

Introduction

In October 2002, the Bureau of Justice Assistance awarded a grant to the **National Center for State Courts** to provide technical assistance services to state-level agencies (i.e., Administrative Offices of the Courts, Alcohol and Drug Abuse agencies) to:

1. Enhance the leadership of statewide drug court efforts
2. Improve coordination and collaboration between the drug court agencies
3. Increase the likelihood of the institutionalization of drug courts into the mainstream of court operations

The **National Center for State Courts** is providing technical assistance services to state administrative offices of courts (AOCs) and state alcohol and drug abuse agencies (AODs) that include:

1. On-site technical assistance
2. Off-site technical assistance (e.g., facilitates peer-to-peer consultation via e-mail and conference calls)
3. A series of topical publications on integrating drug courts into mainstream court operations

This Bulletin is the first in the series of publications.



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STATEWIDE TECHNICAL ASSISTANCE BULLETIN

Needs Assessment Survey Results

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Assessing the Statewide Needs of Drug Courts

Needs Assessment Survey

In preparation for the delivery of technical assistance services, NCSC developed and delivered a *Needs Assessment Survey* to guide the project. The *Survey* identified issues of greatest concern to state court systems and alcohol and drug abuse agencies.

The full NCSC *Needs Assessment Survey* is available for review at www.ncscsurveys.com/BJA/needs_assessment.shtml. The survey was delivered via the Internet to representatives from state- and territorial-level agencies. Survey participants were identified from the rosters of the following:

- Conference of Chief Justices (CCJ)
- Conference of State Court Administrators (COSCA)
- National Association of State Alcohol and Drug Abuse Directors (NASADAD)
- State-level drug court coordinator listserv maintained by NCSC¹

Sixty respondents from 39 states and territories completed the electronic survey. As surveys were completed, responses were entered into a database for analysis. *Needs Assessment Survey* questions and results are presented here.

¹ While the vast majority of state-level drug court coordinators are employees of the judicial branch, executive branch agency staff performs this function in many states. Agencies represented include the department of health, the office of criminal justice programs, and the department of alcohol and drug abuse programs.

² Based on total percentage of responses for each needs area and comparison of means, modes and medians for each rating.

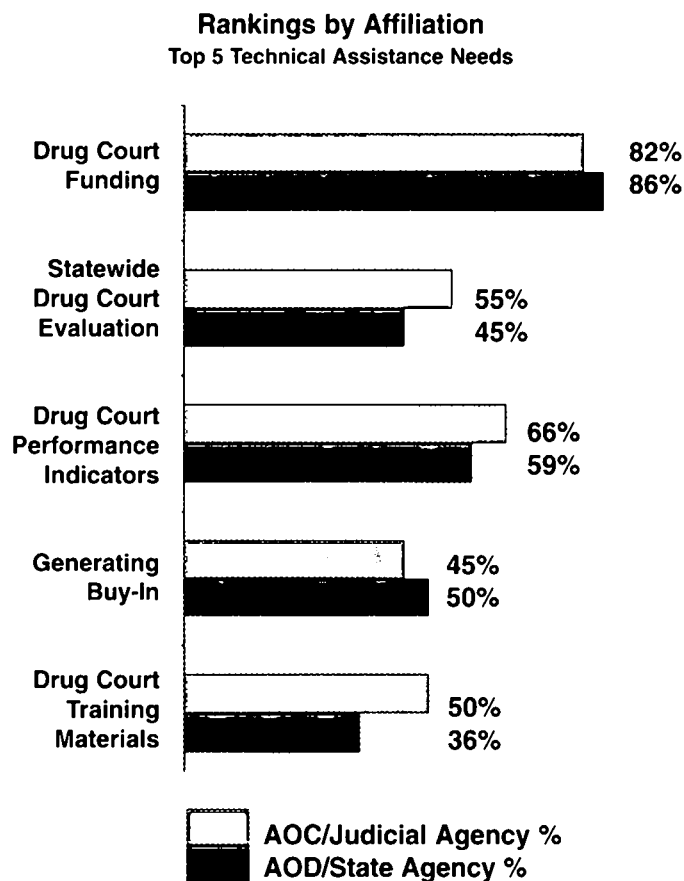
Survey Item #1 Top 5 Technical Assistance Areas

1. Strategies for Developing and Maintaining Court Funding
2. Strategies for Statewide Drug Court Evaluation
3. Development of Drug Court Performance Indicators
4. Generating Buy-in for Statewide Drug Courts from Various Stakeholders
5. Development of State Drug Court Training Materials

Survey respondents were asked to identify the top five areas of need for technical assistance on a rating scale of one to five (one being the area of greatest need). A list of 14 predefined areas of need was presented, but space was provided to add and rate up to three independently identified areas. The top five areas of need are listed above.²

Funding, performance measures, standardized data collection and evaluation processes, generating stakeholder buy-in, and training materials for drug courts and related personnel were all identified as areas of greatest need for technical assistance by both AOCs/judicial agencies and AOD/state agencies.

The table below shows the total percentage of representatives from each group who rated these areas as the top five technical assistance needs.



■ **Do needs differ between AOCs/judicial agencies and AOD/state agencies?**

Across the majority of *all* responses, **No**. However, when comparing group ratings separately, an interesting digression in responses was noted. Four of the top five areas of need were still ranked among the top five by each group individually. But, for each group, one of the top needs slipped out of the top five ranking and was replaced by another area of need.

For AOD/ state agencies:

The development of statewide drug court policies and procedures (e.g., model drug court)

For AOCs/ judicial agencies:

The development of statewide treatment standards.

These divergent ratings are noteworthy in that AODs and AOCs, respectively, have essentially identified a need for more

technical assistance in an area generally viewed as the other's area of expertise/practice. This may attest to the recurrent call for greater coordination among and between systems. This may also reflect each system's realistic acknowledgment of their reliance on the strengths and expertise in areas that fall under the domain of the other, which are needed to validate and institutionalize effective drug courts.

Survey Item #2

What is the greatest challenge or impediment to the success of a statewide drug court system?

FUNDING

Not surprisingly, funding was viewed by the overwhelming majority of *all* respondents as the single greatest challenge to the institutionalization of drug courts. A reliable and consistent funding stream is clearly seen, by both the AOCs/judicial agencies and AOD/state agencies, as the "fulcrum" upon which the existence and effectiveness of drug courts rests. Funding impacts the development of and access to resources, processes, etc. vital to the existence of drugs courts locally and their institutionalization at the state level.

■ **Does the challenge differ between AOCs/ judicial agencies and AOD/state agencies?**

No, the challenge does not differ. What does differ is what the two groups generally suggest are areas that funding particularly affects. Their responses appear to suggest that these areas both mandate *and* impede developing a framework for a much-needed and coordinated statewide system.

For AOD/ state agencies:

Inconsistent unavailable funding for, and access to, treatment component(s) of drug court compromises the success potential of both the program and the participants the courts are intended to help.

For AOCs/ judicial agencies:

Inconsistent or unavailable funding for data collection, evaluation and statewide standards impedes the courts ability to document effectiveness of drug courts or pinpoint areas to improve.

Survey Item #3 a-e

What are the specific topic areas for training?

a. DRUG COURT CASE MANAGEMENT: Were there any differences between AOCs/judicial agencies and AOD/state agencies?

Generally, there was little difference. In addition, both recognized a need for additional training to enhance understanding and balancing of criminal justice and treatment priorities and their respective case management needs. Two differences did appear, however:

For AOCs/ judicial agencies more emphasis was placed on case management as it relates to the collection of data, standardization of collection methods, and development of common data elements.

For AOD/ state agencies greater emphasis was placed on issues related to case management in accessing and funding treatment services related to federal and state laws, HIPAA, TASC, OASAS and JCHAO. Post-adjudication coordination of care and case processing also were noted as issues in need of training.

Drug Court Case Management

	<u>AOCs/Judicial Agencies?</u>	<u>AOD/ State Agencies?</u>
Confidentiality and Judicial Ethics	Yes	Yes
Standards of Service	Yes	Yes
Team Dynamics, Roles and "Cross-System" Collaboration	Yes	Yes
Effective Use of Sanctions and Incentives	Yes	Yes
Coordination of Community Resources	Yes	Yes
Working with Law Enforcement	Yes	Yes
Effective Linkages to Ancillary Services	Yes	Yes
Case Management Components:	Yes	Yes
Key common data elements	Yes	No
Uniform data collection	Yes	No
Supervising participants	Yes	Yes
Standardizing reporting	Yes	Yes
Post-adjudication care and case processing	No	Yes

b. TREATMENT ISSUES: Were there any differences between AOCs/ judicial agencies and AOD/state agencies?

No. As the table shows, in all areas pertaining to treatment and drug courts, there was general consensus on the issues in need of training. Greatest emphasis centered on:

- Funding – how to fund and maintain the funding for treatment and to ensure access to local treatment services, including residential services
 - Dealing with the substance-abusing criminal justice population—from screening and assessment to relapse prevention and aftercare—and related effective and empirically proven strategies or treatment protocols
 - Dual diagnosis and co-occurring disorders
- One issue did clearly distinguish the groups:

AOD/state agencies noted a need for training on best practices or defining the relationship between the court or judge and treatment providers.

Treatment Issues

	<u>AOCs/Judicial Agencies?</u>	<u>AOD/ State Agencies?</u>
Family involvement in/with treatment	Yes	Yes
HIPAA issues as it relates to drug courts	Yes	Yes
Dual-diagnosis/co-occurring disorders	Yes	Yes
Development of treatment standards/ best practices	Yes	Yes
Relapse prevention/aftercare	Yes	Yes
Empirically proven treatment modalities with justice system populations (juvenile and adult)	Yes	Yes
Cultural and gender differences/ competency	Yes	Yes
Screening and Assessment	Yes	Yes
Methamphetamine Use/Treatment	Yes	Yes
Funding and access to local community treatment services	Yes	Yes
Relationship/best practices between the court/judge and treatment providers	No	Yes

c. FUNDING: Were there any differences between AOCs/judicial agencies and AOD/state agencies?

Generally, no. Representatives from both AOCs/judicial agencies and AOD/state agencies agreed on the need for training in strategies for long-term planning for alternative funding sources or options. They also agreed on the need to educate and generate legislative support for drug courts. This included making the case for the success of drug courts through funding evaluations and cost-benefit analyses. Both groups also identified training in identifying and establishing funding for both treatment services and drug court infrastructure.

Regarding specific training on funding, one specific distinction between groups did emerge:

AOCs/judicial agencies specifically listed training for establishing a non-profit 501(3)(c) organization for drug courts.

Funding	AOCs/Judicial Agencies?	AOD/ State Agencies?
Effecting legislative buy-in and funding	Yes	Yes
Grant writing / working with private foundations	Yes	Yes
Approaches for institutionalizing drug court funding (including into state agency budgets)	Yes	Yes
Establishing a 501(c)(3)	Yes	No
Identifying non-federal funding sources for different phases of establishing and/or maintaining a drug court	Yes	Yes
Innovative funding/best practices for alternative funding	Yes	Yes
Cost-benefit analysis (i.e. savings/costs offsets of drug courts)	Yes	Yes
Establishing fee schedules and financial accountability for the client	Yes	Yes

d. INSTITUTIONALIZATION OF DRUG COURTS: Were there any differences between AOCs/judicial agencies and AOD/state agencies?

In general, the groups again identified similar needs more frequently than dissimilar needs. The topics identified for training generally revolved around three central concepts:

- Standardization of policies, performance, and procedures
- Education of all vested parties/agencies as well as the general public
- Collaboration/coordination among and within the various state agencies/courts/personnel

There appears to be broad agreement that the institutionalization of drug courts is contingent on unified efforts across state-wide systems regarding both treatment and court processes.

There was one noteworthy difference between the groups. While both cited the need to develop educational programs:

AOCs/judicial agencies highlighted a particular need for programs that address and establish the need to maintain the balance between a therapeutic or treatment orientation with the general mandate of all courts to maintain accountability (through punitive action) of the offenders in the program.

Institutionalization of Drug Courts	AOCs/Judicial Agencies?	AOD/ State Agencies?
Developing statewide coordination of policies and procedures	Yes	Yes
Integrating principles and methods of drug courts into existing court operations/ system	Yes	Yes
Developing educational programs on: Therapeutic jurisprudence/treatment orientation	Yes	Yes
Balancing with responsibility of courts to maintain accountability	Yes	No
Establishing and utilizing media support at the local/community level	Yes	Yes
Developing statewide networks between court, treatment and community services	Yes	Yes
Collaboration/consensus building among state agencies	Yes	Yes
Developing statewide performance and evaluation standards	Yes	Yes
Navigating issues of local control to create a coordinated statewide effort	Yes	Yes

e. DRUG COURT EVALUATION: Were there any differences between AOCs/judicial agencies and AOD/ state agencies?

Generally speaking, no. AOCs/judicial agencies and AOD/ state agencies alike acknowledge the importance of evaluating drug courts—for the participants individually, and for drug courts systemically. Both also seem to concur that effective evaluation requires knowledge-based decisions and *standardization of processes* in the following areas:

- Selection of an appropriate evaluation process—related tools, data sets, and performance indicators
- Maintenance of (and access to) critical data relevant to evaluation through the development and skilled use of an appropriate management information system
- Selection criteria for the evaluator or evaluation team or acquiring strategies and competencies for self-evaluation
- Synthesis and reporting of findings to support effective continuity of programs, to improve and enhance components revealed by the evaluation and outcomes for participants, and to ensure ongoing reevaluation

Two areas of training related to drug court evaluation did seem to be more specific by affiliation:

For AOCs/ judicial agencies, specific training on particular MIS system(s) was requested as was developing links to non-court data sets.

Drug Court Evaluation		
	AOCs/Judicial Agencies?	AOD/ State Agencies?
How to use MIS	Yes	No
Best practices in evaluation of drug courts (Types/tools of evaluations? Data Sets? Which most appropriate—i.e., outcome vs. process, etc.?)	Yes	Yes
Data collection strategies; developing data element standards	Yes	Yes
Developing (uniform) performance measures/ indicators	Yes	Yes
Understanding research models to develop as appropriate evaluation	Yes	Yes
Working with/how to select an evaluator; role on drug court team	Yes	Yes
How to use evaluation findings (to support performance based funding; to incorporate into state evaluation; to improve outcomes for participants)	Yes	Yes
Developing a statewide standardized evaluation process	Yes	Yes
Strategies to link court data systems with other data	Yes	No
Strategies for developing ability to self-evaluate	Yes	Yes
Development of a comprehensive information management system	Yes	Yes

**Survey Items #4-8:
What Are the Major Issues
Confronting Drug Courts for:**

4. State-level drug court operations planning?³

1. Funding: Sustaining, coordinating and distributing equitably
2. Multi-agency cooperation (in both court and treatment arenas), participation and coordination in establishing a central authority/statewide oversight entity/coordinator
3. Balancing the need for statewide model court policies/ procedures while addressing the distinct needs and "complexions" of local courts
4. Workload demands and staffing shortfalls—judicial and court/treatment/support personnel
5. System-wide standards for evaluation

5. Development of statewide drug court policies and/or procedures?

1. Balancing local needs with uniform statewide policies / standards of operations
2. Addressing autonomy concerns of courts and judiciary
3. Local control vs. state control issues (especially regarding funding and court operations)
4. Garnering support at the local level for developing statewide minimum standards of practice
5. Maintaining and building in flexibility in standardized policies and procedures to allow for differences in resources and needs, especially based on type of court (i.e., family, juvenile, adult, etc.) and regional (i.e., rural, urban, etc.) distinctions

³ The numbering on this and subsequent lists in this section is arbitrary and does *not* indicate rating or order of importance of the issues cited by respondents.

6. Development of statewide drug court performance measures?

1. Lack of comprehensive integrated MIS/automated case management systems to collect and maintain data
2. Cross-system collaboration and agreement on defining success for drug courts and participants; appropriate outcome measures that reflect both court interventions/ processes and clinical/treatment aspects
3. Funding – MIS implementation, resources and personnel to develop, collect and analyze standardized performance measures
4. Standardizing common data elements *and* data collection methods / instruments
5. Accounting for differences in admissions criteria, target populations, and court type in developing standard measures

7. Development of statewide drug court uniform data reporting standards?

1. Confidentiality issues regarding information reported and collected on drug court participants
2. Lack of agreement and availability of automated MIS systems for drug court case management
3. Funding and training to implement and maintain uniform databases
4. Consensus on definitions and development of reporting standards
5. Developing a standard methods for linking data for cross-communication between systems

8. Development of statewide drug court information management system?

The responses to this question echo those listed for items #6 and #7 (particularly for the development of statewide drug court uniform reporting standards). Issues generally center on:

1. Funding and costs of implementation
2. Consensus across systems on the specific management system to utilize
3. Agency and court collaboration
4. Integration of data into and through a single interface accessible across systems, as well as potentially linking to national system(s)

Do the major issues confronting statewide drug court operations differ between AOCs/judicial agencies and AOD/state agencies?

No. The overall picture reflects consensus between the groups regarding the major issues confronting the development of statewide drug court operations planning, policies and procedures, and performance and data management standards.

Summary and Conclusions:

Much of what has been discovered in compiling and reporting this *Survey* is not the disparity in needs between the group, but, in fact, it is the similarity and general consensus on needs.

It is, however, also important to frame these responses in the context that both AOCs/judicial agencies and AOD/ state agencies also cited realistic concerns. These include local vs. state control issues, autonomy of courts vs. uniformity of purpose and approach, "sticking points" in differences in therapeutic or treatment philosophies and accountability or punitive mandates of courts, and (using terminology found repeatedly in the survey responses) "territorial" issues that exist in some places between courts and substance abuse agencies over funding, case management, client interventions, etc. These concerns and issues, however, were found—perhaps to some surprise—to be the "exceptions" and not the "rule."

The "rule," according to the overall responses to this survey, is that addressing, identifying and meeting the statewide technical assistance needs of drug courts, and enhancing the institutionalization and sustainability of drugs courts hinge on three primary factors:

1. **Funding**—sustaining existing funding where possible, and locating alternative sources of funding
2. **Sustained collaboration and coordination**—between courts and substance abuse agencies or treatment providers in the ongoing efforts of drug courts and in developing standards in all aspects of statewide system responses to the variety of issues confronting drug courts
3. **Balancing needs**—of varied local entities and courts with the need for a coordinated statewide system, as well as treatment and criminal justice needs

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