

*The following transcript has been edited for clarity and brevity.*

KAREN FRIEDMAN: Welcome to Justice Today, the official podcast of the Office of Justice Programs (otherwise known as OJP), where we shine a light on cutting-edge research and practices and offer an in-depth look at what we're doing to meet the biggest public safety challenges of our time. Join us as we explore how funding, science, and technology help us achieve strong communities.

I'm your host, Karen Friedman. I'm the Director of Criminal Justice Innovation, Development, and Engagement at OJP's Bureau of Justice Assistance (otherwise known as BJA).

Some of our listeners may know that May is National Drug Court Month. Others may not know what a drug court is or why they should care. We're happy to be joined today by Carolyn Hardin, who's here to explain how drug courts change lives, reduce crime, and make our society more fair and safer.

That sounds like a lot, I know, but there's plenty of evidence to back it all up. And Carolyn, who is the Director of Training and Research at the National Association of Drug Court Professionals, will help us understand what drug courts do and how they do it. Welcome, Carolyn. Thank you so much for being here with us. You know how excited I am to have you. And I'm just so honored and thrilled to have you here today. So welcome.

CAROLYN HARDIN: Thank you, Judge. It is a pleasure to be here with you as well.

KAREN FRIEDMAN: So, for those of our listeners who don't know, prior to me coming to DOJ, I was a drug court judge in Baltimore for many years. So drug court is definitely something I'm very passionate about. I'm really excited to have this conversation with Carolyn and teach all of you a little something about drug court, because I think it really is a special gem in the criminal justice system that many people don't know about.

Carolyn, let's start with the big picture for the folks listening. We know that America's first drug court was created in Miami a little over 30 years ago. Today, there are more than 3,800 drug and treatment courts across the country, and they work with about 150,000 people every year – tremendous growth over a fairly short period of time. Why would you say that drug courts have expanded so rapidly, and how are drug courts different from regular courts?

CAROLYN HARDIN: I think they have expanded so rapidly because simply they work, they have good outcomes. And how are they different from the traditional setting? When you go into a traditional court, there's the judge, the prosecutor, the defense attorney, and everybody is having a conversation. In drug court, it's the judge and the client that are talking and that opportunity for the client to tell what's going on with them, to share what has worked, what hasn't worked.

But behind that judge is a whole team, different people that represent different agencies, that represent probation, law enforcement, and the community, and bringing together wraparound services to meet the needs of the individual who's standing in front of them. They go from being case number 5678321 to "Hello, Mr. Smith." Or "Hi, how can we help you?" I think that's one of the reasons that they've expanded so well.

KAREN FRIEDMAN: Yeah. Regular court is an adversarial process. And then when you come into a drug court, it really is a cooperative process. And I can tell you as a judge, you have to really wear different hats. Some days I'm acting as a judge, but some days I'm acting as a therapist, some days I'm acting as a mother, some days I'm acting as a cheerleader, depending on what that individual needs on that day.

We have an incredible team of people who are so dedicated to helping this individual. It's definitely a very special place. But as you and I both know, drug courts aren't open to every defendant. Could you tell us a little bit about who's chosen to go to drug court and how the process works a little bit?

CAROLYN HARDIN: So yes. As you talked about all these different folks who are sitting there on the team, drug court is really looking for those folks who've had multiple interactions with the criminal justice system. These aren't people who are going to make it by themselves. They need the support and the wraparound services that come from that team of folks who are working to assist them.

We're not looking at just simple possession cases Those folks may be diverted. But we're looking at people who've had a lot of run-ins with the criminal justice system and are addicted to illicit drugs and alcohol. They can't stop using on their own, even though they may have been in front of the court before and someone has said, "I'm going to take your kids away, you're going to have to spend lots of time in jail." That did not stop them from using. Treatment court is for those folks who have not just substance use, but criminal behavior that needs intensive services brought to them and to assist them with services.

In our regular system, sometimes we make referrals and say, "Good luck with that." In treatment court, we don't just make a referral. We sit down with you, we walk you through. "How are you going to get there? What does transportation look like?" Then we help you prepare for what are you going to need to take when you get there to the process. You need your driver's license. "Oh, you don't have a driver's license?" Then we're going to help you figure out how to get the paperwork and the different things. It's a bit more for those clients who need those services to help them get back on their feet.

KAREN FRIEDMAN: Right. It's so true. And you were talking about criminal behavior. Some people would argue that these people have broken the law, right? And they should be punished, even though they have an addiction. They should be punished, this is criminal behavior, et cetera, et cetera. You address a little bit about how drug courts address the criminal behavior along with the substance abuse. But what else would you say to people that make this argument of, crime should be punished, period. That's how they see the criminal justice system.

CAROLYN HARDIN: There is a punishment aspect to it, I guess. But if we only punish and don't address what led people to be engaged in this behavior, and help them get new skills, new tools, so that they don't continue in this criminal behavior, you can punish them, but they will continue to do the same thing over and over again.

I think one of the things I said is that we have to teach them new skills, new tools, new things to do. When folks come in our program, we give them incentives and we also give them sanctions, right? But one thing we have to think about is—I always give the analogy and think about when people have children. And when we have kids who make mistakes, you don't lock your kids away for the rest of their lives. You help them figure out, okay, this was wrong, what did they do wrong. What could they do differently, and how are they going to avoid the same scenario in the future?

We have to help people who've committed crimes that are using drugs and alcohol. How do you avoid this the next time? What do you need to do? Helping them to learn some of those new skills, some of them didn't learn those skills. And this is an opportunity to help them learn that, to teach them how to do it. I always say to people, if you had a baby, some folks have had children, if you've ever given birth, when that kid does something wrong, you don't want to send it back in the birth canal, you want to address the issue right here.

We have to address the issue with our folks who are coming through with what they are doing right now. Help them understand what led you to do this, and then figure out the

next steps and things that they could do differently to not repeat the same behavior. And it requires us teaching them some new skills.

KAREN FRIEDMAN: And it directly benefits public safety. That's what people have to understand, because very few people stay in prison forever, right? You have a very, very small percentage of people that are committing crimes that will cause them to be in jail forever. Most people are going to get out. And if we don't address the underlying issues that led them to the criminal behavior to start with, then when they get out, there will be no change, and they're going to continue to commit crimes

That's going to affect public safety. If we can address these underlying issues and figure out why they're behaving the way they're behaving and address it, then they will become productive citizens. And productive citizens are good for public safety. This is really a direct link between what you all are doing with the drug courts, and treatment courts in general, and improving public safety. And that's really what I want people to understand. It's not just that we're coddling people who have this issue or that. We're just sympathetic, and there is a component of that.

It's very hard to be a drug court judge or be involved in drug court and not be sympathetic, because you really see people who are suffering and struggling. So, of course, there is that compassion component. But you also have to think of it logically in a public safety framework. We need to address this behavior so we could make sure that this person can be on the street, living in a community without disrupting public safety.

CAROLYN HARDIN: And can I just add something, Judge? What you're saying is so correct. People might be surprised to know that sometimes folks are offered treatment court. They are offered – you can go to this 12- to 18-month program, or do 5, 10 years in prison. And some people will accept 5 to 10 years in prison because it's easier to stay in your addiction than it is to address what led to it.

KAREN FRIEDMAN: Yup.

CAROLYN HARDIN: When they come into drug court, it's like peeling back the onion. There's oftentimes a traumatic experience that led folks to some of this using, and they're self-medicating as a result. And so, you start to pull back that onion. It's hard to address some of the most traumatic experiences that have happened to you and not be using a substance to help you deal with that. That's very hard work. For folks who come into these programs, they're doing a lot of hard work of addressing specific things that

have shattered them, that have caused some of that trauma, some of the mental health issues, some of the abandonment issues that they have experienced.

It's a lot of work. It's harder to do this work than it is to just, as some of them will say, doing time. "I can do time. I can count all day. But actually doing the work of why can't I maintain employment? Well, it's caused by some of my impulse issues, and what I think. So, now I've got to start changing the way I think. I have to look at people differently. I have to take breathing exercises as opposed to exploding." That takes time, that takes learning how to do that.

KAREN FRIEDMAN: Yeah. Some of them, unfortunately, are so used to spending that time in jail that the thought of going to jail is really not as horrific as we would think it would be. It's surprising how many of them are self-aware that they are not ready to deal with the addiction yet. They're scared more to fail in a program like this, because if they fail, they're most likely risking more jail time than they would be if they would just take the jail time upfront.

So, instead of facing that failure, they would rather just go to jail. People really have to understand that drug court is not a free ride, and it's not a walk in the park. They're doing the hard work of addressing these underlying issues. And there is a lot of trauma involved. In drug court, we offer grief counseling and therapy and all different types of mental health assessments and treatment, et cetera. Those are difficult things. It's difficult to acknowledge that those issues exist, and then it's difficult to actually deal with those issues.

And as you and I both know, many people who have substance abuse issues also have mental health issues. What we've also seen is that the drug court model has become really adaptable. Over the past 30 years, that model has expanded to a wide range of treatment courts, including mental health courts, DUI courts, veteran's courts, and they apply that same kind of treatment model. Could you talk a little bit about those other treatment courts and let people know what else is going on in the field?

CAROLYN HARDIN: Oh, absolutely. When we talk about mental health courts, we're really looking at the people who have untreated mental health issues. They may not have been on medications or they're undiagnosed. Trying to get them diagnosed with what is actually going on with them, and getting them the right medication, the right treatment, the right services, is what's happening in those programs.

Our DUI, DWI courts—they're called many different things in different states, depending on the laws—but they're for folks who are out driving under the influence of alcohol or

drugs. It's working with that population and helping them to address the alcohol issues. We often see a lot of severe mental health issues around depression with that population and really try to assist them.

One of probably the newest models that we have is that we have a number of folks who have served in our military, who have served honorably, who have served to help us take advantage of the freedoms that we have in this country, who have returned. And now they have substance use issues, but they're also suffering from post-traumatic stress disorder. Some of them have traumatic brain injury. Trying to address some of the behaviors that were untreated, that led them to engage in criminal behavior, by getting them assistance, connecting them with the Veteran's Service Administration, Veteran Affairs and connecting them with other like-minded veterans who have overcome some of those challenges.

These are the newest models that we see of treatment courts. It has expanded from adults to accomplish these other types of models to meet the needs. And it's great, because communities can identify what's happening and figure out which model is best. We often see that a lot of courts have multiple models in their community to give people additional opportunities for alternatives besides jail and prison.

KAREN FRIEDMAN: That's wonderful. Now, people who have successfully completed their program in drug courts are known as graduates. For anyone who's ever attended a drug court graduation, it is probably one of the most emotional ceremonies you could watch. You bring your Kleenex. The gentlemen and ladies—we also have some women in these programs. It's more men than women, but we do have some women as well—talk about the trajectory of their lives. How they got to this place and how hard they had to work to get to this place, and all the struggles that they faced, and how excited they are to be sons again, husbands again, fathers again, friends again, community members again, et cetera.

It's really a special, special day. I've had the honor of presiding over several of them. I understand that now you're trying to have some of the graduates play a role in making drug courts more effective. You want to tell our audience a little bit about that?

CAROLYN HARDIN: Oh, absolutely. Graduates are critical and key. One of the things that they bring is lived experience. And sometimes they can be very powerful voices for the individuals who are in the program. What we're seeing today is that treatment courts are starting alumni associations. Those graduates are coming back to the treatment court as peer support specialists. A number of them go off and they get jobs in the very field that helped them to get into a lifestyle of recovery.

One of the tenets of recovery is service. It's not uncommon for alumni to come back and serve in roles in treatment courts. We see some of them in courts, where they will come and they will offer to take participants to a meeting. They'll say, "Hey, here's some meetings that are available, some meetings that are out there." They also serve as peers, somebody you can talk to that, while you're struggling, you're having a hard time, they can say, "Hey, stay in there. Let me tell you. I've been where you are. This is how you can overcome."

One thing that is also happening at a national level is that we are helping them to start a national alumni association of treatment court graduates that that are doing this. I want to mention in New Mexico. They have started a statewide alumni association. Alaska has started a statewide alumni association. And other states are getting into this because one of the things that they're learning from the graduates is that they are grateful for what they got from treatment court, and they want to give back. They want to be a part. They're also helpful to the team, to help the teams, kind of look at their policies, and different things that they're doing and say, "Hey, you know, that didn't really work. I know you guys thought that did. But that really did not work. You might want to do this." It's really empowering them to have a voice.

They've done it. Now come back and teach us. We help you teach us, but also help these other folks who are on the same journey that you are on. This is a really great tool that we're seeing. And what's great is that many of them are getting jobs coming back and working in treatment court. I'm really pleased to say that on the National Association of Drug Court Professionals board, we have our first graduate on our Board of Directors. I think that's powerful.

KAREN FRIEDMAN: That's awesome. That's terrific. I really found the peer specialist on my team to be invaluable. Because at the end of the day, I would become very close to the individuals who were in drug treatment court in front of me. But at the end of the day, I never had the struggle that they had. So they can talk to me to a certain point. And after that, to have someone that really gets what they're going through at that moment.

I will never fully understand that struggle of recovery, even though I've seen it and gone through it with so many people. I'll still never really, really understand how hard it is. To have someone there saying, "Man, I did it. And I know that today is a really bad day, and we're going to get through this day." Someone who really gets it is so important. Interestingly enough, the individuals or the participants would tell me things that I would buy [believe], because I didn't know any better, right?

CAROLYN HARDIN: Yes.

KAREN FRIEDMAN: The peer specialists would send me a note going, "He's so not telling you the truth. That can't possibly be, you know, XYZ," why this can't possibly be true. Stuff that I would never know about the subtleties of use that another person who's gone through it would know, and he'd be like, "Uh-uh, you need to put his feet to the fire on that one, and really find out what's going on."

And I would appreciate that, because otherwise I may have just let it skate on by. Not having gone through it myself, I wouldn't know any better. But he knows better than I when participants are being completely honest and when they're trying to get away with something, right? It's not in their interest to try to get away with something because it's not a punishment model. It's really a therapeutic model. What I would always say is, "If you're not being honest, I can't help you, right? I can only help you if I know really where you're at. But if you're not being honest with me, I don't really know where you're at. So, I don't know if you need more, less, different, whatever it is." That honesty piece is just so, so key.

CAROLYN HARDIN: Yeah. That's one of the great things that they can do, because they've been there. It's that connection to it that says, "All right." They know that person can get through their defenses and help them.

KAREN FRIEDMAN: I know for myself, Carolyn, that my involvement with drug treatment court is probably the most rewarding thing I've ever done. Well, I guess my kids and grandkids will be really upset if I say that. Professionally, drug court is probably the most rewarding thing I've ever done. It was hard, right? It was definitely hard and frustrating because the nature of addiction is that I could invest every fiber of my being in somebody's success. But chances are at some point there's going to be a relapse that's going to have to be dealt with. That's disappointing and frustrating and hard.

But at the end of the day, it was so rewarding to see the successes. I would just go to sleep at night, just so happy that I've been put in a position to really make a difference in someone's life. I know that you started out in this field, as a community supervision officer. You worked with individuals in the criminal justice system. Now you train other counselors and drug court staff across the country to carry out this valuable work. What experiences or aspects of this work have you found to be the most personally rewarding?

CAROLYN HARDIN: Judge, like you said, professionally, this was probably one of the most rewarding things that you get the opportunity to do. I think what has been most rewarding for me is to see when the client has the "aha" moment, that they get it. They're like, "Oh, yeah, I can do this. There's another, there's a different path."

When I've seen families reunified, where they didn't have a relationship with their mother or their father or relatives, because they used to steal from them or there was no trust. That trust has been reconnected. There's been a build back. They have open communication, they're talking, they're being involved with their family, their kids. That's rewarding to see that happen for folks. I actually have seen where they've had drug-free babies, this is the first baby that they've given birth to that was not taken from them right away. That is powerful to see those things happen.

I remember a graduation—well, actually, we're meeting with one of my clients, and he came in and he's shaking keys. And I was like, "What are those keys?" "Ms. Carolyn, I got my first apartment. It's mine. It's in my name," he said. "It's not much, but it's mine."

KAREN FRIEDMAN: Yeah.

CAROLYN HARDIN: Those experiences are phenomenal. They're great to have. But it's also good to see someone who could not imagine being sober for an hour, that now has 120 days, 180 days of time where they haven't used a drug. They haven't used alcohol. They haven't been arrested. They are now going to work, and they have a job. I remember having a client once say to me, "Miss, I've been on my job for six months. You know, I've never had a job longer than 30 days here, 30 days there." Those achievements are their achievements. And I am grateful for the opportunity to be a part of assisting them with unlocking the goals that they have had stored away or their potential that they had not tapped into to actually come out of them. It's wonderful.

I think that my role and the role of us as professionals is helping our clients dream again. To dig in themselves and find out they come to us with all these skills, these resources that they just haven't tapped into for a while because life has happened to them. And then, when we help them come out of this fall, they start to realize, "You know what, I got some entrepreneur skills. I could be a plumber. I can start my own business. I actually am good at singing. I actually am great at painting." And they pull out these things that they have, their own gifts, and it's powerful to see them move into that part of their life where they start to feel, "There is more to this, and I am worth it. I can do it." Those are some of those powerful things.

KAREN FRIEDMAN: Taking you back to the DOJ and public safety, right? People who are excited about their apartment, and excited about their new career, and excited about finally unlocking that potential, they're not going to go out and commit crime again, because now they have a reason to keep holding onto that job, to keep doing the right thing. They're motivated to keep doing the right thing, because they finally see the potential in their lives, where their lives could actually take them in a positive direction. While before they didn't see hope for any kind of positivity or productivity in their lives. It's not just about that individual person, who is so important, but it's also about the general public safety, which is what we all strive for.

Well, Carolyn, I know you and I could probably do this for hours, just telling each other all our wonderful memories of drug court and just talking about this issue. But I'm going to say now, thank you so much for being here with me today. It was such a pleasure to have you. I appreciate you taking out the time and sharing your experience with me and my listeners.

Thank you for helping us celebrate National Drug Court Month. And thank you for everything you do to help make this world a better place, a safer place, and helping all these individuals reach their full potential. I look forward to continuing working with you and the National Association of Drug Court Professionals doing all the wonderful work that you're doing. So, thank you again. It was just great to have you.

CAROLYN HARDIN: Thank you for the opportunity to participate and to share with you about treatment court. It's been my honor and pleasure.