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A Venue to Grow: Researching Professional Growth in the Collaborative Courts of the Northern District of California

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VENUE TO GROW: RESEARCHING PROFESSIONAL GROWTH NDCA

#### 4

#### Abstract

This study examines the professional growth of collaborative court staff in the Northern District of California (NDCA). First, it sets forth a background that reviews the history of collaborative courts and details the development, purpose and structure, and current processes at the federal level. Second, the researcher describes the framework of the NDCA as an institution and further identifies the stakeholders who participate in the NDCA's two collaborative courts: the Reentry Court and the Conviction Alternatives Program (CAP). Third, the study reviews the literature on professional growth in the legal field, education and academia, and public-health fields. Fourth, this paper discusses the methods of the study, including the sample framework, recruitment and sampling, and limitations. Fifth, this paper documents the results of the study, including the survey results and results from the interviews of the intervention and control groups broken down by knowledge, skills, and attributes. Finally, this paper discusses the results, which show professional growth, a positive perception by the stakeholders of collaborative courts in the NDCA, and other benefits of the collaborative courts.

*Keywords:* collaborative court, drug court, reentry, professional growth, professional-development, KSA, criminal justice, substance use, federal

A Venue to Grow: Researching Professional Growth in the Collaborative Courts of the Northern District of California

The purpose of this study is to research professional growth of staff in collaborative courts in the Northern District of California (NDCA). This study will serve as a framework that may be replicated in other federal collaborative courts or be used as a guide for districts starting or evaluating their own collaborative courts. Research has demonstrated that collaborative courts are an effective alternative to incarceration by reducing recidivism and saving costs for supervision of offenders. However, no one has examined the effect that collaborative courts have on the professional growth of those who staff the courts. This study aims to quantify professional growth through surveys and interviews developed from a knowledge, skills, and attributes (KSA) framework for attorneys and officers in the NDCA. Analyzing qualitative and quantitative data, the study identifies the benefits of professional growth in collaborative courts within the federal criminal justice system.

#### **Definitions**

The below definitions are provided to clarify themes that are throughout this study. *Professional Growth*: Acquiring and/or enhancing skills and attributes that improve job performance in your traditional day-to-day duties.

Professional-Development: Opportunities, such as trainings or conferences, where a person gains knowledge or skills about a particular subject. Examples include the National Association of Drug Court Professionals Conference, STARR Training, or mediation trainings.

*Professionalism:* Conduct or standards (including ethical standards) that define a person's professional role.

Collaborative Courts: Programs (in the state or federal legal systems) that provide support to clients (through incentives, services, and other supports) to address substance-use and criminal thinking issues and thereby improve clients' outcomes and reduce recidivisim. Collaborative courts are also known as problem-solving courts, alternatives-to-incarceration courts, or alternative courts. Examples include drug courts, reentry courts, and veteran's courts.

#### **Background**

#### **History of Collaborative Courts**

Drug courts were developed in the late 1980s in Florida at the height of the drug epidemic to provide therapeutic treatment to people suffering from substance-use issues, utilizing interdisciplinary agencies in the criminal-justice system (Christie, 2016). Over the following decades, the client base in collaborative courts has expanded to veterans and other high-risk or at-risk populations (Huddleston et al., 2008). For purposes of this study, collaborative courts can be separated into two categories: (1) reentry courts, where clients released from incarceration are transitioning back to society; or (2) no-entry (or pre-entry) courts, where clients are pre-conviction or pre-sentence and are admitted into a collaborative court either as a diversion, no-conviction, or probation track outcome. Each of these collaborative-court models has different admissions and other procedural and legal policies and practices that vary depending on the type of court and venue (meaning, state and federal systems).

#### **Purpose and Structure of Collaborative Courts**

Collaborative courts were designed to reduce recidivism rates, protect public safety, and provide an alternative to mass incarceration (Tiger, 2013). Since the inaugural drug court in Florida, over 2,000 collaborative courts have started around the country, both in state and federal courts (Mitchell, Wilson, Eggers, & MacKenzie, 2012). While the details about structure,

program plan, and population may differ, collaborative courts generally require a client (typically a substance user or repeat criminal offender) to report to court on a regular basis (ranging from weekly to monthly) in front of a judge and the collaborative-court team. The team provides intensive supervision, program treatment, and support, all in aid of the client's progression. The collaborative-court team may consist of judges, prosecutors, criminal-defense attorneys, probation, parole, or pretrial officers, therapists, addiction specialists, and other treatment providers, other community-service providers (addressing issues such as housing and employment), and members of law enforcement. After a client successfully completes a collaborative-court program, they may receive a reduction in their term of supervison, reduction or elimination of court fees, or dismissal of the case.

After years of development and revising collaborative-court programs to incorporate therapeutic approaches and community-based interventions, studies have shown that collaborative courts are effective in reducing recidivism compared to control groups that do not participate in a collaborative court (Mitchell, Wilson, Eggers, & MacKenzie, 2012).

#### **Federal Collaborative Courts**

Over the past fifteen years, the federal criminal-justice system has implemented reentry courts around the country in an attempt to address mass incarceration, substance-use disorders, and criminal behavior of repeat offenders (Newman and Moschella, 2017). Federal collaborative courts have fewer participants compared to state and county collaborative courts and allocate resources differently for contracted treatment providers. Federally, once a client graduates and is off supervision (unless they commit a new federal crime), it is challenging to collect recidivism data due to jurisdiction and background-check regulations.

Most clients and collaborative staff can explain the importance and rewarding successes of collaborative courts based on their experience with clients with traumatic and troubled upbringings who show personal advancement in sobriety, employment, and problem-solving (Newman, 2015). There have been various program evaluations with comparison groups that have generated important data regarding recidivism, supervision costs, and financial benefits of collaborative courts. Participants of drug courts have improved outcomes in rearrests and sobriety (Kearley, 2017). Drug courts also show significant budget growth at the state and federal level and produce a return on investment of over two dollars per every dollar invested (Huddleston, Marlowe, & Casebolt, 2008).

Thus, research establishes the benefits of collaborative courts for the clients that they serve, and anecdotal evidence supports the conclusion that staff feel the rewards too. But no previous study has examined the effect of collaborative courts on the professional growth and skills of court staff which is the focus of this research.

#### Agency and Stakeholders of NDCA Collaborative Courts

The United States District Court for the Northern District of California (NDCA) is in the Ninth Circuit. Established in 1850, it is comprised of 15 counties (from Monterey to Del Norte) and has courthouses located in San Francisco, San Jose, Oakland, and Eureka (U.S. Courts, 2019). The NDCA handles a wide range of federal litigation in civil and criminal cases and has active non-litigation programs such as its alternative-dispute-resolution options (including early neutral evaluation, mediation, and judge-hosted settlement conferences) and collaborative courts.

Relevantly to this study, the NDCA has two collaborative-court programs that support clients (meaning, criminally charged defendants who are on pre- or post-conviction supervision)

and address their substance-use and criminal-thinking issues through programmatic components that develop pro-social skills, treat trauma and (often) mental-health issues, and use resources (such as those geared toward education, job skills, employment, and housing) to improve the clients' outcomes and lives and reduce recidivism.

The first program is Reentry Court, and it is held in San Francisco and Oakland. It serves clients who have finished their prison sentences, are returning to their communities, and generally are on post-conviction supervision (called supervised release) monitored by United States Probation. The clients score medium to high on risk-level assessments based on criminal history (and other criminogenic needs and risk factors). Often, the clients have been struggling on supervision with substance-use and other court-imposed conditions. Clients who successfully complete Reentry Court receive a one-year reduction in their term of supervision called supervised release. The second program, the Conviction Alternatives Program (CAP), is held in three venues: San Francisco, Oakland, and San Jose. It is an alternative-to-incarceration/no-entry court that serves clients with a history of substance-use. Clients who complete the program receive one of three outcomes: dismissal of their case, a non-custodial sentence (whereby they avoid incarceration and receive probation), or a reduction in their prison sentence.

For both programs, clients are required to attend hour-long court sessions every other week, engage in cognitive-behavioral therapy weekly, and attend individual and/or group counseling regularly. The collaborative court may impose additional requirements such as community service, employment, or researching a skill or hobby. Reentry Court and CAP were modeled on state-level drug courts, best practices from the National Association of Drug Court Professionals, and other federal collaborative courts around the country.

The collaborative court staff are made up of teams of professionals from the Judiciary, United States Attorney's Office, Federal Public Defender's Office, United States Probation, and United States Pretrial Services. The team members either volunteer or are assigned to a collaborative court and work together to develop program plans, provide support to clients, and problem solve through relapse and other issues. Team members assume additional responsibilities and generally receive no additional compensation or reduction in caseload in addition to their traditional duties.

Each court has a therapist who provides individual and group therapy for the clients through a contract with the Court (via the United States Probation Office and/or United States Pretrial Services). The court also employs a Collaborative Courts Coordinator who finds additional community-based resources, establishes relationships with other collaborative courts, and develops policy and procedures for Reentry Court and CAP.

The hypothesis of this research is that collaborative courts provide an effective venue for professional growth that results in improved job performance for the staff participants in their traditional roles. Collaborative courts provide a rare opportunity for professionals to work collaboratively in an integrated team to help clients. Through this experience, staff grow professionally by developing and enhancing different skills and approaches that blend into their traditional roles.

#### Literature Review

The next sections examine (1) professional-development opportunities in the federal system; and (2) literature from comparison fields such as education and academia, healthcare, and public health, which also serve as a framework to evaluate professional growth.

#### **Federal Framework for Skills Enhancements**

Most attorneys must meet Minimum Continuing Legal Education (MCLE) credits to keep their license to practice law. State bars can exempt public lawyers (including federal prosecutors and federal public defenders) from the requirement to meet minimum MCLE credits, but many public lawyers nonetheless regularly engage in continuing legal education, whether through their institutions (such as the Department of Justice or Federal Defender Services) or otherwise. The areas of continuing education recommended by the American Bar Association (among other areas, such as subject-matter expertise) are ethics and professionalism, diversity and inclusion, and mental-health and substance-use disorders (ABA MCLE, 2019).

Until 2010, positions in the federal government were posted using a knowledge, skills, attirubes (KSA) questionnaire for candidates to apply for jobs. KSA is a self-reported instrument used to determine or predict the ability to work in groups (Stevens and Campion, 1994).

Candidates were required to respond to questions designed to elicit competency and proficiency for the positions. Some human- resource specialists relied on KSAs to place candidates on specific teams and to develop professional-growth strategies for employment (Starkweather, 2012). Though it has since been removed from the application process in the federal system because of its redundant and tediuous questionnaire, KSA provides a framework for examining and evaluating professional growth in collaborative courts.

Collaborative-court trainings and professional-development opportunities are available both nationally and locally. The National Association of Drug Court Professionals has an annual national conference where state and federal collaborative-court professionals attend lecture series and subject-matter presentations about substance use, therapeutic studies, and innovative interventions (NADCP, 2019). The National Drug Court Institute provides resources and

partnerships for developing collaborative courts and implementing best practices. Stateside, the California Association of Collaborative Courts hosts an annual conference about policy issues affecting the state and innovative treatment options available in different counties (CACC, 2019). Lastly, the City and County of San Francisco has developed a collaborative-courts speaker series that brings in various experts for subject-matter lectures for MCLE credit (San Francisco Collaborative Courts, personal communication, December 27, 2018).

#### **Education and Academia**

Research into education institutes identifies various studies of interprofessional collaboration and communication techniques that are similar to collaborative courts. Academia provides an opportunity for teachers to participate in collaborative learning and reflection to advance professional growth. There are cross-sectional studies with various levels of academics that incorporate interactive lesson plans, teacher learning, and codes of conduct for professional growth (Goldsmith, Doerr, & Lewis, 2014). Following a cross-sectional study of teachers with various levels of experience, researchers found teachers' attitudes about alternative approaches to problem-solving through collaborative input resulted in reported improvement to advancing lesson plans (Widjaja, Vale, Groves, & Doig, 2017). This approach is virtually identical to the approach that collaborative-court team members use to develop program plans and interventions for participants.

In a study following pre-school teachers, researchers asked participants to use reflective journaling as they progressed through a professional-growth program. While some participants thought this exercise to be pointless in the beginning, many found the exercise and program ultimately beneficial for their professional growth as they were able to share experiences and apply new skills to their teaching curriculum (Daniel, Auhl, & Hastings, 2013). This

collaboration of teachers with different levels of experience is similar to the interagency collaboration in Reentry Court and CAP. Some collaborative-court staff are assigned to work in the program whereas others volunteer, but each member shares responsibility for the collaborative court as well as educates others on their traditional job duties. When researchers identified a collaborative workspace and clear goals for admission into programs, graduate and doctorate students could engage and effectively build skill sets to succeed not only in academic programs but their professional lives (Kumar and Dawson, 2014).

In 2018, the LEE (learn, expand, engage) model was developed to provide students engaged in mental-health professions with a learner-centered approach to increasing knowledge and engagement in the field (Glance, Rhinehart, & Brown, 2018). This model aims to have students engage and invest in their professional growth goals. Instructors are required to provide knowledge and expertise while adapting and providing a safe learning curriculum to meet the goals of students (Glance, Rhinehart, & Brown, 2018). From these studies, academia has shown that a focused effort on building and enhancing additional skills through peer involvement and collaborative environments is productive and provides an example that is similar to collaborative courts.

#### Public Health, Health Care, and Clinical Settings

Health-care and public-health professionals work in interdisciplinary teams to treat patients in a manner that is similar to collaborative court staff addressing substance-use needs of their participants. Professional growth and improved patient outcomes result from direct supervision and collaboration among health-care workers (Snowdon, Leggat, & Taylor, 2017). Many hospitals and clinics have employed coordinators to develop treatment plans and community workers to navigate nonprofits and community-based resources to aid doctors and

nurses in developing and executing program plans. Collaboration between supervisee and supervisor is instrumental in professional growth (Kountoura, Agaliotis, Loutrari, & Proios, 2019). In a British study of counselors and improving access to therapy, researchers found the intensive nature of a program ultimately resulted in improved therapeutic skills and approaches when dealing with patients with mental-health needs (Mason & Reeves, 2018). Similarly, collaborative-court participants often have mental-health issues, and staff regularly have to find ways to collaborate together to provide therapeutic approaches for interventions.

In public health, collaboration of interdisciplinary teams has proven improved health outcomes and successes for clients. The Veteran's Health Administration has piloted patient-centered medical-home models that bring health-care providers of interdisciplinary teams to the same building to provide improved care for veterans (Yoon et al., 2015). The study found improved health outcomes, additional organization and enhanced care, and cost savings. While they are in a different system, collaborative courts aim to provide similar outcomes and therapeutic interventions to patients with the same substance-use or behavioral-health issues that VA hospitals and clinics are addressing.

#### Methods

This study consisted of an intervention and control group of attorneys and officers from the Northern District of California in a mixed-method design with three steps of data collection: informational interviews, a survey of quantitative and qualitative questions, and individual semi-structured interviews.

#### Sample

The attorney group consisted of Magistrate and District Court Judges and attorneys from the United States Attorney's Office, Federal Public Defender's Office, and defense attorneys from the Criminal Justice Act Panel in the Northern District of California. The officer group consisted of officers from United States Pretrial Services and United States Probation. The intervention group consisted of Reentry Court and Conviction Alternatives Program (CAP) team members, and the control group consisted of the remaining attorneys and officers in the NDCA. The therapists and Collaborative Courts Coordinator were excluded from this study because the Court contracts with them (through a protocol that involves a request for proposal).

The researcher sent these groups the survey and also identified a convenience sample of those who worked with each program and — through the researcher's established networks in the NDCA — sent the survey to those known participants. The researcher selected interviewees based on their survey responses and their agency.

#### Informational Interviews to Assess Need

The researcher conducted informational interviews across all the professions associated with the collaborative courts as a needs assessment for this study. These interviews were conducted in the exploratory phase of the research and included interviews with judges, attorneys, pretrial and probation officers, chiefs and supervisors in the various offices, academic researchers, analysts, social workers, and therapists. The goal of these informational interviews was to understand professional growth and job performance both generally and through the personal experience of the professionals in each respective field.

These interviews were conducted in informal settings. Questions covered subjects such as professional growth, professional-development, professionalism, the individual's personal goals, and participation in training and conferences that enhanced careers and helped professional growth. Those interviews, and the information, ideas, and direction from them, shaped the structure of this study.

#### **Professional Growth Survey**

The researcher developed an online survey in Qualtrics and distributed it to each agency (and the survey participants) through various channels via an anonymous link. The survey was sent to an intervention group of attorneys and officers that work in collaborative courts and a control group of attorneys and officers that do not work in collaborative courts. The researcher emailed the following groups directly with a link to the survey and a request to complete it: all judges, federal prosecutors, and attorneys on the Criminal Justice Act panel. The federal defender's office emailed the same link and request to all federal defenders. The United States Probation Office and United State Pretrial Services Office did the same.

The survey consisted of quantitative and qualitative questions focusing on three skills identified from research and informational interviews: communication, interagency collaboration, and problem-solving. The quantitative component of the survey provided a definition of each of these skills and asked the survey respondents to rate their skill from 1–10 with 1 being poor, 5 being average, and 10 being excellent, and asked for answers as of the current date and three years ago. This interval was chosen because CAP began approximately three years from the beginning of this study. The qualitative component of the survey provided examples of communication, interagency collaboration, and problem-solving and asked the respondent to provide a personal example in a text box. Based on the survey responses, the researcher developed questions for the individual interviews.

Before the survey was distributed, the researcher piloted and pretested the survey with three intervention group members of Reentry Court or CAP. The survey was modified for visual simplicity based on feedback and was well-received from the three members. Originally, the survey was separated into four sections: general information, the three skills with pre/post

ratings, an example, and a textbox. Based on twelve incomplete survey responses after the first distribution, the survey was further shortened and refined. The survey was simplified to ask pre/post ratings of each skill with a page that included the examples and the text boxes (See Appendix A). This increased responses for the quantitative data, but many respondents skipped the qualitative sections. As a result, the researcher addressed the failure to submit qualitative answers by interviewing respondents to obtain additional qualitative data.

#### **Individual Interviews**

The individual interviews were designed to allow respondents to discuss their thoughts on professional growth and job performance in a private setting. The KSA framework structured the question guide and was developed for the control group but also included an additional section for the intervention group (See Appendix B). The qualitative individual-interview questions were shaped, in part, from the qualitative answers from the survey and expanded to address professional growth.

#### **Recruitment and Sampling**

To distribute the survey, the researcher emailed the participants directly via their work emails or used liaison staff to further distribute the study. The email contained a survey link and was sent in staggered intervals to each agency over the course of two months (between April and June 2019). The researcher reviewed data as surveys were filled out and began conducting interviews.

The researcher contacted interviewees by email to participate in a 20- to 30-minute interview based on their survey responses. Selection criteria for the interviews included quantitative or qualitative responses to the survey or intervention or control group designation. The researcher conducted interviews in private settings such as offices, judicial chambers, or

court-conference areas, and when the interviewee permitted, were recorded via VoiceMemo on iPhone. Information was collected in Qualtrics and analyzed and coded with Dedoose.

#### **Results**

#### Survey

In total, the survey was opened 62 times via anonymous email link. 8 respondents to these surveys did not fill out general information or respond to either the quantitative or qualitative portion of this study. 16 respondents completed general information fields such as name, title, or agency but did not provide responses to either the quantitative or qualitative component. The majority of survey respondents filled out general information and the quantitative section but did not complete the qualitative section. 36 responded to the communication rating, 33 responded to both the communication and interagency collaboration rating, and 32 responded to all three of the communication, interagency collaboration, and problem-solving ratings. Lastly, 17 respondents filled out all three sections of the survey including the background information, quantitative portion of skills rating, and the qualitative questions. 5 surveys were duplicate responses which were combined into two valid surveys.

|                                  | Communication |             | Interagency<br>Collaboration |          | Problem Solving |         |
|----------------------------------|---------------|-------------|------------------------------|----------|-----------------|---------|
| Collaborative<br>Court Attorneys | Today         | 2 Voors Ago | Today                        | 3 Years  | Today           | 3 Years |
|                                  |               | 3 Years Ago | Today                        | Ago      | Today           | Ago     |
|                                  | 8.4           | 7.2         | 8.3 7                        |          | 8.4             | 7.5     |
|                                  |               |             | L                            | <u> </u> |                 |         |
| Change                           | 1.2           |             | 1.3                          |          | 0.9             |         |

| Control Group  |       |             |       |                |       |                |
|----------------|-------|-------------|-------|----------------|-------|----------------|
| Attorneys      | Today | 3 Years Ago | Today | 3 Years<br>Ago | Today | 3 Years<br>Ago |
|                | 7.4   | 6.8         | ( 2   |                | 0.1   |                |
|                |       |             | 6.2   | 5.5            | 8.1   | 7.8            |
|                |       |             |       |                |       |                |
| Change         | 0     | .6          | 0.7   |                | 0.3   |                |
| Collaborative  |       |             |       |                |       |                |
| Court Officers | Today | 3 Years Ago | Today | 3 Years        | Today | 3 Years        |
|                | 8.4   | 7           |       | Ago            |       | Ago            |
|                |       |             | 8.3   | 6.3            | 8.5   | 6.6            |
|                |       |             |       |                |       |                |
| Change         | 1.4   |             | 2.0   |                | 1.9   |                |
| Control Group  |       |             | -     |                |       |                |
| Officers       | Today | 3 Years Ago | Today | 3 Years        | Today | 3 Years        |
|                | 8.2   | 6.4         |       | Ago            |       | Ago            |
|                |       |             | 8.5   | 7.3            | 8.6   | 7.2            |
|                |       |             |       |                |       |                |
| Change         | 1.8   |             | 1.2   |                | 1.4   |                |

Table 1: *Skill Comparison between Intervention and Control Group*. This table displays the self-reported skill interval of each skill based on a 1 (poor)–10 (excellent) scale. The change is the difference of each group from the date the survey was taken compared to three years ago.

The quantitative responses established that collaborative-court staff experienced greater professional growth than attorneys and officers from the control group (See Table 1 above). Collaborative-court attorneys rated their skills higher and had greater growth with almost twice the change compared to the control group over three years. Attorneys in the control group reported the least professional growth in this survey based on their change score. Officers in collaborative courts showed significant growth in interagency collaboration and problem-solving

skills. While the officer control group rated high across all three skills, the collaborative court officers displayed the highest interval change of professional growth across the three skills.

The collaborative court group had 22 respondents: 13 attorneys and 9 officers. The control group had 27 respondents: 16 attorneys and 11 officers.

#### **Interviews**

The researcher conducted ten semi-structured interviews for this study comprising six attorneys and four officers. Of the interviews, seven were from the intervention group, and three were from the control group. Nine of the interviews were conducted in person in private settings such as offices or chambers, and one was conducted over the phone. Nine of the interviews were recorded with permission from the interviewee and transcribed, while one declined to be recorded, and meticulous notes were taken during and after the interview.

#### Knowledge, Skills, Attributes Framework

As knowledge, skills, and attributes (KSA) set a framework and guide of professional growth for this study, attorneys and officers provided themes based on their career experience that lead to their careers, current role, and involvement in the collaborative court (if in the intervention group). As seen in Table 2 below, a list of KSA was developed to display what traits would be beneficial for someone in the collaborative courts, as an attorney, and an officer.

|                                                        | Knowledge                                                                                                              | Skills                                                                                                                                                              | Attributes                                                                                                                                         |  |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Collaborative<br>Courts<br>(Attorneys and<br>Officers) | <ul> <li>Substance Use</li> <li>Mental-Health         Issues     </li> <li>Community         Resources     </li> </ul> | <ul> <li>Open Minded</li> <li>Listening and Active Listening</li> <li>Responsive</li> <li>Organized</li> <li>Motivational Interviewing</li> <li>Analytic</li> </ul> | <ul> <li>Compassion</li> <li>Honesty</li> <li>Commitment</li> <li>Desire to help at-risk population</li> <li>Humility</li> <li>Patience</li> </ul> |  |

| Attorneys<br>(Traditional Role) | <ul><li>Law</li><li>Procedure</li><li>Pressure Points of Cases</li></ul>                             | <ul> <li>Analyze and         <ul> <li>Understand Complex</li> <li>Fact Patterns</li> </ul> </li> <li>Open Minded</li> <li>Sound Judgement</li> <li>Interpersonal</li> <li>Problem Solving</li> </ul> | <ul> <li>Hardworking</li> <li>Driven</li> <li>Decency</li> <li>Arrogance</li> <li>Humility</li> <li>Leadership</li> </ul> |
|---------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Officers<br>(Traditional Role)  | <ul> <li>Substance Use</li> <li>Mental-Health<br/>Issues</li> <li>Community<br/>Resources</li> </ul> | <ul> <li>Detail Oriented</li> <li>Communication</li> <li>Motivational<br/>Interviewing</li> <li>Interagency<br/>Collaboration</li> <li>Problem Solving</li> <li>Organized</li> </ul>                 | <ul> <li>Hardworking</li> <li>Persistent</li> <li>Focus</li> <li>Adaptable</li> </ul>                                     |

Table 2: KSA for Collaborative Courts, Attorneys, and Officers. The below table outlines themes that make attorneys and officers successful both in collaborative courts and their traditional roles based on data from the survey and interviews.

#### KSA Traits for Collaborative Courts

Collaborative court staff from both Reentry Court and CAP discussed different knowledge, skills, and attributes that led to their success. Knowledge of mental-health and substance-use issues were common answers as well as a willingness to do research on both subjects to understand the depth of the issues and medical approaches for treating clients in the collaborative courts. Furthermore, community resources and specific drug-treatment approaches were important for staff to understand and address with clients.

Communication, interagency collaboration, and problem solving proved to be essential skills for both attorneys and officers in Reentry Court and CAP. Collaborative court staff mentioned communication, such as active listening or responding compassionately, as important skills for their success in the program. Compassion and interpersonal skills that relate to social and human interaction were common themes during the interviews. Attorneys and officers

discussed how important it was to connect with clients on a human level in collaborative courts by listening and utilizing motivational interviewing to develop interventions when issues arose.

Attorneys carried these skills to their traditional roles as it helped them address sentencing, mitigate criminal backgrounds, and actively listen to negotiate plea agreements. Attorneys were able to better understand opposing counsel's arguments and lines of reasoning when discussing sentencing and conditions of supervised release. Mitigation skills were also applied to traditional roles of attorneys as they mentioned an improved understanding of fact patterns and client backgrounds.

Officers gained confidence communicating in a focused and concise way to the collaborative-court teams when presenting information such as treatment plans and relapse issues. They felt more confident presenting case information in pre-meetings that carried over to their traditional roles in court settings. Officers were able to communicate with more authority and hold clients accountable. One officer mentioned, "I'm not scared to hold people accountable while building a relationship with them or rapport with them." One attorney, when discussing interagency collaboration, said, "I also have a much better appreciation for what Pretrial and Probation do. And can go on what strengths and limitations are [for the agencies]."

#### KSA Traits for Attorneys

Attorneys from both the intervention and control groups showed a high level of professionalism and talent throughout the interviews. The researcher discussed knowledge, skills, and attributes that lead to success in the legal field. All had substantial experience in complex legal matters such as criminal-racketeering cases or civil-rights cases. Legal knowledge included case law, rules and procedures, and experiencing a variety of cases. Attorneys discussed skills such as the ability to analyze complex fact patterns, resolving disputes during litigation,

and listening to enhance and improve approaches. Leadership and time-management were common themes, too, as each attorney played a role managing either a case, court staff, or a settlement conference that required different approaches to be effective. Each interviewee discussed a commitment to the law, a desire to work hard, and a level of humility in their work.

Professional-development opportunities were available, but many interviewees expressed little interest in attending them. Some attorneys were adamant that experience was necessary for their professional growth as they, "Noticed themselves getting better and better through each trial." Another attorney echoed the importance of experience stating, "I've sort of developed, over time, a skill, or characteristic or an ability, ...that goes with being a better judge or lawyer." Personality traits factored in to professional growth as one attorney stated, "Arrogance and decency played hand in hand [for success]." Attorneys utilized these different communication skills to address different audiences including, defendants, counsel, and the media.

#### KSA Traits for Officers

Officers from both the intervention and control group walk a fine line between law enforcement and social work in the federal criminal-justice system. They are classified as law enforcement under the arm of the court but much of their work involves holding clients on supervision accountable while providing assistance, guidance, and support for improvement. This can be a challenging balance. One officer stated, "You have to, unfortunately, think some of the worst about the human element because that's what we're dealing with." Officers discussed knowledge of addiction, mental health, and criminal thinking issues as themes. This discussion also included understanding treatment and what and how contracted vendors provide services to address substance-use issues.

Being organized, detail-oriented, and responsive were themes that officers identified as crucial for their success. Communication, particularly to and on behalf of the court, was important, and officers stressed the need to present case information concisely and concretely, both orally and in writing. With high caseloads, officers must be adaptable and prioritize pressing tasks. This applied not only to day-to-day case monitoring but also to following trends in legal regulations and changing case law.

#### Professional-Development, Trainings, and Conferences

In the interviews, attorneys and officers discussed their ample opportunities to attend trainings to improve professional growth. This consisted of subject-matter trainings for skills such as trial advocacy or mitigation presentation for attorneys, Substance Treatment and Recidivism Reduction training, and search-team and other law-enforcement training for officers. There were in-house trainings at some agencies, where brown-bag presentations or experts were brought in to speak directly to staff about specific issues. There were also various national trainings hosted by the Department of Justice, the Federal Defender's Office, district and circuit conferences, the Federal Judiciary Center, and academic institutions. Professional-development opportunities provide a chance to develop knowledge but do not necessarily build skills that can apply to traditional roles, at least not without additional experience. One interviewee mentioned, "You don't learn how to have better communication skills because you're sitting at a training for three days."

#### **Defining Professional Growth**

Interviewees had difficulty defining professional growth. Most interviewees agreed with the definition provided but added individual skills to the definition. Some interviewees discussed a wide range of skills they obtained over their career to develop a definition. For the

more experienced attorneys, professional growth was something they were aware of but rarely spent time contemplating or setting professional goals in their career. Officers generally set goals for themselves through annual evaluations and advocated for themselves to attend professional-development opportunities to obtain knowledge.

#### Benefit

Both the intervention and control groups of officers and attorneys discussed the benefits of collaborative courts as a venue for professional growth. As shown in Table 3 below, there is strong support in those groups for Reentry Court and the Conviction Alternatives Program.

| Group and Context                                                                      | Quote                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Intervention; Officer discussing a collaborative-court officer.                        | "[Officer] certainly took a much greater vertical growth once [they] became an integral player in the collaborative court. And I feel that [their] growth has been exponential. It's been very impressive."                                                                                |
| Control; Officer discussing a benefit seen in a collaborative- court officer.          | "Obviously the team is made up of judicial officers, so I think that is really helpful because you gain a level of comfort speaking with judges."                                                                                                                                          |
| Intervention; Attorney discussing the value of relationships in collaborative courts.  | "The great value in the collaborative court is having relationships with all these people, and it just gives you a better sense. If it's a team member what their job is and what the pressures are, and if it's a participant what goes on in their lives."                               |
| Intervention; Attorney discussing their confidence utilizing their skills.             | "And there's no question I'm much better at using those skills in my judging and non-collaborative courts part than I was 10 years ago when we started the collaborative courts. No question."                                                                                             |
| Intervention; Officer discussing their growth and confidence.                          | "In [collaborative court], it's more of you feel that confidence because you're sitting at a table with very strong people. Very experienced people. And so I feel like I've developed those relationships because of [collaborative courts]. And it's not just because I was an officer." |
| Intervention; Attorney mentioning the satisfaction of working in collaborative courts. | "I do enjoy [collaborative courts] even though it effectively added work."                                                                                                                                                                                                                 |
| Control; Attorney discussing                                                           | "[A collaborative court] makes so much sense because what we see                                                                                                                                                                                                                           |

| their perspective on collaborative courts.                                                                     | when we see the criminal calendar is the culmination of a lot of failures."                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Intervention; Attorney discussing benefit of working in collaborative court.                                   | "[Collaborative court] has given me a lot more insight into how to present my client's life in a standard litigation presentation. And better insight into what to ask them. Better mitigation strategies."                                                                                                                                                                                                      |
| Intervention; Attorney when asked if there are other trainings that could provide similar professional growth. | "There's no way you could get first-hand experience that would accelerate the growth as [collaborative court] does."                                                                                                                                                                                                                                                                                             |
| Control; Attorney discussing skills a CAP judge was displaying.                                                | "And I could see that [collaborative court judge] was displaying a judicial whatever, kind of skill, that frankly, I had not seen. I know [them] as a very smart judge, decisive. But [this judge] had this human side and developed a rapport, and a kind of communication with the particular graduates that [the judge] was addressing that takes a certain skill. Not everyone on this court could do that." |

Table 3: *Benefits of Collaborative Courts*. This table summarizes quotes from interviews on the benefit collaborative courts have on attorneys, officers, and the criminal justice system.

Attorneys and officers involved in the collaborative courts expressed a sense of pride and professional benefit for their involvement in Reentry Court and CAP. One attorney was happy to be involved even though it effectively added additional work. Other attorneys mentioned how it gave them a chance to see a human perspective they do not typically see in their traditional roles. Officers, in particular, mentioned improved professional growth in communication, interagency collaboration, and problem-solving associated with their confidence in presenting case information in Reentry Court and CAP.

Outside of the collaborative courts, there was a generally positive view of collaborative courts from the control group as an interesting component of the federal criminal-justice system. Attorneys appreciated the alternative outcome for their clients as well as an opportunity to delve deeper into the trauma and social issues of the clients. Officers saw collaborative courts as an option for clients who require additional supervision.

#### **Discussion**

The criminal-justice system is rife with depression and frustration for incarcerated individuals as well as the judges, attorneys, and officers that work in it. There are few alternatives to incarceration or options available in the federal criminal-justice system that address recidivism and rehabilitation. Collaborative courts provide a rare alternative that give hope to those who have entered the criminal-justice system and the staff that work within the system. Judges see the depth of trauma that people go through and build personal relationships with a person they may have sentenced to a prison term. Attorneys work alongside adversarial colleagues in an amiable setting in order to help people. Officers orchestrate program plans and receive input from the court and attorneys they typically report to. All of these elements can provide personal joy to that collaborative court staff that carries over to their professional growth and happiness.

The Northern District of California is known throughout the federal criminal-justice system for recruiting and advancing elite professionals. This professionalism was on display as all survey respondents showed both a high level of career advancement and standing as well as a drive to improve their skill sets. While some of the more experienced attorneys and officers did not set professional-growth goals throughout their career, they were constantly looking for ways to improve through experience. Other attorneys and officers were cognizant of professional-growth goals through their annual evaluations and attending professional-development opportunities. Through this study, the researcher looked to identify knowledge, skills, and attributes that attributed to their career success and set a standard for collaborative court recruitment for professional growth based on these skills. Both groups of attorneys and officers discussed skills and approaches that led to their success.

#### **Attorneys**

Attorneys pointed to improved collaboration and communication skills that they apply regularly to their traditional roles of prosecution and defense based on their experience in collaborative courts. The effect on sentencing was one of the main values that respondents identified as part of their professional growth in collaborative courts. Analysis, compassion, and sentencing were shown as values of professional growth in collaboration courts. Additionally, skill and professional growth included improved relationships with their clients and more effective plea negotiations. Attorneys conveyed analytical skills that led to their success such as analyzing case law and evidence, understanding the strengths or pressure points of a case, and the strategic issues and timing for negotiation for plea agreements. General writing skills and interpersonal skills were mentioned as necessary to improve and maintain relationships with clients, agents, and the judiciary.

#### **Officers**

Officers mentioned knowledge of substance-use issues and socioeconomic backgrounds as important factors in determining their approach to program planning for individuals. Officers also engaged in interagency collaboration and problem-solving by developing program plans that were client oriented and individually working with the prosecutor, defense attorney, and judiciary when defendants violated the terms of their supervision. Officers discussed improved confidence in their communication and approach through presenting information and guidance, especially regarding clients with substance-use issues. Confidence, in particular, was a theme conveyed by officers not only in collaborative courts but also in speaking in courtrooms for violation and calendar hearings and with colleagues in program planning.

#### **Human Aspect of Collaborative Courts**

A common theme from respondents was that collaborative courts provide a human aspect not often seen within the criminal-justice system. In criminal proceedings, sentencing guidelines and criminal procedure can become mechanical rules that judges and attorneys follow in a rote manner. By contrast, Reentry Court and CAP allow team members to work with clients through issues such as childhood trauma, substance use and abuse, and physical and emotional abuse and through that work, improve their lives and outcomes. The intervention group appreciated the opportunity to get to know the clients on such a rich and meaningful level, with one attorney saying, "I've learned a ton about people's situations. Like the defendant's situations that are very different from anything I've experienced or gone through." An attorney from the control group summarized their perspective of collaborative courts and the human aspect as "Being able to reach down beneath the surface and really kind of understand the human understanding."

Regardless of intervention or control group, collaborative courts were well regarded as a venue to explore a deeper understanding of the human component for people involved in the criminal-justice system.

#### **Career Experience or Collaborative Courts As Professional Growth**

An interesting point of discussion through the responses and interviews was whether professional growth occurred because of a person's role as an attorney or officer or because of their involvement in Reentry Court or CAP. The majority of respondents have had illustrious and prominent careers within their respective field as an attorney or officer within the federal system. It was challenging to identify whether these professionals experienced professional growth because of the time they committed and their years of experience in their role or because they participated in professional-development opportunities through the collaborative courts.

Some attorneys were adamant that first-hand experience in legal proceedings such as trials, settlement conferences, or plea agreements could not be taught. There are ample opportunities for attorneys and officers to attend professional-development trainings and conferences on a regular basis. through a mentor or program. Each agency encourages this for their staff as it improves their subject-matter expertise and builds a foundation for professional growth. However, collaborative court staff consistently said collaborative courts enhanced their professional growth. Furthermore, they expressed joy for their involvement and a sadness should their participation in either program halt. Collaborative courts are a positive mix of experience and professional growth that enhance job performance in attorneys and officers in their traditional role.

#### **Implications**

The NDCA can utilize this study as a way to understand qualities for selecting personnel to participate in Reentry Court and CAP. Volunteering provided the most benefit (in the form of feelings of commitment and professional growth) for those participating in the collaborative courts. The participants in the intervention group mentioned the joy and inspiration that they enjoyed from working in Reentry Court and CAP and characterized it as a motivation and an enjoyable break from their traditional role. Collaborative-court staff were content volunteering their time, but designating work hours or reducing caseloads for staff that work for the programs may be beneficial in addressing recruitment issues for stakeholder involvement. Collaborative courts are an ideal venue to enhance professional growth for any mid-to-senior level attorney or officer looking to understand and gain knowledge about other stakeholder agencies, provide assistance to clients, or improve their skills in their traditional roles.

There are vast amounts of knowledge gained and shared regarding agency policy, socioeconomic status of clients, and community resources in collaborative courts. Staff learn of expertise and capabilities for supervision from officers in collaborative courts, and court proceedings, arguments, and approaches are shared by attorneys. Clients are able to share their backgrounds and past at a personal level with collaborative court staff. As part of the collaborative-court setting, staff and participants build rapport by sharing community-based services and job opportunities with each other. The sharing of this information provides a benefit attorneys and officers can utilize in their traditional roles.

Attorneys and officers experience professional growth through the collaborative courts by bringing skills and approaches to their traditional roles. The intervention group discussed different communication skills such as motivational interviewing, active listening, and confident presentation that improved their courtroom presence. Understanding opposing viewpoints, case development, and perspectives on fact patterns also are interagency collaboration skills that can be applied to traditional roles. Court staff help participants address issues about recovery and accessing resources. Whether it is accessing a job in a construction union or obtaining a driver's license, collaborative-court staff learn new approaches to surmount a participant's barriers to achieve goals.

This research can inform any district with established collaborative courts or a district considering implementing a collaborative court. With communication, interagency collaboration, and problem-solving skills identified, administrators of collaborative courts can track progress not just for court participants but also for stakeholder development (such as an attorney's or officer's development through their experience in the program). Agencies could incorporate these data points into performance evaluations for the staff and use them to set development and

other professional growth goals. As displayed in Table 2, there are KSA traits for what makes staff successful in collaborative courts. Supervisors and administrators can utilize this list when recruiting staff for new collaborative courts.

#### **Future Research**

Further research distinguishing alternatives-to-incarceration or no-entry courts from reentry courts may provide different results. While the two programs (Reentry Court and CAP) follow the same model, the legal process for each collaborative court is different and affects the attitude and support of agency participation.

It also is beneficial for supervisors to evaluate attorneys and officers and their roles, experiences, and professional growth in the collaborative courts as part of annual job-performance evaluations.

Further research could develop an observational component based on the responses of the skills and attributes that respondents identified in this study. A researcher could observe court proceedings to witness attorneys and officers and monitor the skills they apply to their traditional roles. By utilizing a longitudinal study monitoring their professional growth, attorneys and officers would be able to measure their skills and track professional growth for their duration in collaborative courts. For any mid-to-senior level attorney or officer, collaborative courts provide an opportunity for a deeper collaboration and a venue for that enhances professional growth and performance of attorneys and officers in their traditional roles.

Lastly, these survey and interview questions can be used as guides to develop quality-improvement programs for collaborative courts. The answers to these questions, both in this study and in future data gathering, will allow identification of the right staff to participate in collaborative courts. The questions will allow supervisors to select attorneys and officers to

participate in collaborative courts to become better professionals and increase professional growth.

#### Limitations

The survey had a limited response rate due to its structure when it was originally separated by pre/post tests for each of the communication, interagency collaboration, and problem-solving skill sections. The researcher edited the survey to ask respondents to rate their skills at the onset of the survey, and then complete the qualitative section. The researcher resent the survey to officers and attorneys asking for responses. While many respondents skipped the qualitative portion of the survey, the response rate to the quantitative questions provided enough information to collect general information and select candidates for interviews.

Survey respondents were asked to rate skill sets within the previous three years (due to the inauguration of CAP in 2016). This may have been an arbitrary time for the control group or those involved in Reentry Court, which started in 2010.

Respondents who did not work in the collaborative courts responded in the general information section of the survey about some experience working for federal collaborative courts even though they had not participated directly in either Reentry Court or CAP. This was possibly due to their referring clients to the collaborative courts.

Response rates were predictively low because collaborative courts provide such a small percentage of the day-to-day work of attorneys and officers in the NDCA. While stakeholders in the NDCA generally support collaborative courts, the stakeholders are federal agencies with the chain of command locally in Washington D.C., which may have affected response rates given the need to obtain approval and/or allocate overall work time to this research.

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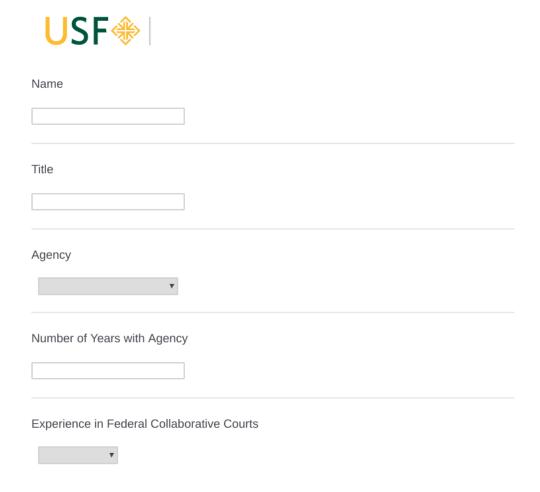
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#### **Appendix**

#### **Appendix A- Survey**





#### Communication

The ability to effectively and efficiently convey information to another through verbal, non-

| verbal, and writing between client, opposing party, bench, and any other interested party fits legal or social benefit.                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Based on this definition, please rate the following questions from 1, Poor $-$ 10, Excellent.                                                                                                                                                                                                                                                                |
| How would you rate your communication skills today?  ▼                                                                                                                                                                                                                                                                                                       |
| How would you rate your communication skills 3 years ago?  ▼                                                                                                                                                                                                                                                                                                 |
| Interagency Collaboration The process of agencies and contracted providers joining together for the purpose of interdependent program planning that focuses on improving services, addressing sobriety and enhance emotional and mental well being for clients.  Based on this definition, please rate the following questions from 1, Poor – 10, Excellent. |
| How would you rate your interagency collaboration skills today?                                                                                                                                                                                                                                                                                              |
| How would you rate your interagency collaboration skills 3 years ago?  ▼                                                                                                                                                                                                                                                                                     |

#### **Problem Solving**

The process of identifying an issue, working through details of a problem, weighing alternative approaches, repeating the cycle until a concrete solution is found.

alternative approaches, repeating the cycle until a concrete solution is found.

Based on this definition, please rate the following questions from 1, Poor – 10, Excellent.

How would you rate your problem solving skills today?

How would you rate your problem solving skills 3 years ago?



Communication Example: Skylar is a case manager for a substance use treatment program. She oversees forty clients with various diagnosis, risk levels, and addiction severity. Every week, Skylar meets with a team of doctors, nurses, and social workers from the local hospital to discuss clients that have been referred to her to provide updates regarding treatment. While she absorbs medical advice and new found research from the hospital team, she also provides insight on social interaction and community-based programming her clients have been displaying.

| Please provide an example that reflects your communication skill: |  |  |  |  |
|-------------------------------------------------------------------|--|--|--|--|
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|                                                                   |  |  |  |  |
|                                                                   |  |  |  |  |
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Example: Skylar is a case manager for a substance use treatment program. She oversees forty clients with various diagnosis, risk levels, and addiction severity. Every week, Skylar meets with a team of doctors, nurses, and social workers from the local hospital to discuss clients that have been referred to her to provide updates regarding treatment. While she absorbs medical advice and new found research from the hospital team, she also provides insight on social interaction and community based programming her clients have been displaying.

| Please provide an example that reflects your interagency collaboration skill:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Example: Gus has a teenage son struggling with academics for the past few months. He knows his son is intelligent and capable of completing his school work, but his son is not passing most of his classes and is at risk of being reassigned to a new school. Gus has tried helping his son with his homework, hiring a tutor, and asking the school counselor for additional resources with little improvement. Gus decides to meet with each of his son's teachers individually and learns he is successful in his afternoon courses but shows little attention or energy for his morning classes. Gus learns his son stays up too late playing video games, and once Gus establishes an earlier sleep cycle for his son, his son is now passing all his classes. |
| Please provide an example that reflects your problem solving skills:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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#### **Appendix B- Interview Guide**

- 1. What comes to mind when you hear professional growth?
- 2. How would you define professional growth?
- 3. Can you describe a circumstance at work where you grew professionally?
- 4. How is your job performance evaluated?
- 5. Have you been involved in any program or fellowship specifically targeted for professional growth?
- 6. Does your agency provide you opportunities to build your skills and talents to apply to your role?
- 7. How have you approached professional growth throughout your career?
- 8. What are some skills or attributes that have lead you to be successful at your position?
- 9. You mentioned \_\_\_\_\_, how would you say this has shaped your communication/interagency collaboration/problem solving skills?
- 10. Based on your survey, I found your response about \_\_\_\_\_ to be interesting, can you tell me a bit more about that and what type of challenges you addressed in that situation?
- 11. What is a time you were creative in your problem solving skills in your traditional role?
- 12. Are there other professions or teams who's interagency collaboration skills you admire and want to implement into your own career?
- 13. What are your thoughts on collaborative courts?
- 14. What do you know about them?
- 15. Do you think there are other more effective ways working with the reentry population or better alternatives to incarceration?

#### For those involved in collaborative courts.

- 1. How were you recruited for the collaborative court?
- 2. What were your expectations joining the collaborative court?
- 3. What did you hope to achieve in participating in the collaborative court?
- 4. How do you feel you have grown professionally?
- 5. What knowledge, skills, and attributes do you think are required to be successful in the collaborative courts?
- 6. When I say your traditional role, I'm referring to your every day work as a \_\_\_\_\_. How have your communication skills changed based on your experience in the collaborative court in your traditional role?
- 7. Do you have an example you could tell me about in more detail?
- 8. What are your previous experiences with interdisciplinary programs or settings? Are the collaborative courts your first time working in an interdisciplinary/interagency team setting?
- 9. How has your experience been so far?
- 10. What have your challenges been working in this collaborative setting?

- 11. Has there been a time you problem solved through an issue in the collaborative court that you can share?
- 12. Have you applied this same strategy in your traditional role?
- 13. What personal improvements have you made that you apply regularly in your traditional role?
- 14. Are there other trainings or professional-development opportunities that would provide the same growth you've experienced in collaborative courts?