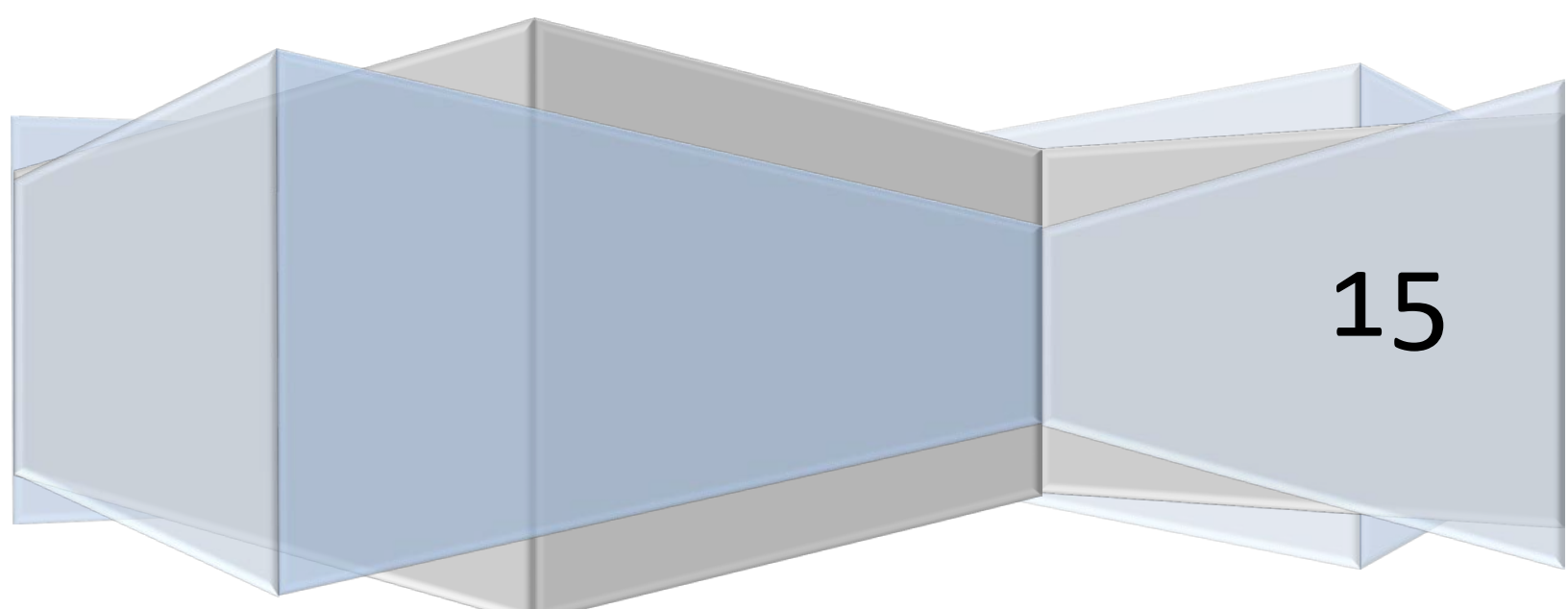


Montana Supreme Court

# Drug Court Strategic Plan

Roadmap for the Future of Drug Treatment  
Courts in Montana



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# Montana Judicial Branch Drug Court Strategic Plan October 2017 (updated)

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## Theme: Funding of Drug Courts

**Strategic Issue One:** *How can we develop a statewide plan to sustain and expand drug courts in Montana?*

**Measureable Goal:** *Development and implementation of a comprehensive state-wide plan.*

The core (i.e., overall) strategies the Montana Drug Courts should pursue to successfully address this issue are:

1. Establish stable funding for Montana drug courts.
2. Establish a Drug Court Council (leadership group including judges, the OCA, the Chief Justice and others) to study Montana drug courts to include but not be limited to their long-term sustainability/funding, developing a recommended funding plan (possible fines, fees or dedicated tax) and meeting with legislators to discuss possible legislative action.
3. Develop a written comprehensive plan for drug courts in Montana using data to demonstrate the need for and effectiveness of drug courts.
4. Develop a draft outline of a drug court state plan for Montana
5. Educate Montana judges about what drug courts are, the rewarding benefits to the community and the state. With additional revenue streams, expansion of drug courts may be possible.
6. Educate judges in order to recruit judges in Montana who would be willing to initiate a drug court. Make presentation within the next twelve months to all judges at judges' conference.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Complete</b>	<b>Develop Montana Drug Court Council (leadership group)</b>	<b>Beth McLaughlin, Judge Larson, Judge Hayworth, Judge Kruger, Judge Brown and others</b>
<b>Complete</b>	<b>Develop draft outline and approve by OCA and Drug Court Council</b>	<b>Jeff Kushner</b>
<b>Complete</b>	<b>Meet with legislators and strategize for upcoming session</b>	<b>Council/OCA</b>
<b>Request time on Spring 2017 agenda – Still need to complete</b>	<b>Develop presentation for Judges and present at MJA</b>	<b>Judge Brown/Jeff Kushner</b>
<b>Complete</b>	<b>Provide Support to Sentencing Commission</b>	<b>OCA/drug court Judges</b>

**Strategic Issue Two: How do we integrate drug court funding into the overall criminal justice and DPPHS systems and the overall funding process?**

**Measureable Goal: Meet with other appropriate state agencies and, at a minimum, have them include drug courts as a referral option for sentencing, re-entry and permanency (family drug courts).**

The core (i.e., overall) strategies the Montana Drug Courts should pursue to successfully address this issue are:

1. Establish stable funding for Montana drug courts.
2. Develop a collaborative effort between other agencies, partnerships, and commissions. Develop an interagency group with associated agencies (court, Board of Crime Control, treatment, mental health, MDOT, tribal leaders’ group, DPPHS, etc.).
3. Acknowledge treatment courts as a viable Department of Corrections option for sentencing/or re-entry from corrections’ programs or permanency (family drug courts). DOC/Parole Board would use drug courts as option for sentencing and re-entry. DPPHS would use family drug courts as a consistent option for families with significant drug dependence. Determine what follow-up will be needed upon approval (e.g., statute changes, funding, etc.).

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Complete</b>	<b>Propose 2017 Legislative budget modification</b>	<b>Council, OCA, drug court judges</b>
<b>Ongoing</b>	<b>Study long-term options for stable funding</b>	<b>Council/OCA</b>
<b>Complete</b>	<b>Meet with legislators and strategize for upcoming session</b>	<b>Council/OCA</b>
<b>Ongoing and see above</b>	<b>Meet with DOC, meet with Parole Board, give presentation and agree on strategy to use drug courts as option. Meet with DPPHS, give presentation and agree on strategy to use drug courts as a consistent permanency option.</b>	<b>Court Council/OCA</b>

## Theme: Best Practices

**Strategic Issue Three: *How can we achieve and sustain evidence-based practices in Montana's Drug Courts with an emphasis on fidelity assessments and team training?***

**Measureable Goal: *Montana Drug Courts will be reviewed for their use of evidence-based practices at a minimum every three years and Montana Drug Courts will attend a state-wide training conference every biennium.***

The core (i.e., overall) strategy the Montana Drug Courts should pursue to successfully address this is:

1. Montana drug courts will use evidence based-practices.
2. All Montana drug courts will be reviewed for use of evidence-based practices through the Montana Peer Review Process. Each review shall include a report documenting model practices and areas of deficiency. Local drug courts shall develop an action plan to rectify deficiencies.
3. OCA will post all peer review documents and evidence-based practices on the Montana drug court website.
4. Encourage Montana drug court team members and other providers to access Montana drug court website to stay current with evidence-based practices.
5. Montana Drug Court Council will review the definition of recidivism and change it if needed. Coordinators will be trained in definition.
6. Peer reviewers will create a learning community which can help provide technical assistance to local drug courts to help resolve issues identified through the peer review process.
7. A chapter in the orientation manual shall be devoted to evidence-based practices.
8. Montana drug courts will receive training and professional development associated with evidence-based practices. The Drug Court Council will have as part of its responsibilities to develop a multiple level training plan.
9. Statewide drug court coordinator will provide drug court team members ongoing information about evidence-based practices through email and website. Professional development and training will occur every two years through, at a minimum, a statewide drug court conference. Montana drug court team members will access training through a variety of on-line course and webinars.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
Complete and Ongoing	Maintain peer review process	Jeff Kushner and peer reviewers
Complete and Ongoing	Develop peer review report	Jeff Kushner and peer reviewers
Complete and Ongoing	Develop action plan to rectify deficiencies	Local judge and coordinator
Complete Ongoing	Post best practices on web-site	Jeff Kushner and Kevin Cook
Complete and Ongoing	Encourage use of web-site	Jeff Kushner and coordinators
Complete and ongoing	Develop learning community with peer reviewers	Jeff Kushner
December 2016	Include chapter in orientation manual on evidence-based practices	Jeff Kushner
Complete	Review and change the definition of recidivism	Jeff Kushner and Council
Complete and Ongoing	Provide information to drug court teams regarding-evidence based practices	Individual courts upon evaluation
October 2016, 2018, 2020	Hold statewide drug court conference every two years	Jeff Kushner and coordinators
Complete and Ongoing	Montana drug court team members access training on-line	Jeff Kushner, coordinators, drug court judges

## **Theme: Violent Offender/Participant Eligibility**

***Strategic Issue Four: How can we provide drug court services to the most appropriate high risk-high need offenders (high risk to reoffend and high need for treatment services) including some sexual/violent offenders, based on a validated risk and needs assessment, other relevant criteria and a judge's discretion?***

***Measureable Goal: Montana statute will be changed to allow admission of violent and sexual offenders into drug courts at a judge's discretion.***

The core (i.e., overall) strategies the Montana Drug courts should pursue to successfully address this issue are:

1. Change Montana statute to allow admission of violent and sexual offenders into drug courts at the judge's discretion.
  - a. Research availability of data on commissions of violent offenses committed following admission to treatment.
  - b. Committee drafts the legislation
  - c. Research information supporting drug courts taking some violent and sexual offenders
  - d. Committee finds examples locally and nationally of good candidates who have been turned away from admittance into drug courts; develops an understanding for legislators and community.
  - e. Identify legislators willing to carry a bill allowing for discretion of Montana drug courts to admit some violent and sexual offenders into drug courts
2. Representatives from Montana's drug courts form a committee and meet with congressional delegation to discuss eliminating the restriction on federal funding for drug courts that does not allow violent offenders to be admitted into drug courts.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Complete</b>	<b>Create Committee</b>	<b>Beth McLaughlin and judges</b>
<b>Low priority - 2017</b>	<b>Committee meets with congressional delegation</b>	<b>Committee members</b>
<b>Complete</b>	<b>Work with domestic violence probation officer and Doug Marlowe to research information supporting drug courts taking some violent and sexual offenders Committee completes research</b>	<b>Committee members</b>
<b>Complete</b>	<b>Committee drafts legislation, finds examples of good candidates, and meets with legislators/congressional delegation</b>	<b>Beth McLaughlin and committee</b>
<b>Complete</b>	<b>Finds legislators willing to carry bill</b>	<b>Beth McLaughlin and committee</b>
<b>Complete</b>	<b>Secure support from partners including the Montana County Attorneys' Association; Office of Public Defender, etc.</b>	<b>Beth McLaughlin and committee</b>



## Theme: Services

**Strategic Issue Five: *How can we assist in developing and supporting resources that allow participants to be successful and support service providers?***

**Measureable Goal: *Montana Drug Courts will assess all drug court participants for Medicaid eligibility. Drug Court Coordinators will inventory and assess local services that support drug court participants and identify gaps. OCA will determine if a statewide urinalysis vendor is possible and appropriate, and if so, issue a request for proposals.***

The core (i.e., overall) strategy the Montana Drug courts should pursue to successfully address this is:

1. Maintain and develop new resources for drug court participants to be successful.
2. Montana drug courts will advocate for improving the provision of existing and additional services for drug court participants in an effort to meet participant and family needs and increase the rate of drug court graduates.
3. Review Medicaid waiver and request proposal for the third-party administrator to ensure it is consistent with what is needed to help drug court participants.
4. Make sure all participants are assessed for Medicaid eligibility. Ensure treatment providers are able to bill Medicaid.
5. Assemble a template for local drug court coordinators to use in the inventory and assessment of local services. Coordinators will inventory the availability of local support services and develop a plan where gaps exist.
6. OCA will investigate issuing a request for proposal for a statewide urinalysis provider.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
Ongoing	Advocate for existing services and new services	OCA
Immediate Ongoing	Review Medicaid waiver and associated rules	OCA
Complete and Ongoing with all new participants	Assess all participants for Medicaid eligibility	Local coordinators and local Medicaid staff/navigators
Complete but continuing with new providers Immediate	Inform treatment providers about Medicaid	Jeff Kushner and local coordinators
February 2016 need update on status	Develop template to inventory and assess local services	Jeff Kushner
June 2016 need update on status	Local coordinators carry out assessment of local services	Local court coordinators
2017; October meeting with DPHHS to finalize decision on drug testing and Help Act	OCA will determine if they will issue a state-wide urinalysis RFP may not be necessary	OCA

## Theme: Special Populations

***Strategic Issue Six: How can we address the Native American cultural and spiritual needs of drug court participant, as well as address any special issues pertaining to gender, sexual orientation, and mental health needs of all drug court participants?***

***Measureable Goal: Provide the services needed to maximize the drug court experience for special populations to include: identification of best practices, revise InfoPath as appropriate, provide training of drug court team members on best practices to serve marginalized populations, address special population issues in local drug court policy and procedure manuals, and, if appropriate, develop pilot drug court projects with local tribes.***

The core (i.e. overall) strategy the Montana Drug Courts should pursue to successfully address this issue is:

1. Identify best practices as it relates to specific marginalized groups. Review NREPP.samhsa.gov to identify what will, and will not, work for certain populations; review other websites, query the Rural Drug Court List Serv.
2. Assure that special populations are identified and needs assessed using best practice tools.
3. Drug court participants will receive relevant services to address their specific needs.
4. Training of drug court team members on special needs populations will occur that identifies best practices to serve marginalized populations.
5. Local drug courts will have policies and procedures that address special populations.
6. Develop pilot projects with tribal courts to include tribal drug court services.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Ongoing</b>	<b>Identify special populations</b>	<b>Local coordinators</b>
<b>Ongoing</b>	<b>Identify best practices for marginalized populations</b>	<b>Jeff Kushner and coordinators</b>
<b>January 2016</b>	<b>Revise InfoPath</b>	<b>Jeff Kushner/Kevin Cook</b>
<b>October 2016 and ongoing</b>	<b>Training on special needs populations see Drug Court Conference agenda</b>	<b>Jeff Kushner/consultants</b>
<b>April 2017</b>	<b>Revise policies and procedures to include guidelines on special populations</b>	<b>Jeff Kushner and coordinators</b>
<b>2017</b>	<b>Develop pilot projects with tribal courts (project developed in the 4<sup>th</sup> and 8<sup>th</sup> Judicial Districts; new grant pending in the 20<sup>th</sup> Judicial District)</b>	<b>Jeff Kushner, , Judge James Manley, Maylinn Smith, Tribal Law/Policy Institute</b>

## Theme: Data System

**Strategic Issue Seven: *How can we implement a statewide, interactive, web-based case management system with reporting capability at the state and local level that is accessible to all Montana Treatment Courts?***

**Measureable Goal: *The OCA will seek funding to implement a statewide management information system that meets the case management needs of local drug courts and the reporting needs of the OCA and the Legislature.***

The core (i.e. overall) strategy the Montana Drug Courts should pursue to successfully address this issue is:

1. Develop a committee to work with the OCA IT staff to define system needs, and evaluate/select a case management system/provider for Montana drug courts.
2. Query other states to find out what has been contained in their requests for proposals.
3. Identify specifications (data, performance measures and analytical capabilities) by collecting views from the local drug courts about what they want when it comes to a case management system.
4. Determine cost estimate and seek funding from Legislature. If funding is provided, send out Request for Proposal, review submissions and make an award.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>January 2016 Completed</b>	<b>Query other states</b>	<b>Lisa Mader and Jeff Kushner</b>
<b>February 2016 Completed</b>	<b>Identify specs for drug court MIS – query local drug courts and write white paper</b>	<b>Lisa Mader and Kevin Cook</b>
<b>March 2016 Needs revision</b>	<b>Determine cost (perhaps through RFI) white paper</b>	<b>Lisa Mader</b>
<b>October 25, 2016 Needs revision</b>	<b>Bring white paper and proposal to Drug Court MIS Committee</b>	<b>Beth McLaughlin and Becky Buska</b>

## Theme: Legislative Promotion/Education

**Strategic Issue Eight:** *How can we demonstrate the effectiveness of drug courts to “policy makers” and increase legislative support for drug courts statewide.*

**Measureable Goal:** *Support for Montana Drug Courts will increase as a result of: each local drug court identifying a “champion” in the legislature, communicating with all legislators within drug court district and inviting them to observe drug court, establishing a relationship with local media to include a feature story on drug court at a minimum every 6 months.*

The core (i.e., overall) strategies Montana Drug Courts should pursue to successfully address this issue are:

1. Educate policy makers in the effectiveness of drug courts and the improved outcomes of addressing alcohol and other drug dependence among the criminal justice population, families, and youth.
2. Identify and equip the legislators in each judicial district to serve as an informed “champion” for Montana drug courts.
  - a. Obtain a list of each judicial district that has a drug court and their legislators and identify who would be a possible “champion” for drug courts
  - b. Drug Court Council identifies local legislators
  - c. Develop local and statewide information template for data from Info Path to provide to legislators
  - d. Draft letter for local courts to send to legislators
  - e. Set up a meeting with potential “champions”.
  - f. Provide for awards to legislators who help with legislation.
  - g. Have a minimum of one champion legislature in each judicial district.
3. Obtain and communicate accurate information for each court
  - a. Mass media articles for each drug court
  - b. Statewide data to include re-offense, recidivism, reduction in drug use, performance indicator
  - c. National data to legislators

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Ongoing February 2016</b>	<b>Identify potential “champion”</b>	<b>Council and local judge</b>
<b>April 2017</b>	<b>Develop local and statewide information template for data from Info Path to provide to local legislators</b>	<b>Jeff Kushner, Kevin Cook and coordinators</b>
<b>February 2016 - Completed</b>	<b>Draft letter for template for local drug courts to send to legislators</b>	<b>Jeff Kushner</b>
<b>Ongoing March 2016</b>	<b>Set up meeting and invite to observe drug court docket and/or graduation</b>	<b>Local drug court judge</b>
<b>Ongoing May 2016</b>	<b>Have at least one “champion” in each drug court judicial district</b>	<b>Local drug court judge and team</b>
<b>Immediate and ongoing</b>	<b>Work with local media for at least one article/feature story every 6 months</b>	<b>Local drug court coordinator/judge</b>
<b>Fall 2017</b>	<b>Current data available nationally, local data available to all drug courts</b>	<b>Jeff Kushner/Kevin Cook</b>
<b>Ongoing</b>	<b>National data available</b>	<b>Jeff Kushner</b>



## Theme: Community Awareness/Education

**Strategic Issue Nine:** *How can we educate the community that drug courts are a most cost-effective way to handle drug-specific and drug-related crimes rather than incarceration, child abuse and neglect cases (family drug courts) so the media and community support retention and expansion of drug courts? Further, how can we increase support and understanding among “community stakeholders” that drug courts are a cost-effective, crucial part of the criminal justice system and the child welfare system and that drug courts provide the best way to create law-abiding citizens of drug dependent offenders, good parents of Montana’s children, while preserving public safety and child welfare?*

**Measureable Goal:** Montana communities where drug courts exist will increase their understanding of the effectiveness of drug courts through: improved training of drug court team members in media advocacy, increased media coverage of drug courts, the establishment of a local drug court citizen’s advisory board and their local educational campaigns.

The core (i.e. overall) strategies the Montana Drug Courts should pursue to successfully address this issue are:

1. Develop a systematic media advocacy strategy using local data and personal stories.
2. Plan and implement media advocacy training.
3. Develop and train drug court members in media advocacy. Train drug court team members in developing a media advocacy plan and associated implementation of that plan to include mass media articles for each drug court. Piggy-back a national story/trend about incarceration to showcase drug court locally.
4. Obtain and communicate accurate information. Develop an information packet on Montana drug court effectiveness. State-wide data to include re-offense, recidivism, reduction in drug use, performance indicators.
5. Every judicial district where there is a drug court will have a citizens’ advisory board educated in the drug court packet.
6. The citizens’ advisory board provides campaign to the public-treatment providers, attorneys, parole officers, law enforcement.

<b>Target Date</b>	<b>Responsibility</b>	<b>Key Participants</b>
<b>Immediate and ongoing</b>	<b>Drug court coordinators develop local media advocacy plan and develop local articles</b>	<b>Local drug court coordinator/judge</b>
<b>Currently available, available locally upon request</b>	<b>Develop packet on state and local data available regarding each drug court</b>	<b>Jeff Kushner/Kevin Cook</b>
<b>Completed</b>	<b>Plan and implement media training at statewide drug court conference</b>	<b>OCA</b>
<b>January 2016 and ongoing</b>	<b>Local drug court develops local citizens' advisory board</b>	<b>Board members selected by judge and drug court team</b>
<b>February 2016</b>	<b>Information packet about local drug court is developed</b>	<b>Local coordinator</b>
<b>Ongoing</b>	<b>Board and drug court team meet with local providers, attorneys, probation and parole officers and law enforcement to provide packet information</b>	<b>Drug court team supports local citizens' advisory board</b>

**Questions about the strategic planning document or drug treatment courts can be directed to Jeff Kushner, statewide drug court coordinator at [jkushner@mt.gov](mailto:jkushner@mt.gov) or 406-202-5352.**