



DRUG COURTS

SOCIAL SERVICES AND EXECUTIVE OFFICES AND CRIMINAL JUSTICE COMMITTEES

ISSUE BRIEF

SUMMARY

Total FY 2015 state budget funding for drug courts is \$4,972,900. Drug court funding is distributed by a multi-step formula process. Drug court programs in Utah are established and governed in statute found at [UCA 78A-5-201](#). The drug court program offers drug dependent individuals intensive court-supervised drug treatment as an alternative to going to jail or prison. The drug court program is carried out through a team consisting primarily of legal, treatment, and law enforcement professionals. Successful completion of the drug court program can result in actions such as dropped charges, vacated or reduced sentences, or family reunification.

BACKGROUND

The drug court program offers drug dependent individuals intensive court-supervised drug treatment as an alternative to going to jail or prison. The drug court program is carried out through a team consisting primarily of: 1) a judge, 2) defense and prosecuting attorneys, 3) a case manager, 4) a probation officer, 5) law enforcement, and 6) a treatment provider. The team may also have additional members such as representatives from a school system or the Division of Child and Family Services. Teams vary based upon the type of drug court being considered. Intensive services are provided to individuals identified as high risk of reoffending 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 "Successful completion of drug court can result in dropped charges, vacated or reduced sentences, or rescinded probation in the case of felony drug courts, and family reunification in the case of family drug courts.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" (*Utah Drug Courts – 2014 Legislative Report*, prepared by the Division of Substance Abuse and Mental Health, January 2014). [Utah Code Annotated \(UCA\) 78A-5-201](#) establishes the creation and expansion of existing drug court programs, defines the drug court program, provides criteria for participation in drug court programs, and establishes reporting requirements.

DRUG COURT ALLOCATION METHODOLOGY

Allocation of drug court funding is carried out through a process involving the executive directors of the departments of Human Services and Corrections in conjunction with the State Court Administrator (UCA 78A-5-201). This group is known as the Drug Court Funding Committee. The committee approves all funding methodology as well as the final allocation of funding to the local substance abuse authorities and courts.

Drug Court funding for treatment, drug testing, and case management is allocated using a case rate methodology. Funding is first disbursed to the three general drug court models based upon historical expenditure percentages. The current distribution is: felony drug courts (68%), family dependency drug courts (23%), and juvenile drug courts (9%).

Once funding for these three broad categories is determined, an individual case rate for the three drug court models is determined based upon historical expenditures: felony drug courts (\$2,001), family dependency drug courts (\$2,579), and juvenile drug courts (\$2,363).

Funding is further delineated and then distributed based upon the comparative number of participants involved with a single drug court. A 3 year average is developed using the data available from the previous years.

FY 2015 ESTIMATED DRUG COURT FUNDING

Based upon the allocation methodology described above and overseen by the Drug Court Funding Committee, the following tables show the estimated FY 2015 distribution of drug court funding. Table 1 shows the summary of all Drug Court funding as allocated to the 13 local substance abuse authorities as well as some additional drug court costs. The other tables show estimated distribution for: felony drug courts (Table 2), family dependency drug court (Table3), juvenile drug courts (Table 4), and other drug court expenditures (Table 5).

Drug Court Funding - Summary of All Drug Courts FY 2015						
Program	General Fund	Tobacco Settlement	Fed SAPT	Bur. of Justice Asst.	State Asset Forfeiture	Total
Revenue Source Amount:	1,127,100	2,325,400	684,000	485,100	351,300	4,972,900
Summary of all drug courts						
Cache County (District 1 SA Authority)	53,298	129,433	32,339	61,207	19,554	295,831
Carbon County (Four Corners)	89,700	176,010	43,976	3,595	26,590	339,871
Central Utah Counseling	35,023	84,748	21,174	-	12,803	153,748
Davis County (Davis Behavioral Health)	80,421	179,703	44,898	14,845	27,148	347,015
Salt Lake County Substance Abuse	346,625	698,978	174,639	48,612	105,594	1,374,448
San Juan County	9,232	17,335	4,331	3,594	2,619	37,111
Southwest Behavioral Health	138,639	292,262	73,022	79,522	44,153	627,598
Summit County (Valley Mental Health)	9,232	17,335	4,331	-	2,619	33,517
Tooele County (Valley Mental Health)	21,012	52,962	13,232	-	8,001	95,207
Uintah Basin Tri Cnty SA Auth (Northeastern)	33,494	80,125	20,019	-	12,105	145,743
Utah County Substance Abuse	144,726	268,330	67,043	-	40,537	520,636
Wasatch County (Heber Valley Counseling)	13,690	30,817	7,700	3,594	4,656	60,457
Weber Human Services	143,828	297,362	74,296	71,853	44,921	632,261
Other Drug Court Expenses	8,180	-	103,000	198,278	-	309,458
Total Drug Court Expenses	1,127,100	2,325,400	684,000	485,100	351,300	4,972,900

Table 1

Source: Utah Division of Substance Abuse and Mental Health

**Drug Court Funding - Felony Drug Courts
FY 2015**

Program	Gen Fund	Tobacco Settlement	Fed SAPT	Bur. of Justice Asst.	State Asset Forfeiture Grant	Total
Revenue Source Amount:	525,172	1,588,248	396,823	-	239,938	2,750,181
Cache County (District 1 SA Authority)	42,798	129,433.00	32,339.00	-	19,554.00	224,124
Carbon County (Four Corners)	39,487	119,417	29,836	-	18,040	206,780
Central Utah Counseling	28,023	84,748	21,174	-	12,803	146,748
Davis County (Davis Behavioral Health)	47,766	144,456	36,092	-	21,823	250,137
Salt Lake County Substance Abuse	143,298	433,369	108,277	-	65,469	750,413
San Juan County	5,732	17,335	4,331	-	2,619	30,017
Southwest Behavioral Health	82,030	248,079	61,983	-	37,478	429,570
Summit County (Valley Mental Health)	5,732	17,335	4,331	-	2,619	30,017
Tooele County (Valley Mental Health)	8,789	26,580	6,641	-	4,015	46,025
Uintah Basin Tri Cnty SA Auth (Northeastern)	26,494	80,125	20,019	-	12,105	138,743
Utah County Substance Abuse	37,066	112,098	28,008	-	16,935	194,107
Wasatch County (Heber Valley Counseling)	10,190	30,817	7,700	-	4,656	53,363
Weber Human Services	47,767	144,456	36,092	-	21,822	250,137
Felony Drug Courts Subtotal	525,172	1,588,248	396,823	-	239,938	2,750,181

Table 2

Source: Utah Division of Substance Abuse and Mental Health

**Drug Court Funding - Family Dependency Drug Courts
FY 2015**

Program	Gen Fund	Tobacco Settlement	Fed SAPT	Bur. of Justice Asst.	State Asset Forfeiture Grant	Total
Revenue Source Amount:	175,314	530,191	132,468	-	80,096	918,069
Cache County (District 1 SA Authority)	-	-	-	-	-	-
Carbon County (Four Corners)	18,713	56,593	14,140	-	8,550	97,996
Central Utah Counseling	-	-	-	-	-	-
Davis County (Davis Behavioral Health)	11,655	35,247	8,806	-	5,325	61,033
Salt Lake County Substance Abuse	69,929	211,481	52,838	-	31,948	366,196
San Juan County	-	-	-	-	-	-
Southwest Behavioral Health	14,609	44,183	11,039	-	6,675	76,506
Summit County (Valley Mental Health)	-	-	-	-	-	-
Tooele County (Valley Mental Health)	-	-	-	-	-	-
Uintah Basin Tri Cnty SA Auth (Northeastern)	-	-	-	-	-	-
Utah County Substance Abuse	36,770	111,201	27,784	-	16,799	192,554
Wasatch County (Heber Valley Counseling)	-	-	-	-	-	-
Weber Human Services	23,638	71,486	17,861	-	10,799	123,785
Family Dependency Subtotal	175,314	530,191	132,468	-	80,096	918,069

Table 3

Source: Utah Division of Substance Abuse and Mental Health

Drug Court Funding - Juvenile Drug Courts FY 2015						
Program	Gen Fund	Tobacco Settlement	Fed SAPT	Bur. of Justice Asst.	State Asset Forfeiture Grant	Total
Revenue Source Amount:	68,434	206,961	51,709		31,266	358,370
Cache County (District 1 SA Authority)	-	-	-	-	-	-
Carbon County (Four Corners)	-	-	-	-	-	-
Central Utah Counseling	-	-	-	-	-	-
Davis County (Davis Behavioral Health)	-	-	-	-	-	-
Salt Lake County Substance Abuse	17,898	54,128	13,524	-	8,177	93,727
San Juan County	-	-	-	-	-	-
Southwest Behavioral Health	-	-	-	-	-	-
Summit County (Valley Mental Health)	-	-	-	-	-	-
Tooele County (Valley Mental Health)	8,723	26,382	6,591	-	3,986	45,682
Uintah Basin Tri Cnty SA Auth (Northeastern)	-	-	-	-	-	-
Utah County Substance Abuse	14,890	45,031	11,251	-	6,803	77,975
Wasatch County (Heber Valley Counseling)	-	-	-	-	-	-
Weber Human Services	26,923	81,420	20,343	-	12,300	140,986
Juvenile Drug Court Subtotal	68,434	206,961	51,709	-	31,266	358,370

Table 4

Source: Utah Division of Substance Abuse and Mental Health

Drug Court Funding - Other Drug Court Expenditures FY 2015						
Program	General Fund	GFR - Tobacco Settlement	Fed SAPT	Bureau of Justice Assistance	State Asset Forfeiture Grant	Total
NADCP Drug Court Professionals Scholarships			60,000			60,000
NADCP Travel For Program Manager			3,000			3,000
Friends of Drug Court Alumni Assoc. Event						-
National Center for State Courts						-
BJA Grant Match						-
AOC Monitoring Position - Judge Fuchs			40,000			40,000
Other Drug Court Expenditures Subtotal	-	-	103,000	-	-	103,000

Table 5

Source: Utah Division of Substance Abuse and Mental Health

The Drug Court Funding Committee reports that over the past two years, it has used \$350,000 for Recovery Support Services. The committee indicates that these services are meant to enhance a drug court participants' treatment. Examples they provide of these services include transportation vouchers, housing assistance, child care assistance, and job and skills training. Table 6 shows estimated FY 2015 distribution of Recovery Support Services funding.

**Drug Court Funding - Recovery Support Services
FY 2015**

Program	General Fund	GFR - Tobacco Settlement	Fed SAPT	Bureau of Justice Assistance	State Asset Forfeiture Grant	Total
<u>Recovery Support Services</u>						
Felony						
Cache County (District 1 SA Authority)	10,500					10,500
Carbon County (Four Corners)	31,500					31,500
Central Utah Counseling	7,000					7,000
Davis County (Davis Behavioral Health)	21,000					21,000
Salt Lake County Substance Abuse	115,500					115,500
San Juan County	3,500					3,500
Southwest Behavioral Health	42,000					42,000
Summit County (Valley Mental Health)	3,500					3,500
Tooele County (Valley Mental Health)	3,500					3,500
Uintah Basin Tri Cnty SA Auth (Northeastern)	7,000					7,000
Utah County Substance Abuse	56,000					56,000
Wasatch County (Heber Valley Counseling)	3,500					3,500
Weber Human Services	45,500					45,500
Felony Recovery Support Services Subtotal	350,000.00	-	-	-	-	350,000

Table 6

Source: Utah Division of Substance Abuse and Mental Health

APPROPRIATIONS AND FUNDING FOR DRUG COURTS

State General Fund

UCA 78A-5-201 requires State General Fund 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 the use of State General Fund, local courts, legal counsel, and counties provide additional funds and in-kind services to support drug courts.

Tobacco Settlement Restricted Fund

Under the provisions [UCA 51-9-201](#) (*Creation of Tobacco Settlement Restricted Account*), \$2,325,400 is annually designated to the Department of Human Services for drug courts.

Federal Substance Abuse and Prevention Treatment Block Grant

The Substance Abuse Prevention and Treatment block grant consists of funding for substance abuse services in the state. This federal grant requires that the state, through the local substance abuse authorities, provide a continuum of the

following services: 1) detoxification, 2) prevention services, 3) outpatient services, 4) intensive outpatient services, and 5) residential treatment programs.

Bureau of Justice Assistance

The purpose of the Adult Drug Court Discretionary Grant Program (42 USC 3797u et seq.) is to build and/or expand drug court capacity at the state, local, and tribal levels to reduce crime and substance abuse among high-risk, high-need offenders.

State Asset Forfeiture Grant

Agencies that seize private property as a result of illegal activities direct these forfeited assets to the Criminal Forfeiture Restricted Account. Once funds are placed in the account, the Legislature may choose to appropriate the funds to the Commission on Criminal and Juvenile Justice (CCJJ) to be allocated to agencies providing drug interdiction and treatment programs. CCJJ operates a grant program using this funding. The intent of the program is to fund crime prevention and law enforcement activities within specific guidelines. The drug court program is a recipient of this grant.

Table 7 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	BJA	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	\$242,261	\$0	\$0	\$3,994,461
2011	\$2,325,400	\$800,000	\$275,900	\$317,000	\$201,230	\$0	\$3,919,530
2012	2,325,400	\$800,000	\$275,900	\$305,125	213,230.00	\$0	\$3,919,655
2013	2,325,400	\$720,000	\$275,900	\$375,000	\$42,000	\$50,800	\$3,789,100
2014	\$2,325,400	\$771,081	\$1,145,900	\$351,309	\$2,670	\$8,000	\$4,604,360

Table 7

Source: Utah Division of Substance Abuse and Mental Health

THE VARIETY OF DRUG COURTS

Three primary drug court models are funded by the Utah Legislature: 1) adult felony drug courts, 2) juvenile drug courts, and 3) family dependency drug courts.

1. **Adult Felony Drug Courts:** Felony drug courts target adults charged with a felony. Though restrictions may vary by location and program, an 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.
2. **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.
3. **Family Dependency Drug Courts:** Family dependency drug courts have emerged in response to drug-using parents who have neglected or abused their children. 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.