

Santa Clara County Superior Court was among the first in the nation to form a treatment court under the guidance of Judges Lawrence Terry and Stephen Manley. Now, almost three decades later, Judge Manley continues to preside over treatment court, giving him the title of the longest serving treatment court judge in California and most likely in the nation.

What is a Therapeutic Court?

All treatment courts operate on a similar model though each is uniquely tailored to the population it serves. Treatment courts function with a team comprised of the local prosecutor, a client, the client's attorney, local governmental agencies such as the behavioral health or drug treatment agencies, county probation and a judge. The team may also include representatives from local non-profit service groups.

The team meets every week out of the presence of the participants to discuss client progress, relapse, housing challenges, family dynamics or other concerns for the cases on calendar that week. At these meetings, the prosecuting attorney and defense counsel may argue their position and behavioral health and probation may weigh in on the discussion. The team resolves any issues and develops a plan for each client that is tailored to the individual client's needs and abilities.

The idea behind treatment courts is that in lieu of sending offenders to serve long jail or prison sentences and having them leave incarceration with no skills, set plan, treatment or other support, treatment courts provide support to the offender so that they do not reoffend but instead can lead productive law-abiding lives. The close supervision, and medical and mental health services, job skill training, employment opportunities, group and individual counseling, uncompensated community service and victim restitution review holds the offender accountable, supports them so that they do not reoffend and protects the community by offering strict and close supervision and monitoring.

Of paramount importance in the treatment court model is court reviews. In typical criminal cases a client comes to court until the case is resolved and they are sentenced. They will not return unless there is an issue with restitution or a violation of probation terms. In treatment court the participant comes to court frequently: more at the beginning of the case with hearings spaced out more as the client recovers, succeeds and finally, graduates from the program.

Treatment court hearings are like nothing else. Since the team argues matters out of the presence of the client, when the client appears in court the team presents a united front. This approach gives the client clear instructions on what they must do in order to satisfy the terms of probation and allows the judge to engage personally with each client. It is not unusual in treatment court to have the judge compliment a client on completing treatment, applying for a job, or following a restraining order. Likewise, the judge can impose sanctions or offer support and encouragement to the client who experiences a setback. Over time and after a few hearings, clients begin to want to show their positive progress to the judge and team and this desire prompts them to make better life choices when out of the courtroom. This judge/client relationship is paramount to the success of the treatment court model because the court can offer encouragement and positive interaction that the client may never have experienced.