

## **A Process Evaluation of North Dakota's Juvenile Drug Court**

Report submitted by Kevin M. Thompson to the North Dakota State Court  
Administrator

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## **Executive Summary**

In May of 2000, a Juvenile Drug Court (JDC) was implemented in the East Central (EC) and Northeast Central (NEC) Judicial Districts in North Dakota. Accompanying the funding of those courts was the requirement that the courts undergo a process and outcome evaluation. This document describes the operating process of the two courts and provides some recommendations for modifying the drug courts. Some of these concerns have already been addressed and will not be part of the recommendations.

For the most part, the two courts appear to be operating in a manner consistent with the planning recommendations. The Drug Court team has operated under the assumption that the process is evolving and will continue to undergo modifications where team members see concerns. The chief recommendations include the following:

The EC Judicial District JDC was implemented without the benefit of a Drug Court Coordinator. It is recommended that a Drug Court Coordinator be hired to handle both clerical and probation related tasks. This position was filled as of November 15. The EC Judicial District JDC currently allows Drug Court participants to choose their own treatment provider on the basis of insurance considerations. This policy needs to be reviewed to develop more uniform screening, assessment, and treatment modalities.

Both JDC's need to consider expanding targeting criteria to include youth whom may be suitable for JDC who are not petitioned by the court.

Both JDC's need to consider involving the School Resource Officers (SRO) more extensively in monitoring and reporting of JDC participants.

Administrative funding efforts need to find a way to remunerate the public defenders for billing time lost while working on JDC cases.

Administrative efforts need to be undertaken to find ways to fund staff resources in the district attorneys' office for JDC operations.

The role of confidentiality regarding treatment providers' services and information needs to be clarified.

The JDC manual language needs to be re-visited to clarify language.

There needs to be a clearer chain of communication regarding drug testing involving the treatment providers, trackers, Drug Court Coordinator, testing lab, and drug court team.

Both drug court teams need to review family therapy models for use in treatment.

This review should include some discussion about how the court can enforce sanctions against parent(s) who are unwilling to participate in their child's treatment.

The courts should continue to investigate cost effectiveness issues pertinent to adopting multi-systemic therapy for use in drug court.

The NEC Court could benefit from having a drug court expert travel to their site to conduct a two-day workshop.

Both drug courts need to visit the policy of placement following the expulsion of juveniles from drug court as well as the policy of re-entry into drug court subsequent to satisfying certain court criteria.

## **Introduction**

This report provides a summary process evaluation of North Dakota's Juvenile Drug Court during the period from the planning stage to the first five months of processing juveniles. In May of 2000, a Juvenile Drug Court (JDC) was implemented in the East Central (EC) and Northeast Central (NEC) Judicial Districts. This effort began with a statewide Juvenile Drug Court Study Committee in the fall of 1998, commissioned by the Juvenile Justice Policy Board. This committee which was chaired by Justice Mary Muehlen Maring, consisted of representatives from the juvenile court, law enforcement, the Department of Public Instruction, the Department of Human Services, the Division of Juvenile Services, the Department of Corrections, and the Turtle Mountain Adult and Juvenile Drug Courts.

The Study Committee recommended that a juvenile drug court should be planned and implemented in North Dakota. Following this recommendation, the North Dakota Supreme Court applied for and received a planning grant from the Office of Justice, Drug Courts Program Office. This grant facilitated training for a juvenile drug court team. The team was comprised of representatives from the schools, juvenile court, treatment agencies, the state court administrator's office, academia, the judiciary, public defenders office, and the state's attorney's office. A project coordinator assisted Justice Maring in coordinating the meetings and workshops for the drug court planning committee.

In May of 2000, the first juveniles were admitted to drug court. In the EC Judicial District participation in drug court was voluntary. In the NEC Judicial District, juveniles were court-ordered into the program. In both judicial districts, the drug court process/model was explained to each juvenile and his/her guardian(s). Juveniles participating in drug court signed a juvenile drug court contract, a consent for disclosure of confidential substance abuse information, and a confidentiality notification of alcohol and drug abuse patient records agreement.

### **Structure of the Juvenile Drug Court**

The JDC was structured similarly to other JDC models. The JDC team is composed of a judge, treatment provider, school representative, probation officer, Drug Court Coordinator (NEC), defense counsel, and states' attorney.

In the EC court, three paths were established to allow juveniles to progress after meeting certain JDC requirement criteria. The NEC judicial district required that participants hurdle four paths. Sanctions and incentives were established to motivate juveniles. Each path carried different expectations.

Juveniles are required to attend school while school is in session or complete summer school requirements. Juveniles who drop out of school are encouraged by the judge to pursue a GED. Juveniles are required to undergo random drug/alcohol screens and maintain contact 1-2 times per week with their probation officer. Community service is

ordered as part of participation in drug court. Finally, JDC participants are required to meet with treatment providers to establish and follow a treatment plan (e.g., individual therapy).

It was decided that the JDC staff would hold weekly meetings to staff JDC cases. At staffing, new cases are scrutinized and discussed and established cases reviewed. Review hearings are then held later the same afternoon.

### **Selection Process/Criteria**

The JDC planning team established eligibility criteria for drug court (targeting). In order to be eligible for drug court, juveniles had to meet the criteria below:

1. Referring offense may be either drug or non-drug related.
2. Juvenile must be between the ages of 14 and 18.
3. No prior violent felony level adjudications or pending petitions alleging violent felony level delinquent acts.
4. No dangerous anti-social behavior as determined by the Juvenile Drug team.
5. No previous referral to JDC.
6. No prior or pending charges of selling and/or manufacturing controlled substances.
7. Admission to the offense and/or a court order to the program.
8. An assessment must be completed indicating a drug and/or alcohol abuse problem.
9. The JDC team has some flexibility as to who is eligible depending on their age, drug and/or alcohol history and nature of their prior convictions, to enter the JDC program.

In addition, the JDC planning team established that eligible JDC participants must be motivated, able to benefit from the services, and that appropriate services exist within the drug court treatment providers to effectively address the juvenile's needs. There still exists some debate as to whether juveniles need to appear motivated to be considered suitable for JDC. One theory on motivation suggests that this process can evolve after the juvenile either volunteers or is court-ordered into the program. Another theory suggests that it is ineffective to allow unmotivated juveniles into the program.

JDC participants are petitioned. In the EC Court, participation is voluntary. In the NEC, juveniles are court-ordered into JDC. There has been some discussion about expanding the range of juveniles who are eligible for JDC by including non-petitioned juveniles or informally adjusted youth. These youth would still need to meet our eligibility criteria above. The benefit would be to increase the number of participants in the EC Court and to provide JDC treatment for these youth before their drug and alcohol problems progress.

JDC is a post petition/post adjudication program with the option of dismissing the petition after the participant successfully completes the JDC program. The EC Judicial

District program lasts 6-9 months and the NEC judicial district program lasts up to 12 months.

Upon receiving a referral, the probation officer brings information to the JDC team to consider recommending a juvenile to drug court. Most of these juveniles have been in treatment or are currently being treated so the treatment provider can provide information on the juvenile’s suitability for drug court. If the juvenile satisfies JDC eligibility criteria, the JDC team recommends that the juvenile be accepted into the JDC. Following this recommendation, a hearing date is obtained before the JDC judge.

**Initial Hearing**

At the initial hearing, the juvenile admits to the petitioned offense(s) and the judge may order or request that the juvenile participate in drug court. Upon agreeing to participate, the juvenile is presented with an orientation, describing the JDC and what is expected of the juvenile. Parents/guardians are present at this session and are expected to appear at each court hearing.

**Characteristics of JDC participants**

As of August 30, there were 25 JDC participants – nine were participating in the EC Judicial District program and 16 were participating in the NEC Judicial program. Five juveniles opted not to participate in the program in the EC Judicial District. These juveniles as well as 14 juveniles in the South Central (SC) Judicial District will be tracked for comparison purposes. Any juveniles who opt not to participate in the EC program will also be included in the comparison group.

The tables below present information on the characteristics of JDC participants as of August 30, 2000.

<b>Gender</b>	<b>Number</b>	<b>Percent</b>
Males	16	64
Females	9	36

Average age of participants = 16.2
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Average number of prior referrals = 5.5
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Total number of prior charges = 198
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Range of prior referrals = 3 -13
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<b>Family Living Arrangement</b>	<b>N</b>	<b>%</b>
Live with one parent	13	52
Live with both natural parents	11	44
Live in blended family	1	4

## Nature of Prior Referrals

Nature of Charge	# of Charges	% of all Charges	# of charges Charges/participant
Minor in possession/consumption	56	28.3	2.24
Possession of controlled substance/drug paraphrenalia	18	9.1	.72
Theft & shoplifting	13	6.6	.52
Disorderly conduct	12	6.1	.48
Curfew violation	10	5.0	.4
Tobacco violation	10	5.0	.4
Runaway/absenting	8	4.0	.32
Truancy	8	4.0	.32
Willful disturbance	7	3.5	.28
Simple assault	7	3.5	.28
Unauthorized use of a motor vehicle	6	3.0	.24
Other (e.g., traffic, hindering, criminal mischief)	43	21.7	----

The characteristics of participants are compatible with the intent of JDC. Participants exhibit an extensive level of prior referrals for alcohol or drug-related charges. Further, these juveniles have accumulated a substantial level of alcohol and drug-related behavior to meet the assessment criteria for a substance abuser. The drugs of choice of almost all of the participants have been alcohol and marijuana. Most of the participants were referred to JDC while in middle adolescence and a majority were male.

## Process Evaluation

Below is a discussion of some of the significant issues that have arisen in the process of implementing the JDC.

### *Staff Resources – EC Judicial District*

In April and May, JDC personnel in the EC Judicial District were requested to monitor and record to the nearest 15 minute interval, time spent on drug court cases. This could include staffings, meetings with clients, workshops, or processing paperwork. At that time, the EC Court was processing 4 participants. Data from these two months indicates that juvenile court staff was spending roughly 12 hours per week on JDC cases (e.g., screening, meetings). The JDC judge was averaging a little more than five hours per week. The defense counsel, state's attorney, treatment provider, and school representative all spent roughly 3 hours per week on drug court cases. The estimate of total JDC time spent was 29 hours per week. It is estimated, based on staff time and the

number of participants that each drug court participant consumes approximately 7.2 drug court staff hours per week. It is the opinion of the evaluator that this estimate errs on the conservative side. Based on discussions with drug court personnel, it is estimated that each drug court participant likely consumes 10 hours per week of staff time, including time spent with trackers.

Because staffing time fell heavily on the juvenile court staff, a decision was made in June to spread out the JDC cases among all EC Judicial District court services officers. Prior to this, JDC cases were being handled by one court services officer and the juvenile court director. It was felt that more equal distribution of JDC cases would relieve the burden on this staff person. Consequently, in July, all EC Judicial District court services officers were given at least one JDC case. This meant that all EC Judicial District juvenile court staff needed to participate in noon staffings and appear at each hearing later that afternoon.

During the period under review, the EC Judicial District relied on Lutheran Social Service trackers to facilitate appointments for participants and ensure that they had proper travel arrangements. In August, the presiding judge of the EC Judicial District submitted a request to the North Dakota Supreme Court to shift funds used for tracking to contract with a person to be a Drug Court Coordinator. The Drug Court Coordinator would be employed by the court on a contractual basis for 20 hours per week and would be charged with clerical roles, acting as the liason between the court and the community, and performing probation officer duties.

The arrangement made with the JDC public defender obligates this person to meet with JDC clients. This means that billable hours are lost for private legal work. It is recommended that the public defender receive remuneration for billable hours lost while working on JDC cases. A conservative estimate places these billable hours at around \$1,200 per year. A more liberal estimate based on the loss of 2 billable hours per week places this estimate at \$6,240 per year.

The states' attorney's office also feels pinched regarding staff time spent on JDC cases. It would be beneficial to think about ways to compensate the states' attorney's office for staff time spent on JDC cases.

#### *Staff Resources – NEC Judicial District*

JDC staff time in the NEC judicial district varied from that of the EC Judicial District due to funding for a drug court coordinator. The coordinator's tasks involved gathering information on each participant for the weekly staffings. The coordinator also maintained files for each participant, communicated information to JDC staff and drug tested juveniles. This position was funded half time.

The JDC Coordinator was relieved of duties in August. Currently, the clerical, administrative, and probation duties are being carried out by the Supervisor of Juvenile Court Services. There had been some concern in this judicial district regarding ownership of client progress between the probation staff and the Drug Court Coordinator.

It is believed that this was a function of the characteristics of the Drug Court Coordinator rather than a flaw with the process.

### *Record Keeping*

Each judicial district keeps a separate court file on JDC participants. This file contains information regarding progress reports and accountability plans for the juvenile. Until now, there have been few problems with keeping these files up to date.

One problem that has arisen concerns access to participant treatment files. Each of the treatment providers keeps a separate file on JDC participants. This file contains assessment information (e.g., ASI) and treatment information (e.g., progress reports). It is unclear whether the release of confidential information to the research/evaluator as signed by the JDC participant also applies to treatment information. This is currently being looked into.

### *Drug Testing*

For the most part, JDC participants have received 1-2 random and scheduled drug screens per week. A few problems have arisen with interpretations of drug tests involving nanogram levels. It has become somewhat confusing to sort out the date at which the test was administered and the date in which the lab results were received. Sometimes, parents have been getting confused as well when they have called the lab themselves. This is because juveniles are undergoing lab tests that overlap these periods. Better communication channels need to be established between the treatment provider, tracker, Drug Court Coordinator, testing lab, and drug court team to rectify this situation.

At this stage, it is too early to report the rate of positive drug screens among JDC participants. We do have evidence that a few juveniles have used alcohol and/or drugs subsequent to participating in JDC. These rates will be reported in the outcome evaluation report.

### *Treatment providers*

The NEC Court utilizes two treatment providers. JDC participants choose one or the other dependent on insurance considerations. The EC Court has at least six treatment providers in the jurisdiction that parents can choose for treatment services. There are several other licensed addiction counselors as well who are functioning as independent providers. This obviously hampers quality staffing and record keeping. It is recommended that the policy of choosing treatment providers be revisited in the EC Court to develop more uniform screening, assessment, treatment, and record keeping modalities.

The EC court has had several discussions regarding the adoption of multi-systemic therapy (MST) as a treatment modality. One issue that has arisen with MST is that it

may not be terribly cost effective. Several persons are examining these issues and will report to the drug court team regarding their findings.

### *Inclusion of Law Enforcement*

It is vital for an effective JDC to have law enforcement personnel be aware of the procedures and parameters of the court. Both communities have School Resource Officers (SRO) in place as a result of federal funding. The SRO's can help with tracking and monitoring activities. The NEC Court to date reports sound communication channels between the JDC team and the SRO's. The EC Court will work on this in the coming months with the two SRO's that are positioned in the schools. At this stage, it is unclear whether the SRO's will be included in weekly staffing.

### *Parental Involvement*

Parental or guardian involvement is considered vital to the success of the JDC program. Thus far, parental involvement has been quite high. As best as can be assessed from existing records, at least one parent or guardian has appeared in court with the juvenile 75.3% of the time. This is important as parents are in a position to be able to provide feedback to the judge regarding the juvenile's cooperative attitude as well as help hold the juvenile accountable for their weekly treatment plan.

It is increasingly evident that the juvenile's demeanor and behavior are linked to their parents willingness to participate in their treatment, although there have been a few instances where juveniles are succeeding despite parental dysfunction or passive participation. It is also evident that some parents could clearly benefit from treatment themselves, either for substance abuse or mental health. Consequently, a family therapy model has been suggested as a viable tool for treatment. The question remains however, regarding how to enforce sanctions against parents who choose not to participate fully in their own or their child's treatment. This issue will continue to be discussed and explored.

### *Incentives/Sanctions*

The EC Court has wrestled with standards for fair and appropriate incentives and sanctions. This is understandable given the evolving nature of the JDC. It would also help this court to have a Drug Court Coordinator who is able to procure incentives (e.g., movie passes, bowling passes) when juveniles meet court expectations, such as graduating to the next path. This court has developed some innovative ideas for rewarding positive behavior. One juvenile had his defensive driving seminar paid for by the court. Another who is starting hockey in a few months received a gift certificate from a local sporting goods store.

The NEC provides immediate incentives for such behavior as having a parent attend court with the juvenile or completing the True Colors program. Generally these incentives involve the deletion of community service hours.

### *Retention Rates*

Retaining JDC participants has not been a problem. Of the 16 JDC participants in the NEC District, 15 continue to meet the requirements for maintaining participation in drug court. One went AWOL in the middle of August and has been dismissed from JDC. As of this writing, all 9 JDC participants in the EC Court continue their involvement in JDC. The JDC team is considering dismissing one participant, depending on the final interpretation of a positive drug test.

### *Training*

Most the EC drug court team was able to travel to three workshops during the past 9 months. However, the NEC team was only able to facilitate travel for two members to Portland and one member to Minneapolis. While the EC court team felt that the training could be reduced in scope (2 days, rather than 3), this team also felt that some of the training was valuable. Because of this, it might be important for the NEC team to have a juvenile drug court expert visit their site for several days to conduct an on-site workshop and review their process.

### *Recommendations*

The EC Judicial District JDC was implemented without the benefit of a Drug Court Coordinator. It is recommended that a Drug Court Coordinator be hired to handle both clerical and probation related tasks.

The EC Judicial District JDC currently allows Drug Court participants to choose their own treatment provider on the basis of insurance considerations. This policy needs to be reviewed to develop more uniform screening, assessment, and treatment modalities.

Both JDC's need to consider expanding targeting criteria to include youth whom may be suitable for JDC who are not petitioned by the court.

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The JDC manual language needs to be re-visited to clarify language.

There needs to be a clearer chain of communication regarding drug testing involving the treatment providers, trackers, Drug Court Coordinator, testing lab, and drug court team.

Both drug court teams need to review family therapy models for use in treatment. This review should include some discussion about how the court can enforce sanctions against parent(s) who are unwilling to participate in their child's treatment.

The courts should continue to investigate cost effectiveness issues regarding the adoption of multi-systemic therapy for use in drug court.

The NEC drug court team could benefit from having a juvenile drug court expert visit their site for a two-day workshop and review their process.

There needs to some way to sanction youth who pose problems for the drug court team beyond the sanctions recommended in the manual. Otherwise, youth will purposely attempt to undermine drug court terms in order to be exited to traditional probation.