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## **Building a Successful Team in a Problem-Solving Court: The Western District of Missouri Model**

### **Authors**

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## **BUILDING A SUCCESSFUL TEAM IN A PROBLEM-SOLVING COURT: THE WESTERN DISTRICT OF MISSOURI MODEL**

Carie Allen, Judge Stephen R. Bough, Judge Lajuana Counts, Arthur Diaz,  
Jeffrey McCarther, Katie Meister, and James Parker\*

### **I. INTRODUCTION**

Problem-solving courts work.<sup>1</sup> We know that reentry programs and intensive supervision programs like drug courts are effective alternatives to incarceration that reduce recidivism. For example, the United States District Court for the Western District of Missouri's Reentry Court has an 85.7% success rate for graduates, meaning they complete their term of supervised release without any new charges.<sup>2</sup> A reduction of recidivism means hefty savings of tax-payer dollars. More importantly, successful problem-solving courts mean people engage in their communities, raise families, work productive jobs, and pay taxes. Politicians of all stripes have figured out that simply incarcerating drug addicts doesn't work: "*The incarceration level that we're seeing – we can't keep doing that. Locking them up is not the answer*" – Missouri Governor Mike Parson (R).<sup>3</sup> Courts and legislators and executive branches around the country are increasingly turning to problem-solving courts to address the trauma, addictions, and behaviors that underly the criminal behavior.

A one size fits all approach won't work. The team of the Western District of Missouri Reentry Court is providing an interesting look inside how we function. We are not perfect, and even after thirteen years, experience continues to teach us lessons. Section II of this Article gives a brief background on our Reentry Program. Section III allows each member of the team to discuss their role and what they get out of participating in our specialty court. Each member of the team—A) Judge, B) Probation Officer, C) Federal Public Defender, and D) U.S. Attorney—are equal partners in our program. Each member has veto power over who gets invited to participate in the program. Other key members include a E) Resource Specialist

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\* The Western District of Missouri's Reentry Team comprises Carie Allen, Federal Public Defender; Stephen Bough, United States District Judge; Lajuana Counts, United States Magistrate Judge; Arthur Diaz, Resource Specialist for the United States Probation Office; Jeffrey McCarther, Assistant United States Attorney; Katie Meister, Senior United States Probation Officer; and James Parker, Licensed Mental Health Worker.

<sup>1</sup> The model used in the Western District of Missouri was created in 2010 with the help and input from mostly state drug courts, most importantly the drug court in Jackson County, Missouri. We didn't create this program; it was simply adapted to fit our Court. Judge Ortrie D. Smith and Judge John T. Maughmer successfully guided this program until 2015, when Judge Bough took over as the judicial team member. The credit for our success lies with all the team members (probation, employees, US Attorneys, Public Defenders, counselors, and judges) who have led, cared, celebrated, and cried for the last thirteen years.

<sup>2</sup> *Reentry Court*, U.S. CTS., W. DIST. OF MO., <https://www.mow.uscourts.gov/reentry-court> (last visited Jan. 31, 2023). Our comparators are individuals who were invited to participate in Reentry Court but turned us down. We are enormously proud of our graduates.

<sup>3</sup> Celisa Calacal, *Missouri Governor Parson Signs Drug Treatment Court Bill Into Law*, KCUR 89.3, (Oct. 24, 2018), <https://www.kcur.org/government/2018-10-24/missouri-governor-parson-signs-drug-treatment-court-bill-into-law/>.

(a member of the probation office) and F) Mental Health Counselor (contracted from an outside agency). Section IV concludes with some general advice for people who are looking to add a problem-solving court in their locality or otherwise.

## II. WESTERN DISTRICT OF MISSOURI'S REENTRY PROGRAM

To understand the Western District of Missouri's Reentry Court, some discussion of specialty courts may be helpful. The first drug court was created in Miami, Florida in 1989, and the second was established in 1993 in Jackson County, Missouri, by former Senator Claire McCaskill.<sup>4</sup> Specialty programs have since expanded to address a host of societal ills, including drug courts, problem-solving courts, veterans courts, and youthful offender courts. Specialty courts have fallen into two categories: 1) "back-end" programs which offenders participate in after serving a term of imprisonment; or 2) "front-end" or no-entry programs where an individual typically doesn't go to prison.<sup>5</sup>

Since their creation, there has been an explosion of alternative courts across state court systems. For example, Minnesota has developed a variety of treatment courts, including an Adult Drug Court, DWI Court, Family Dependency Treatment Court, Juvenile Drug Court, Mental Health Court, and Veterans Court.<sup>6</sup> Missouri Governor Mike Parson signed bills expanding drug treatment courts to every county in Missouri and creating veteran's treatment courts, allowing for diversion programs for military members or veterans dealing with substance abuse or mental health conditions.<sup>7</sup> The BRIDGE program in the United States District of South Carolina was one of the first alternative-to-incarceration drug court programs. Over six years, the program saved taxpayers \$3.5 million.<sup>8</sup> Of the forty-three graduates during that time, only five of them had additional encounters with the law—an 89% success rate! Judge Bruce Hendricks runs the South Carolina program and noted, "you need to get to the root of the problem—the substance abuse disorder—or you will have recidivism."<sup>9</sup> In Kansas City, Missouri, municipal court Chief Judge Courtney Wachal developed a Domestic Violence

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<sup>4</sup> *Drug Court*, JACKSON CNTY. COMBAT, <https://www.jacksoncountycombat.com/168/Drug-Court> (last visited Jan. 31, 2023).

<sup>5</sup> U.S. SENTENCING COMM'N, FEDERAL ALTERNATIVE-TO-INCARCERATION COURT PROGRAMS 6-7 (Sept. 2017), [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170928\\_alternatives.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170928_alternatives.pdf).

<sup>6</sup> *Treatment Courts*, MINN. JUD. BRANCH, <https://www.mnncourts.gov/Help-Topics/DrugCourts.aspx> (last visited Jan. 31, 2023).

<sup>7</sup> Alisa Nelson, *Parson Signs Bill to Create Veterans' Treatment Courts in Missouri*, MISSOURINET (July 10, 2019), <https://www.missourinet.com/2019/07/10/parson-signs-bill-to-create-veterans-treatment-courts-in-missouri/>.

<sup>8</sup> HONORABLE JUDGE BRUCE HOWE HENDRICKS, U.S. DIST. CT. FOR THE DIST. OF S.C., WRITTEN STATEMENT TO U.S. SENTENCING COMMISSION – DRUG COURTS 10 (Mar. 2, 2017), <https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20170418/Hendricks.pdf>.

<sup>9</sup> E-mail from the Honorable Judge Bruce Howe Hendricks, U.S. Dist. Ct., Dist. of SC, to the Honorable Judge Stephen Bough, U.S. Dist. Ct., W. Dist. of Mo. (Feb. 3, 2023) (on file with author).

Court that “seeks to improve victim safety and hold offenders accountable through increased supervision and a holistic approach towards offender needs.”<sup>10</sup>

While there are important distinctions between Reentry Courts, the reality is that each program’s intensive supervision and lack of adversarial approach results in successful avoidance of recidivism.<sup>11</sup> These alternative courts are not without critics “who contend that they are not effective in treating addiction and reducing recidivism, wrongly reduce the punishment of culpable offenders for their volitional conduct, or wrongly criminalize drug addicts rather than genuinely treat them.”<sup>12</sup> However, the Department of Justice, National Institute of Justice, reports that “in an unprecedented longitudinal study that accumulated recidivism and cost analyses of drug court cohorts over 10 years, NIJ researchers found that drug courts may lower recidivism rates (re-arrests) and significantly lower costs.”<sup>13</sup>

The Western District of Missouri’s Reentry Court is a prime example of an extremely intensive back-end supervision program. Graduating from the program results in a substantial reduction of the term of supervised release and, hopefully, a wealth of tools and skills to avoid re-offending. Like other courts, we have a four-phase program that usually takes between one year to eighteen months to complete.<sup>14</sup> Each of the four phases has different requirements for completion:

**Phase I:** Attend five bi-weekly meetings, obtain employment, pass drug and alcohol testing for thirty-five days, and present a historical life inventory . . . .[:]

. . . .

**Phase II:** Attend eight bi-weekly meetings, continue steady employment, pass drug and alcohol testing for forty-five days, and present a “comprehensive relapse prevention plan.” . . . .[:]

. . . .

**Phase III:** Attend monthly meetings, maintain steady employment, be successful in substance abuse treatment, pass drug tests for sixty days, and participate in pro-social activities . . . .[:]

. . . .

**Phase IV:** Attend monthly meetings, maintain steady employment, complete twenty-five hours of community service, pass drug tests for 133 days, and present a graduation speech to the Court.<sup>15</sup>

For each week of compliance, participants receive one week of credit towards their term of supervised release. If a participant violates any requirement

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<sup>10</sup> KANSAS CITY MUN. DOMESTIC VIOLENCE CT., DOMESTIC VIOLENCE BROCHURE, <https://www.kcmo.gov/home/showpublisheddocument/2472/637454368119570000> (last visited Jan. 31, 2023).

<sup>11</sup> See U.S. SENTENCING COMM’N., *supra* note 5, at 5-7.

<sup>12</sup> *Id.* at 8.

<sup>13</sup> *Do Drug Courts Work? Findings From Drug Court Research*, NAT’L INST. OF JUST. (May 11, 2008) <https://nij.ojp.gov/topics/articles/do-drug-courts-work-findings-drug-court-research>.

<sup>14</sup> *Reentry Court*, *supra* note 2.

<sup>15</sup> U.S. CTS., W. DIST. OF MO., REENTRY COURT FOR THE WESTERN DISTRICT OF MISSOURI: A GUIDE TO REENTRY COURT PROGRAM 11-14, <https://www.mow.uscourts.gov/sites/mow/files/Re-EntryCourtGuide.pdf>.

(i.e., tests positive for a controlled substance) during a week, they may face additional sanctions, such as location monitoring or more counseling. Continued violations can result in removal from the program. Throughout the program, participants are treated by outside providers, subject to unannounced home and work visits from their probation officers, and rewarded with gift cards, praise, and fewer restrictions.<sup>16</sup> At the end of the program, there is a party, gift card, graduation plaque, picture with the judge, graduation speeches, and an order reducing the term of supervised release.

### III. REENTRY TEAM PERSPECTIVES

Each member of our team has been on Reentry Court for years. We have seen folks graduate, buy homes, reunite with families, and pursue their dreams. We have seen people fail, relapse, get treatment, relapse again, and eventually get kicked out of the program. The heartbreaks hurt more, and the hallelujahs are more joyful in Reentry Court. The team has bonded, and the traditional adversarial roles *mostly* melt away during the program. Outside of the program, the U.S. Attorney goes back to trying criminal cases, the Public Defender keeps filing motions to suppress, the probation office keeps doing investigations, and the judges keep arraigning defendants and sentencing people to prison. As mentioned before, graduations from Reentry Court are especially meaningful, mostly because of the graduation speeches. We start off with each member of the team affirming the graduate in some way, then the graduate orally delivers a speech. Each person's personality shows in different ways, but a recent graduate, Timothy Farmer, shined. His introductions and affirmations of each team member were heartwarming and serve to introduce each section below.

#### A. Judge Stephen R. Bough & Lajuana Counts: Building a Team and Losing the Adversarial Role

*So last but not least, I would like to thank Judge Counts for being a part of this program. You always have such a glow when talking to us about what's next for us. So, thank you for that. And then you got [sic] Judge Bough, he will have you up thinking the night before on what positive thoughts<sup>17</sup> you are going to give him and what he has lined up for you next. With that being said, now it's my turn to have something lined up for him. I was told by Judge Bough that when I was done with this*

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<sup>16</sup> *Id.*

<sup>17</sup> Every session involves calling each participant up to the podium. The first question is always the same: "Tell me something positive."

*program that he would take me to lunch or dinner, so I will be waiting on his call.*<sup>18</sup>

### 1. Judge Lajuana Counts

Changing the trajectory of someone's life is what the Western District of Missouri's Reentry Court is all about. Being a part of the team is one of the most rewarding aspects of our lives. It is quite amazing to see the metamorphosis of a participant in our reentry program; they move from anxiety and hesitancy to resolution and gratitude. It is not an easy feat to recover from a serious life-changing mishap within the legal system, but the journey with the assistance of the reentry team, gives the participants an opportunity to change the paths of their lives. It's simply amazing and so very gratifying to see the growth and satisfaction as someone graduates from the program. I was fortunate to become a part of this team when I started my career on the bench as a Magistrate Judge in 2018. I preside over the reentry sessions when Judge Bough cannot attend. Otherwise, I am another voice and am able to add to the conversation as we celebrate the successes and navigate through the challenges that each reentry participant experiences. We each rely upon our life experiences and backgrounds, both personally and professionally, to provide a holistic approach.

From my perspective, the tone for our program is set by the district judge, which permeates throughout the entire team. From the inception of this program, each district judge, as well as each team member, has poured their heart, soul, and outside resources into giving each participant the tools needed to navigate through our program. Our team's actions have shown each participant that we have a genuine vested interest in providing them every possible resource available—better paying jobs, decent affordable housing, educational opportunities, and mental and physical health support. The only thing that our team can't do is make a participant change—we've evidenced them wanting to change and making that decision to change throughout our program as we've held them accountable for their actions and treated them with respect, concern, and dignity. They are not numbers or statistics; they are human beings.

This program is not a "one size fits all" type of approach. We have a general game plan, but what we've learned over the years is to focus on each participant's individual needs. Our purpose is to be accessible, straight-forward, and reliable. Consistency between, with, and among all the reentry team is crucial to the success of each participant.

### 2. Judge Stephen R. Bough

I inherited a smooth running, well-staffed program that produced great results. My job is to simply keep the car pointed in the right direction. Judge Ortrie Smith and Judge John Maughmer built the Reentry program along with countless

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<sup>18</sup> Mr. Farmer gave us permission to publish his graduation speech. Mr. Farmer completed the reentry program on 6/16/22.

Probation Officers, U.S. Attorneys, Public Defenders, and Mental Health Providers. Like Judge Counts mentioned, those judges set the tone. Judges Smith and Maughmer were kind, gracious, and humorous men. They never took themselves too seriously, but they did take pursuing justice as a high calling. These two judges were respectful and welcoming. When coming back to Reentry to watch folks graduate, they still greet everyone with a huge smile and a warm handshake. This approach is one of the many reasons for the program's success. Imagine the trauma of committing a crime, being prosecuted, being found guilty (plea or otherwise), and then being sentenced to the Bureau of Prisons. Now, you are being asked to return twice a month to the same courthouse where you were sentenced. The normal response is a polite "no, thank you." Of the many things I learned from these gentlemen: be kind. Every participant is greeted the same way, with a request to "tell me something positive." I tell them we want them to graduate, that I understand it will take a full phase for them to trust me, and that I am proud that they joined us. No one expects a participant to be able to continually flout the rules, use drugs, or skip appointments. Everyone deserves a second chance in life and Reentry when they are being honest. In short, Judges Smith and Maughmer showed me how to apply the golden rule to people in Reentry Court, and I am grateful for the education.

### **B. Probation Katie Meister: Probation Role and being Faithful to the Rules**

*I first heard about the REC (Reentry) program from Katie. She gave me her pitch and I told her I would think on it. Then the next thing you know, here comes smooth talking Tony Wheatley (another probation officer on our team). So, Katie, I would like to personally thank you for letting me be a part of this program. The thing that got me is they have someone for everything that you need.*

As the Program Specialist for the U.S. Probation Office, developing strategies and programs that grow our district is a part of my core responsibilities. I oversee cases for our district that are in the Reentry Phase, at the Residential Reentry Center ("RRC"). Individuals returning to the community from incarceration are generally afforded a period of transition time at the RRC as part of their custody sentence. I become involved in the case during this timeframe, and I am the first point of contact for referral to the Reentry Court ("REC") program. My role as a specialty court team member is mostly administrative. I track referrals, data, historical context, and speak for the overall fidelity of the program from an evidence-based perspective. Specialty courts allow team members from different agencies to view each other from a different viewpoint, one that is less adversarial and more collaborative. Listening to varying viewpoints is an important part of the process, while staying true to the overall mission of the program. Moving forward, our district is moving less toward the Reentry Court model and focusing more on expanding our pre-trial treatment court. The treatment court model allows us to expand the types of cases we accept, be more inclusive toward



all types of treatment needs (including trauma), and be very specific about services. We are excited to develop this program in 2023 and have several new participants on the cusp of admission to the program. Successful completion of the treatment court ultimately results in the avoidance of incarceration for each individual and is a two-year, intensive process. Our office is not abandoning our mission to aid individuals in successful reentry; we are shifting our focus to adapt to the changes in legislation and in consideration of time and resources for the agencies that are involved in these programs. It is a very exciting time for our district as we venture toward growth of our treatment court, and we are so grateful to work for a district that allows us to develop programs that are driven by our desire to positively impact the lives of the participants.

### **C. Public Defender Carie Allen: Support of the Participants as a Legal Advocate**

*Mr. Farmer didn't write anything about the Public Defender, Carie Allen, because he went through our program perfectly. He didn't have any issues, so Ms. Allen didn't have to use her legal talents.*

Before going to law school, I always thought I wanted to be a social worker. As I was finishing undergrad, I was talked into going to law school by an attorney I did some volunteer work with. He assured me it was an excellent advanced degree, and I absolutely did not have to be a lawyer. I took the bait. Twenty-one years ago, I started my first job as a lawyer: a trial lawyer with the Missouri State Public Defender system. When I heard the first jury to declare my client “not guilty,” I was hooked.

All these years later, I am still a trial attorney, now with the Federal Public Defender. My role as a trial lawyer is one of zealous advocacy—I fight for my clients, whether that means going to trial (and occasionally getting that elusive “not guilty”) or, more often, fighting for a lower sentence.

When I started as a Federal Defender, I would hear the assigned attorney talk about going to Reentry. I had no understanding of this mysterious court. As I attended more sessions, I learned that a team of people was there to help participants succeed after prison. A little over four years ago, I volunteered to be the Reentry attorney from the Federal Defender office. While there is always an aspect of social work in my job, twice a month, I now get to get my social worker “fix.”

Unlike my role as a trial attorney, Reentry is rarely adversarial. There are no “not guilty” decisions in Reentry Court. The primary goal is to be a team, and the team tries to do everything we can to lift the participants up. We all fight for them, and we all root for them. Often, we work together to develop creative solutions for issues the participants are going through. For example, when a participant told us she was worried about her son, we encouraged her to sign him up for the Big Brothers program. In another instance, we worked together to help a participant take care of warrants from traffic tickets that built up while he was

away in prison. We've rooted for many participants working towards their GEDs. Often, I am simply there as a cheerleader for people who need some cheering.

The Reentry participants are still my *clients*. Unlike anyone else in that courtroom, I owe them the duty of confidentiality and zealous advocacy. These duties come into play when someone is not sailing through the program; when they are accruing violations, when they are losing weeks, or when they've encountered a legal problem. I'm typically the one who steps in. At the beginning of the program, I always introduce myself and let the participants know that I am *their attorney*. I give them my card with my cell phone number, and I make it very clear that they can call me confidentially. What I share with the rest of the team is only with the participants' permission.

Sometimes I play the role of the second counselor. Clients can call me to vent. They can tell me why they are frustrated and may want to drop out. I listen, and I give them advice. Other times, they have received a violation, often being a positive test for drugs or alcohol. And this is when I step into my role as confidential advocate. I advise them of what their best options are in the situation. I let them know what the consequences will be. But, like in my typical trial work, my job is to advise, not decide for them.

Participants don't always complete the program. On rare occasions, my client wants me to fight to stay in Reentry court, and that is what I do. More often, they have simply lost too many weeks, and cannot complete the program in the required time. In these cases, my clients know what is coming and understand that no amount of advocacy on my part can override the program's rules. I am always the one that makes the call to let them know. As a rule, we don't have them come to the next session to embarrass them by kicking them out in front of the other participants. I know this is appreciated.

I remain their attorney even if they don't get through Reentry court. This may mean I have to go to court with them and fight for them in front of another judge if they accrue any more violations. And it might mean they call me to ask legal questions. And sometimes, they will still call me just to vent. I always want my role to be the person they can 100% trust to act in their best interest.

I am the only person in the Reentry program who works with criminal defendants before their conviction *and* before they go to prison. I see how much success our participants have and how the team helps them get back on their feet. I have so many clients whom I know would benefit greatly from the program once they are released. Unfortunately, most don't qualify because of their criminal history. If there is one place where I am not always a "team player," it lies in my hope to greatly expand the number of those who qualify for the program. Kansas City has a serious gun-violence problem and one of the highest murder rates in the country. Giving as many people as possible the resources—and cheerleaders—to help them get their lives back on track makes a difference. It's statistically proven to make a difference.

Like most of the other people in our Reentry team, I live in Kansas City. I love my city. I don't want my clients to feel they must carry guns to feel safe. I don't want to fear for their safety when they are released. I want them to have a team that can help them find a safer place to live, who can give them the counseling

to foster positive relationships, and who can ultimately make sure they will never go back to prison. This is what Reentry court does and why I always look forward to walking into that courtroom twice a month.

**D. Assistant U.S. Attorney Jeffrey McCarther: “*The prosecutor is not merely a case-processor but also a problem-solver responsible for considering broad goals of the criminal justice system.*”<sup>19</sup>**

*With that being said, my first REC appearance had me ready for it to be my last. First and foremost, I was walking back in the courthouse that I told myself I would never be in again. And then who else but the man who recommended the time—Jeff McCarther. Not sure if this was ever talked about or not in the courtroom [sic], but Jim (the mental health counselor) sure knew about that after our sessions. Jim had nothing but positive things to say about Jeff. So, next thing I know me and Jeff are doing community service together. So that opened my eyes up to see that I can’t be hateful of someone just doing their job when I was the one doing wrong. So, Jeff, I just want to tell you thank you for being part of this program. You helped me to see the federal system from a different view and perspective.*

The role of the criminal prosecutor in any given case typically ends at a defendant’s sentencing hearing. Rarely, if ever, would a prosecutor call any sentencing hearing a “joyful” endeavor. At sentencing hearings, prosecutors must earnestly and dispassionately advocate for an outcome that best serves the interests of justice. Often, that outcome is a term of imprisonment. For the defendant and their family, it’s a somber occasion. At the conclusion of the hearing, the prosecutor closes the case and moves on to other matters—hoping, perhaps naively sometimes, that at the conclusion of the term of imprisonment, the defendant will have emerged reformed, ready to commit themselves to pursuing a purposeful and lawful life. But, outside of a show cause or revocation hearing for violations committed while on supervised release after serving a term of imprisonment—which would mean things have not gone well—a prosecutor would rarely have any idea how any defendant fares post-incarceration. The ambit of post-incarceration supervision lies exclusively with the United States Probation Office, and there is no realistic opening for the prosecutor to step in. Reentry Court, however, allows for a window.

When I was first introduced to Reentry Court in 2015, I admit I was confused by the role of the United States Attorney’s Office. The program was a post-incarceration, enhanced-supervision program, after all. Where does a prosecutor fit? After attending my first sessions of Reentry Court, my concerns were assuaged. The role of the United States Attorney’s Office is to discuss, consider, advise, and work with all the partners in the program with the joint goal

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<sup>19</sup> CRIMINAL JUSTICE STANDARDS, PROSECUTION FUNCTION, AM. BAR ASS’N, (4th ed. 2017), Standard 3-1.2(f).

that the participants in the program succeed—for themselves and society. It can't be over-stated enough, the broad goal of the criminal justice system *must* be, for all participants in that system, that individuals reentering society post-incarceration become the absolute best person for which they are capable. With that premise central to Reentry Court, we take off our “adversarial hats” as we walk through the doors. Absent a discrete circumstance wherein a participant needs to discuss legal issues with the public defender, over the weeks and months of the program, all of the program partners are privy to the same information about a participant—the good and the bad. Invariably, in our discussion for any given participant, I am, for instance, far closer to the public defender on “next steps” than we are apart from one another. All the team members experience disappointment when a participant fails, and we all experience joy and fulfillment when a participant betters themselves and reaches the zenith of graduation from the program.

As the prosecutor on the team, however, I am highly cognizant of what I represent to a Reentry Court participant. Likely, each participant's last interaction with the United States Attorney's Office in court was where a prosecutor was attempting to persuade a judge to incarcerate them for a longer period of time than the participant was hoping for. For that reason, I understand that I'm probably the last person each participant wants to see in court—especially for those I personally prosecuted. When a participant begins the program, I can never be certain whether I'm viewed by the participant as someone in their corner hoping all goes well in their life, an adversary anticipating a tumble backwards into an indictment, or something in-between. Regardless of the thought, it's important that the United States Attorney's Office is part of the program, and for the participants to see, week after week, and month after month, that even the prosecutor (who may have recommended their sentence of incarceration) has a vested and genuine interest in seeing them succeed.

#### **E. Resource Specialist Arthur Diaz: Connecting Client to Employment, Educational, Supportive Service and Financial Literacy Resources**

*They have the answer for everything or at least can point you in the right direction. Without even already knowing I had Mr. Diaz, he was trying to get me a GED and looking for me a job [sic]. Soon as I got in the program, I surprised him that I already had a GED and a job, but he had*

*been around smooth-talking Tony too long so of course he talks me into doing a job resume anyway. So, thank you for that, Mr. Diaz.*

As the Community Resource Specialist for the U.S. Probation Office, I support the efforts of the supervising officers in helping our offenders' transition into the community. My responsibilities include:

- 1) Assisting offenders in finding employment and/or career training opportunities.
- 2) Referring offenders to agencies for the provision of supportive services.
- 3) Establishing and maintaining relationships with businesses and social service providers in the Kansas City metro area.
- 4) Updating supervising officers on events and programs that could benefit our offenders.

My primary role in the Specialty Court is to provide employment and resource assistance thereby increasing the chances of a participants' successful completion of the program. However, there are times when more intensive coaching or support is required to address a participant with a problem. Examples include:

- 1) Assisting a participant who was struggling to maintain employment by holding "de-briefing" sessions after every shift for two weeks thus providing the opportunity to address issues that occurred in previous jobs.
- 2) Providing a referral to colleagues at Legal Aid to help a participant who was confused about a possible sanction regarding his Social Security benefits.
- 3) Advocating for a participant who needed help in securing Federal funds to enroll in CDL training class.
- 4) Referring two participants to GED preparation classes and coordinating efforts with agency's staff.

I also take part in staffing sessions to review the progress of those in the program.

#### **F. Mental Health Counselor Jim Parker: Breaking Down Barriers to Personal Growth and Change**

*With that being said, who was all the crying and complaining to other than Jim. So, he learned to know me more than anyone in the program. He talked me into staying in the program numerous times. So, thank you for that, even though at the time I might had thought you was wrong [sic] but by the time I came to the house I realized you were right. So, I am*

*glad that I was able to meet you and work with you in this program. You are a very special man so thank you for your services.*<sup>20</sup>

“Professional counseling is a professional relationship that empowers diverse individuals, families, and groups to accomplish mental health, wellness, education, and career goals.” Counselors work with clients on strategies to overcome obstacles and personal challenges that they are facing.<sup>21</sup> There are not many people in the world who seek out the services of a counselor when everything in their lives is going great. To the contrary, people seek the services of a counselor when they have thoughts, emotions, or behaviors that are out of control, affecting their relationships and sense of well-being. Some clients bring goals or problems to the counseling sessions, while some are just there to fulfill the requirement of the program (i.e., just checking the box). Some are willing to identify areas in their lives which need change, and some are not. The counselor for the Reentry Court Program does not judge clients, but meets them where they are, being of maximum service to the client.

The counselor in the Reentry Court Program spends a minimum of eighteen hours with the client during their time in the program, which is more contact than any other member of the team, except for the probation officer. A barrier to overcome is the client’s belief that the counselor will report everything that is said in counseling sessions to the probation officer. Clients have the right to confidentiality and the counselor has an ethical duty to protect that confidentiality. All clients sign a release of information to allow the counselor to speak to the probation officer and the court for progress reports. The counselor will provide the least amount of detail on the progress in treatment to protect the client’s confidentiality. Once the client understands this, they are much more likely to open to the counseling process and the real work begins. If a client becomes committed to the process, they can achieve their goals and experience more personal growth than they thought possible.

The counselor and probation officer work very closely together. I would typically speak to the probation officer at least once per week to discuss clients’ progress in counseling. Then, there were the times when I would receive a phone call from the probation officer first thing Monday morning. Those phone calls were rarely to provide a positive report on a client. Those calls did provide me with a topic to address with the client. This type of sharing of information about a client is something a “normal” counselor does not get. A “normal” counselor does not receive a call to inform them their client relapsed with a substance or is experiencing anxiety. These Monday morning phone calls were a source of information which provided topics to address in the next counseling session and goals to work toward.

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<sup>20</sup> This is an excerpt from Mr. Farmer’s graduation speech. Since graduating from reentry court, Timothy Farmer continues to play an active role as a father and has maintained both a stable residence and employment.

<sup>21</sup> *What is Professional Counseling*, AM. COUNSELING ASS’N., <https://www.counseling.org/aca-community/learn-about-counseling/what-is-counseling> (last visited May 21, 2023).

I was the counselor for Reentry Court from 2019 to 2022. It was an honor to work with the Reentry Court team, but especially with clients in the program. The work I did with the clients was very difficult at times, but also very rewarding. It was difficult to work with a client who would fight the therapeutic process. These clients would often only speak of surface level issues while saying “everything is okay” or “I’m fine. Everything’s fine.” More than once, a client who did this would not make any changes in their lives, leading to bending, then breaking the rules of the program. It was painful when the client would break the rules one too many times, so they were dismissed from the program. Luckily, the painful times are overshadowed by the positive, rewarding times with clients. As counselors, witnessing clients transform from being apprehensive to opening up about their feelings and processing difficulties is why we do what we do.

#### **IV. RECOMMENDATIONS AND CONCLUSION**

If there can ever be an agreement among all Americans, surely it is that the criminal justice system is not working. The United States has the most expensive system, the highest recidivism rate, and incarcerates the highest percentage of our population. This is not the American exceptionalism we expect. There is an obvious solution—problem-solving courts are cheaper and have improved recidivism rates. Each level of the criminal justice system needs to rethink the reluctance to fully embrace these innovations.

What is clear to all of us in the justice system is that one size does not fit all. Each human, each child, and each defendant come to a situation with different experiences, limits, and skills. Problem-solving courts try to take a person from where they are and, if they are willing, go on a new path.

For the problem-solving court to work, all the parties to the program need to be on the same page. For judges, that means less adversarial or confrontational methods. For public defenders, that means modifying the way they think of the advocacy role while respecting attorney client privilege. Prosecutors need the courage to advocate for success in the various programs, not just incarceration. Probation Officers have always tried to get people the help they need within the rules, and they welcome a collaborative approach. As with any team, respect and support for other members is vital. And when the graduation cake is sliced, generously partake!