

Issue Brief – Drug Courts Expansion

DRUG COURTS/DRUG BOARDS

NUMBER DHS-07-05

DRUG COURTS EXPANSION

The Division of Substance Abuse and Mental Health (DSAMH) is requesting an appropriation of \$2,975,000 from General Funds for FY 2007 to expand and enhance the Drug Courts Program. In addition, this issue brief will discuss the consolidation of the Drug Courts/Boards line item as a program under the Division of Substance Abuse and Mental Health.

OBJECTIVE

The primary function of the Drug Courts Program is to reduce substance abuse.

DISCUSSION AND ANALYSIS

Drug Courts is a judicial process offering nonviolent drug offenders intensive drug treatment with court supervision as an alternative to jail or prison. Offenders enter a plea in abeyance with charges dismissed upon the successful completion of the drug treatment program. The participants work closely with court personnel, treatment providers, law enforcement and correction officers and case management personnel. Local substance abuse authorities and private contractors provide the treatment services.

Drug Courts started in Utah with federal grants, local government grants, private contributions, and funding within existing court budgets. The first drug court was started in 1996, in Salt Lake County, with funds from the U.S. Department of Justice, Salt Lake County and other sources. For FY 2000, the Legislature directed the Division of Substance Abuse (now the combined Division of Substance Abuse and Mental Health) to use \$200,000 from increases in its federal Substance Abuse Prevention and Treatment grant for planning grants to communities and courts in the State. Currently, Drug Courts and Boards are funded with Tobacco Settlement funds.

There are currently 32 Drug Courts operating in the State serving over 3,000 people. Drug Courts have three distinct models:

1. Adult Drug Courts – Treatment programs for adult felons (1,698 served statewide in FY 2005);
2. Juvenile Drug Courts – Treatment programs for minors with involvement of parents and

- schools in creation of the treatment plan (248 served statewide in FY 2005) and;
3. Dependency Drug Courts – Treatment focuses on parents with substance abuse addictions to try to preserve the family unit (212 served statewide in FY 2005).

Funding of Drug Courts

The average cost of treatment for a 12 month period is between \$3,500 and \$4,200. The sources of funding for the Drug Courts are from the Federal Substance Abuse Prevention and Treatment (SAPT) block grant; direct time-limited federal discretionary grants; local funding and dedicated credits. Sixteen of the Drug Courts also receive General Fund Restricted Tobacco Settlement funds of \$1,296,300.

Substance Abuse Statistics

Substance abuse is a growing problem both nationally and for the State. The following are statistics relating to prisoners:

- Utah Prison Population – 6,300
- Utah Probation Population – 11,200
- Utah Parolee Population – 3,300
- Between 80 to 85% of prisoners have a substance abuse problem
- Approximately 69% by clinical definition of substance abuse need treatment
- Drug users are 16 times more likely than non-users to be arrested and booked for larceny or theft

- Drug users are 14 times more likely than non-users to be arrested and booked for driving under the influence of alcohol and/or drugs
- Drug users are 9 times more likely than non-users to be arrested and booked on an assault charge

Women and Drug Abuse

The most significant increase is drug abuse in women. The following table shows the increase in substance abuse from FY 1991 to FY 2004:

Enrollment in Drug Treatment Programs			
	1991	2005	% Increase
Men in Treatment Programs for Substance Abuse	12,383	11,521	-6.96%
Women in Treatment Programs for Substance Abuse	2,679	7,121	165.82%
Total in Treatment	17,053	18,642	9.32%

Approximately 80 percent of all children in foster care are because one or both parents have an addiction. Currently, there are 1,234 women in substance abuse treatment programs with dependent children.

Annual Costs of Substance Abuse & Treatment

The cost of substance abuse treatment is between \$3,500 and \$4,200 per individual. In contrast, the cost of incarceration is \$26,000 per prisoner and the cost of foster care per child is \$35,200.

Prison Recidivism

Drug treatment programs are successful in reducing the recidivism rate as shown in the following table:

Recidivism Rate Statistics		
Percent of New Arrests for Felons Within 18 Months	Any Offense	Drug Related Offense
Drug Court Graduates	39.2%	15.4%
Drug Court Participants That Did Not Graduate	55.4%	39.3%
Control Group of Non-Drug Court Felons	78.0%	64.0%

Expansion and Enhancement of Drug Courts

In FY 2004 and 2005, about 805 eligible offenders were unable to enroll in the Drug Courts because of budgetary constraints. In the past three years, three Drug Courts (Uintah Juvenile, Davis County Juvenile

and Box Elder Felony) folded because of insufficient funds. The request is to support the following:

Drug Courts		
Type of Drug Court	Number to be Served	Funding Needed
Family	67	\$315,000
Felony	451	1,925,000
Parolee	72	210,000
Juvenile	215	525,000
Total	805	\$2,975,000

Consolidation of Line Items

Drug Courts and Drug Boards are under the direction of the Division of Substance Abuse and Mental Health even though they are a separate line item. The DSAMH has requested the line items be consolidated. A benefit of consolidating the two line items and creating a program in the Division of Substance Abuse and Mental Health is the ability to manage programs within a line item on the basis of needs. In the Budgetary Procedures Act, funding may not be moved between line items without Legislative approval, but can be moved between programs within a line item. As this program continues to grow, funding can be moved within the line item from savings to cover expenditures.

RECOMMENDATION

It is the recommendation of the Analyst that Drug Courts receive an appropriation of \$1,700,000 from General Funds for FY 2007 with \$1,479,000 going to the Department of Human Services and \$221,000 going to the Administrative Office of the Courts. The Analyst also recommends that the Drug Courts/Boards line item in the Department of Human Services be consolidated as a program under the Division of Substance Abuse and Mental Health.