



## NATIONAL SAFETY COUNCIL

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### Position/Policy Statement

### Specialized Court Programs

#### **NSC Policy Position:**

The National Safety Council (NSC) supports the use of specialized courts to divert non-violent and low-level offenders from the criminal court system.

#### **Background**

Specialized courts are courts with dockets that focus on specific types of offenses and offenders in order to provide personalized attention to offenders and victims. These courts use an interdisciplinary team to adjudicate cases and seek to address the root causes of repeat unsafe and criminal behavior and rehabilitate offenders. Common examples of specialized court programs include drug courts, veterans' courts and mental health courts.

Substance misuse and mental illness are significant causes of preventable death in the United States. In 2017, 10,874 Americans died in impaired-driving crashes,<sup>1</sup> and a staggering 70,237 died from drug overdoses.<sup>2</sup> Meanwhile, suicide claimed 47,173 American lives in 2017.<sup>3</sup> Veterans, especially those just returning from war, suffer disproportionately from these causes of preventable death. In 2016, over 6,000 veterans committed suicide.<sup>4</sup> Veterans die of accidental overdoses at almost twice the rate of the general population, according to data from 2005.<sup>5</sup>

Many of these deaths occur to people who have been involved in the criminal justice system but have not received appropriate treatment for their struggles. As many as 95% of people with substance use disorders who are incarcerated continue to struggle with addiction after their release, and between 60% and 80% reoffend.<sup>6</sup> Similarly, the Bureau of Justice Statistics has estimated that 42% of inmates with mental health problems had served three or more prior

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<sup>1</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

<sup>2</sup> <https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>

<sup>3</sup> <https://afsp.org/about-suicide/suicide-statistics/>

<sup>4</sup> [https://www.mentalhealth.va.gov/docs/data-sheets/OMHSP\\_National\\_Suicide\\_Data\\_Report\\_2005-2016\\_508.pdf](https://www.mentalhealth.va.gov/docs/data-sheets/OMHSP_National_Suicide_Data_Report_2005-2016_508.pdf)

<sup>5</sup> <https://www.mdedge.com/emed-journal/article/132735/toxicology/who-overdoses-opioids-va-emergency-department>

<sup>6</sup> <https://skywoodrecovery.com/why-imprisonment-is-more-harm-than-help-to-addicted-offenders/>

sentences, a higher rate than amongst inmates without mental health problems.<sup>7</sup> Additionally, an estimated 43% of veterans in prison had four or more prior arrests.<sup>8</sup>

Specialized courts can provide more individualized and rehabilitative treatment for these categories of offenders, thus reducing their rates of recidivism and eliminating major causes of preventable deaths.

## Features of Specialized Courts

Specialized courts aim to reduce recidivism by connecting offenders with treatment and rehabilitative services. Specialized court judges are familiar with the particular needs of the offenders in their docket and work in conjunction with social workers, psychologists, counselors, and other attorneys to ensure that offenders have access to the resources they need to treat underlying problems and reintegrate successfully into their communities.

Specialized courts are different from pre-trial diversion programs, which are usually operated by prosecutors' offices and are generally not subject to independent oversight.<sup>9</sup>

## Common Types of Specialized Courts

### *Mental Health Courts*

Mental health courts are “specialized, treatment-oriented, problem-solving courts that divert mentally ill offenders away from the criminal justice system and into court-mandated, community-based treatment programs.”<sup>10</sup> A study by the Treatment Advocacy Center and the National Sheriff’s Association found that mental health courts could effectively combat the excessive imprisonment of the mentally ill.<sup>11</sup> Mental health courts lower post-treatment arrest rates and incarceration days,<sup>12</sup> and **those who graduate from mental health courts have significantly lower rates of recidivism.**<sup>13</sup>

### *Drug Courts and Driving while Intoxicated (DWI) Courts*

Drug courts and DWI courts focus on offenders who suffer from substance use-related disorders. These courts provide treatment, continuity of care for those reentering their community, a balance of rewards and sanctions to influence behavior and are looking into providing prevention services for chronic medical conditions, including HIV/AIDS and hepatitis.<sup>14</sup> DWI courts differ from drug courts in that they operate on a post-conviction model. In drug courts, if an individual meets the eligibility requirements, they “are diverted into the drug courts system prior to pleading to a charge”.<sup>15</sup>

According to research gathered by the National Center from three DWI courts in Georgia, repeat DWI offenders who graduated from DWI court were 65% less likely to be re-arrested for a new

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<sup>7</sup> <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>

<sup>8</sup> <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5479>.

<sup>9</sup> <https://www.nytimes.com/2016/12/12/us/crime-criminal-justice-reform-diversion.html>

<sup>10</sup> <https://www.crimesolutions.gov/TopicDetails.aspx?ID=49#program>

<sup>11</sup> <https://www.treatmentadvocacycenter.org/storage/documents/2013-diversion-study.pdf>

<sup>12</sup> <https://www.ncbi.nlm.nih.gov/pubmed/20921111>.

<sup>13</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5224529/>.

<sup>14</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3645928/>

<sup>15</sup> <https://www.sentencingproject.org/wp-content/uploads/2016/01/Drug-Courts-A-Review-of-the-Evidence.pdf>

DWI offense.<sup>16</sup> Additionally, participation in DWI court resulted in a recidivism rate of 15%, compared to a recidivism rate of up to 35% for those not in DWI court.<sup>17</sup> DWI courts are also more cost-effective than other traditional options in the criminal justice system.<sup>18</sup> Similar to DWI courts, drug courts lower recidivism rates; in one ten-year study in Multnomah County, Oregon, the implementation of drug courts resulted in a reduction in recidivism, ranging from 17% to 26%.<sup>19</sup> Drug courts also lower the cost of rehabilitating these individuals.<sup>20</sup>

### *Veteran Courts*

Veteran courts exclusively handle cases involving offenders who are veterans. Veteran courts offer treatment that emphasizes veterans' shared experience and involve veteran mentors as part of the treatment plan. Court programs include medical and mental health treatment, housing, and employment assistance. They also may involve volunteer veterans who help enrollees through mentoring and aiding with other services. Those who have enrolled in veteran court programs have reported better treatment outcomes and quality of life after enrollment, as well as clinical improvement in Post-Traumatic Stress Disorder (PTSD) symptoms, depression, self-harm, and social relationships.<sup>21</sup>

### *Other Specialized Courts*

The specialized court model can be applied to other categories of offenses or offenders. For example, some jurisdictions have experimented with domestic violence courts,<sup>22</sup> homelessness courts, and prostitution courts.<sup>23</sup> The National Safety Council supports all specialized courts that have the demonstrated ability to reduce recidivism that can lead to preventable deaths and injuries and improve public safety.

## **Conclusion**

Specialized courts effectively reduce recidivism and improve public safety by providing categories of offenders who are at risk of chronic reoffending or who could benefit from rehabilitation with the resources they need to address underlying issues that can lead to preventable deaths and injuries. Mental health, drug, and veterans courts are among the most common examples of specialized courts, although jurisdictions across the country have applied the specialized court model to other categories of offense or offender. By promoting treatment and rehabilitation, these courts can help treat and eliminate several major causes of preventable death in the United States.

*This position statement reflects the opinions of the National Safety Council but not necessarily those of each member organization.*

Adopted by the National Safety Council, 2019

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<sup>16</sup> <https://www.dwicourts.org/wp-content/uploads/2016/09/Georgia-Final-Study.pdf>

<sup>17</sup> <https://www.dwicourts.org/whatsatstake/>

<sup>18</sup> Ibid.

<sup>19</sup> <https://www.nij.gov/topics/courts/drug-courts/Pages/work.aspx>

<sup>20</sup> Ibid.

<sup>21</sup> <https://justiceforvets.org/whats-at-stake/>

<sup>22</sup> <https://www.nij.gov/topics/courts/domestic-violence-courts/pages/welcome.aspx>

<sup>23</sup> <https://www.nij.gov/topics/courts/pages/specialized-courts.aspx>