
Background and Overview

The National Drug Court Institute (NDCI), a division of the National Association of Drug Court Professionals (NADCP), conducted a technical assistance site visit with the Montana 21st Judicial District (Ravalli County) Adult Treatment Court in Hamilton, Montana, on August 30-31, 2022, by consultant Karen Blackburn, consultant Mike Loeffler, and project director Karen Cowgill. This report summarizes the key findings of the review process.

Summary of Best Practices

This treatment court has implemented the following practices that follow the 10 Key Components of Drug Court and NADCP's Adult Drug Court Best Practice Standards (Volume I, 2013; Volume II, 2015). They are based on research demonstrating that programs that engage in these practices have more positive outcomes than programs that do not. Congratulations on your treatment court's achievements in these areas! This treatment court's full set of practices is attached to this report.

1. All key team members attend pre-court staffing meetings (judge, prosecutor, defense attorney, treatment, program coordinator, and probation).
2. All key team members attend court sessions (judge, prosecutor, defense attorney, treatment, program coordinator, and probation).
3. There is a written policy and procedure manual for the treatment court program.
4. Treatment communicates with the court via email.
5. A prosecuting attorney is part of the treatment court team (attending staffing and court).
6. A defense attorney is part of the treatment court team (attending staffing and court).
7. The program uses a validated, standardized assessment to determine eligibility.
8. The treatment court works with two or fewer treatment agencies.
9. The treatment court offers mental health treatment.
10. The treatment court provides (or partners with service providers who provide) participants with legally prescribed psychotropic medication or medication for substance use disorder (MAT).
11. In the first phase of treatment court, drug tests are collected at least two times per week, and drug test results are back in two days or less.
12. The program has written incentive and sanctions guidelines, and team members are given a copy of the guidelines.
13. Sanctions are imposed immediately after non-compliant behavior (e.g., the treatment court will impose sanctions before a participant's regularly scheduled court hearing).
14. The typical length of jail sanctions is six days or less.
15. The judge spends an average of three minutes or more per participant during court sessions.
16. Participants attend court review sessions every two weeks or once weekly in the program's first phase and once monthly in the final phase.

17. The judge is assigned to the court voluntarily for an indefinite term.

Priority Recommendations

The following section lists several areas in your treatment court that are not currently aligned with best practices. These are areas that could benefit from enhancements. A full set of practices and whether or not your treatment court implements them is included as an attachment to this report. Additional recommendations are listed at the end of this report.

1. **The program should develop written objective eligibility criteria defining its target population.**

The team lacks written eligibility criteria that set forth offender and offense characteristics defining whom among the criminal justice population it intends to serve. The team has selected a high-risk/high-need population as favored by drug court research. The team agrees that violent offenders (per statutes governing the team as a federal grantee) are ineligible for inclusion. Otherwise, the team's target population remains undefined. The lack of written eligibility criteria can lead to specific team members acting as gatekeepers to seek admission of potential participants whom they see as "most likely to complete" the drug court program. In addition, the lack of objective eligibility criteria may also cause the team to implicitly select a participant pool that does not represent the full diversity of the community. Eligibility is the first topic addressed in the Adult Best Practice Standards. Volume 1, Standard 1A-Eligibility and exclusion criteria are defined objectively, specified in writing, and communicated to potential referral sources, including judges, law enforcement, defense attorneys, prosecutors, treatment professionals, and community supervision officers. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.

2. **The court uses the RANT to determine risk/need, but it is essential to remember that the RANT is a screening tool, not a full assessment.**

The probation department does a full risk assessment, and the team should look at how those assessment results can be used to determine eligibility. In addition, the court accepts DUI offenders, so it is recommended that the court use the DUI-RANT when screening these clients since they have access to it through the state. Often DUI offenders will score low on traditional risk/need screening and assessment tools, so it is crucial to conduct additional screening and assessment to measure the risk of reoffending with a new DUI offense.

3. **The team should review its drug testing procedures and use only observed urinalysis tests when considering incentives or sanctions.**

The team should not use drug test results that are not reliable. Presumptive tests, if the participant continues to deny use, are unreliable and should not be utilized by the team to sanction or incentivize participants without confirming said

presumptive positive sample. In addition, one of the team's primary treatment providers supplements the drug court team's main drug testing regimen by requiring its own additional UA tests. These supplemental UAs are not observed by staff. Accordingly, the results of these tests are also unreliable. While there is nothing inherently wrong with the treatment provider requiring these additional tests, they do not render sufficiently reliable results to sanction or incentivize participants.

4. **The team should seek training regarding sanctions and incentives' statutory and constitutional issues.** Team members shared an incident where a participant was sanctioned to jail before confirmation of a drug test, basing the incarceration instead on its presumptive result. Also of related concern is the prophylactic incarceration of participants while they await an appropriate level of care to prevent their overdose or other harm. Both incidents, if true, are potential violations of the participants' constitutional rights. NDCI maintains an online review of statutory and case law impacting drug court practitioners at Law - National Drug Court Institute - NDCI.org.
5. **The team should seek individual, role-specific training and program implementation training.** The program has only been active for approximately one year. Many team members attended RISE 22 or planned to attend the 2022 Montana State Drug Court Conference. Still, few team members have received any training on the treatment court model. Many are unclear about the treatment court model and how their roles and responsibilities fit into the treatment court. The program/procedure manual for the drug court should outline training requirements for both existing and new team members. The program is highly encouraged to provide regular (minimum yearly) training to team members on the drug court model and train new team members on their specific roles as soon as possible upon joining the team. Research demonstrates that regular team member training results in greater recidivism reductions and higher cost savings. NADCP's E-Learning center has free training on various treatment court topics and can be found at E-Learning Center - NADCP.org.

Additional Observations

Team Turnover: This team has been operational for approximately one year. During that time, it appears that almost the entire team has transitioned. While the judge has remained a consistent team member since the program's implementation, the public defender, line prosecutor, probation officer, and coordinator have joined the team in approximately the last six months. The NDCI website has sample new staff orientation sheets for team members at <https://www.ndci.org/wp-content/uploads/2018/08/NDCI-New-Staff-Training-Guide.pdf>.

SUCSESSES, ACCOMPLISHMENTS, OR INNOVATIVE PRACTICES

- The public defender and county attorney are unified and full participants in backing the drug court's effort in the jurisdiction. Both foster a non-adversarial environment at court and staffing.
- The team seems to be quite a cohesive, professional, and unified group. All key players (except law enforcement) attend staffing and court and participate enthusiastically in the drug court effort. They appear to be a motivated and dedicated group.
- The "theater of the court" is well orchestrated. Participants sit comfortably in front of the judge, are provided a microphone, and have a clear sightline with proximity to the judge. Participants sat next to the public defender, and the other team members were scattered throughout the courtroom in a non-adversarial manner. Team members participated in court as required but were in no way adversarial or served as a distraction from the one-on-one interaction with the judge.
- The team uses jail sanctions infrequently and for a short duration. The team seems to lean clearly toward trying to motivate its participants to alter non-compliant behaviors and use punishment as a last resort.
- The team organized and conducted participant get-togethers or social times outside the court, reinforcing prosocial activities.
- The delivery of the coordinated response by the judge was remarkable. The amount of time dedicated to all participants, whether compliant or non-compliant, was appropriate and well measured. The judge used motivational interviewing techniques, solicited feedback, and seemed genuinely connected to the participants. The judge's use of a "question of the day" provides a theme for the day's session and is particularly innovative. It seemed well-received by participants and supported by other team members during court sessions.
- The team has a program and procedure manual that is well-organized and well-conceived and provides a blueprint for new and existing team members for program operation. It is a solid foundation for future improvements or enhancements to the program.

ADDITIONAL CONCERNS AND RECOMMENDATIONS

- **The court should avoid stigmatizing language.** Unintentionally, we may refer to individuals or addictions in ways that may be stigmatizing. In program documents and daily interactions, take care to avoid words (such as 'clean,' 'dirty,' 'homeless,' or 'addict') that can inadvertently portray a participant shamefully or negatively. With simple changes in language, harmful stigma and negativity around substance use disorders and homelessness can be reduced or avoided.
- **The team should engage a program evaluator and collect, review and periodically analyze performance data.** Before its first graduation, the team should seek to implement a process and outcome evaluation of the drug court program. The results of program evaluations should

optimally lead to modifications/improvements in treatment court operations. The team could seamlessly utilize DIMS for collecting and collating performance data.

- **The team should streamline and reorganize its staffing procedure.** The team may seek technical assistance or training in this area. The team may also elect to hold an organizational meeting apart from its regular staffing meeting to develop a more efficient and streamlined weekly staffing. In this regard, much staffing time is spent on matters apart from participant behavior and the team's coordinated response to that behavior. For example, it seems the drug court coordinator spends a great deal of unnecessary time creating staffing reports from information provided by the team. It would be much more efficient to collect and collate this information if individual team members entered data on participant behavior into DIMS. This would allow the staffing report to be generated without the coordinator creating a new document. The team may wish to seek out a sample staffing report of another court upon which to pattern their staffing report. Team members should review this staffing report before staffing, so more time is available to discuss participant behavior. In addition, a procedure should be developed to share participant information between staffing meetings, preferably electronically. Such a policy eliminates the danger of *ex-parte* judicial contact and ensures all team members participate in creating a coordinated team response.
- **The team should create a policy group/steering committee that includes community partners and team members.** A regular meeting of a steering committee or policy group helps ensure the program will continue to review its practices and strive to improve. Partnerships with community stakeholders also allow a team to access more services from the community and gain buy-in.

Specific TA Recommendations

It is recommended that all team members complete free online, self-directed training on the essential elements and best practice standards via the NDCI eLearning portal at: <https://www.nadcp.org/e-learning-center/>. The treatment provider may benefit from attending the free two-day treatment provider training-[Treatment Provider Training - National Drug Court Institute - NDCI.org](#). And law enforcement could benefit from specific law enforcement training -[Law Enforcement - National Drug Court Institute - NDCI.org](#).

Furthermore, NDCI recommends and can provide the following training and technical assistance for this team:

- Law School 101
- Team member roles and responsibilities
- Eligibility criteria and entry process
- Incentives, sanctions, and therapeutic adjustments

- Drug testing
- A Team Members Guide to Effective Drug Court Treatment: A 5-Point Checklist

Recommended Next Steps

The results of this TA review can be used for many purposes, including 1) improvement of program structure and practices for better participant outcomes (the primary purpose); 2) grant applications to demonstrate program needs and/or its capabilities; 3) requesting resources from boards of county commissioners or other local groups and; 4) requesting training and TA from NDCI or other providers.

- **Distribute copies of the report** to all members of your team, advisory group, and other key individuals involved with your program.
- **Set up a meeting** with your team and key stakeholders to discuss the report's findings and recommendations. Ask all group members to **read the report** before the meeting and **bring ideas and questions**.
- During the meeting(s), **review each recommendation** and discuss any questions from the group.
- Karen Cowgill will facilitate a Zoom or telephone meeting with the judge and coordinator on November 4, 2022, at 12:30 p.m. MST to prioritize goals and learning strategies. Please propose another day and time if you are unavailable on this date. We will review the technical assistance reports, discuss any questions from your team meeting, and develop a time-task plan.
- Contact NDCI staff Karen Cowgill at kcowgill@ndci.org to develop the next steps.