants must work or participate in some form of community service.

Each court must provide a comprehensive range of core alcohol and drug treatment services including group and individual counseling and drug testing. The CACJ encourages each court to also offer family, gender-specific, and domestic violence counseling; assessment and counseling for co-occurring disorders; and health screenings. Each court typically contracts with ancillary service providers to meet participants' needs such as employment counseling and assistance, housing, medical and dental care, and educational services.

The judge can levy sanctions if a participant does not fulfill one or more of the court requirements, such as failing a drug test, and can reward those who successfully complete requirements. The sanctions may be anything from a formal admonishment from the judge to jail time. In the most egregious cases, a participant can be terminated from the program.



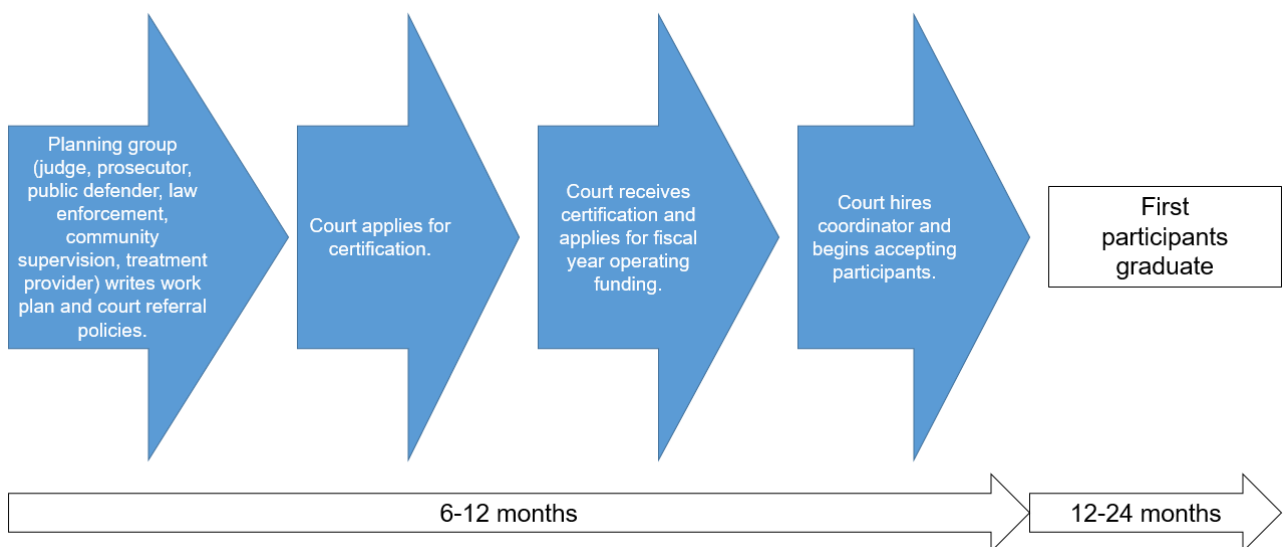
Court programs are usually broken into three to five phases. Treatment and monitoring requirements typically decrease, and work/volunteer requirements increase as the participant moves through each phase. Moving onto the next phase can be used as an incentive by the court, just as movement back one or more phases can be used as a sanction.

ESTABLISHING A NEW COURT

It can take six to 12 months or more to set up a new accountability court and begin accepting participants. Educating those involved in referring participants and receiving funding takes time. The first step to establishing a new court is creating a planning group. According to statute, this planning group should include a judge, a prosecuting attorney, law enforcement, a public defender, community supervision, and people with expertise in serving and treating the population for which the accountability court is intended. This planning group creates a work plan to “address the operational, coordination, resource, information management, and evaluation needs”¹¹ of the court. The work plan must include court policies and procedures and a risk and needs assessment for eligible participants. In addition, each court must create a written participant handbook that defines referral policies and requirements for successful completion.

Once pre-planning is complete, a court can apply for certification, which will make it eligible to apply for state grant funding. Once a coordinator has been hired and all necessary procedures are in place, the court can begin accepting participants. Depending on the type of court, the first participant will then graduate 12 to 24 months later.

Figure 4. Process for Establishing a New Accountability Court



Georgia is considered a leader in its state-level accountability court governance and administrative structure.

Standards, Certification, and Peer Review

STANDARDS

By statute, the CACJ is required to adopt standards for the operation of each type of accountability court. Georgia based its standards on the 10 Key Components of Drug Courts, published by the Bureau of Justice Assistance, US Department of Justice in 1997,¹³ as well as on national research findings and best practices and a review of what was already happening in accountability courts throughout the state. These standards are the basis for certification, peer review, and funding. To receive certification, a court must meet and follow the standards. A court must be certified to receive state grant funding.

There are 10 primary standards for each type of accountability court, with between four and 16 benchmarks under each that a court should follow to increase access to treatment and other needed services, reduce recidivism, and, ultimately, improve participant outcomes. These benchmarks include the following:

- Required court team membership
- A minimum of two staffings^g per month
- A requirement for ongoing communication with treatment providers, case management personnel, and other members of the court team vital to the support of the participant
- The responsibilities of the prosecution and defense counsel^h

By having one independent, central organization that provides statewide oversight and requires evidence-based standards, peer review, staff training, data collection, and grant evaluation and compliance, Georgia has uniquely positioned itself as a national leader. According to officials at the National Association for Drug Court Professionals, no other state provides this type of centralized, independent oversight. Many other states are now expressing interest in emulating Georgia's model; in fact, several states have recently sent teams to Georgia to better understand its policies and procedures.

According to a 2015 poll conducted by American University for the Bureau of Justice Assistance, US Department of Justice,¹² out of the 16 responding states (including Georgia), Georgia, Idaho, Montana, Oregon, and Pennsylvania have peer review processes; Georgia, Illinois, Indiana, Ohio, Pennsylvania, Tennessee, Utah, and Wyoming have certification processes; Georgia, Idaho, and Virginia have statewide laws establishing accountability courts and their requirements; and Missouri employs a site visit checklist to evaluate best practices.

^g A staffing is a precourt meeting of all members of the accountability court team to discuss each participant going before the judge that day.

^h The standards for family treatment courts also specify the roles and responsibilities of the additional team members.



- The judge’s responsibilities, including the minimum number of participant status hearings and the average amount of time judges should try to spend with each participant at status hearings
- Participation eligibility and the rights of each participant within the accountability court
- The minimum and suggested maximum program length
- The core treatment services each type of accountability court shall offer, suggested additional services, and ancillary social services
- Drug and alcohol testing and monitoring requirements, including systems of rewards and sanctions
- Monitoring and evaluation requirements, including the minimum performance measures (data) to be collected
- Training requirements for each court team member, including the judge

Each accountability court must adopt its own policies and practices consistent with CACJ standards for that type of court.

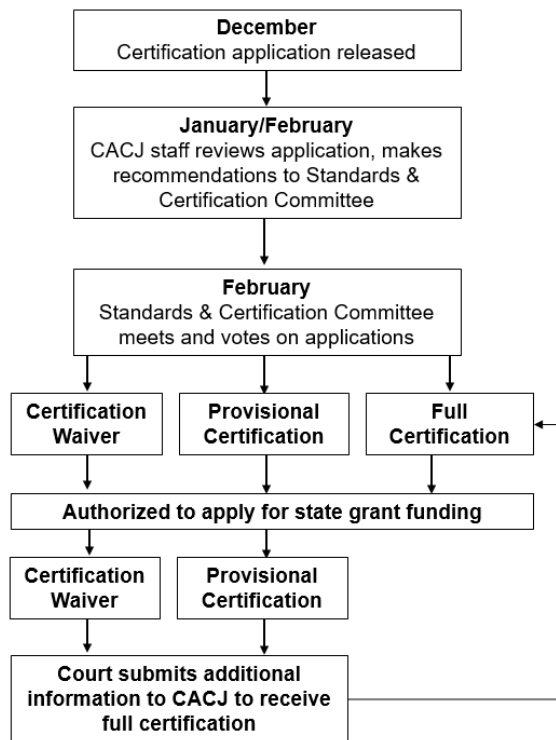
For each type of court, the CACJ also provides treatment standards, which include screening, assessment, level of treatment, addiction treatment interventions, recidivism/criminality treatment interventions, treatment/case management planning, and oversight and evaluation. Most of the standards include recommended tools for assessing and treating participants.

CERTIFICATION

As required by statute, an accountability court must be certified by the CACJ to be eligible to receive state grant funding. Each court that requests certification must be approved by the Standards & Certification Committee. The certification process ensures that accountability courts adhere to best practices and CACJ standards. The application is divided into benchmarks that correspond to each court standard. Each benchmark is categorized as either mandatory or a best practice. The court must meet the mandatory requirements or provide evidence that it is working toward meeting them. Mandatory requirements are higher priorities than best practices, but each court should work to meet all of the benchmarks.



Figure 5. Accountability Court Certification Process



Certification applications are released in December, due in January, and are recommended for approval during the Standards & Certification Committee meeting in February, which allows new courts to apply for state grant funding in the new fiscal year. The CACJ staff reviews these certification materials and makes recommendations to the Standards & Certification Committee, which then votes on each court. Upon certification, the CACJ sends the court its date of certification, expiration date, and targeted feedback for improvement. So far in 2018, the Standards & Certification Committee has reviewed certification applications from approximately 90 courts. Certification must be renewed every two years.

A court can receive one of three types of certification when first starting up: a waiver, provisional certification, or full

certification. A six-month waiver can be granted if a court is unable to submit a full certification application before submitting a grant application. A waiver is granted under the condition that the court submit a full certification application by the end of the waiver period. If a court’s full certification application is found to be deficient in some way, the CACJ may grant a provisional certification, which typically requires a court to correct any deficiencies within 90 days. If the court corrects the deficiencies, it may then be granted full certification. If it does not, its provisional certification may be extended one time. If a court receives provisional certification a second time, the CACJ staff will conduct a site visit. Full certification occurs when the court meets all of the requirements of the certification application.

As required by statute, an accountability court must be **certified by the CACJ** to be eligible to receive state grant funding.



Courts that receive a certification waiver or provisional certification are considered certified for the purpose of receiving state grant funding. However, if a court does not appropriately correct any deficiencies identified by the Standards & Certification Committee or submit further information requested by the committee, certification may be revoked as well as any state grant funding the court has received. If a fully certified court is not meeting the standards or is found deficient in other ways, the Standards & Certification Committee may vote to revoke certification.

PEER REVIEW

Each certified court is required to be peer reviewed every three years to ensure it is adhering to best practices and CACJ standards. A peer review team typically consists of a judge, a court coordinator, a clinician/treatment provider, and a CACJ staff member, all of whom come from the same type of accountability court being visited. For example, a drug court judge, drug court coordinator, and drug court clinician/treatment provider will visit a drug court. Team members may not peer review their own court.

The peer review process benefits those in the court being reviewed as well as those who conduct the peer review: It is a cost-effective way to perform a program evaluation to support the improvement of program outcomes. All involved can bring innovative practices back to their own court.

Prior to a peer review, the team sends a survey to the court being visited to determine what to focus on. During the visit, the peer review team does the following:

- Meets all primary court team members and conducts interviews
- Observes staffings and court hearings
- Conducts a participant focus group
- Conducts an exit interview with the court team members to provide initial findings and observations

“The peer review process is intended to **create a learning community** in Georgia among [accountability] court teams. The idea is for peers to help each other identify **ideas for program improvements** and share **successes and challenges**. This will allow Georgia’s [accountability] court community access to information and support at a **low administrative cost** while building **relationships between programs**. It will also provide important information to the Council about areas of needed technical assistance and training, and how to **focus those resources** most effectively.”¹⁴



The team submits a report to the court that includes what it is doing well, recommendations for improvement, and additional observations.

Accountability Court Grant Funding

Accountability courts receive funding from a variety of sources: county funds, fees paid by participants, grants from the CACJ, and any other grants or funding they may bring in independently. While grant funding rests in the CJCC budget, all funding decisions are made by the CACJ Funding Committee. Only certified courts are eligible to receive state grant funding. Drug, mental health, and veterans treatment courts are limited to one application per circuit, per court type. DUI and family treatment courts are eligible to submit one application per county. If there is more than one of a particular type of accountability court in a judicial circuit (either a misdemeanor and a felony, or courts in multiple counties), that circuit is only eligible to submit one application. The Funding Committee established this rule in order to ensure that resources are shared within jurisdictions.

The state offers three grant funding opportunities throughout the year: the primary fiscal year operating, supplemental, and emergency. Grant applications are put together by the court and submitted by the county in which the court operates. Grant funds are paid on a reimbursable basis, meaning that the county must spend the money first and then, either monthly or quarterly, request reimbursement.

FISCAL YEAR OPERATING GRANT

The primary state grant is for fiscal year operating funds. The grant opportunity is released in February, and courts must return the application in March. The CACJ staff reviews each application and provides recommendations to the Funding Committee, which reviews each application at its April meeting and makes recommendations to the Executive Committee for final approval. The staff and committee evaluate the quality and completeness of the application, demonstration of need, how much the court received the prior year (if it is an existing court), any increase or decrease in the number of participants, what the court is trying to do to expand or improve, past compliance with programmatic and financial reporting requirements, and other factors. The grant funding each court receives must be accompanied by a 10% match from the county in which it operates. This match can be met through direct county funding or in-kind services, such as the salaries of county employees¹ on the court team.

¹ Beginning in 2016, the Council of Superior Court judges began providing a \$6,000 salary supplement to judges with at least one accountability court in their circuit. The supplement is provided not only to the judges operating the accountability courts, but also to the other judges in the circuit for helping to shoulder the regular caseload of the accountability court judges and the extra time dedicated to accountability court operations.



Table 5. Average Fiscal Year Operating Grant Awards by Accountability Court Type, FY 2016–FY 2018

	Drug	Mental Health	Veterans Treatment	DUI	Family Treatment	Juvenile
FY 2016	\$180,585	\$113,239	\$75,411	\$49,815	\$108,584	\$47,771
FY 2017	\$202,285	\$136,523	\$86,633	\$60,528	\$119,108	\$51,392
FY 2018	\$226,252	\$163,225	\$122,541	\$74,755	\$118,318	\$54,703

Source: Criminal Justice Coordinating Council

Counties are required to spend 25% of their grant funds per quarter. If they do not, those funds are deobligated back to the CACJ for use in supplemental and emergency grants. A county can keep the funds for use in the next quarter if it can provide justification for the unspent funds.

Transportation Funding

Transportation is an issue for participants in every judicial circuit, particularly in rural areas. As such, the General Assembly appropriated more than \$1 million to assist the transportation needs of accountability courts. A court can apply for this funding in its grant application.

SUPPLEMENTAL GRANT FUNDING

In September, the CACJ releases a supplemental grant funding opportunity.^j Courts that began accepting participants midyear can request a small amount of operating funding or existing courts can request additional funding. Applications are due in October, and grant award packets are mailed in late November or early December for county acceptance by December 31. Funding then begins on January 1. Supplemental grant funds require a 10% county match.

EMERGENCY GRANT FUNDING

The final funding opportunity is emergency grants, which are typically \$2,500–\$5,000 and can only be used for drug testing supplies and treatment. A court may run out of funding for these items if it receives an influx of participants during the year or if costs increase unexpectedly. Grant applications are reviewed by the Funding Committee and must be approved by the county for use starting on April 1. These funds do not require a 10% county match.

^j In FY 2018, the CACJ limited the supplemental grant requests to “areas in which courts can justify a need for additional funds. Those areas are limited to: drug testing supplies, surveillance, and treatment (personnel, treatment supplies, and/or related to ancillary services).”



Tracking Performance

Accountability courts are required to provide the CACJ with a mandatory set of performance measures. The CACJ uses the data to continually monitor and improve program outcomes, efficiency, and overall court effectiveness. As of FY 2018, the CACJ collects 120 data elements from each court each quarter.

These data elements are based on a review of national and statewide metrics and measures and include data on recidivism (re-arrests and reconvictions), the number of moderate- and high-risk participants, drug testing results, drug testing failures, the number of court sessions, the number of days each participant receives inpatient treatment, employment, program graduations, and unsuccessful participant completions (due to terminations, voluntary withdrawal, death, or other). Each court must also track and collect recidivism data on graduating participants.

These data elements are entered by each court into a case management system, which then pushes or sends the data to the CACJ. In FY 2018, the CACJ began providing each court with a report containing all the data it had provided to the CACJ throughout the prior fiscal year to help each court self-evaluate its own program performance.

Since 2015, the CACJ has been working to develop a consistent data reporting methodology as well as a data repository. As the reporting requirements mature, the CACJ will be able to conduct more sophisticated analyses of the data collected and report not only on a court and county basis, but also on a statewide basis.

“The purpose of the reporting is to **collect valid, meaningful data** to provide a picture of ... courts and participants, and to identify areas of **success** or in need of **improvement**.”¹⁵

Training

Training is an important component of accountability courts. Not only do the enabling statutes for each type of court require the CACJ to provide technical assistance to the courts, but the standards require the whole court team to undergo training: “Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.”¹⁶



The team from a new court — including the judge, attorneys, treatment provider(s), law enforcement, and coordinator — is given the opportunity to take implementation training from the National Drug Court Institute.^k Judges in all new accountability courts must attend an additional training designed by the CACJ. Court teams should attend “tune-up” trainings every three years. The treatment fidelity support specialist recommends and provides evidence-based trainings for clinicians, and there are specific trainings for court coordinators. The CACJ’s annual conference, which attracted more than 1,100 attendees in 2017, offers many educational topics.

The CACJ already has 22 trainings scheduled for FY 2019, in addition to the annual conference, making it the largest training calendar to date.

Current and Future Initiatives

The CACJ and its staff are working to achieve the following initiatives to improve and enhance accountability court outcomes.

- Piloting a blended-learning project to provide technical resources to help courts implement recommendations identified in follow-up peer review reports.
- Ensuring that various higher education institutions, such as law schools, schools of social work, and schools of public administration, are aware of the career and volunteer opportunities available within accountability courts. This is particularly crucial in rural counties, where accountability courts face an acute lack of clinicians and other treatment providers and services.
- Partnering with the Technical College System of Georgia to develop certification programs for participants that will include both credit and noncredit courses so that graduates leave the program with a skill.

The CACJ has achieved its goal of having at least one accountability court within each judicial circuit in the state and is now looking to expand existing programs. In 2016, the CACJ contracted with ARS to determine the population in each judicial circuit eligible to be served in accountability courts. Based on the findings of the ARS study, the Standards & Certification Committee set an initial minimum participation standard of 20% of the eligible population.¹⁷ The Adult Drug Court Standards now reflect this capacity standard: “At such time as a court has been in operation for five years, all felony adult accountability courts in the circuit shall

^k The National Drug Court Institute is the training arm of the National Association of Drug Court Professionals, which is the national training, membership, and advocacy organization for accountability or problem-solving courts.



cumulatively serve at least 20% of the eligible population based on the most recent approved research data for that circuit.”¹⁸ As the accountability courts mature, their ability to handle additional participants will grow and this target can be increased.

Expansion does not just mean increasing the number of participants served, but also how participants receive treatment. National research on addiction treatment is currently focused on medication-assisted treatment, or MAT, which is the use of medication in addition to counseling and behavioral therapies when treating substance use disorders. The CACJ is currently piloting the use of naltrexone (Vivitrol®), a monthly shot that blocks the high an individual receives when taking drugs or alcohol. MAT is not new, but new medications have reached the market in the last few years, providing clinicians and other treatment professionals with new tools as they attempt to combat the opioid crisis.

Conclusion

Since the CACJ’s inception in 2015, professionalism and adherence to strict evidence-based protocols has grown. Judges and court staff agree: Accountability courts save taxpayer dollars and lives. The CACJ has incorporated national and statewide best practices into its policies and practices, and it is a national leader in its grant making and peer review processes. Creating an accountability court and successfully treating participants is a long process but has been proven to reduce recidivism and increase the economic productivity of its graduates. With at least one accountability court in every judicial circuit in Georgia, the opportunity to redirect lives is growing.



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