

Thinking Strategically About the Planning Process: A Proposal to the Montana Judicial Branch to Determine the Future for Montana Drug Courts

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I. Introduction

The intent of this engagement is to help the Montana Judicial Branch build on the current status and success of drug courts (i.e., adult, family and juvenile) and determine those policies and plans for implementation that will create a viable and sustainable future for these courts across the State. However, while the focus will be the drug courts in the broadest sense, the success of any individual court will be tied to the success of the overall enterprise and thus will require the investment of drug court leaders at all levels.

There are two, important principles which the consultant (R. Dale Lefever) and the leadership for this project within the Montana Judicial Branch (Beth McLaughlin and Jeff Kushner) need to affirm as foundational, if a successful initiative is to occur. These principles are:

1. The judges and staff involved must be prepared to contribute to the decisions that will create a state-wide plan and be able to transcend local issues when the “good of the whole” is at stake; and,
2. The judges and staff involved must share a commitment to engage actively, in concert with state-wide leaders, in the successful implementation of the strategic plan created.

II. Definition of Strategic Planning

Strategic planning is a disciplined effort to produce the fundamental decisions and actions that will shape and guide what an organization is, what it does, and why it does it, with a focus on the future. The intent is not to predict the future, but to create it. *(Adapted from Bryson’s Strategic Planning in Public and Nonprofit Organizations)*

III. Strategic Planning Process

The strategic planning model for this engagement would involve the following steps:

- The identification of the strategic issues facing the state drug courts that represent either opportunities for further growth and/or threats to the achievement of the future viability of these courts;
- The identification of the key results areas (i.e., where the leadership of the drug courts should focus its energies and resources in response to the strategic issues determined to be the top priorities);
- The validation of the strategic issues, and related Key Results Areas, by priority stakeholders;
- The development of priority goals, and the related metrics, for achieving the priority key results areas confirmed; and,
- The design of the strategies (i.e., an integrated set of decisions) and action plans for achieving each goal with the assignment of accountability for each one.

The following proposal will use the above steps as a framework and indicate the process, the expected outcomes and those recommended to be involved. These sections will be followed by an estimated budget for professional fees and related travel expenses.

Step One: Identifying the Strategic Issues

1. A strategic issue is a major policy issue or question that must be successfully addressed, if the core functions and future viability of drug courts are to be realized. These issues are derived from a clear understanding of the emerging trends (i.e., political, economic, social and technological) and how they will affect (positively or negatively) the work of the drug courts.
2. A strategic issue is written as a “*how*” question, which implies a “*should*” decision. The “*should*” element flows from the environmental assessment and the recognition that the changes in the environment must be addressed in order to effectively promote the work of drug courts and/or mitigate threats to the same. As examples (not recommendations), “How will current and future drug courts be funded?;” “How should the drug courts be governed with respect to local and state-wide oversight?;” or, “How do we inform legislators, and others with influence, as to the efficacy of drug courts compared with incarceration?”

In preparation for the initial session in June, all judges and coordinators will receive a survey, which will ask them to identify ONE strategic issue in each of the four areas (i.e., political, economic, social/cultural and technological) they believe absolutely needs to be addressed in this strategic planning initiative.

I will summarize all of the responses and prepare a report that each person will receive prior to attending the June session. Using this summary report, each person will be asked to review and rank the issues within each of the four areas and to bring (not return to me) their completed worksheet to the June program.

At the June program, the final decisions regarding the priority strategic issues will be made (first half-day) as the structure for creating the Key Results Areas (i.e., the potential answers to the strategic planning questions).

Step Two: The Identification of the Key Results Areas

A key results area (KRA) describes where the drug courts should focus their energies and resources in order to successfully address the strategic issues (questions) confirmed. These are intended to be “non-negotiable” areas of excellence where failure or even poor performance is not an option – the strategic issues will remain unresolved, if the drug courts are not successful in this regard.

At the June session, once the priority strategic issues are confirmed (likely a total of ten), the judges and coordinators will be asked to identify the one to two KRAs they believe would represent a practical and substantive response to the issues –actions that achieve a positive result for each issue confirmed. Basically, they will indicate, “we will be able to address this issue by doing a better job with or by focusing on . . .” For example, if the strategic issue is “How do we better inform particular legislators about the advantages of drug courts versus incarceration?,” a response (KRA) might be “to do a better job, state-wide, in using an Evidenced-Based Management approach to collect and compare the costs and desired outcomes of each.” Now, some of this might already be being done, but the idea of this strategic planning initiative is to institutionalize these best practices and be able to communicate the results.

Therefore, the expectation would be for one to twenty such KRAs to be generated in response to the ten strategic issues identified (one to two for each).

Step Three: The Validation of the Key Results Areas by Priority Stakeholders

It is appropriate for the judges and coordinators directly involved in drug courts to confirm the strategic issues and to identify the KRAs associated with each of them. In the drug court model, however, there are other stakeholders (i.e., drug court coordinator, prosecutor, public defender, probation officer, treatment representative and sometimes a law enforcement officer) who play a key role in the performance and success of the drug courts. These individuals (estimate of 100+ people across all drug courts) will receive an online questionnaire, which will organize the KRAs under each of the top strategic issues, and be asked to rank (as “very important, important, unimportant or very unimportant”) the KRAs generated by the judges and coordinators as a way of providing feedback “from the field” to those who will make the final decisions.

The survey would be conducted within two weeks of the first session with the respondents given two weeks to complete and return their surveys. This is a tight schedule and, perhaps, the Center for Court Innovation and/or the Montana State Court Administrators Office will be able to provide some logistical support. Only aggregate data from these surveys will be presented to assure the anonymity of each respondent and encourage their participation.

Step Four: The Development of Priority Goals

All of the drug court judges and coordinators will be invited to attend the second session in July and will be asked, as a group, to review the survey feedback in an effort to reduce the

total KRAs to a final priority list of ten. While they will have this survey summary of stakeholder viewpoints to guide them, they will not be limited in their reasoning and decisions to these results. They will, however, need to decide “where failure is not an option” in response to each strategic issue and these survey data will be helpful in this regard.

Also, at the second session, the judges and coordinators will be asked to determine how they recommend the courts address each KRA in the form of measurable goals – the desired outcome and how success will be determined. If there are ten strategic issues, and one priority KRA for each, then ten individual and high-level goals will need to be crafted. Ten goals might not seem like many for a strategic plan, but a typical mistake in such planning efforts is to generate too many goals, which never are translated into reality and to miss the opportunity to do fewer things and really well.

Step Five: The Design of Strategies for Implementation

Excellence in execution is critical, since a wonderful plan poorly implemented is, in essence, a bad plan. The devil truly is “in the details,” which means the plan, along with the KRAs and the priority goals, should be structured in direct response to the most significant strategic issues. Therefore, for each strategic issue there would be the final KRA, the specific goal for addressing it and the major action steps required to translate the good ideas into reality. At the session, the judges, in particular, will be asked to indicate where they see themselves having a primary or even secondary role (i.e., where they are prepared to demonstrate their leadership and be held accountable for their efforts).

It is likely, however, given the general culture of the courts, that administrative staff not only will, but should have a significant role in designing and implementing the operational details of the action plan that would include: the person or persons responsible for the ultimate achievement of each goal; the resources, new and/or reallocated, required to achieve each goal; and, the time frame in which each goal is expected to be completed.

Finally, with regard to the concepts of long-range and short-range goals, I would offer two perspectives: first, every goal, independent of how long it is believed it might take to fully achieve it, should have some intermediate benchmarks as a stimulus for maintaining focus. Quite often, a three-year goal is a one-year goal pursued three years later; and, second, the key issue is not long-range or short-range, but how long into the future the decision that is made will last. For example, if a key decision can be made in four months that will last ten years, is it long-range or short-range? The key is sustainability and not the time required for implementation.

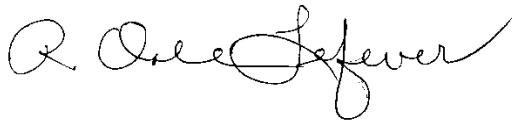
IV. Estimated Professional Fees and Related Travel Expenses

The professional fee estimate for the time required to complete the five steps in the planning process, which would include preparation and travel time from Detroit, Michigan for two on-site sessions, along with the design and summarization of the pre-program survey with judges and coordinators, as well as the separate 100-person survey and a final report, would be five to six days @\$2,500/day or \$12,500 to \$15,000 (adjusted to \$8,400 by mutual agreement).

The travel expenses are difficult for me to estimate, but would include airfare, hotel, meals and, perhaps, local travel in Montana. One possible reduction in the costs would be the management of the surveys by the Administrative Office. I would design the surveys, but their administration, including follow-up emails and the analysis, would be done by the staff as would the survey summary.

This proposal is based on our recent conversation and the several reports I received. If there are other elements in the planning process I should consider, or other people you believe should be involved, please do not hesitate to discuss these factors with me.

Respectfully submitted,

A handwritten signature in cursive script that reads "R. Dale Lefever". The signature is written in black ink and is positioned above the typed name.

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