

Managing and Sustaining Your Juvenile Drug Court

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INTRODUCTION

OVER THE PAST TWENTY YEARS, the criminal justice system has witnessed a rapid and varied expansion of the drug court model. Indeed, with juvenile, adult, DUI, veterans, and family drug courts increasing across all systems, it is evident that drug courts have become a critical court function in many jurisdictions. As is common in grassroots criminal justice program efforts, the expansion of the drug court model quickly outpaced research efforts. Although anecdotal stories have been replaced with some promising findings, numerous research questions surrounding program effectiveness, application of key components, and stability of drug courts still exist (Shaffer, 2006).

Juvenile drug courts (JDCs), in particular, have been scrutinized, given that several studies completed on early program efforts showed less favorable results. As JDCs continue to operate and expand, it is not sufficient to focus simply on potential reductions in recidivism rates among participants (Shaffer, 2006). As practitioners, we must look beyond the recidivism studies and focus our energy and attention on full implementation of the *Juvenile Drug Courts: Strategies in Practice Monograph (16 Strategies)* as outlined by the National Drug Court Institute (NDRI), the National Council of Juvenile and Family Court Judges (NCJFCJ), and the Office

of Juvenile Justice and Delinquency Prevention (OJJDP).

JDC teams must also focus on and carefully manage team dynamics. It is easy for JDCs to become so client focused that they forget about the importance of maintaining a strong team dynamic, providing for appropriate training, creating an opportunity for philosophy building and buy-in for new team members, and to follow policies and procedures. Courts must engage in a consistent evaluation of information, data, team process, and dynamics, as well as monitor the program and political changes that may impact outcomes (Rempel, 2005).

The focus of this article is to refine and strengthen juvenile drug court programs and practices, as well as introduce readers to the Juvenile Drug Court Development Cycle that will help JDC teams rethink the natural cycle of their programs. This cycle, also referred to as a “drug court lifecycle” needs to be carefully and continually evaluated. The article will help re-direct practitioners to a more “back to basics” approach that focuses on collaboration, team dynamics, and decision-making. This will ensure that the foundation of the JDC program is sound, and when the team and program foundation are equally strong, enhanced outcomes for participants are more likely to occur.

CURRENT RESEARCH

OVER THE PAST TWO DECADES drug courts have moved through two distinct phases in an attempt to evaluate program effectiveness and support the value of the model (Marlowe, Heck, Huddleston, & Casebolt, 2006). The rapid growth of drug courts in the first decade, coupled with the infusion of grant funds for program evaluations (that were often completed in the early stages of implementation), led to designs that simply tried to measure basic outcomes centered on future recidivism, client retention, and graduation from treatment (Marlowe et al., 2006; Shaffer, 2006). Some of these early studies, which were often methodologically weak, found support for the drug court movement. Essentially, evaluators and academics were able to present findings that showed, for the most part, that adult drug courts succeeded in reducing recidivism for their target populations.

Researchers could not, however, point to the conditions or components that made the program successful during this research phase. As highlighted by Cissner and Rempel (2005), and Marlowe et al. (2006), there is now a second phase of research that has moved beyond “do drug courts work?” and seeks to identify the specific components that blend together to

create successful programs. Newer research has focused on analyzing the different components of drug court programs in an attempt to explain exactly what it is that makes drug courts (primarily adult) work.

It is outside of the scope of this article to provide a full, detailed JDC research review. It is sufficient to note, however, that to date the limited research on JDC programs has been mixed. This can be attributed in many cases to poor research design, small sample sizes, and the fact that growth of juvenile drug courts quickly outpaced research opportunities (Butts & Roman,

2004). While more recent studies have shown statistically significant differences between JDC participants and similarly matched control groups (see Kirchner & Kirchner, 2007; Latessa, Shaffer, & Lowenkamp, 2002; Lutze & Mason, 2007; Rodriguez & Webb, 2004), other earlier research efforts failed to find differences (see, for example, Hartmann & Rhineberger, 2003). It is clear that larger more detailed studies of juvenile drug courts must be completed (Cooper, 2002). In the meantime, JDCs must take into consideration numerous factors that could be impacting program outcomes, and seek to adhere, as best as possible, to the original model.

Juvenile drug courts serve a complex population that differs from adults in very distinct ways. Juveniles often do not suffer from the level of addiction that adults

suffer from; their brain development is progressing at a very rapid rate; they generally reside with a family that must be included in the process; and their peers are often the center of their attention. In addition, many traditional treatment and court models have been built utilizing an adult model, or have been created through an adult “lens.” All of these factors create challenges for JDC team members and are

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most likely influencing outcomes.

JDC technical assistance requests invariably stem from a high volume of team turnover, the lack of a transition policy—which leads to a loss of advocacy during the transition period—and a lack of clarity about roles and responsibilities of self and others. Many sites lack up-to-date policy and procedure manuals and have simply moved away from operating within the defined juvenile drug court model. JDCs are essentially a collaborative effort to address the complex needs of youth who suffer from drug and/or alcohol abuse or addic-

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tion. While a great deal of the literature has focused on effective treatment models and programs for youth, limited research has been conducted on the importance of building a strong, collaborative foundation that JDCs can maintain over time. This foundation originates during the planning and implementation phase and must be reinforced throughout the operation of the program. Marlowe et al. (2006, p.18) argue that what is truly unique about drug courts is that they are able to create a strong collaborative dynamic among treatment, judicial, and correctional officials which most likely contributes to the success of the model. They note, however, that no standardized tools or processes exist to measure team integration or “the synergistic and collaborative process” (p.18), and concede that drug courts are in need of such a tool.

There are two primary issues that JDCs are facing that can directly affect outcomes: The JDC program compo-

nents were not fully implemented as originally intended (e.g., were implemented in a reduced form, or were unattainable from the start due to jurisdictional limitations), or the program has “drifted” away from the original mission. If the model was never completely implemented, or incorrectly implemented, then it may never reach its full potential, and in turn this may sabotage public perceptions of what may be achieved (see, for example, findings by Polakowski, Hartley, & Bates, 2008). As Belenko and Logan (2003) have highlighted, “objectives that are too optimistic can lead to an unfair perception that the program is not effective” (p. 194). Program drift can cause JDCs to return to a “business as usual model,” which often means punitive responses, and may be adversarial in nature. As JDC programs across the country search to find ways to improve outcomes for their participants, creating fidelity to the program model can be the first step in the right direction.

CREATING FIDELITY AND STRENGTHENING OUTCOMES NAVIGATING THE JDC DEVELOPMENT CONTINUUM

CRIMINAL JUSTICE PRACTITIONERS have a long history of building innovative and effective programs at the local level. After these programs are developed there is an attempt to mass produce the programs at the state or national level, and the program either fails or drifts away from the original vision, mission, and goals (see Okamoto, 2001; Rhine, Mawhorr, & Parks, 2006; and Sridharan & Gillespie, 2004 for examples of implementation challenges). This occurs because wide-scale adaptation of a model is difficult, at best. Programs are either poorly supported by all key stakeholders and line staff, under funded, poorly staffed, or only partially implemented. It is not uncommon to hear of local jurisdictions that can only afford to implement certain program components, or lack key treatment or service provisions under the program, yet they fully believe that they are implementing a “promising” program. Drug courts are no exception to this dilemma. In order to guarantee that JDCs are building and implementing a model design that assures program

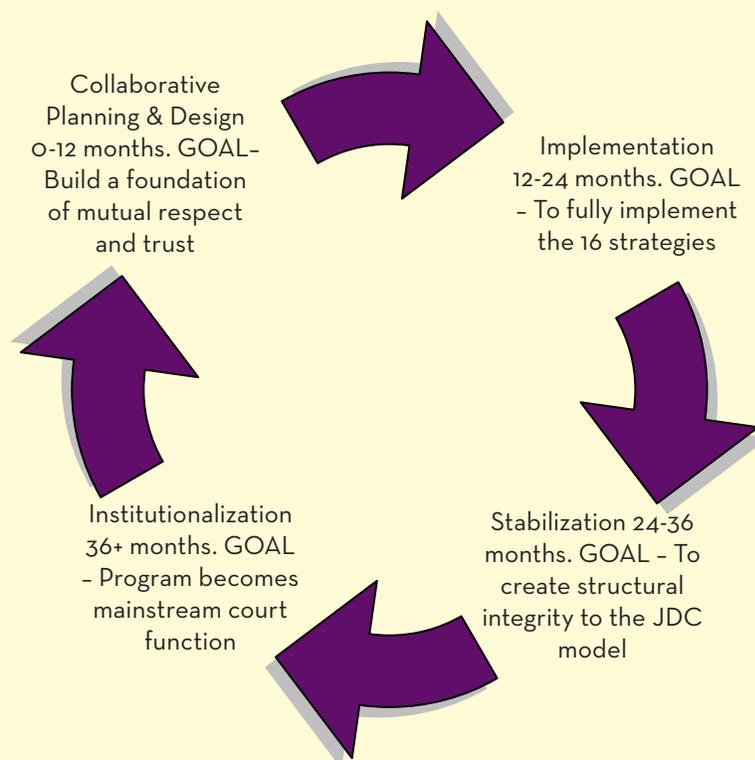
fidelity, the Juvenile Drug Court Development Cycle in Figure 1 is introduced.

If properly developed, the juvenile drug court should experience four major phases of development, with each phase building upon the phase before it. Each phase and its corresponding goals are presented below. There are key characteristics in each phase that teams should consider in an effort to measure their success while building each phase or when correcting for “drift” from the implemented/ intended drug court model.

Phase One: Collaborative Planning and Design

Many criminal justice and social services agencies have experimented with or enjoyed a long history of collaboration. This history of collaboration is an essential component of a juvenile drug court team. The first challenge that a JDC faces is how to build a true collaborative model. At a foundational level, teams must focus on four characteristics to ensure that a strong collaborative process is built.

Figure 1: The Juvenile Drug Court Development Cycle



- **Stakeholder Identification:** Teams must identify key stakeholders and include them in all process development. Failure to identify the correct stakeholders can derail or sabotage the team and program development (Turning Point Initiative, 1997; Welsh & Harris, 2004). In addition, allowing too many stakeholders to participate can create chaos in the program and decision making will become difficult. Having the correct stakeholders involved also creates a more legitimate image for the program within the criminal justice field and broader community. Although the composition of the drug court team reflects obvious stakeholders, each community will differ in identifying other agencies that must be represented early in the developmental process to achieve successful implementation.
- **Individual Team Member Empowerment:** JDC teams must ensure that each individual feels empowered to participate in the process. It is important that each team member have an active voice in addressing the development, process, and problem-solving strategies necessary for the creation of the drug court model (Mattesich et al., 2001; Turing Point Initiative, 1997). Those excluded or who feel powerless in the process will either withdraw their necessary expertise or they may actively sabotage the existing process, with both approaches undermining the potential strength and legitimacy of the program.
- **Building Bridges Across Agencies:** Often times, the various agencies that must be involved in the successful implementation of a JDC have never been asked to work closely together in a non-adversarial and problem-solving setting. Trust must be built between these agencies so that they will work together to achieve common goals. These stakeholders often share a common mission to create safe families and communities, but diverge on the strategies and measures used to achieve success. Stakeholders must be willing to share their strengths in ways that contribute to the fidelity of the JDC model and be willing to compromise or adjust their traditional strategies and measures to achieve a shared mission.
- **Synergy:** The research identifies synergy as a key component in creating an effective collaboration whereby true problem solving can occur. When the

knowledge, abilities and resources of diverse groups are combined, much like juvenile drug courts, then stronger outcomes can be achieved (Turning Point Initiative, 1997; Welsh & Harris, 2004). Over time, JDCs must continue to identify, empower, and establish relationships with diverse agencies to bring their strengths to the program. A failure to maintain the professional and institutional relationships important to the JDC model will ultimately threaten the success of the program.

Phase Two: Implementation

The key to this phase is full implementation of the *16 Strategies*. As stated earlier, formal policies and procedures are often neglected and a misunderstanding of roles and responsibilities among team members creates uncertainty. Although both adult and juvenile drug courts are strongly encouraged to utilize the *10 key components* or *16 Strategies* (see U.S. Department of Justice 1997, 2003), research has found that jurisdictions do not necessarily adhere to all components or strategies. Their failure to utilize these frameworks has most likely impacted outcomes (see Polakowski et al., 2008; Finigan & Carey, 2002).

Phase Three: Stabilization

Once the design and implementation have been fully addressed, the juvenile drug court model should stabilize but be continuously monitored for drift away from the intended model. There are many naturally occurring threats to the stability of the program, and these can be successfully contained if the model's key strategies are adhered to, if energy is given to team dynamics, and if the political climate is monitored and proactively managed (Mattesich et al., 2001).

Even a well-conceived and implemented JDC is certainly going to experience team turnover. The innovative and creative professionals it takes to implement and successfully run a JDC are going to be in high demand for promotions into new positions at their home agency or by other competing agencies. Therefore, the remaining team must see turnover as a natural part of the program, just as relapse is for their clients—it needs to be viewed as a positive change, not as self-defeating. New team members must be quickly trained in the JDC model's philosophy, mission, and goals. Collaborative processes must be reconnected to make

Transition planning between phases of the Juvenile Drug Court Development Cycle is critical to model survival.

sure that new members understand their importance as a stakeholder.

The team must constantly monitor the political climate between the JDC, their home agency, and the community. Very often political support begins to wane when funding sources are threatened within and between agencies. The JDC team must become advocates for the program by reporting to key stakeholders about the success of the program, planning for future funding opportunities, and using positive media relations to keep information available to the public.

Although a JDC stabilizes, it should not be stagnant. JDCs should be viewed as an active progression within the continuum. As new members join the team and as new challenges arise in the juvenile justice system or the community regarding substance-abusing delinquents, the JDC must make informed, data-driven decisions about how best to respond. For example, as new evidence-based practices are introduced to the field, the team should be poised to become educated about them and ready to adopt/adapt such services.

Phase Four: Institutionalization

Juvenile drug courts that exhibit a great deal of structural and professional integrity reach a point of institutionalization. This includes such features as a well-trained and permanently assigned staff (especially the judge), respect and support between social service and political agencies (e.g., law enforcement, prosecution, department of child welfare), and a commitment of resources (e.g., courtroom/docket space, personnel, treatment funding). Recent research has shown that when drug courts have a permanently assigned judge (two years or more) as well as active prosecutor and defense attorney participation at both staffing and court sessions, stronger graduation rates are achieved (Cary,

Finigan, & Pukstas, 2008). Institutionalization will be achieved if a strong collaborative spirit exists among the team. JDC teams should follow their policies and procedures, refine them as necessary, and allow data to drive the process.

Failure to fully implement the *16 Strategies* can clearly impact institutionalization of the program. In their review of a JDC model, Polakowski et al. (2008) found that local guidelines and operations varied considerably from established policies and the federal guidelines provided to the program, and likely contributed to the JDC's high rates of termination and ultimate closure. To avoid these pitfalls, JDC teams should continually evaluate and revise program components.

A Special Note: Phase Transitions

When juvenile drug courts transition from one phase to the next, they may experience some specific challenges. For example, the transition between the Collaborative Planning Phase to the Implementation Phase creates several conditions that can threaten the model. There is a high potential for team turnover during this transition. Some of the planning team members who had a strong hand in creating the program often step away and hand the process over to a new group who will form the operational team. At this point, there can be a lack of buy-in from new team members who had no voice or input into the creation of the program. In addition, some new team members may be appointed to the JDC and not necessarily support the philosophy of the juvenile drug court. During this transition, the team begins to focus on client needs and process and may start to neglect the team unit. Transition planning between phases of the Juvenile Drug Court Development Cycle is critical to model survival.

CONCLUSION

JUVENILE DRUG COURTS hold the potential to impact youth, families, and communities in a critical way. It is not sufficient, however, to simply throw a few practitioners together and begin weekly staffings and court appearances. Great attention and care must be given to creating and maintaining a solid JDC model. We hope this article has allowed the reader to think beyond the daily needs of clients (although important), and realize

that our JDCs must also remain focused on the model itself. A tool to assess your juvenile drug court, *Ensuring Fidelity to the Juvenile Drug Courts Strategies in Practice –A Program Component Scale*, is available online (see below for details). This valuable tool will guide practitioners in assessing program operation, collaborative efforts, and team unity.

FOR MORE INFORMATION:

- This article was published in 2010 as an NCJFCJ Technical Assistance Brief, part one of a two-part series. Part two, entitled *Ensuring Fidelity to the Juvenile Drug Courts Strategies in Practice–A Program Component Scale*, is an assessment tool for juvenile drug courts, which will help JDC administrators determine if there are any gaps in their programs and give concrete recommendations to strengthen program operations and team cohesiveness. *Ensuring Fidelity to the Juvenile Drug Courts Strategies in Practice–A Program Component Scale* is available online at www.ncjfcj.org.
- *Juvenile Drug Courts: Strategies in Practice Monograph (16 Strategies)*, published in 2003 by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, can be downloaded at <http://www.ncjfcj.org/content/blogcategory/92/124/>

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