

SERIALIZATION: NADCP AND THE DRUG COURT MOVEMENT: A FIRST PERSON ACCOUNT, 1990-2001 (Judge Jeff Tauber ret.)

EXCERPT NO. 7: RIDING THE WAVE; 1999

<http://www.reentrycourtsolutions.com/2015/07/27/excerpt-no-7-1999-riding-the-wave/>

There is a time when riding a wave, you reach the crest, and are on top of the world in a matter of speaking. That's what it felt like to be leading the drug court movement in the late 90s. Getting ready for the dismount, or in my case, my exit from NADCP/NDCI was as difficult as the ride itself.



Senior NDCI Judicial Trainers, Judges Bill Meyer, Jeff Tauber, Robert Russell, and Susan Finlay, singing off-key at graduation dinner held at D.C. restaurant, La Cologne

REACHING THE TOP

By 1999, the Drug Court field was akin to a giant wave. It was my 4th year running NADCP from D.C., I spent much of my time crisscrossing the country laying the ground work for a national criminal justice reform movement. I was hanging on for dear life, the most exhausting and exhilarating period of my career.

As the founder of both NADCP and NDCI, I believed I was leading the most far-reaching criminal justice reform movement in more than a generation. I was making major decisions and leading in the development of new initiatives, driving the organization toward a vision that existed, if only in my own mind. It was also becoming obvious to me that I was chronically exhausted and that my physical efforts couldn't last. But I felt blessed to be the leader of NADCP, at the time that the Drug Court Movement blossomed.

I had accepted the greatest challenge of my life. And I appeared to be succeeding. There was an explosion of interest in NADCP and Drug Courts. To my mind, that was a causal factor in the extraordinary change in attitude taking place within the criminal justice system and society in general, toward drug users over the next decade.

According to the DOJ's National Institute of Justice, at the end of the field's first five-year period (1989-1993) there were a total of 19 existing drug courts. From 1994, when NADCP was founded, until the end of 1998 (a second five year period), 329 new drug courts had been established (for a grand total of 347 drug courts, or an 18 fold increase over the initial five year pre-NADCP period).

NDCI's BREAKTHROUGH YEAR

Long term, my vision was of NDCI taking a leadership role in the larger criminal justice reform movement, and setting up long-term projects and hopefully reform institutes to deal with such critical issues as systemic approaches to drug abuse and criminality, alternatives to prison and incarceration for all offenders, and the decriminalization of the drug user.

NDCI had received a \$ 2 million grant to spend as we and ONDCP thought appropriate. 1999 was our opportunity to take off and overwhelm the field with innovative science based projects. And we did just that. From the first, I saw the development of NDCI, our Education, Scholarship and Research based arm, as a means of shifting NADCP's gears from practitioner advocacy toward a more credible, science and research based policy making institution.

EDUCATION: DEVELOPING CUTTING EDGE TRAINING CURRICULA

The new NDCI trainings were to be important to the field in a number of ways. They would be discipline or practitioner specific; working with judges, D.A.'s, defense attorneys, supervision personnel, treatment providers, etc., without their fellow practitioners. And they would rely heavily on video learning. The previous five years had taught me a great deal about what worked in teaching criminal justice practitioners (and Judges in particular). They learned best when they were engaged in

discussion and after they had observed reality based demonstrations (whether as observers of courts in session or videos of such courts).

There were enormous benefits to this strategy; Practitioners tended to be more candid and open to suggestion when not sitting with team members from back home. And of course they were more engaged after viewing relevant video from real courts dealing with their issues, they were to discuss in small groups of 8 to 10 student practitioners.

I convened a group of early drug court pioneers and other experts to come together and create an agenda for the first practitioner based training, a Drug Court Judge Training, planned for the fall of 1998. My recollection is that we met for two days and that I came away from that meeting concerned that our committee product was pedestrian at best (I found committees most effective as a tool to gauge the field's needs and interests). It was at that point, that I sat down with West and took personal control of the first discipline-based training, the judicial practitioner training set for a few months out.

My hope was to put on a comprehensive week-long training that relied heavily on videos and presenters with real expertise. It was to be a mix of presentations and panel discussions, with video presentations to follow most scheduled presentations. After putting together the training schedule, I sequestered myself for two days in Taos, New Mexico (after a mentor site visit to Las Cruzas) and wrote the training curriculum. The first NDCI Practitioner Based Training was held as planned from October 18-21, 1998 at George Mason Law School in Arlington Virginia (literally down the road from NADCP).

Visual aids were the heart of the training and not easily assembled. My idea was that every session, such as Incentives, Sanctions, and Drug Testing would be followed by 8 to 10 short video clips from around the country. They displayed to one extent or another the principles that the judges (or other practitioner training groups) would be working with.

Discussions were moderated by an experienced drug court judge (doing double duty as a presenter and training leader to a group of 6 to 8 drug court student judges for the duration of the training). To my mind the trainings would succeed or fail on the basis of the video portion of our trainings.

I stole many of the non-video training aspects of the sessions from the California Judicial College (CJC), National Judicial College (NJC) and Barry Mahoney's JMI trainings. We added a CJC based Banquet segment that asked each of the student groups at the banquet to make some contribution to the night's entertainment (a segment that almost everyone opposed, but most enjoyed). The first banquet was held

at a wonderful French restaurant, La Colline, in D.C., and a joyous affair it was (see above; photo of Senior Judicial Training Staff singing off key).

VIDEO EDITING OF PRACTITIONER TRAININGS

The video project was an idea that had grown out of my personal experience as a drug court judge, as well as, sitting in many a court watching other drug court judges. I knew that it would take a judge's sensibility to select and edit the most relevant court videos. That meant the segments had to be short enough to maintain the student's interest and relevant enough so that a small group of judges could analyze the effectiveness of the participating judges (or other practitioners) in the video.

I found myself spending hundreds of hours reviewing and notating workable segments on a primitive VCR player in my home den. I worked closely with a local shop on King Street that integrated them into twelve separate videos. Objectively a simple process, but one that took months to complete, with VCR cassettes delivered to the first training held at George Mason University in Alexandria, literally minutes before they were to be used.

The first part of the process was to get film from enough different courts to make a video study of courts possible. We put ads in our quarterly newsletter asking courts to video tape a single session and send it to me for training purposes. I called qualified judges asking for their assistance. I sent out emails with the same request. In return I received perhaps a dozen videos, generally of poor to middling quality that dealt with many of the training topics. In the end, I had selected and edited some 100 videos gleaned from those twelve participating jurisdictions (each video clip approx. 2 to 4 minutes long) on some twelve topics.

It worked splendidly. The student judges became involved in the videos, had positive and negative responses, and generally achieved a palpable understanding on the drug court topic by watching and discussing the videos in small groups. To my mind, it was the most innovative part of the training and the segment that students appreciated most. [The following year, I edited similar video clips of team collaboration and/or staffings from different jurisdictions, for student training and analysis.]

With West taking the lead, NDCI followed in 1999 with Discipline Based Trainings for Adult, as well as Juvenile Drug Court Coordinators, Treatment Providers, Prosecutors, Defense Attorneys, and Community Supervision (a total of ten week-long discipline based trainings were held in 1999). I continued to plan, supervise, and lead our pioneering judicial trainings.

RESEARCH: THE BEGINNINGS OF AN NDCI RESEARCH AGENDA

THE NDCI/NIDA Research Planning Sessions held in September of 1998 bore fruit in 1999, with a developing partnership with the National Institute of Drug Abuse (NIDA). I became friends with NIDA's Director, Alan Leshner, who turned out to be extremely helpful to NDCI as an advisor on research as well as other policy issues. From time to time, we met for lunch to discuss the development of a Research agenda for the Drug Court field.

The Research Project made substantial progress in its first year. I convened and presided over a Research and Dissemination Committee, made up of practitioners, researchers, scientists, and others in August to take on the task of devising ways to get existing research to the field (something that was discernibly absent at the time).

As part of NDCI/NDCI's Joint Research Standardization Project, a Research and Evaluation Workshop was organized by West in D.C., October 18-19, 1999, to begin the development of much needed, "Standardized Research Tools" that the entire field could rely on.

SCHOLARSHIP: PUBLICATION OF FOCUS GROUP DRIVEN MONOGRAPHS

I saw NDCI Monographs as an important step in the development of far-reaching criminal justice reforms. It was my hope that NDCI could create enough attention and activity around prospective reforms to attract investment and involvement from federal agencies, state governments, individual courts, and/or private investors. The funding would be used to set up Projects and Institutes at NADCP that were dedicated to reforms important to NADCP and the Criminal Justice System. It was an ambitious agenda, but I believed it to be doable.

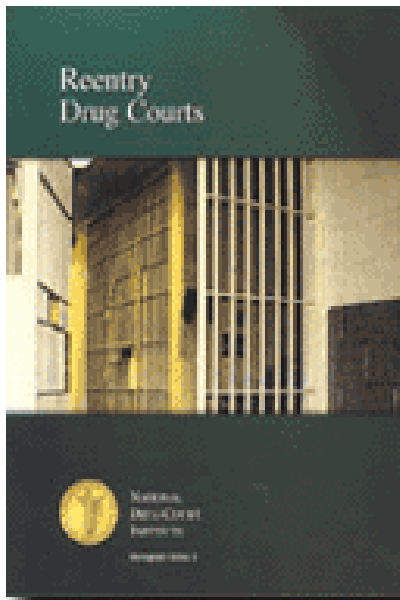
Our approach to developing our monographs was to bring the best experts and practitioners on the cutting edge of reform, place them in a semi-circle, facing invited observers and practitioners who also participated in later free-for-all discussions (I was a great believer in spontaneous combustion). I would follow the focus group, within a short time, with a monograph outlining the usefulness of the reform and descriptions of its successful implementation at model sites, and distribute ten thousand monographs on the reform across the nation within months.

These focus workshops were held in Washington D.C, where the audience of bureaucrats, organizational leaders, and experts we were trying to reach, were concentrated. I led the Focus Groups with West's extraordinary assistance and I wrote the monographs (though I gave West secondary writing credits in an effort to build his credentials within the field, he did not co-write the monographs, nor to my knowledge any publication while I was at NADCP)

The first monograph developed out of a focus group on DWI Courts (Driving While under the Influence), held in D.C., in November 1998. It was shortly followed by a monograph entitled, “DWI/Drug Courts: Defining a national strategy”, published in March of 1999. We tried hard to interest the Department of Transportation in supporting a DWI program at NDCI, but at that time they were reluctant to get involved.

[The National Highway Traffic Safety Administration of the U.S. Department of Transportation did come on board to support the start up of NADCP’s National Center for DWI Courts in June of 2007; only eight years after our focus group and monograph.]

Our next focus group was on “Drug Court Systems” and the need to develop more sophisticated means of sentencing drug offenders to appropriate rehabilitation, supervision and/or custody. Monograph No.2 of the series, was published in May of 1999, and entitled, “Development and Implementation of Drug Court Systems”. It presaged in many ways the keen interest in the development “Evidence-Based Sentencing”.



The Monograph "Reentry Drug Courts" was the first publication to deal with Reentry and the Courts

The most comprehensive and (and to my mind) important of the three Focus Group Topics I lead for NDCI, were actually two separate focus groups, that in turn brought together prison and jail based experts and practitioners, in April of 1999. We were able to outline the parameters of reentry drug courts (and inferentially their more comprehensive brethren, reentry courts). It received a full exposition in 1999, in

monograph no. 3 of our NDCI series, entitled, “Reentry Drug Courts”, and was the first ever published on the issue.

This monograph more than any other focused national attention on the plight of offenders coming out of our prisons and jails, without adequate assistance, resources, or monitoring, that the courts were capable of providing. Then National Institute of Justice Director Jeremy Travis (more recently as President of John Jay College) has argued persuasively that Reentry Courts could be a means for breaking the cycle of imprisonment.

[All in all, we mailed out on average an NDCI publication every month in 1999 (including Fact Finding Documents, NDCI reviews, Newsletters, and Monographs)]

THE ANNUAL CONFERENCE BECOMES A NATIONAL INSTITUTION

The aforementioned increase in drug court participation was reflected in our national conferences. Attendance at our first Drug Court Conference in Las Vegas in 1995 was something over 400 attendees. By 1999, attendance at the Tropicana Hotel in Miami Beach, Florida had shot up to 2400 at our fifth Annual Drug Court Conference.

As described earlier (see Excerpt No. 2), the National Conference was the place where the drug court community met, and recharged for the coming year. Our gatherings in the Presidential Suite were gala events where judges and others could meet as equals, share their experiences, problems, and hopes for the future. It provided sustenance and commiseration for the lonely few who were willing to brave the derision of their often dismissive colleagues. It was our shelter from the storm (see: Bob Seeger, “Shelter from the Storm”).

By 1999, the National Conference no longer was the place where you met other practitioners, and had instead become a somewhat impersonal gathering. There were so many persons attending the Miami Beach Conference at the Tropicana Hotel that you were much more likely to spend time with friends and colleagues from back home than make new friends.

Nor was it the place where you swapped stories and information among the drug court community. You probably did that at a more familiar state drug court association meeting with colleagues from your home state. And attendance noticeably shrank at the tail end of the Conference, a logical consequence of putting on a 3 day Conference at a Miami Beach Hotel in June.

The Conference had outgrown its original purpose of providing community, and instead provided critical assistance, information, and ideas for practitioners and others

to take home. Much of the important work of NADCP was happening away from the Annual Conference; at NADCP trainings, focus groups, state conferences, judicial education seminars, etc.

I missed the personal contact with practitioners (and especially judges) who had been in the field since its inception. One by one, they retired or moved away from the Drug Court field. The overwhelming number of NADCP conference participants (and new board members), knew little about me, except that I was NADCP's "Founder", a title with a somewhat hollow ring. I believed at the time that standing in the background pushing others to the forefront was the most effective way to broaden our national leadership and prepare for the day when I was no longer on the national stage. Few understood what it took for me personally to get us where we were, and I resigned myself to that reality.

GIVING UP CONTROL OF THE NATIONAL CONFERENCE

Through the '98 D.C. Conference, I had retained final control of all plenary sessions, tracks, workshops, moderators and panelists. It wasn't until then, that I realized that I couldn't handle the increasing numbers of tracks, workshops and presenters at our conference, along with my new responsibilities as NDCI's Director. In 1999, I began the process of delegation of authority over conference presentations, sharing it with others on NADCP's staff.

NADCP also began to move away from the "Oprah Model of Presentation". With the growing sophistication of both presenters and audiences, there was an increasing demand for more technical information and less use for the general expertise available through panel discussions. After 1998, panel discussions would drop to 50% or less of presentations over the next several years. And that was OK. It had served its purpose, in establishing a strong connection between NADCP and perhaps a thousand panelists over a five-year period, and in providing the excitement, motivation, and illumination of ideas that panel discussions can generate in a new field.

Our Conference was becoming a major national criminal justice event. We hired a Conference Planner to assist us in planning for and implementing the Miami Conference. I continued to meet with organizers from the conference city to get their input on what local innovations and personalities the conference might highlight.

I tried to involve staff in the planning of the Conference, asking them to take responsibility for at least one training track topic and the attending workshops. It wasn't an entirely successful experiment. Some took the assignment more seriously than others. Still, I exerted much less control over the Conference than I had ever done before. I was learning to let go.

DEVELOPING AN EXIT STRATEGY

Most weekends I was on the road, to or from a conference or meeting, or at the office (just down the street from my Alexandria apartment), responding to correspondence or planning new strategies for the organization. I was recently divorced, with little social connection to D.C. society. It was far easier for me to bury myself in my work than deal with the outside world.

I had been working sixty to eighty hours a week for almost ten years and I was physically exhausted. My doctor diagnosed a serious non-specific fatigue condition that I managed to work through over a difficult six-month period (often fighting to stay awake during daily meetings). I couldn't see doing this for much longer. I began to think about an exit plan, and my return to California.

LOOKING FOR A SUCCESSOR

Recognizing that I couldn't do it all was made less painful given the staff capabilities at NADCP. Marc Pearce had been my "Go to Guy" early on, when there was a problem that needed fixing or a project that needed assistance. He worked long hours with little credit. Marc became NADCP's Director, a title he deserved long before his formal appointment to that position. My focus at the time was on establishing NDCI as the preeminent science based entity in the drug court field, and I felt very comfortable turning NADCP over to Marc.

Marc did an admirable job as NADCP's Director and I believed that he would have made a worthy successor. Understandably, his passion for the job diminished as his personal life and family demanded more of his time. After giving so much to the organization over its early years, he decided that he had given enough. He handed me his letter of resignation. He told me that his family was more important than his job at that point in his life and I couldn't disagree with him. Marc had been with me since day one, and it was hard to see him go. I regretfully accepted his resignation. To me he will always be the brother with whom I dreamed of what could be.

MOVING WEST UP TO NDCI DIRECTOR

West Huddleston was an exceptional Deputy Director for NDCI. He learned quickly and followed my lead easily. He had an appetite for work that rivaled my own and was the only staffer that would run miles with me along the Potomac in knee-deep snow. Importantly he had that almost insatiable drive to accomplish the impossible, that an exceptional reform leader has to have. Most of senior staff were all too happy to move NADCP into the typical work routine, working 9 to 5 workdays, with weekends off.

After Marc left NADCP, I believed that West showed the most promise of any of our senior staff. To be honest, what was most attractive about him, was that he was a strong ally among Senior Staff in my push for setting demanding organizational goals and achieving them. West's support for my plan to pick up the pace caused major friction between him and other senior staff members, who were looking forward to a long anticipated slowdown. We were to have several rancorous management meetings on the feasibility of an aggressive strategy to develop NADCP and NDCI.

I focused on mentoring West, moving him up the organization hierarchy, while evaluating him as a potential leader of NADCP. When I talked about him moving up to No. 1, he always countered that he was a natural No. 2 and didn't have the vision to be No. 1. He seemed sincere when he said it, but I knew otherwise.

I began to take him to high-level meetings with ONDCP Director General McCaffrey and other national leaders. I had been Acting Director of NDCI since its inception in December of 1997. In 1999, I became Executive Director of NDCI and moved West from Deputy Director to Director of NDCI, as part of my strategy to put him in a position to assume leadership of NADCP, when the time was right. I was preparing to let go.

[Let me add a critical caveat here. NADCP (and NDCI) had exceptional staff, who worked extremely long hours with little acknowledgement or financial reward. They did the lion's share of the day to day work that allowed us to build a national organization and movement. Though some on Senior Staff, were cynical of our goals and a bit jaded by their prior experiences in D.C., the great majority of staff were deeply committed to the organization and saw our achievements as theirs, as they truly were.]

Judge Jeffrey Tauber (Ret.)