

INSTITUTIONALIZING DRUG COURTS

**Report on a Focus Group Meeting Convened by The Justice Management Institute
in Cooperation with the Drug Courts Program Office, Office of Justice Programs,
U.S. Department of Justice**

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Introduction

This report outlines the principal themes and ideas that emerged from a focus group meeting on *Institutionalizing Drug Courts* that was held in Denver, Colorado, in May 2000. The focus group meeting, convened by The Justice Management Institute (JMI) in cooperation with the Drug Courts Program Office of the U.S. Department of Justice, called on the experience and expertise of 35 participants drawn from a broad range of courts and other institutions and organizations involved in or affected by the work of drug courts.

With over 600 drug courts now in operation and more in the planning stages, drug courts have become an increasingly important part of criminal justice and substance abuse treatment systems in communities across America. Their number has grown exponentially since the first drug court began operations in Miami in 1989, and the justice system and treatment practitioners who have had experience with drug courts are overwhelmingly enthusiastic about them. The reasons for this enthusiasm seem clear: they have succeeded where other approaches have failed, and they represent an innovative and very promising way of responding to the deep-rooted problem of drugs and crime in American society.

Drug courts combine a problem-solving orientation with techniques that promote accountability for individual participants and for the drug court itself. They provide a collaborative and non-adversarial model of justice system operations linked with effective treatment services and community resources, using a team approach to address the needs of drug-using offenders. There is increasingly strong evidence that they are effective in reducing recidivism, reducing drug use, and helping drug abusing individuals change their lifestyles and become productive citizens.

However, while drug courts have many strong proponents, their future is uncertain in many locales. Many of the currently operating drug courts are supported at least in part through some type of grant funding, much of it provided through the Justice Department's Drug Courts Program Office. Not very many of them have a stable funding base and are truly integrated into the operations of the trial courts within which they function.

The May 2000 focus group meeting was convened in order to provide opportunity for experienced practitioners and policymakers--including administrators with responsibility for overall state court system or local trial court operations, as well as drug

court practitioners--to consider what is known about experiences to date in developing funding support for drug courts and to discuss ideas for next steps. Participants in the focus group meeting were asked to address five main questions:

1. What is (or should be) meant by “institutionalization” in the context of drug courts at this stage of their development?
2. What is the experience to date with efforts to obtain long-term stable funding for drug courts?
3. What are the main obstacles to developing stable funding for drug courts?
4. What are the most promising strategies that drug court leaders and their allies can use to overcome the obstacles and develop stable long-term funding for well-functioning drug courts?
5. Looking beyond the funding issues, what are the characteristics of successful drug courts that can and should be brought into more much wider use in courts and justice systems?

The remainder of this report is organized into sections that address these five questions, drawing on the discussions at the focus group meeting. We recognize that there are limitations to the scope and breadth of the report. It reflects a day and a half of intensive discussion among the participants and we believe that it contains some valuable information, insights, and suggestions, but we recognize that it is not a comprehensive discussion of the very complex topic of institutionalization. Hopefully, it will be useful to drug court practitioners (especially those who are responsible for securing funding for their drug courts), court administrators at the state and trial court levels, and, more generally, policymakers at all levels of government.

I. Defining “Institutionalization”: A Range of Views

At the outset of the focus group meeting, participants were asked to share their views on institutionalization--in particular, what the idea of “institutionalizing drug courts” meant to them. Not surprisingly, there was a rather broad range of views. With participants drawing on experiences in many different jurisdictions, and with some using a statewide frame of reference while others focused on institutionalizing local drug courts, it quickly became apparent that the concept of institutionalization has different meanings to different practitioners and observers. The following responses of participants give some flavor of the diversity of views on this subject.

“Institutionalization” could mean:

- “Drug courts continue to exist.”
- “Drug courts are adequately funded.”
- “Drug courts have a stable funding base.”

- “Chief justices and trial court chief judges recognize the value of drug courts.”
 - “Drug courts are part of the system throughout the state.”
 - “Drug courts have broad judicial support.”
 - “Drug courts are a widely accepted part of the system throughout the state.”
 - “Drug courts have sufficient resources to provide their services to all who need them.”
 - “The drug court continues to function effectively after the initial charismatic leader has moved on.”
 - “The trial court routinely makes provision for a trained substitute judge to be in drug court when the regularly assigned drug court judge is away.”
- “Drug courts are widely accepted as a credible method of dispensing justice in appropriate drug-related cases.”
- “Drug courts are recognized as fundamental to the mission of the justice system.”
 - “The trial court uses time standards that are appropriate for drug court.”
 - “Drug courts are closely linked with the rest of the court system, with treatment and social service support systems, and with other problem-solving courts throughout the state.”
 - “Drug courts are the way we do business in all cases involving persons who need the services and do not pose risks of violence.”
 - “The philosophy and basic concepts underlying drug courts are incorporated into courts and into the justice system and treatment community, regardless of whether what we now call drug courts receive long-term funding.”

Boiled down to basics, participants can be seen to have been advancing two main ideas about the concept of institutionalization. Many of them--particularly those actively engaged in the day-to-day operations of drug courts that are supported to a significant extent by grant funding--defined institutionalization as the development of long-term stable funding to support all of the operations of existing drug courts. Others, however, defined institutionalization more broadly. They focused less on the funding of specific drug courts and more on the incorporation of drug court concepts, strategies, and techniques into the ongoing operations of courts that handle a wide variety of cases in which substance abuse is a problem or in which the basic drug court approach can be adapted, independent of currently existing drug courts.

The two strands of thought are not contradictory. While the second might be seen to have a broader sweep, its proponents readily agreed that one way in which drug court concepts could become more broadly applicable would be through development of stable funding for well-functioning drug courts. Importantly, proponents of both views agreed that, in the short span of time since the first drug court began operations a little over a decade ago, drug courts have already had an enormous impact on the justice system. There is an increasing body of research showing that drug courts work--that they can make a significant positive difference in the lives of people and communities, and can do so in a cost-effective way. The basic drug court model--court supervision combined with

substance abuse treatment, delivered through a collaborative approach that involves the court, prosecutors, defense attorneys, treatment providers, health care providers, social service providers, and community and business groups--has proven to be effective in reducing both criminal behavior and substance abuse, in a wide variety of jurisdictional settings.

Given the broad agreement that drug courts are a successful innovation, the differing views of participants at the focus group meeting can be seen as framing a two-fold challenge: First, what can and should be done to ensure that drug courts--or, more specifically, those drug courts that can demonstrate that they are in fact functioning effectively--become a permanent part of the court and justice systems within which they now function? In this connection, what needs to be done to ensure that the policies and procedures developed in well-functioning drug courts are able to survive turnover in personnel (including rotation of judges assigned to the drug court), so that the drug court is not dependent on specific individuals or personalities?

Second, what can and should the leaders of existing trial courts, state court systems, and other justice system institutions and agencies do to draw on what has been learned through the success of drug courts to make lasting improvements in operations and results? How, that is, can drug court concepts and techniques become more fully integrated into mainstream courts and justice systems?

The focus group participants' ideas with respect to these challenges are outlined in the remaining sections of this report.

II. Developing a Stable Funding Base: Lessons from the Field

Participants at the focus group meeting agreed that, while not every drug court now in operation is functioning effectively, there needs to be ways to ensure the continued operation of drug courts that have proven their effectiveness. There was broad recognition that stable funding is not the appropriate end goal of institutionalization efforts, but rather is a means to the larger end goals of reducing substance abuse and related criminal behavior. From this perspective, the objective is to strengthen the drug court's capacity to provide needed services by securing adequate funding from some combination of local, state, and other sources once initial federal grant funding has been exhausted.

From discussion at the focus group meeting it is clear that, just as there is great diversity in operating models of drug courts, there is also a very wide range of potential funding models. Specific budgetary approaches are likely to be different in every state and even within the same state. There are however, some basic strategies for obtaining stable funding that have already produced promising results in some states. At the focus group meeting, practitioners from Florida and California--the first two states to have operating drug courts--outlined efforts in those two states to develop reliable funding streams.

Florida. Miami's drug court began in 1989, with the blessing of the Florida Supreme Court. While local initiative has been essential to the development of all of the drug courts in Florida, the Supreme Court and the state court administrator's office have stayed in close touch with local level developments from the outset. By the mid-1990s, drug courts had been established in several counties, including both populous urban areas (e.g., Pensacola, Fort Lauderdale, Tampa, Jacksonville) and relatively sparsely populated rural areas such as the Florida Keys. The drug court judges and coordinators in these areas initiated linkages with regional offices of state agencies--especially the Departments of Corrections, Health, and Families and Children--to help gain support for supervision, treatment, and social services for drug court participants.

At the state level, the state court administrator's office assigned a senior staff member to provide technical assistance to the emerging drug courts, including developing a guide to the development and operation of drug courts, organizing a statewide conference for drug court practitioners, and helping to obtain grant funding for evaluation research in specific drug courts. Staff in the state court administrator's office also solicited other state agencies--most notably, the Florida Department of Corrections--for some aspects of the operations of local-level drug courts. The local courts had primary responsibility for developing their programs and obtaining needed start-up funding (most often through federal grants supplemented with in-kind services provided through regional offices of state agencies), but there was a continuing state-level judicial branch interest.

By the mid-1990s, as the number of drug courts increased rapidly and experience with existing drug courts continued to show very promising results, the linkages of the local drug courts with the state court administrator's office became stronger and, from the standpoint of developing a stable funding base, more important. The state office became a focal point for developing partnerships with Florida's Department of Corrections, the Department of Health, and the Department of Children and Families. All three departments were helpful to drug courts, providing funding for supervision, treatment, and social services at the local level. More recently, the Supreme Court has formed a statewide Drug Court Steering Committee that consists mainly of trial-level judges and other practitioners. The Governor's office (which has a senior official responsible for drug control policy) has become actively involved in developing policy affecting drug courts, coordinating funding support provided through the executive branch departments of corrections, health, and children and families. The Legislature--with input from the Governor's office, the statewide steering committee, and the state court administrator's office--has begun funding new positions that will provide administrative support for drug court operations in the state's circuit courts.

The Florida practitioners at the focus group meeting stressed the importance of collaboration and partnerships at both the state and local levels. One important early decision was to rely on established state agencies (and their local or regional branches) to contribute funds to support treatment and social services needed by the drug courts. From the outset, leaders of the drug court movement in the Florida courts--at both the local and state levels--have emphasized a collaborative approach, with funding support

from a variety of sources. And, importantly, they have nurtured collaborative relationships with leaders in both the executive and legislative branches over a number of years. They have also placed strong emphasis on evaluation of the drug courts.

California. The nation's second drug court was started in Oakland, California, and the Oakland experience was a focal point of an important conference held in 1992 for California judges who were concerned about the high volume of cases involving drug and alcohol charges. The 1992 California conference and a 1993 national conference on drug courts, held in Miami, helped catalyze action by judges who saw the drug court model as a promising alternative to traditional criminal case processing. Once started, the concept spread rapidly. By mid-2000, there were over 100 active drug courts in California.

As in Florida and elsewhere, California drug courts have developed a variety of models and practices, influenced strongly by local circumstances and personalities. Initial funding for local-level drug courts came largely from grants, but over the past several years considerable headway has been made in developing more stable funding support from the state. As of the year 2000, the legislature had committed \$26 million to support drug courts, to help cover both operational costs and treatment services. The California Association of Drug Court Professionals--a strong statewide association of drug court practitioners, including virtually all of the drug court judges in the state--has played a key role in the development of practitioners' knowledge about drug court operations and policymakers' support for drug court funding. The association's leaders have focused attention on all three branches of government, following a multi-pronged strategy that has included person-to-person meetings with key officials, invitations to legislators to sit in on drug court sessions and graduations, and development of position papers.

At the state level, California's Chief Justice and the California Judicial Council assisted in the development of drug courts by providing financial support (through a grant program administered by the office of the state court administrator), helping to organize educational programs on drug courts, and encouraging evaluation research. The state level support within the judiciary has been particularly important as the California courts moved toward state funding of court system operations during the 1990s.

Like their Florida counterparts, the California participants at the focus group meeting stressed the importance of collaboration, partnerships, evaluation, and education--including education of judges, other justice system practitioners, and leaders and key staff members in executive branch agencies and in the legislature. They also emphasized two other aspects of their approach to developing long-term funding support: (1) their adoption of standards for drug courts (drawn from the publication entitled *Defining Drug Courts: The Key Components*, developed by the National Association of Drug Court Professionals with funding from the Drug Courts Program Office¹²; and (2) their use of committees and task forces --initially committees of the state association and, subsequently, committees and task forces linked to the California Judicial Council. The standards provided a readily understandable reference tool and set of performance standards against which the performance of drug courts could be assessed. The

committees brought more practitioners into the network of persons active in seeking funding support, and the committee reports and recommendations served as vehicles to help catalyze action.

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Following the “case study” presentations by the Florida and California practitioners, focus group participants discussed the commonalities and differences in the two approaches. There appeared to be two major differences: First, in Florida, the Supreme Court and the state court administrator’s office had more significant roles in the early development of drug courts than did the California Supreme Court and the California state court administrator’s office. However, as state funding became a more significant issue in California, state level judicial system leaders began playing an increasingly important role. Second, in Florida, the courts had not sought to gain any direct control over fiscal resources used to pay for treatment services, while in California they had.

The differences on these dimensions were overshadowed by the common themes that emerged when practitioners from the two states talked about the factors that appeared to be contributing to initial success in obtaining stable funding. These included:

- The importance of state-level leadership--most importantly (at least initially) within the judicial branch, but ultimately in all three branches of government--in support of drug courts.
- An emphasis on collaboration and the development of alliances--at the local level, across the state (through state drug court associations and steering committees), and between local level leaders and leaders in the executive branch and the legislature.
- Evaluation results--not necessarily for all drug courts, but enough to show that the basic concept is viable and cost effective.
- Education--especially of judges (to familiarize them with drug court concepts and techniques) but also of other court and justice system personnel, local-level treatment and social service providers, community groups, business leaders, policymakers at both the state and local levels, and the media.

The relevance of all of these factors was underscored in the general discussion that followed presentation of the case studies, as participants highlighted key aspects of drug court development in their own states. Although the overwhelming majority drug courts developed through local level “grass roots”--initiatives during the 1990s, participants were in general agreement that their long-term viability and further growth will require state-level leadership support, especially from within the judicial branch. That support can come in a variety of forms, including recognition of drug court successes, sponsorship of conferences and other educational programs, provision of direct technical assistance, and assistance in developing financial support.

The financial support area can be a particularly tricky one for state court system leaders, because they have to be cognizant of a broad range of court issues and needs that call for funding support. Additionally, they recognize that the costs of operating a drug court are likely to be significantly greater than the costs of a conventional criminal court, with many of the costs being devoted to expenses not typically thought of as part of a court's budget. When state judicial system leaders become engaged in developing support for drug courts, however, they can be instrumental in building the alliances needed to gain financial support for drug courts.

In Utah, for example, the state court administrator's office has played a key role in assessing the resource implications of providing long-term funding for drug courts and developing a collaborative strategy for obtaining the needed funding. Senior staff in the office recognized that drug courts constitute a promising approach to a problem that cuts across many sectors of governmental activity but felt certain that adequate funding would be unlikely to come through the courts alone or from a single executive branch agency. The office initiated a collaborative effort with local drug courts and with the state departments of corrections, human services, and health to gain funding support for Utah's drug courts, emphasizing the potential savings in prison, health, and social service costs that can result from well-functioning drug courts. The coalition was successful in arranging for a significant portion of Utah's share of the tobacco litigation settlement to be dedicated to drug courts and is collaborating on long-term funding strategies that involve reorganization of the use of existing and potential future resources.

III. Key Obstacles to the Development of Stable Funding

Focus group participants identified four major obstacles to the development of long-term stable funding for existing drug courts. They are:

1. *The fact that most drug courts do not now have a stable funding base.* It is almost always harder to develop a case for funding a new program, or for one that has been supported principally by federal grants, than for continuing to fund an existing program. Once a program is already receiving state and/or local funding through an appropriations process, it begins each new fiscal year with a base. Thus, it is important to be able to make the case--initially within the trial court and the other local agencies that contribute to the drug court, and subsequently to general government appropriating bodies--for inclusion of drug court costs as part of the regular budget.

2. *Difficulties in defining and measuring "success" and in showing cost effectiveness.* Few drug court practitioners have either skill or experience in planning or conducting evaluation research. While competent evaluation researcher can be found, it can also be expensive to conduct the research needed to demonstrate effectiveness. This has proven to be a difficult area for many local drug courts. Indeed, some do not have even basic information about performance.

3. *Lack of public awareness and understanding of the value of drug courts.* While some drug courts have been effective in developing public awareness of their work

(and especially of their successes), focus group participants felt that much more could be done to strengthen the public's knowledge and awareness of the value of drug courts. The support of the public--particularly the support of the many different groups, organizations, and individual families that benefit from the work of effective drug courts can be extremely important in gaining stable funding. Conversely, lack of public support is likely to leave the drug court without the needed funding.

4. Resistance to drug courts on the part of many judges and other justice system practitioners. Focus group participants were candid about what they perceive to be the reality that they are often somewhat isolated from the "main" court and criminal justice process. They noted that many of the judges in their courts and many other justice system practitioners--including court staff members, trial court administrators, state court administrators, prosecutors, defense attorneys, probation officers, law enforcement officials, and others--are skeptical about (and sometimes actually hostile to) drug courts, for a variety of reasons ranging from lack of knowledge about what drug courts do to fear that drug courts pose a threat to resources that they would rather use for other priorities.

IV. Strategies for Overcoming the Obstacles to Achieving Stable Funding

At the focus group meeting, participants were divided into peer groups to discuss strategies for overcoming the major obstacles to long-term stable funding for well-functioning drug courts. Interestingly, the strategies identified by the three peer groups (one consisting of judges, the second of court administrators, and the third of a mix of drug court coordinators, evaluators, treatment providers, and technical assistance providers) had a great deal of commonality. Seven basic strategic approaches were identified:

1. Learn the funding streams. The potential funding sources for drug courts vary considerably from state to state, and sometimes even within the same state. Moreover, funding patterns are often in flux as appropriation levels change and as responsibilities for funding some types of governmental functions shift from local to state level or vice versa. For example, in California, the state has recently taken over responsibility for state funding of the courts, making state-based funding more important than it is in states where this responsibility resides principally at the county or municipal level.

The funding of drug court operations is especially complex because so many different agencies are involved in the operation of successful drug courts. Funding may come from the local (county or municipal) funding authorities for some functions and from state legislatures (directly or through state agencies) for other functions. The funding of treatment services and drug testing equipment and services, which are especially important components of the budgets of drug courts, is often particularly difficult. Several participants at the focus group meeting emphasized the importance of learning about health insurance and managed care regulations that may affect funding for treatment services.

Drug court leaders and practitioners who are concerned about the long term viability of their drug court simply must learn about the different funding sources, about how to tap into them, and about how to avoid pitfalls in the funding process. As discussed below, they can often get help in the learning process from others in their states who have already developed basic knowledge and essential contacts.

2. *Develop partnerships and alliances.* Partnerships and collaboration are hallmarks of most drug courts at the operational level, and are recognized as one of the key components of well-functioning drug courts. The same partnerships that are essential to day-to-day operations can also be extremely valuable in developing stable long-term funding.

The most obvious partners in an operating drug court are the drug court judge and coordinator, the treatment provider(s) working with the drug court, the prosecutor, and the public defender or defense bar leadership. Beyond this core drug court team, however, there are a host of other agencies, organizations, and individuals who can be helpful (and are often essential) both in day-to-day operations and in efforts to obtain stable funding. Many drug courts have broad based advisory groups or steering committees. Such committees can be helpful not only in shaping operations and developing inter-organizational working relationships, but also in assisting the drug court in gaining broad acceptance and long-term funding support. Agencies, organizations, and other groups included on a steering committee or advisory committee (or simply participating in an informal coalition) could include:

- local health departments and mental health departments
- local social services agencies (housing, welfare, etc.)
- schools and colleges
- local probation department
- sheriff's office
- local police departments
- local departments of corrections
- community organizations
- business leaders
- civic groups
- leaders of the faith community

In addition to the partners who are often involved in day-to-day operations, there are also a number of organizations and individuals who have some stakes and interests in the effective operation of the drug court. They, too, can be valuable allies in efforts to obtain stable funding. They include:

- the state's Supreme Court
- the state court administrator's office
- the state alcohol and drug treatment agency

- state and local bar associations
- state legislators - especially legislators who represents districts served by the drug court
- the governor's office--especially including the budget director
- county commissioners and other local government officials, including budget directors
- state agencies that provide direct services, funding and/or guidance to local branches that can help support the drug court--e.g., departments of corrections, probation, health, children and families, social services
- state police
- the health insurance industry
- the business community
- the print and electronic media
- citizen groups interested in criminal and juvenile justice issues, drug prevention, and economic development.

The nature of the partnerships and alliances, both for purposes of day-to-day operations and for purposes of developing stable funding for the drug court, will obviously differ from jurisdiction to jurisdiction. A number of jurisdictions have found that it is helpful to have a formal agreement or "Memorandum of Understanding" that reflects each participating organization's commitment to the drug court program and sets the parameters of the relationship.

It is important for any such alliance to be broadly inclusive. One obvious objective is for drug courts to gain recognition as a valuable component of the entire justice system *and* of the treatment community. Focus group participants agreed that, while integration of the drug court into the larger court is critically important for purposes of developing stable funding (thus putting a premium on development of intra-court alliances), the trial court is not the only relevant organizational entity. For full-scale integration to take place and long-term funding support to be forthcoming, drug courts will need to gain the cooperation and support of other justice system agencies and of the constellation of treatment providers, social services agencies, business organizations, community groups, and legislative and executive branch leaders that are at least potential "stakeholders" of the drug court.

Partnerships should be developed at both the leadership level and the line staff level. Leaders of organizations that have stakes in the drug court and its participants are logical participants in a steering committee or advisory group, and can help shape policies in ways that help the drug court. Members of the drug court team interact with staff of the court and the other agencies that participate in the work of the drug court on a daily basis, and the nature of those interactions can also shape policies and practices, as well as attitudes, that affect the ability of the drug court to achieve its goals and gaining-term support. When staff level partnerships are strong across the organizations involved in the drug court, transitions of personnel are easier, the drug court operates more effectively, and the likelihood of developing stable long-term support is strengthened.

Several of the focus group participants noted that the best kinds of partnerships are those that endure over extended periods of time. Drug courts that engage a broad range of partners, and that demonstrate the value of the partnerships on an operational basis, should be able to call on the partners for support and assistance in developing stable funding.

3. Clarify the drug court's goals. A drug court's goals are the criteria by which others will measure its success and effectiveness. Drug courts should be clear about what they are trying to accomplish, and it should be possible to measure the extent to which the goals are achieved. Whatever the other goals, two of the primary goals should be:

- less recidivism--a decrease in criminal behavior on the part of drug court participants while in the program; and
- reduction in substance abuse on the part of drug court participants while in the program.

The goals of the drug court are the foundation for its own accountability as well as for the accountability of the drug court participants. The goals should be realistic and achievable. They should be reflected in the organization of the drug court program, the information it collects and uses for management purposes, and--ultimately--in the outcomes of the program in terms of its impact on participants' lives.

4. Develop information about effectiveness. At a minimum, drug courts should have basic information about their goals, eligibility criteria, and operational procedures, about the performance of the persons accepted into the drug court program, and about program costs. The information should be current and analyzed regularly to provide feedback, in the first instance, to the drug court judge and other key drug court leaders. In order to develop stable funding, drug court leaders will have to be able to make the case that the drug court is achieving its goals and that it is cost-effective in comparison to other approaches to dealing with similarly situated persons.

Optimally, the drug court will have a competent independent evaluator who will be able to assess the performance of the drug court in accordance with agreed upon criteria. Even with an evaluator involved, however, it is important for the drug court's leaders to know how well the program is doing, and why.

Several focus group participants noted that information about drug court effectiveness should not be limited to quantitative data. Qualitative data--in particular, the stories of participants and graduates and the views of justice system practitioners and treatment providers--can be valuable in painting a picture of the drug court's impact and effectiveness.

5. Identify and address the difficult issues. Several issues were identified as ones that drug court practitioners are sometimes reluctant to address directly, but that are important to gaining acceptance and support for drug courts. They include the following:

- *Judicial ethics.* There are aspects of the operations of some drug courts that are thought by some observers (including some judges) to be in conflict with provisions in canons of judicial ethics. Where there are perceived conflicts, the issues should be addressed directly. For example, there are differing views on subjects ranging from the appropriateness of exchanging information about drug court participants during pre-court “staffing” sessions to the propriety of judges engaging in social events at which drug court participants are present.
- *Priorities in the allocation of resources.* While proponents of drug courts are convinced of the value and importance of drug courts, court administrators and others involved in the funding process are inevitably faced with requests for a broad range of requests for allocation of resources for other purposes. At a minimum, the reality of competing requests heightens the importance of solid data on drug court program effectiveness, including cost effectiveness in comparison to other approaches to handling similar cases.
- *The “uniqueness” of drug courts.* Several of the court administrators at the focus group meeting noted that proponents of drug courts sometimes seem to want to both preserve a unique identity and become a part of the larger court or court system, with the funding support that goes with being integrated into the larger system. To become truly integrated into the larger court system, drug courts will have to become less isolated and both the drug court judges and staff and the judges and staff of the “main” court will have to develop better understanding of each others’ values, roles, and procedures.

6. Develop and implement a comprehensive education strategy. Focus group participants were emphatic about the importance of educating a broad range of audiences about drug court concepts, operations, and effectiveness as part of any serious effort to achieve stable long-term funding. Specific suggestions for target audiences included the following:

- *Judges.* There was consensus that the most important target audience for educational efforts should be the judges of a multi-judge court that has a functioning drug court or, more broadly, all of the judges in a state. Participants expressed concern that many judges who have not had experience as drug court judges are resistant to the drug court concept. It is important for all judges to have basic knowledge about the nature of addiction, about substance abuse treatment methods, about the skills and techniques used by effective drug court judges, and about the concepts, operational procedures, and positive impacts of the drug court.
- *Non-judicial personnel in the court system* - especially senior administrators in the trial court and in the state court administrator’s office.

- *Other justice system personnel* - especially prosecutors and their key deputies, public defenders and defense bar leaders, and officials in law enforcement agencies and corrections departments.
- *Policymakers at the local and state levels* - especially legislators, county commissioners, and state executive branch officials who have funding responsibilities.
- *The media* - especially editors and beat reporters who cover courts and criminal justice issues.
- *The general public.*

Focus group participants noted that careful attention should be paid to the types of educational efforts directed toward each of these audiences. The topics to be covered, the level of detail, the specific concepts and messages sought to be conveyed, and the identity and qualifications of the messengers would all be likely to vary depending on the audience. For example, it makes sense for judicial systems to take primary responsibility for providing skills training to judges and drug court coordinators, but it is less clear where the responsibility should lie for education and training of other justice system personnel. The development of a sound educational program is an obvious topic for collaboration across institutional lines.

Education should take place at the national, state, and local levels. National programs are especially valuable in enabling participants to learn about strategies, approaches, and techniques used by practitioners in other parts of the country. Single-state programs can bring together key policymakers and practitioners from localities around the state, and enable concentration on problems or issues that are especially salient in the state. At the local level, short seminars and workshops can be very valuable for sharing information about a program and strengthening working relationships.

7. Utilize available external assistance. Focus group participants noted that there were many potential sources of assistance that drug court leaders could call upon for help in efforts to secure stable funding. Suggestions included:

- peers and colleagues in other drug courts
- state drug court associations
- knowledgeable staff in state court administrators' offices
- independent consultants/technical assistance providers
- researchers/evaluators familiar with the drug court and its performance
- national organizations that conduct educational programs and provide technical assistance.

There are a variety of different types of assistance that can be provided by these sources, including:

- information about funding sources and procedures for seeking funding
- advice on strategies and approaches to specific potential funding sources
- evaluation of drug court performance
- assistance in collecting and analyzing data to make a presentation seeking funding
- preparation of an annual report or other progress report on the drug court
- help in forming associations or coalitions within the state in support of funding objectives
- planning and conducting conferences, workshops, and other types of educational programs for audiences that are relevant to funding efforts.

V. Incorporating Drug Court Concepts and Techniques into Ongoing Court and Justice System Operations

While there was broad agreement on the desirability of stable funding for well-functioning drug courts, some of the focus group participants also stressed the importance of looking beyond the currently existing drug courts. What are the characteristics of drug courts that have made them successful where traditional models of both adjudication and treatment have been less effective? To what extent, and how, can these characteristics be adapted to help address other problems facing our nation's courts and justice systems? Focus group participants catalogued many of the features of drug courts that, in their view, distinguish them from traditional approaches:

- A problem-solving orientation
- Collaboration--across organizations and by individuals
- A multi-disciplinary team approach
- A community focus--community linkages and use of community resources
- A commitment to meaningful treatment
- An understanding of the nature and complexity of addiction
- Strength-based approaches to rehabilitation
- Goals for what should be accomplished--by each drug court participant and by the drug court itself
- Use of performance measures
- An emphasis on results
- Systems for accountability of both participants and the program
- Effective use of information in making decisions
- Promptness/immediacy in court actions
- Openness to research and evaluation
- Appreciation of diverse cultures
- Creativity
- Openness to change
- New ways of thinking about problems and ways of doing business

Clearly, there should be great room for incorporating many of these features of effective drug courts into other aspects of court operations. It is likely that many court and justice system leaders will be interested in doing so. In this connection, it is highly relevant to note several of the key provisions of a resolution on problem-solving courts adopted jointly by the Conference of Chief Justices and the Conference of State Court Administrators in August 2000. By this resolution, which notes in its preamble that well-functioning drug courts represent the best practice of the principles and methods of problem-solving courts, CCJ and COSCA agreed, *inter alia*, to:

- Take steps, nationally and locally, to expand and better integrate the principles and methods of well-functioning drug courts into ongoing court operations.
- Advance the careful study and evaluation of the principles and methods employed in problem-solving courts and their application to other significant issues facing state courts.
- Encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims, and the community.
- Support national and local education and training on the principles and methods employed in problem solving courts and on collaboration with other community and government agencies and organizations.
- Advocate for the resources necessary to advance and apply the principles and methods of problem solving courts in the general court systems of the various states.

The strong endorsement of drug courts by the Conference of Chief Justices and the Conference of State Court Administrators should be very encouraging to practitioners concerned about institutionalizing drug courts. Much more remains to be done, but it is clear that the value of drug court concepts and techniques is recognized at the highest levels of our nation's state court systems.

VI. Looking Toward the Future

In the months that have followed the May 2000 focus group meeting, there have been a number of developments relevant to the broad topic of institutionalizing drug courts. These include the following:

In June 2000, a New York State Commission on Drugs and the Courts submitted a comprehensive report to New York's Chief Judge documenting the scope of the drug-crime problem and its impact on the courts. Focusing on the large volume of cases involving non-violent drug addicts whose drug and drug-related crimes are motivated by their addiction, the Commission noted that drug courts and other programs involving treatment supervised through courts and other criminal justice entities had shown great promise in breaking the cycle of addiction and recidivism. The Commission's principal recommendation was that New York's Office of Court Administration launch a systematic statewide approach to the delivery of "coerced" drug treatment to non-violent addicts in every jurisdiction. Under this approach, non-violent addicts would be identified as soon as they come into the courts, and eligible offenders (in Family Courts as well as in criminal proceedings) would be diverted into drug courts or other appropriate treatment programs.

Shortly thereafter, in August 2000, the Conference of Chief Justices and Conference of State Court Administrators adopted their joint resolution on problem-solving courts. The resolution explicitly endorses drug courts and urges courts to expand and better integrate the principles of well-functioning drug courts into ongoing court operations.

In November 2000, California voters approved Proposition 36, a measure that provides for persons convicted of a first or second offense of drug possession or use to be sentenced to probation and drug treatment instead of to prison. Many California drug court judges and other criminal justice practitioners had opposed this proposition, arguing that it would cripple the state's drug courts by removing judges' capacity to use incarceration as a sanction when drug tests show that a person is continuing to abuse illegal drugs. The proponents acknowledged the success of drug courts, but argued that they would continue to exist and noted that they only served less than 5 percent of the state's nonviolent drug offenders. Voters approved Proposition 36 overwhelmingly, and it took effect in July 2001.

In August 2001, the American Bar Association's House of Delegates approved two resolutions—one endorsing the principles and methods used by problem solving courts, the other establishing a new ABA Standard (Part of the ABA's Trial Court Standards) on procedures in drug treatment courts.

Taken together, this set of developments can be seen as a major shift in the thinking of leading policymakers, justice system practitioners, and the general public concerning the appropriate society response to drug-abusing behavior. In a number of states, legislatures are now beginning to re-examine statutes that impose harsh

punishment for possession of small amounts of illegal substances. Treatment is increasingly regarded as a desirable (and much less expensive) alternative to incarceration.

Drug Courts have clearly played a major role in helping to catalyze these shifts in thinking and in policy by demonstrating that a significant proportion of persons arrested because of their drug abusing behavior can—with appropriate supervision and use of testing and treatment services—change their lifestyles and end their criminal behavior. In a sense, these shifts in thinking and policy reflect a kind of institutionalization of drug courts, or at least of basic concepts of drug courts.

In the future, however, the challenges for drug courts may become even greater. If the movement away from incarceration as a response to drug abuse continues, courts are likely to come under pressure to expand the scope of their drug courts and do an even better job of screening and assessing potential clients. It is possible that for many persons with substance abuse problems that bring them into court, an approach of judicial supervision coupled with drug testing and the use of sanctions and incentives may be sufficient, without need for more intensive treatment services. For others, simple diversion to counseling, coupled with the threat of more severe response in the event of future drug offenses, may be all that is needed. It is likely to become increasingly important to target the core combination of drug court resources—judicial supervision plus frequent testing plus treatment plus use of sanctions and incentives plus linkage with appropriate community resources – to those most in need of (and most likely to benefit from) this combination of resources.

Clearly, much has been accomplished by drug courts but much remains to be done. In light of the accomplishments to date and the issues still ahead, institutionalization of drug courts can perhaps best be viewed not as an end in itself, but as an on-going process replete with new challenges.