



The Achievements of Specialty Courts in the United States

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Since the late 1980s, a new type of “special court” has emerged in the United States. These are problem solving courts that aim to provide treatment instead of punishment – attempting to reduce future contacts with the criminal justice system. Drug courts were the first type to emerge and have proliferated by the thousands over the last three decades. In turn, the drug court model spawned a variety of specialty courts focused on other issues, including problems of mental health and domestic violence and the challenges faced by military veterans. As these new specialty courts have spread across the country, researchers have investigated their effectiveness and probed to see why many offenders seem to do well in such programs. Here I summarize what has been learned so far.

How Specialty Courts Operate

Each specialty court provides programming that is designed to address underlying issues that bring groups of offenders to court in the first place. Drug courts, for example, offer services that support sobriety, such as individual and group counseling and twelve-step programs. They also require participants to appear for frequent drug tests. Mental health courts provide access to a psychiatrist and to psychotropic medication as well as to individual and group counseling. Where needed, specialty courts attempt to connect offenders to additional services such as help with housing and education as well as training for employment.

Offenders are supposed to be able to decide whether to have their cases handled by specialty courts. Participation is voluntary, although critics point out that because agreeing to specialty court jurisdiction may be the only way for many offenders to obtain much needed services, their choice may not be truly voluntary. What is more, many specialty courts require that offenders plead guilty before they take charge.

While enrolled, participants receive incremental rewards for complying with court requirements; and if they successfully graduate by fulfilling those requirements, offenders become eligible to have the initial charges against them expunged from their criminal records. On the other hand, participants who do not comply with specialty court requirement may be subject to increasingly harsh sanctions, including jail time or the return their cases to traditional criminal courts.

Supporters of specialty courts point out that, in fact, these courts are quite effective at detecting and immediately punishing any noncompliance with requirements placed on enrolled offenders. Other community-based corrections agencies, such as probation offices, often fail to detect noncompliance or lawbreaking, creating fewer incentives for the offenders they supervise to make lifestyle changes.

Participation and Benefits

So far, research on specialty courts has largely focused on the legal and social outcomes for offenders who actually agree to participate in these programs. Most studies show that, for those who participate, drug courts are effective at reducing future criminal activities and drug use during and after the time offender are under court supervision – and the same is true for mental health courts.

As early studies proliferated, critics pointed out that specialty courts have a great deal of discretion about the offenders to whom they offer enrollment versus those they avoid. Critics suggested that specialty court staff could be choosing the participants they believed would be successful in their court’s program. If such selection routinely happens, specialty courts would look more effective than they really are. Moreover, critics have been especially concerned that violent offenders, or offenders with violent histories, are rarely offered opportunities to enroll in specialty court programs, even if they would benefit from specialty services.

To see if specialty courts are deliberately or inadvertently avoiding difficult cases, researchers turned to a “gold standard” approach by designing studies to compare similar offenders who are randomly assigned to receive, or not receive, specialty court enrollments. What happens to the two randomly sorted groups? Researchers track them over time and periodically record whether people commit new crimes or fall back into drug use, for example. This especially rigorous type of experimental research finds that drug court participation, in particular, tends to reduce future crimes and drug infractions – for as long as two to three years after the offender leaves court supervision.

We know, therefore, that drug courts really do work quite well. In fact, over time, the improved behavior of drug offenders ends up saving money the larger community would have to spend on services or criminal justice for offenders who did not benefit from drug court programs. Those programs end up more than paying for themselves.

Why Specialty Courts Improve Lives

As researchers found that, on the whole, specialty courts work, scholars started to look more closely at why they are so effective at engaging participants in positive ways. Such investigations show that these courts get good results in large part because participants have positive perceptions about them. Faith in the court makes people more likely to follow treatment plans and stay away from trouble in the future. In interviews, specialty court participants report feeling that they have a voice in the treatment process and are treated with dignity and respect. Researchers who observe judges and participants in these courts find that their interactions often resemble friendly conversations marked by praise and encouragement, more than they resemble the adversarial interactions that typically unfold between judges and defendants in traditional courts. Offenders who take part in specialty court programs frequently rate interactions with the judge as one of the more important and positive aspects of their experience.

Because, so far, specialty courts have achieved many benefits and cost savings, these courts are likely to become an increasing part of the U.S. justice system. This makes it all the more important for researchers to continue probing, to learn more about whether these courts are effective, for whom, and why. Perhaps there are lessons to be learned by other American institutions as well.