

# JUDGE D. SCOTT SMITH

Chief Judge Superior Court

Cherokee Judicial Circuit

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# THE OTHER SIDE OF THE COIN

DEALING WITH THINKING AND BEHAVIOR IN  
ACCOUNTABILITY COURTS

# THE "J" WORD

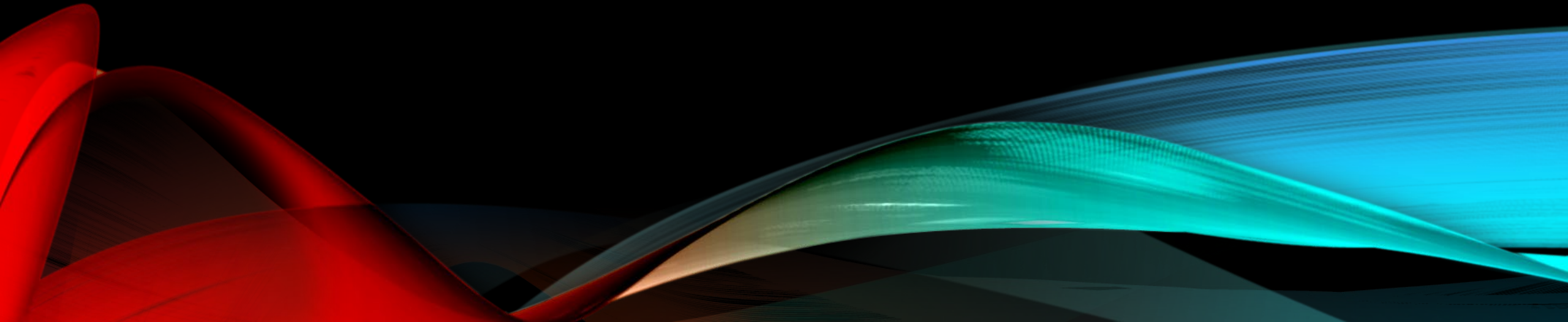
Sometimes JAIL is an appropriate response to an action or violation by participants.

In some cases, participants have never been incarcerated while sober. This can be an effective way to break criminal behaviors when in the past, their experiences in jail have been mostly associated with being on drugs at the time.

When a participant is incarcerated under new circumstances, is sober, but still has criminal thinking and behaviors, this can be a humbling and effective method to change certain behaviors



Ed Latessa formerly presented at this conference that, “50% of accountability court participants said they developed an addiction and that led to criminal behavior, BUT..... 50% also reported that they had been involved in criminal acts and the justice system before they began to abuse substances”





# WHAT IS A HIGH RISK, HIGH NEEDS OFFENDER

- **HIGH RISK** refers to the likelihood that an offender will not succeed on standard supervision and will continue to engage in the same pattern of behavior that got him/her into trouble in the first place
- **HIGH NEEDS** refer to clinical disorders that require advanced therapeutic approaches in order to assist them with recovery

# HIGH RISK - HIGH NEEDS

- HIGH RISK OFFENDERS ARE LESS LIKELY TO SUCCEED IN STANDARD REHABILITATION PROGRAMS
  - HIGH NEEDS OFFENDERS ARE VULNERABLE TO REPEATED FAILURES AND CRIMINAL BEHAVIORS WITHOUT ADDRESSING THESE SERIOUS DEFICITS
- BY PLACING ONLY LOW RISK / LOW NEEDS OFFENDERS IN DRUG COURTS, THE INTENSIVE TREATMENT AND COURT REQUIREMENTS CAN SOMETIMES PRODUCE POORER OUTCOMES AND HIGHER RECIDIVISM

# How did participants become a part of the criminal justice system?

## Family

Are other family members convicted felons or involved in criminal activity?

Did the offender grow up seeing his/her parents using drugs and/or committing crimes?

## Environment (friends, school)

Who does the offender spend the most time with?

Are their friends involved in criminal activity and drug use?

## Circumstances

Were they committing crimes to support their drug habit?

Did they lose a job and remain unemployed for a long period of time?

Were they committing theft crimes to have money to live on or support their family?

# REPEAT OFFENDERS ARE HUMAN BEINGS CAPABLE OF CHANGE

We have to remember that we are dealing with human beings that have made very poor choices and whether or not that stems from their life history or their criminal mindset, we still need to treat them as people who have the potential to change who they are and what they want out of life







**HOW DO WE HELP THEM  
MAKE THIS CHANGE?**

**CHANGE IS THE HARDEST THING WE HAVE  
TO DO AS HUMAN BEINGS**



**WE HAVE TO “UNDO” THE  
HABITS OF THE PAST**

**DRUG COURT vs. LIFE COURT**

# STEP 1

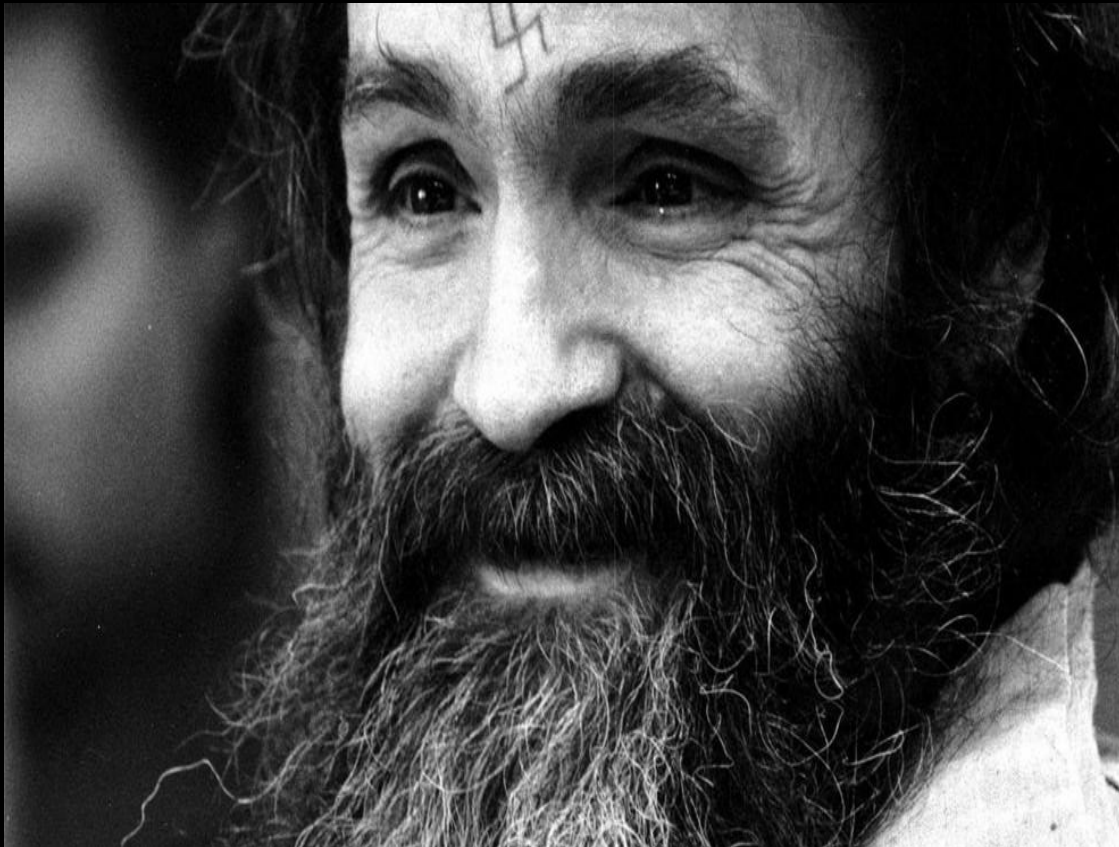
- TEACH THE RIGHT WAYS TO DO THINGS
- BE ON TIME
- BE PRODUCTIVE (JOB)
- BE RESPONSIBLE (FINANCIALLY, FAMILY)

## STEP 2

- MAINTAIN THE RIGHT DECISIONS AND BEHAVIOR
- SURVEILLANCE IS THE KEY
- WHO ARE THEY SEEING
- HOW ARE THEY LIVING (RED FLAGS)



SURVEILLANCE IS A CRUCIAL PART OF MAKING  
SURE THEY ARE NOT INVOLVED IN OLD HABITS.  
PEOPLE, PLACES AND THINGS





## STEP 3

- TEACH THEM THAT THEY CAN LIVE AS A HAPPY PERSON WHILE STILL BEING SOBER
- ENCOURAGE HEALTHY ACTIVITIES WITH EACH OTHER
- STRESS THE IMPORTANCE OF FINDING A WAY TO HAVE FUN
- MAKE THEM SET GOALS (PROXIMAL / DISTAL)

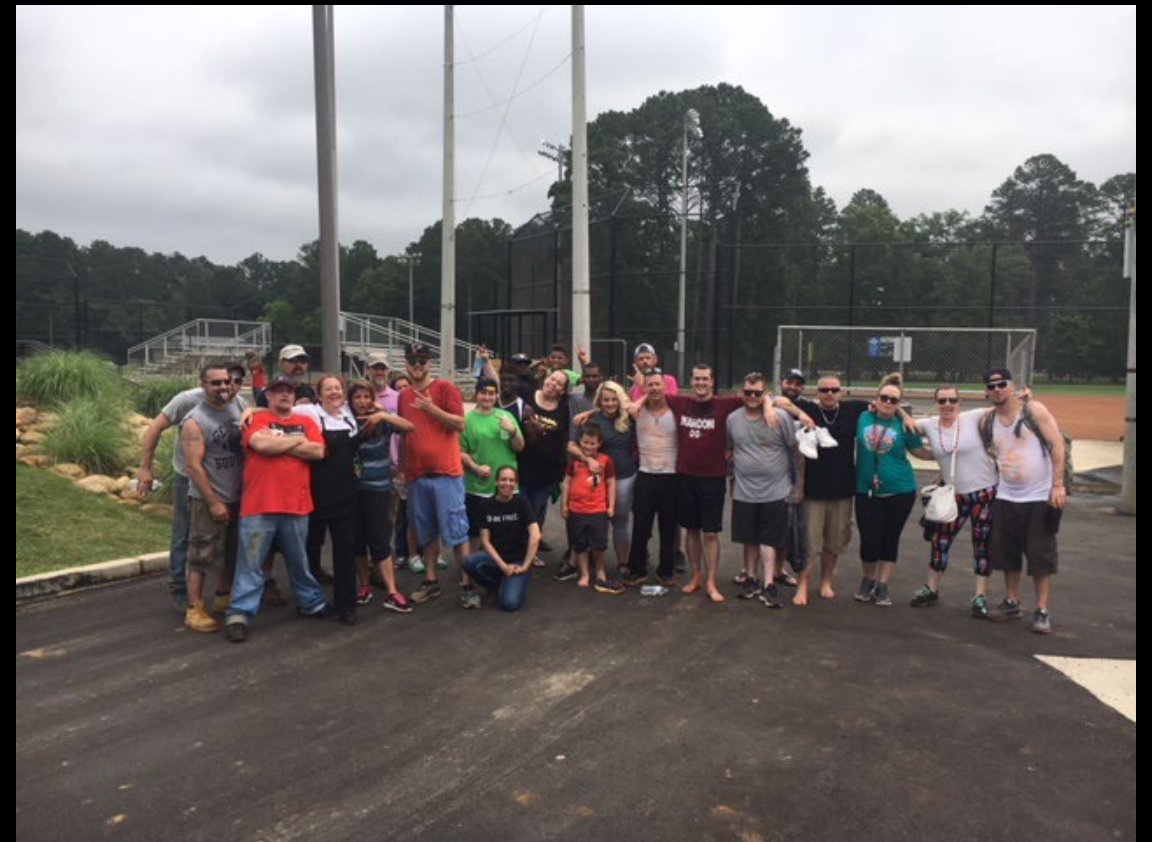
# HEALTHY FUN

Encourage participants to be active and enjoy life in healthy, sober activities. They need to replace old habits with new ones.





# PLAN EVENTS FOR PARTICIPANTS AND THEIR FAMILIES





TREATMENT FOR ADDICTION IS HUGE, BUT IT  
IS NOT THE ENTIRE STORY

WE HAVE TO CHANGE AN ENTIRE LIFE  
PROCESS BECAUSE UP UNTIL NOW, THEIR  
LIFE HAS BEEN ALL ABOUT USING