



# Drug Court/Drug Board Program

## Annual Report to the Utah Legislature, November 2011

### Utah's Drug Courts:

This Annual Report, required by Utah Code Ann. §51-9-201, summarizes the activities of Utah's Drug Court and Drug Board programs. 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 Successful completion of Drug Court results in dropped charges, vacated or reduced sentences, or rescinded probation.

Data collected by DSAMH shows:

- Over 13,000 Utahns have participated, or are participating in Drug Courts in Utah
- Over 7,000 Utahns have graduated from a Drug Court
- 67% of participants graduated from Drug Court in fiscal year (FY) 2011 compared to approximately 47% of the general treatment

population who completed treatment successfully in FY2011

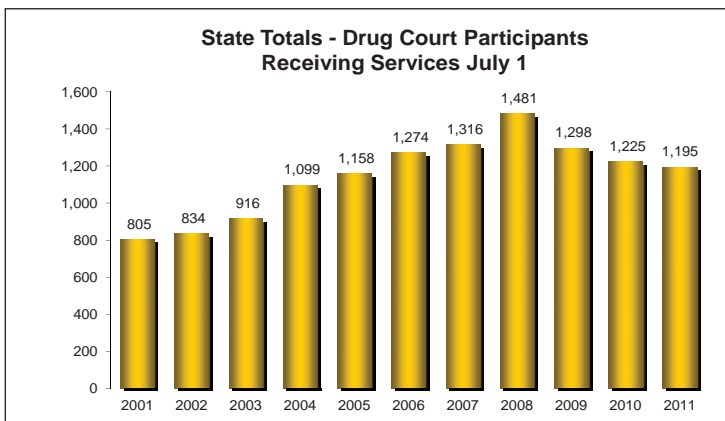
- 69% of participants received outpatient treatment in FY2011
- 18% of participants received intensive outpatient treatment in FY2011
- 13% of participants received residential treatment in FY2011

### Evolution of 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. Utah's Drug Courts have increased from 2, in 1996, to over 40 operating statewide today. The Department of Human Services, Division of Substance Abuse and Mental Health, provides funding for 29 Drug Courts.

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, the Division of Substance Abuse and Mental Health (Division) and the Administrative Office of the Courts (AOC) have directed their combined efforts towards Drug Court accountability and quality. Drug Courts are funded by the Division through an application process and



subsequent contract for a three year period. Contracts require Adult Felony Drug Courts to follow the 10 Key Components identified by the National Association of Drug Court Professionals, Family Dependency Drug 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. Contracts also require Drug Courts to target eligibility towards individuals who are at high risk for continued criminal behavior (High Risk) due to their continued alcohol/drug use (High Need).

*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)*

During state fiscal year 2011 the Division and AOC monitored contracted Drug Courts to these standards and provided technical assistance where indicated. Additionally, AOC has formalized a certification

process requiring all Drug Courts to meet minimum standards in order to be identified by the Judiciary as a Drug Court. 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.

Also, during state fiscal year 2011 the Division and AOC made available the Risk and Needs Triage (RANT™) Needs Triage screening instrument to insure that Utah's Drug Courts are serving individuals best suited for drug court participation. Decades of research indicates that individuals that are high risk to reoffend and are in high need of substance abuse treatment benefit the most. Serving first time offenders unlikely to re-offend, or individuals without a high for treatment is counterproductive. The RANT™ provides an important decision support tool for judges and other criminal justice professionals to ensure that drug-involved offenders are matched to services suited to both their clinical needs and criminogenic risks.

Initial data from the RANT™ suggests that Utah Drug Courts are serving the targeted population. As of September 30, 2011, 82% of all individuals administered the RANT™ were classified as "high risk/high need."

## 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).

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

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

*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)*

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

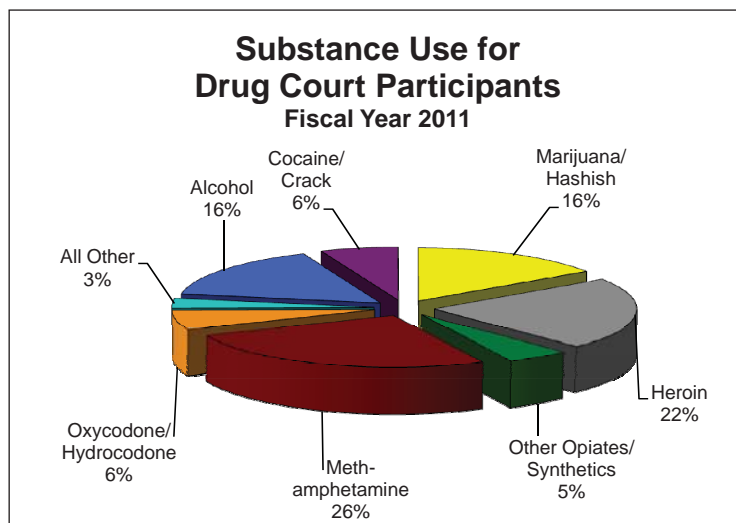
and immediate responses are the most effective way to deal with the methamphetamine addict. In addition, it is essential through treatment and court intervention to get to the underlying cause of the addiction and deal with the physiological and psychological reasons for the addiction. Drug Courts are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

## 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

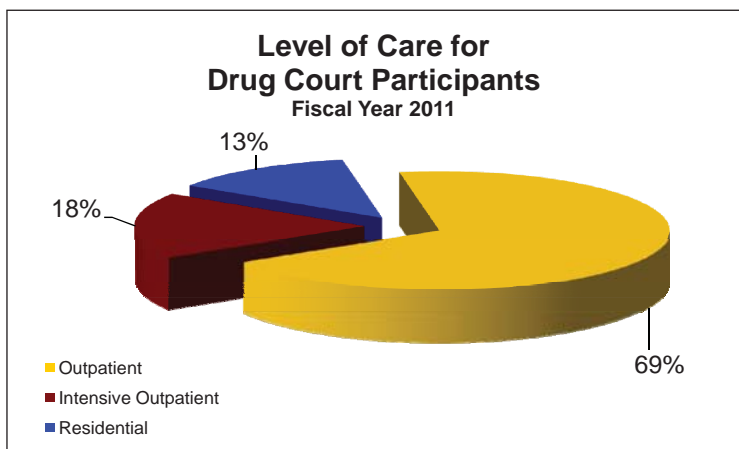
**Juvenile Drug Courts:** Juvenile Drug Courts provide an alternative approach for dealing with young drug offenders. They involve the family and school system in addition to Judicial, Case Management and Treatment involvement. This increased level of community involvement offers additional resources 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, school and 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.

**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 2008, the Legislature again appropriated one million dollars in one-time funding to maintain the treatment slots created through the monies appropriated in 2007. Unfortunately, Drug Courts have been affected by the state budget shortages since that time. Drug Courts have received a 22% reduction in the overall budget during the past 3 years decreasing capacity by approximately 527 treatment slots.

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

<b>Drug Court Funding</b>					
	<b>Tobacco Settlement Funds</b>	<b>Federal SAPT Block Grant Funds</b>	<b>State General Funds</b>	<b>State Asset Forfeiture Grant</b>	<b>Total Funds</b>
<b>2002</b>	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
<b>2003</b>	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
<b>2004</b>	\$1,647,200	\$729,136	\$0	\$0	\$2,376,336
<b>2005</b>	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
<b>2006</b>	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
<b>2007</b>	\$1,647,200	\$898,588	\$435,000	\$75,000	\$3,055,788
<b>2008</b>	\$1,647,200	\$784,876	\$2,175,000	\$166,000	\$4,773,076
<b>2009</b>	\$1,647,200	\$800,000	\$2,175,000	\$92,840	\$4,715,040
<b>2010</b>	\$2,166,300	\$800,000	\$785,900	\$242,666	\$3,994,866
<b>2011</b>	\$2,325,400	\$800,000	\$275,900	\$317,000	\$3,718,300

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	2011
<b>FELONY</b>	Box Elder First District Drug Court	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$131,250	\$150,000	\$281,250	\$232,453	\$216,360
	Cache County Felony Drug Court	-	-	-	-	-	-	\$131,250	-	-	-
	Carbon County Felony Drug Court	-	-	-	-	-	\$95,831	\$149,989	\$150,000	\$123,975	\$115,392
	Davis County Felony Drug Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$275,500	\$275,500	\$275,500	\$227,701	\$211,937
	Emery County Drug Court	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$149,998	\$149,998	\$75,000	\$61,987	\$57,697
	Grand County Drug Court	-	-	-	-	-	-	-	\$75,000	\$61,988	\$57,697
	Iron County Felony Drug Court	-	-	-	-	-	-	\$75,000	\$75,000	\$61,988	\$57,697
	Juab/Millard & Sanpete County Drug Courts	-	-	-	-	-	-	-	-	\$61,988	\$57,697
	Salt Lake County Felony Probation Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$292,500	\$642,500	\$550,000	\$454,575	\$423,105
	San Juan Felony Drug Court	-	-	-	-	-	-	\$85,137	\$75,000	\$61,988	\$57,697
	Sevier County Felony Drug Court	\$64,064	\$64,064	\$64,064	\$64,064	\$64,064	\$68,250	\$68,250	\$75,000	\$61,988	\$57,697
	Utah County / Eighth District Drug Court	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$126,000	\$126,000	\$126,000	\$104,139	\$96,929
	Utah County Adult Felony Drug Court	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$250,000	\$315,000	\$300,000	\$247,950	\$230,784
	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	\$57,697
	Washington County Felony Drug Court	\$46,870	\$46,870	\$50,000	\$120,000	\$120,000	\$192,000	\$192,000	\$200,000	\$165,300	\$153,856
	Weber County Felony Drug Court	\$41,250	\$41,250	\$250,000	\$250,000	\$250,000	\$292,500	\$378,500	\$400,000	\$330,600	\$307,712
<b>Total</b>		<b>\$1,257,184</b>	<b>\$1,257,184</b>	<b>\$1,505,064</b>	<b>\$1,575,064</b>	<b>\$1,575,064</b>	<b>\$1,917,029</b>	<b>\$2,932,324</b>	<b>\$2,732,750</b>	<b>\$2,320,608</b>	<b>\$2,159,951</b>
<b>FAMILY/DEPENDENCY</b>	Carbon County Dependency Drug Court	-	-	-	-	-	-	\$150,000	\$75,000	\$61,987	\$57,697
	Emery County Dependency Drug Court	-	-	-	-	-	-	-	\$75,000	\$61,988	\$57,697
	Fourth District Dependency Drug Court	\$75,000	\$75,000	\$125,000	\$125,000	\$125,000	\$137,500	\$137,500	\$215,000	\$177,697	\$165,395
	Grand County Family Drug Court	\$0	\$0	\$40,000	\$40,000	\$40,000	\$75,900	\$138,962	\$75,000	\$61,988	\$57,697
	Third District Dependency Drug Court	\$105,000	\$105,000	\$105,000	\$105,000	\$105,000	\$136,500	\$187,000	\$300,000	\$247,950	\$230,784
	Washington County Dependency Drug Court	-	-	-	-	-	-	-	\$75,000	\$61,988	\$57,697
	Weber Child Protection Drug Court	-	-	\$80,000	\$80,000	\$80,000	\$124,000	\$139,000	\$150,000	\$123,975	\$115,392
<b>Total</b>		<b>\$180,000</b>	<b>\$180,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$473,900</b>	<b>\$752,462</b>	<b>\$965,000</b>	<b>\$797,573</b>	<b>\$742,357</b>
<b>JUVENILE</b>	Fourth District Juvenile Drug Court	-	-	\$75,000	\$75,000	\$75,000	\$86,250	\$141,250	\$150,000	\$123,975	\$115,392
	Third District Juvenile Drug Court	\$75,000	\$75,000	\$63,372	\$63,372	\$63,372	\$69,709	\$112,709	\$150,000	\$123,975	\$115,392
	Tooele County Juvenile Drug Court	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$0	\$61,988	\$57,697
	Utah County Juvenile Drug Court	-	-	-	-	-	-	\$75,000	-	-	-
	Weber Juvenile Drug Court	-	-	-	-	-	\$126,000	\$210,431	\$225,000	\$185,963	\$173,089
<b>Total</b>		<b>\$107,000</b>	<b>\$107,000</b>	<b>\$170,372</b>	<b>\$170,372</b>	<b>\$170,372</b>	<b>\$313,959</b>	<b>\$571,390</b>	<b>\$525,000</b>	<b>\$495,901</b>	<b>\$461,570</b>
<b>DRUG BOARD</b>	Davis County Drug Board	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$108,900
	Weber County Drug Board	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$217,707
<b>Total</b>		<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$326,607</b>
	Training and Quality Assurance	-	-	-	-	-	-	\$166,000	\$141,390	\$29,884	\$27,815
	<b>STATE TOTAL</b>	<b>\$1,544,184</b>	<b>\$1,544,184</b>	<b>\$2,025,446</b>	<b>\$2,095,436</b>	<b>\$2,095,436</b>	<b>\$2,704,888</b>	<b>\$4,773,076</b>	<b>\$4,715,040</b>	<b>\$3,994,866</b>	<b>\$3,718,300</b>

## Independent Drug Court Research

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