

**Utah Drug Courts  
2014 Legislative Report  
Prepared by Division of Substance Abuse and Mental Health  
January 2014**

This annual report, required by Utah Code Ann. §51-9-201, summarizes the activities of Utah's drug court program. 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 are addressed in Utah Code Ann. §51-9-201. The Legislature also appropriates State General Funds to support drug courts.

**Effectiveness and Outcomes:**

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 have been proven both nationally and in Utah to reduce the costs of drug-related criminal behavior. The findings of the Institute of Applied Research, an independent social science research firm, indicated that drug involved individuals 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. The drug court provides incentives to participate, consistent structure that supports behavior change, and treatment. These are keys to positive outcomes.

- Data collected by the Division of Substance Abuse and Mental Health (DSAMH) shows:
- Over 18,000 Utahns have participated, or are participating in drug courts in Utah.
- Over 9,000 Utahns have graduated from a drug court.
- Over 2,000 Utahns received treatment through drug courts in fiscal year 2013.
- 66% of participants decreased criminal involvement while in treatment in fiscal year 2013.
- 52% of drug court participants completed treatment in fiscal year 2013.
- Drug court participants showed 194% increase in abstinence from drugs while in drug court treatment in fiscal year 2013.
- Drug court participants showed a 42% increase in employment in fiscal year 2013.

**About Utah Drug Courts:**

Drug courts offer drug dependent participants intensive court-supervised drug treatment as an alternative to jail or prison. This is accomplished through the coordinated effort of the judiciary, prosecution, legal defense, probation, law enforcement, social services, and the treatment community. Intensive services are provided to individuals identified as high risk for recidivism and in high need of

substance abuse treatment services. Successful completion of drug court can result in dropped charges, vacated or reduced sentences, or rescinded probation in the case of felony drug courts, and familial reunification in the case of family drug courts. These incentives provide additional motivation for participants to participate in treatment and to engage in the process of changing their behaviors. Three primary drug court models are funded by the legislature in Utah; adult felony drug courts, juvenile drug courts, and family dependency drug courts.

**Adult Felony Drug Courts:** Felony drug courts target adults charged with a felony drug crime. Though restrictions may vary by location and program, adult felony drug court is generally available to individuals charged with a drug related crime, in high need of substance use disorder treatment and likely to reoffend based on screening.

**Juvenile Drug Courts:** Juvenile drug courts provide increased structure and support to drug involved minors through judicial oversight. Juvenile drug courts require participants and their families to attend court as often as weekly. Participants are also required to attend treatment, school, and participate in community service. Treatment services are individually tailored and are developmentally appropriate.

**Family Dependency Drug Courts:** Family dependency drug courts have emerged in response to both drug-using parents who have neglected their children and the court's responsibility to enforce intervention in non-criminal, family cases. Family dependency drug courts employ a multidisciplinary team approach to address children 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 as often as weekly before the judge.

### **Quality Assurance for Drug Courts**

DSAMH and the Administrative Office of the Courts (AOC) conduct annual site visits to ensure quality and monitor funding requirements. To receive funding, drug courts are required to target eligibility towards those individuals who are at high risk for continued criminal behavior, and/or adverse parenting behavior and who are in high need of treatment services. Additionally, drug courts are required to be certified by the AOC and this certification is reviewed every other year.

Adult Felony Drug Courts are required to follow the Ten Key Components identified by the National Association of Drug Court Professionals (NADCP). Family Dependency Drug Courts follow: Family Dependency Treatment Courts: Addressing Child Abuse and Neglect Cases Using the Drug Court Model, 2004, by U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance.

Juvenile Drug Courts follow Evidence-Based Practice Recommendations for Juvenile Drug Courts, 2009, by National Center for Mental Health and Juvenile Justice and, Juvenile Drug Courts: Strategies in Practice, 2003 by U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance. State funded felony drug courts use the Risk and Needs Triage (RANT™). This screening instrument identifies individuals best suited for drug court participation. Research indicates serving this target population of high risk/ high need individuals is cost effective and benefits the individual and the community. Data from the RANT™ reports to DSAMH indicate Utah drug courts are serving the targeted population. As of June 30, 2013, 88% of all individuals administered the RANT™ were classified as "high risk/high need."

## Appropriations and Funding for Drug Courts

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 drug 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 additional funds and in-kind services to support drug courts.

Under the provisions of Senate Bill 15, Use of Tobacco Settlement Revenues, that was passed during the 2000 Legislative General Session, \$2,325,400 was appropriated to the Department of Human Services for drug courts in fiscal year 2013. Federal Block Grant (SAPTG), State General Funds, and the final year of a Bureau of Justice Assistance Grant provided the balance of funding to drug courts in fiscal year 2013. Total funding for statewide drug courts in fiscal year 2013 was \$3,889,155.

The chart below shows total drug court funding by source from 2004 -2013:

Drug Court Funding 2002-2014							
	Tobacco Settlement Funds	Federal SAPT Block Grant Funds	State General Funds	State Asset Forfeiture Grant	Bureau of Justice Assistance	DCFS	Total Funds
2002	\$1,647,200	\$247,884	\$0	\$0	\$0	\$0	\$1,895,084
2003	\$1,647,200	\$247,884	\$0	\$0	\$0	\$0	\$1,895,084
2004	\$1,647,200	\$729,136	\$0	\$0	\$0	\$0	\$2,376,336
2005	\$1,647,200	\$799,136	\$0	\$0	\$0	\$0	\$2,446,336
2006	\$1,647,200	\$799,136	\$0	\$0	\$0	\$0	\$2,446,336
2007	\$1,647,200	\$898,588	\$435,000	\$75,000	\$0	\$0	\$3,055,788
2008	\$1,647,200	\$784,876	\$2,175,000	\$166,000	\$0	\$0	\$4,773,076
2009	\$1,647,200	\$800,000	\$2,175,000	\$92,840	\$0	\$0	\$4,715,040
2010	\$2,166,300	\$800,000	\$785,900	\$242,666	\$0	\$0	\$3,994,866
2011	\$2,325,400	\$800,000	\$275,900	\$316,487	\$201,230	\$0	\$3,919,017
2012	2,325,400	\$800,000	\$275,900	\$274,625	213,230.00	\$0	\$3,889,155
2013	2,325,400	\$720,000	\$275,900	\$150,000	\$42,000	\$50,800	\$3,564,100
2014	\$2,325,400	\$771,081	\$1,145,900	\$356,224	\$2,670	\$8,000	\$4,609,275

In fiscal year 2012 a review of the contracting and funding allocation process for Utah drug courts led to a new contracting approach. Local authorities were required to apply for funding for drug courts in their area of responsibility. Only drug courts that were certified or that had been scheduled for certification were eligible to apply. As a result of this application process, in fiscal year 2013, 41 of 42 certified drug courts were funded. This is an increase in number over the 29 courts funded in fiscal year 2012. The list of these certified courts is shown on the following page.

<b>Court</b>	<b>Judge</b>	<b>County and City</b>	<b>LSAA</b>
<b>Felony Drug Courts</b>			
Bear River	Thomas L. Willmore	Cache County, Logan	Bear River
Bear River	Kevin K. Allen	Box Elder County, Brigham City	Bear River
Carbon Co	Douglas Thomas	Carbon County, Price	Four Corners
Grand Co	Mary Manley/ Moab	Grand County, Moab	Four Corners
Emery Co	Scott Johansen	Emery County, Castle Dale	Four Corners
Millard	James Brady	Millard County Fillmore	Central
Juab	James Brady	Juab County, Nephi	Central
Sanpete Co	Marvin D. Bagley	Sanpete County, Manti	Central
Sevier County	Wallace Lee	Sevier County, Richfield	Central
Sevier County	Marvin D. Bagley	Sevier County, Richfield	Central
Davis Co	John R. Morris	Davis County, Farmington	Davis
Wasatch	Derek Pullan	Wasatch County, Heber	Wasatch
Iron Co	John Walton	Iron County, Cedar City	SouthWest
Kane Co	Marvin D. Bagley	Kane County, Kanab	SouthWest
Washington Co.	James L. Shumate	Washington County, St George	SouthWest
San Juan Co	Lyle R Anderson	San Juan County, Monticello	San Juan
Salt Lake County	Katie Bernards-Goodman	Salt Lake County, Salt Lake City	SLCO
Salt Lake County	Mark Kouris	Salt Lake County, West Jordon	SLCO
Salt Lake County	Randall Skanchy	Salt Lake County, Salt Lake City	SLCO
Summit	Todd M. Shaughnessy	Park City, Summit County	Summit
Tooele Co.	Robert Adkins	Tooele County, Tooele	Tooele
Uintah Co.	Clark McClellan	Uinta County, Vernal	Northeastern
Utah Co.	James Taylor	Utah County, Provo	Utah
Utah Co.	James Brady	Utah County, Provo	Utah
Weber Co.	Mark R. DeCaria	Weber County, Ogden	Weber
<b>Family Dependency Drug Courts</b>			
Grand Co	Mary Manley	Grand County, Moab	Four Corners
Carbon County	Scott Johansen	Carbon County, Price	Four Corners
Davis	Jeffery Noland	Davis County, Farmington	Davis
SLCO	Charles Behrens	Salt Lake County, Salt Lake City	SLCO
SLCO	Christine Decker	Salt Lake County, West Jordon	SLCO

SLCO	Kimberly Hornak	Salt Lake County, Salt Lake City	SLCO
SLCO	Frederic Oddone	Salt Lake County, Salt Lake City	SLCO
Utah Co.	Mary T. Noonan	Utah County, Orem	Utah
Utah Co.	F. Richard Smith	Utah County, Spanish Fork	Utah
Utah Co.	Kay A. Lindsay	Utah County, Provo	Utah
Utah Co.	Suchada Bazzelle	Utah County, American Fork	Utah
Washington Co.	Karla Staheli	Washington County, St. George	SouthWest
Weber Co.	Michelle E. Heward	Weber County, Ogden	Weber
Weber Co.	Janice L. Frost	Weber County, Ogden	Weber
<b>Juvenile Drug Courts</b>			
SLCO	Kimberly Hornak	Salt Lake County, Salt Lake City	SLCO
Tooele Co.	Mark W. May	Tooele County, Tooele	Tooele
Utah Co.	Kay A. Lindsay	Utah County, Provo	Utah
Weber	Sherene T Dillon	Weber County, Ogden	Weber
Weber	Jeffery Noland	Weber County, Ogden	Weber

### Independent Drug Court Research

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