

Office of the
Legislative Fiscal Analyst

FY 2003 Budget Recommendations

Joint Appropriations Subcommittee for
Health and Human Services

Utah Department of Human Services
Drug Courts and Drug Boards

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1.0 Summary: Drug Courts and Drug Boards

Drug Courts is a judicial process that offer nonviolent drug abusing offenders intensive court-supervised drug treatment as an alternative to prison if the offender completes the program. The local area substance abuse authorities and private contractors provide treatment services. Drug Boards is an administrative process similar to Drug Courts, but is offered by the Board of Pardons and Parole in the correction system to individuals entering parole.

Financial Summary

The Fiscal Analyst recommends a base FY 2003 appropriation for this line item totaling \$1,647,200 from the Tobacco Settlement Account (General Fund Restricted). This amount reflects the \$1,000,000 of General Funds reduced from the FY 2002 appropriation carried forward into FY 2003. This \$1 million was first appropriated as a building block in the 2001 General Session, but was held back early in the current fiscal year in anticipation of budget holdbacks.

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
Financing			
GFR-Tobacco Settlement	1,647,200		1,647,200
Total	<u>\$1,647,200</u>	<u>\$0</u>	<u>\$1,647,200</u>
Programs			
Drug Board	350,900		350,900
Drug Courts	1,296,300		1,296,300
Total	<u>\$1,647,200</u>	<u>\$0</u>	<u>\$1,647,200</u>
FTE/Other			

2.0 Issues: Drug Courts and Drug Boards

2.1 Use of Appropriated Funds

The 2000 Legislature, in S.B. 15 (“Use of Tobacco Settlement Revenues”), appropriated a total of \$1,647,200 to the Department of Human Services, including \$1,296,300 for statewide expansion of the drug court program and \$350,000 for a drug board pilot program. Committees consisting of directors of departments involved with drug courts and boards reviewed requests for funds and made eleven awards to start, expand or continue drug court and board operations. For FY 2002, the Legislature appropriated \$1 million from the General Fund for further expansion of the drug court program.

2.2 Budget Holdbacks:

The Governor held back expenditures from the \$1 million General Fund increase early in this fiscal year. The FY 2002 appropriation has been reduced by this amount and it is not part of the FY 2003 appropriation.

2.3 Additional Funding Request

Estimated unfunded needs for drug court services in the State total \$12.3 million. This amount would provide services to approximately 3,500 offenders. The total need of drug boards is estimated at \$7.8 million, which would serve an estimated 2,200 persons. The Department is requesting \$1,000,000 in FY 2003 for expansion of existing drug courts and creation of new courts. The request is from the General Fund, as the annual tobacco settlement payments are not expected to grow. Due to funding restrictions, this amount is not included in the Analyst’s FY 2003 recommendation.

3.0 Programs: Drug Courts and Drug Boards

This new line item appropriation was created when the 2000 Legislature appropriated funds from the Tobacco Settlement for expansion of the drug court system and creation of drug boards (S.B.15, 2000 General Session). The Legislature appropriated \$193,700 to the Administrative Office of the Courts and \$1,296,300 to the Department of Human Services “for the statewide expansion of the drug court program.” It also appropriated \$77,400 to the Board of Pardons, \$81,700 to the Department of Corrections and \$350,900 to the Department of Human Services for a drug board pilot program. In addition to the tobacco settlement funds, the 2001 Legislature appropriated \$1 million from the General Fund.

3.1 Drug Courts

Recommendation

For FY 2003, the Fiscal Analyst recommends \$1,296,300 from the Tobacco Settlement Account for drug courts. This is the same level of funding as in FY 2001. It does not include the \$1 million General Fund appropriated for FY 2002, which was subsequently taken back.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund		1,000,000		(1,000,000)
General Fund, One-time		(1,000,000)		1,000,000
GFR-Tobacco Settlement	1,296,300	1,296,300	1,296,300	
Total	<u>\$1,296,300</u>	<u>\$1,296,300</u>	<u>\$1,296,300</u>	<u>\$0</u>
Expenditures				
Other Charges/Pass Thru	1,296,300	1,296,300	1,296,300	
Total	<u>\$1,296,300</u>	<u>\$1,296,300</u>	<u>\$1,296,300</u>	<u>\$0</u>
FTE/Other				

Purpose

The first drug court in the nation was started in Miami, Florida, in 1989, by then Dade County state attorney, Janet Reno. Drug courts have since spread to almost all states and number over 600. Utah’s 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. This Third District Court is a felony-level court working with the most severely addicted, non-violent, population of the criminal justice system.

Basic eligibility for adult drug court includes a felony possession charge of a controlled substance, prior conviction on drug charges (non-violent), and a primary dependency other than alcohol or marijuana. The offender enters a guilty plea, which is held in abeyance until the program is completed, when it is dismissed. The four-phase program lasts a minimum of 52 weeks. It includes random urinalysis and multi-screen tests from one to four times a week, drug treatment and education, and regular appearances before the court. The individual moves through the four phases upon compliance with the requirements of each phase, which includes clean drug tests. To graduate, the individual must have clean tests for at least six months. Failure to comply with any element of the program or having a dirty drug test may result in immediate court action such as being taken immediately to jail. Compliance and progress in the program is rewarded with praise from the court, including applause from the audience.

In addition to the adult felony drug court, other versions have started up. These include juvenile drug courts, dependency drug courts and misdemeanor drug courts. A dependency drug court deals with cases where a parent's substance abuse could result in loss or restriction of parental rights. Its primary purpose is to assist in determining whether reasonable efforts have been made in reunification cases involving substance-abusing parents. They operate similarly to adult and juvenile drug courts. In Utah there are two operational dependency courts (Salt Lake and Utah Counties),

Utah has five functioning adult drug courts, located in Weber, Davis, Salt Lake, Utah Counties, and in the Uintah Basin. New adult courts are starting in the Bear River area and in St. George. There are juvenile drug courts in Tooele and in Salt Lake Counties

Drug Court Funding

Drug Courts started in Utah with federal grants, local government grants, private contributions, and funding within existing court budgets. The first state funding came in FY 2000, when the Legislature directed the Division of Substance Abuse (DSA) to use \$200,000 from increases in its SAPT (Substance Abuse Prevention and Treatment) federal funds for planning grants to communities and courts in the State. In that year, DSA awarded seven planning grants at \$10,000 each to the Southwest, San Juan, Four Corners and Bear River regions and to Tooele, Weber, and Summit Counties. It also awarded four grants to existing courts in Salt Lake (Adult and Juvenile Courts), Utah, and Uintah Counties. In FY 2001, DSA awarded six planning grants (totaling \$90,000) to Central Utah region, and Weber, Davis, Wasatch, Utah and Salt Lake Counties for adult, juvenile and misdemeanor courts. It also made a \$50,000 grant for implementation of a drug court in St George.

**Drug Courts
Currently
Operational or
Planned**

The table below lists data of currently operating drug courts:

District	Type Court	Amount*	Purpose	Cases funded
Bear River	Adult Felony	\$125,000	Start-up	50
Weber Co.	Adult Felony	\$41,250	Expansion	135
Davis Co.	Adult Felony	\$250,000	Continuation	190
Salt Lake Co.	Dependency	\$105,000	Continuation	132
Salt Lake Co.	Adult Felony	\$250,000	Continuation	540
Salt Lake Co.	Juvenile	\$75,000	Start-up	90
Tooele Co.	Juvenile	\$32,000	Start-up	40
Utah Co.	Adult Felony	\$200,000	Continuation	120
Utah Co.	Dependency	\$75,000	Continuation	60
Sevier Co.	Adult Felony	\$64,063	Continuation	15
Washington Co.	Adult Felony	\$46,870	Continuation	100
4-Corners (Emery)	Adult/Juv/Dep	\$160,000	Start-up	25
Uintah Basin	Adult Felony	\$120,000	Continuation	45
TOTALS		\$1,544,183		1,542

*Funds include local government contributions.

**Budget Increase
Request**

As no increases are expected in annual tobacco settlement funds, the Department is requesting General Funds for FY 2003 to increase both the number and capacities of drug courts. Local courts and substance abuse authorities estimate a need to fund an additional 3,525 cases at an average annual cost of \$3,500 including both administrative and treatment costs. The total need is currently estimated at \$12,337,500. The Department requests \$1.0 million for FY 2003.

3.2 Drug Boards

Recommendation

For FY 2003, the Fiscal Analyst recommends continued funding of \$350,900 from the General Fund Restricted Tobacco Settlement Account for the Drug Board program

	2001 Actual	2002 Estimated	2003 Analyst	Est/Analyst Difference
Financing				
GFR - Tobacco Settlement	350,900	350,900	350,900	
Lapsing Balance	(226,173)			
Total	<u>\$124,727</u>	<u>\$350,900</u>	<u>\$350,900</u>	<u>\$0</u>
Expenditures				
Other Charges/Pass Thru	124,727	350,900	350,900	
Total	<u>\$124,727</u>	<u>\$350,900</u>	<u>\$350,900</u>	<u>\$0</u>
FTE/Other				

Purpose

Drug Boards is a program similar to drug courts, but is offered by the correction system to individuals leaving prison and entering parole. Instead of judges and a courtroom, the official in charge is a representative of the Board of Pardons and the location is a hearing room. In this case, the “stick” is the threat of having parole lifted and returning to prison. The “carrot” is the same as in drug courts, in that progress in the program is rewarded with praise from the Board and support from peers and continued parole.

Drug Board Funding

The 2000 Legislature appropriated a total of \$510,000 from tobacco settlement funds to start a pilot drug board program in Davis and Weber Counties. This amount included \$77,400 to the Board of Pardons, \$81,700 to the Department of Corrections and \$350,900 to the Department of Human Services. The program will serve approximately 160 parolees in FY2002.

4.0 Additional Information: Drug Courts and Drug Boards

4.1 Funding History

	1999	2000	2001	2002	2003
	Actual	Actual	Actual	Estimated	Analyst
Financing					
General Fund				1,000,000	
General Fund, One-time				(1,000,000)	
GFR-Tobacco Settlement			1,647,200	1,647,200	1,647,200
Lapsing Balance			(226,173)		
Total	<u>\$0</u>	<u>\$0</u>	<u>\$1,421,027</u>	<u>\$1,647,200</u>	<u>\$1,647,200</u>
Programs					
Drug Board			124,727	350,900	350,900
Drug Courts			1,296,300	1,296,300	1,296,300
Total	<u>\$0</u>	<u>\$0</u>	<u>\$1,421,027</u>	<u>\$1,647,200</u>	<u>\$1,647,200</u>
Expenditures					
Other Charges/Pass Thru			1,421,027	1,647,200	1,647,200
Total	<u>\$0</u>	<u>\$0</u>	<u>\$1,421,027</u>	<u>\$1,647,200</u>	<u>\$1,647,200</u>
FTE/Other					