



Drug Court/Drug Board Program

Annual Report to the Utah Legislature, October 2009

Utah's Drug Courts:

Drug court effectively addresses substance abuse and crime. Data collected by the Division of Substance Abuse and Mental Health (DSAMH) shows:

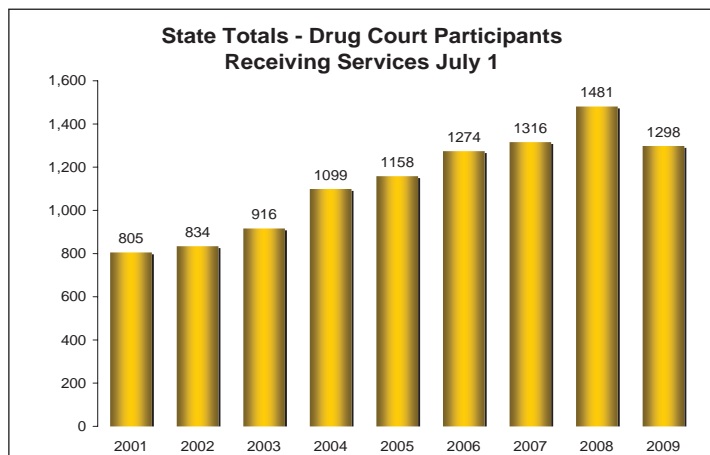
- Over 10,000 Utahns have participated, or are participating in drug courts in Utah
- Drug court participation has grown 38% from 2001 to 2009
- Almost 6,000 Utahns have graduated from a drug court
- 64% of participants graduated from drug court in fiscal year (FY) 2009 compared to approximately 39% of the general treatment population who completed treatment successfully in FY2009
- 66% of participants received outpatient treatment in FY2009
- 23% of participants received intensive outpatient treatment in FY2009
- 10% of participants received residential treatment in FY2009

Drug courts and drug boards, through the coordinated effort of the judiciary, prosecution, legal defense,

probation, law enforcement, social services and the treatment community, offer nonviolent, drug-abusing offenders intensive court-supervised drug treatment as an alternative to jail or prison. These intensive services are provided in coordination among the participating agencies to those individuals identified at high risk for recidivism and in high need of substance abuse treatment services. Successful completion of drug court results in dropped charges, vacated or reduced sentences, or rescinded probation. This annual report, required by Utah Code Ann. §51-9-201, summarizes the activities of Utah's drug court and drug board programs.

Evolution of Drug Courts in Utah

During the mid 1990s local jurisdictions began responding to the cycle of recidivism commonly identified among drug offenders. This response included the creation of the first drug courts in Utah. As research on the benefits and effectiveness of drug courts has grown, so has the number of drug courts in Utah. Over the past 12 years Utah's drug courts have increased from 2, in 1996, to over 32 operating statewide today. The Department of Human Services, Division of Substance Abuse and Mental Health, provides funding for 29 drug courts and 2 drug board programs.



Legislation that created and funded Utah's drug courts was enacted in 2000. The creation of the drug court program, criteria for participation, and funding disbursements are found in Utah Code Ann. §78A-5-201. Appropriation of tobacco settlement funds to drug courts and drug boards are addressed in Utah Code Ann. §51-9-201. The Legislature also appropriates State General Funds to support drug courts. Additional funding information can be found on page 4 of this report.

Using the significant amount of research on drug court effectiveness as a guide, DSAMH and the Administrative Office of the Courts (AOC) have directed their combined efforts towards drug court accountability and quality. Drug courts funded by DSAMH were required to re-apply for funding and new contracts were awarded for FY2009. These new contracts required adult felony drug courts to follow the 10 Key Components identified by the National Association of Drug Court Professionals; family dependency drug

To put it bluntly, we know that drug courts outperform virtually all other strategies that have been attempted for drug-involved offenders. (Marlowe, DeMatteo, & Festinger, 2003)

courts to follow the characteristics of family dependency drug courts identified by the Center for Substance Abuse Treatment and the Bureau of Justice Assistance; and juvenile drug courts to follow the strategies used by a juvenile (youth) drug court as identified by the Bureau of Justice statistics. This contract also requires drug courts to target individuals who are at high risk for continued criminal behavior (high risk) due to their continued drug and/or alcohol use (high need).

During FY2009 DSAMH and AOC monitored contracted drug courts to these new standards and provided technical assistance where indicated. Through this coordinated effort drug courts across the state became more focused on their day-to-day practices, ensuring participants' due process rights are maintained throughout their drug court experience.

Are Drug Courts Effective?

The general effectiveness of drug courts on reducing recidivism has been consistently established in studies from across the country (Belenko, 2001). The Government Accountability Office's (GAO) review of adult drug court evaluations (2005) found that most studies have shown reductions in recidivism both during program and post-program (up to one year).

Utah drug courts have been the subject of at least 11 independent evaluations. All of the independent reports

showed positive outcomes. Studies consistently show lower recidivism for drug court graduates than non-drug court comparison groups and lower recidivism for drug court graduates than unsuccessful clients. Citations for all 11 of these independent evaluations are listed at the end of this report.

Drug courts also reduce costs. The findings of the Institute of Applied Research, an independent social science research firm, indicated that nonviolent drug offenders who were placed in treatment instead of prison generally earned more money and took less from the welfare system than those who successfully completed probation.

Drug court retains offenders in treatment. The research suggests that retention is the most critical factor in successful outcomes. (Marlowe, DeMatteo, & Festinger, 2003)

Drug courts are an effective mode of treatment and supervision for methamphetamine-dependent offenders. "As a seasoned judge, I have found that frequent

and immediate responses are the most effective way to deal with the methamphetamine addict. In addition, it is essential through treatment and court intervention to get to the underlying cause of the addiction and deal with the physiological and psychological reasons for the addiction. Drug courts are the most effective way to deal with these problems."—The Honorable Dennis Fuchs, Salt Lake City, Utah (2005)

What you learn is that drug courts, which involve treatment for all the individuals and real support—along with sanctions when they fail—are a more cost effective method of dealing with drug problems than either probation or prison. (Institute for Applied Research, 2004)

Types of Drug Courts in Utah

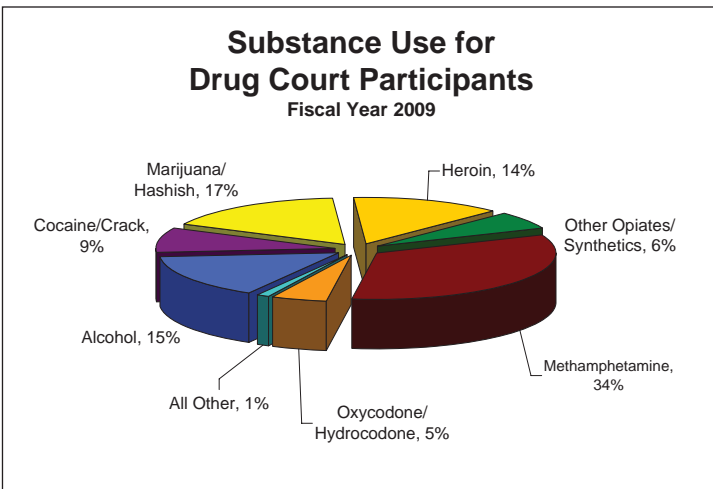
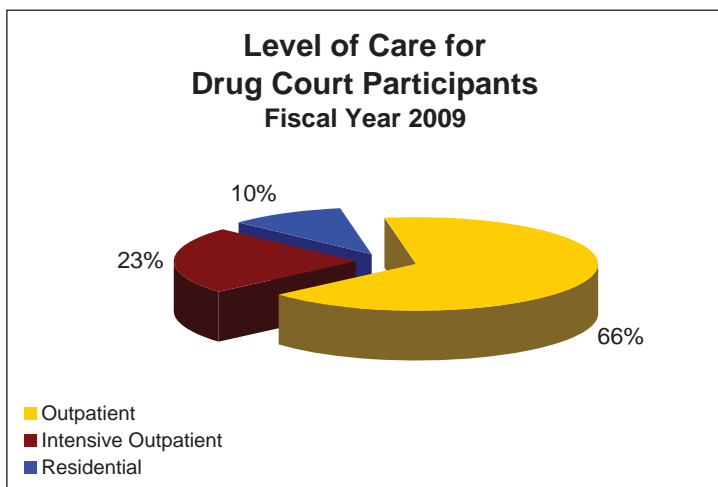
Adult Felony Drug Courts: Adult felony drug courts focus upon individual adult offenders charged with a felony drug crime. Though restrictions may vary by

location and program, adult felony drug court is generally available to:

- Certain nonviolent offenders charged with a felony drug crime. These crimes include forged prescriptions, possession with intent, and felony possession of a controlled substance.
- Offenders with at least one previous drug conviction for which a sentence was given.
- Offenders who are in the country legally.

Juvenile Drug Courts: Juvenile drug courts provide an alternative approach for dealing with young drug offenders. They involve the family and school system in addition to judicial, case management and treatment involvement. This increased level of community involvement offers additional resources to assist courts as they address adolescent developmental and family concerns as well as substance abuse problems. Juvenile drug courts require participants and their families to attend court as often as weekly. Participants are also required to attend treatment and school and to perform community service. Treatment services are individually tailored and developmentally appropriate.

Dependency Drug Courts: Family drug courts—also known as family dependency treatment courts—have emerged in response to both methamphetamine-using parents who have neglected their children and the court’s responsibility to enforce intervention in non-criminal, family cases. Family drug courts employ a multidisciplinary team approach in addressing children’s safety and permanency issues as well as parental substance use. Parental accountability at all levels



is enforced by the court’s intensive supervision. As in adult drug courts, participants in family drug courts are required to take random and frequent drug tests and appear weekly before a judge. In many cases, addicted parents achieve sobriety and are able to provide a safe and fit home for their children.

Drug Board: Drug board provides community-based services through a drug court model to help drug-involved offenders reintegrate into their communities after being released from prison. Drug board uses the authority of the Board of Pardons and Parole to apply graduated sanctions and positive reinforcement and to coordinate resources to support the prisoner’s reintegration. Central to the drug board are the goals of tracking, supporting, and supervising offenders upon release.

Misdemeanor Drug Courts: Six justice court-level drug courts provide nonviolent misdemeanor offenders with the opportunity to participate in judicially supervised substance abuse treatment. Most of the participants in the misdemeanor courts have been arrested on marijuana or alcohol charges. These courts usually target first-time offenders and are generally shorter in duration than felony drug courts. None of the misdemeanor drug courts have received state funding. Judges donate time and resources to make these programs a reality.

Appropriations

Utah Code Ann. §78A-5-201 requires State General Funds appropriated to drug courts be allocated as follows: (i) 87% to the Department of Human Services for testing, treatment, and case management of drug court participants; and (ii) 13% to the Administrative Office of the Courts for increased judicial support costs. In addition to these dollars, local courts, legal counsel and counties provide in-kind services to support drug courts, including legal counsel time, court clerks, etc., to name a few.

Senate Bill 15, Use of Tobacco Settlement Revenues, passed during the 2000 Legislative General Session. This bill appropriated a total of \$1,647,200 to the Department of Human Services, allocating \$1,296,300 for statewide expansion of the drug court program and \$350,900 for a drug board pilot program.

In 2007, the Utah State Legislature appropriated an additional \$2,000,000 from the State General Fund for drug courts. One million dollars was appropriated as one-time funding. These monies were used to expand and enhance existing drug courts in FY2008 creating an estimated 198 additional treatment slots. In 2008, the Legislature again appropriated \$1 million in one-time funding to maintain the treatment slots created through the monies appropriated in 2007. Unfortunately, drug courts were affected by the state budget shortages and the previously appropriated \$1 million of one-time funding was not appropriated for FY2010, creating a 17.35% decrease to the overall drug court budget for FY2010 and decreasing capacity by approximately 200 treatment slots.

The following chart shows funding source allocation for drug courts since 2002:

Drug Court Funding					
	Tobacco Settlement Funds	Federal SAPT Block Grant Funds	State General Funds	State Asset Forfeiture Grant	Total Funds
2002	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
2003	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
2004	\$1,647,200	\$729,136	\$0	\$0	\$2,376,336
2005	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
2006	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
2007	\$1,647,200	\$898,588	\$435,000	\$75,000	\$3,055,788
2008	\$1,647,200	\$784,876	\$2,175,000	\$166,000	\$4,773,076
2009	\$1,647,200	\$800,000	\$2,175,000	\$92,840	\$4,715,040
2010	\$2,166,300	\$800,000	\$785,900	\$242,666	\$3,994,866

The chart below shows funding allocations to each court from 2002 to present:

Utah Drug Court Fund Distribution by Court and Type										
Model	DRUG COURT	2002	2003	2004	2005	2006	2007	2008	2009	2010
FELONY	Box Elder First District Drug Court	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$131,250	\$150,000	\$281,250	\$232,453
	Cache County Felony Drug Court	-	-	-	-	-	-	\$131,250	-	-
	Carbon County Felony Drug Court	-	-	-	-	-	\$95,831	\$149,989	\$150,000	\$123,975
	Davis County Felony Drug Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$275,500	\$275,500	\$275,500	\$227,701
	Emery County Drug Court	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$149,998	\$149,998	\$75,000	\$61,987
	Grand County Drug Court	-	-	-	-	-	-	-	\$75,000	\$61,988
	Iron County Felony Drug Court	-	-	-	-	-	-	\$75,000	\$75,000	\$61,988
	Juab/Millard & Sanpete County Drug Cou	-	-	-	-	-	-	-	-	\$61,988
	Salt Lake County Felony Drug Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$292,500	\$642,500	\$550,000	\$454,575
	San Juan Felony Drug Court	-	-	-	-	-	-	\$85,137	\$75,000	\$61,988
	Sevier County Felony Drug Court	\$64,064	\$64,064	\$64,064	\$64,064	\$64,064	\$68,250	\$68,250	\$75,000	\$61,988
	Uintah County / Eighth District Drug Court	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$126,000	\$126,000	\$126,000	\$104,139
	Utah County Adult Felony Drug Court	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$250,000	\$315,000	\$300,000	\$247,950
	Utah County Felony Probation Drug Court	-	-	-	-	-	-	\$75,000	-	-
	Wasatch County Felony Drug Court	-	-	\$36,000	\$36,000	\$36,000	\$43,200	\$118,200	\$75,000	\$61,988
	Washington County Felony Drug Court	\$46,870	\$46,870	\$50,000	\$120,000	\$120,000	\$192,000	\$192,000	\$200,000	\$165,300
Weber County Felony Drug Court	\$41,250	\$41,250	\$250,000	\$250,000	\$250,000	\$292,500	\$378,500	\$400,000	\$330,600	
	Total	\$1,257,184	\$1,257,184	\$1,505,064	\$1,575,064	\$1,575,064	\$1,917,029	\$2,932,324	\$2,732,750	\$2,320,608
FAMILY/ DEPENDENCY	Carbon County Dependency Drug Court	-	-	-	-	-	-	\$150,000	\$75,000	\$61,987
	Emery County Dependency Drug Court	-	-	-	-	-	-	-	\$75,000	\$61,988
	Fourth District Dependency Drug Court	\$75,000	\$75,000	\$125,000	\$125,000	\$125,000	\$137,500	\$137,500	\$215,000	\$177,697
	Grand County Family Drug Court	\$0	\$0	\$40,000	\$40,000	\$40,000	\$75,900	\$138,962	\$75,000	\$61,988
	Third District Dependency Drug Court	\$105,000	\$105,000	\$105,000	\$105,000	\$105,000	\$136,500	\$187,000	\$300,000	\$247,950
	Washington County Dependency Drug Co	-	-	-	-	-	-	-	\$75,000	\$61,988
	Weber Child Protection Drug Court	-	-	\$80,000	\$80,000	\$80,000	\$124,000	\$139,000	\$150,000	\$123,975
	Total	\$180,000	\$180,000	\$350,000	\$350,000	\$350,000	\$473,900	\$752,462	\$965,000	\$797,573
JUVENILE	Fourth District Juvenile Drug Court	-	-	\$75,000	\$75,000	\$75,000	\$86,250	\$141,250	\$150,000	\$123,975
	Third District Juvenile Drug Court	\$75,000	\$75,000	\$63,372	\$63,372	\$63,372	\$69,709	\$112,709	\$150,000	\$123,975
	Tooele County Juvenile Drug Court	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$0	\$61,988
	Utah County Juvenile Drug Court	-	-	-	-	-	-	\$75,000	-	-
	Weber Juvenile Drug Court	-	-	-	-	-	\$126,000	\$210,431	\$225,000	\$185,963
	Total	\$107,000	\$107,000	\$170,372	\$170,372	\$170,372	\$313,959	\$571,390	\$525,000	\$495,901
DRUG BOARD	Davis County Drug Board	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000
	Weber County Drug Board	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900
	Total	\$350,900	\$350,900	\$350,900	\$350,900	\$350,900	\$350,900	\$350,900	\$350,900	\$350,900
	Training and Quality Assurance	*	*	*	*	*	*	\$166,000	\$141,390	\$29,884
	STATE TOTAL	\$1,544,184	\$1,544,184	\$2,025,446	\$2,095,436	\$2,095,436	\$2,704,888	\$4,773,076	\$4,715,040	\$3,994,866

Independent Drug Court Research

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