

The Importance of Roles, Power and Ethical Standards of Drug Court Officials

Sondra Andrews and Dr. Lincoln Sloas

College for Design and Social Inquiry & School of Criminology and Criminal Justice

What responsibilities do drug court officials hold?

How important are the roles of drug court officials?

Introduction

- Originating in Miami, Florida in 1989, drug courts are a type of problem-solving court meant to divert non-violent drug offenders away from correctional settings. If successful, these non-violent drug offenders will have their charges dismissed. What makes these types of courts different are the roles, power, and ethical standards taken on by the drug court team (i.e., judge, prosecutor, defense, etc.) using a non-adversarial approach.
- For this presentation, we discuss the roles, powers, and ethical standards of the drug court officials and how court team members think these things matter within the court environment.
- In traditional criminal courts, which adhere to a more adversarial approach, the judge takes on the role of a neutral mediator whereas the prosecutor and defense attorneys are arguing their cases to either secure a conviction or dismissal of charges. In drug courts, however, these same individuals take on a non-adversarial approach by working together to develop a treatment plan for non-violent drug offenders to be successful (Keena et al., 2010; Lyons, 2013).

Method

- Data for this presentation are in two forms. First, I collect observation notes from one drug court setting in southern Florida. Second film notes were used from a pre-recorded interview of a drug court scholar and a drug court team member. The notes were then analyzed and combined to address the research questions.



Benefits to Drug Court	Negatives to Drug Court
<ul style="list-style-type: none"> • Focus on rehab, not jail. • Can lead to charge dismissal if first time offender. • Treatment is subsidized by the State. 	<ul style="list-style-type: none"> • More intensive than traditional probation. • Multiple meetings and drug testing per week. • Eligibility limited to Possession charges

Results

- The judge in the drug court moved beyond the role of neutral mediator to one of **therapist** by actively listening to non-violent drug offenders and offering advice and appraisal when they are doing well in the program.
- The prosecution was shown to limit their **power** by working together with the defense to develop a treatment plan for the non-violent drug offender. This was accomplished by sharing information pertaining to each clients' case and how it would help to benefit them throughout the course of the program and their treatment. This is different from traditional criminal court where the prosecutor often exudes much discretionary **power**.
- The defense was seen accompanying the clients, assisting them and advising them on what to say and do, thus preserving the **ethical standards** of the non-violent drug offenders while working hand-in-hand with the other team members.

Discussion

- The judge, prosecutor, and the defense attorney take on different roles, power, and ethical standards in drug court. Most importantly, the environment they are in is far from adversarial and enables them to work together more in the common goal of helping the client in terms of being successful in treatment and diminishing future criminal activity.

References

- Keena, L., Fulkerson, A., & Krieger, L. (2010). Stepping outside the box: Perceptions of judges and attorneys of the drug court. *International Journal of Restorative Justice*, 6(1), 49.
- Lyons, T. (2013). Judges as therapists and therapists as judges: The collision of judicial and therapeutic roles in drug treatment courts. *Contemporary Justice Review*, 16(4), 412-424.