

# DRUG COURTS 101

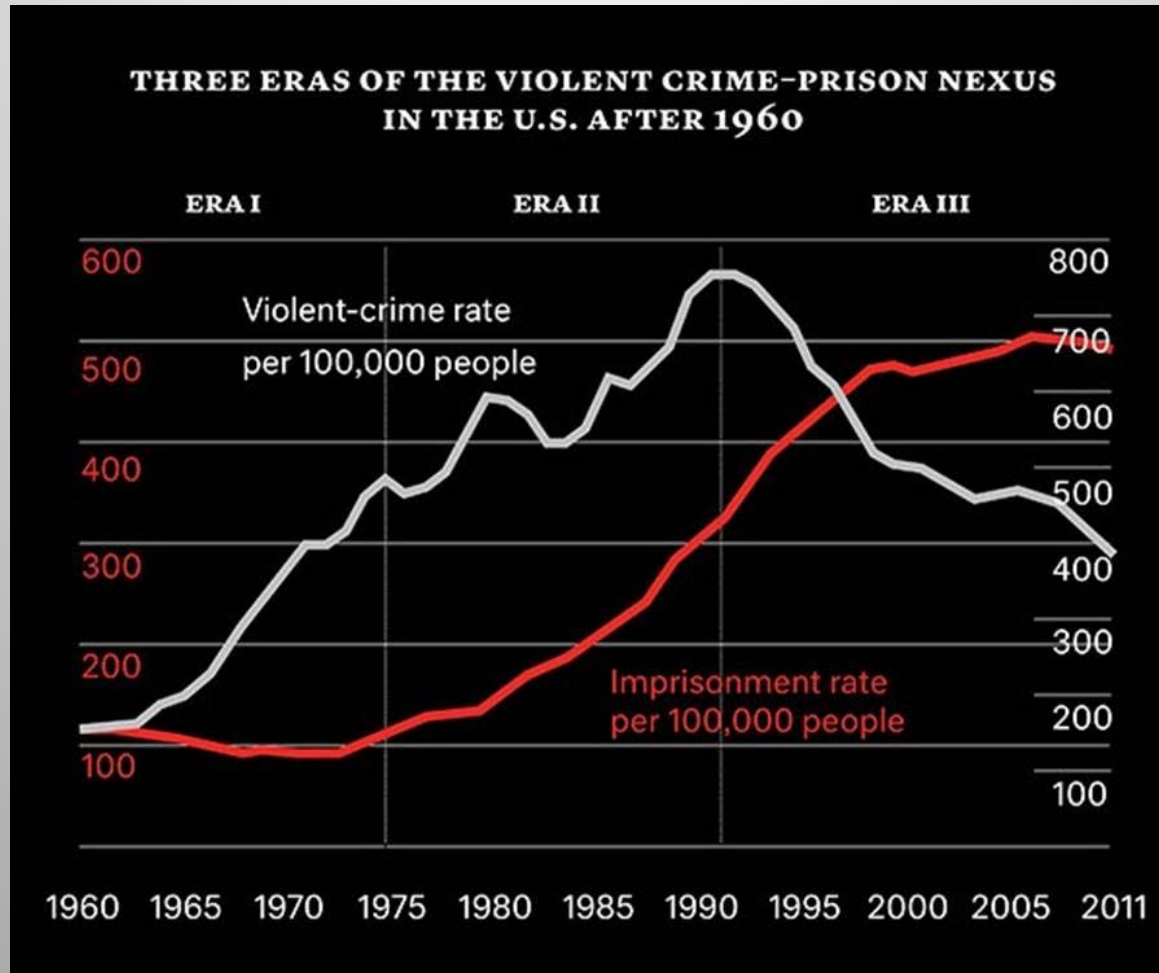
**Judge Ingrid Gustafson  
District Court Judge  
13<sup>th</sup> Judicial District Court  
Yellowstone County, MT**

# Historical Incarceration Rates

- Mid-1970s to mid-'80s, America's incarceration rate **doubled**.
- Mid-'80s to mid-'90s, it **doubled again**.
- In absolute terms, America's prison/jail population from 1970 to present increased **sevenfold**.
- U.S. has less than 5 percent of the world's population – and 25 percent of the world's incarcerated.

# Crime Rates and Incarceration

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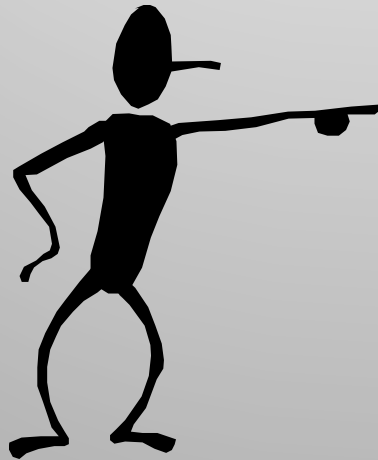


# A Little Background on Cost of Incarceration

- Relatively short period in **jail** pretrial - as few as **2 days** - correlates with **negative outcomes** for defendants and for public safety when compared to defendants released within 24 hours.<sup>1</sup>

# Impact of Just Two Days in Jail

- **4X More Likely to Receive Incarceration Sentence.<sup>1</sup>**



Go to Jail

# Impact of Just Two Days in Jail

**56%**

**MORE  
LIKELY TO  
BE  
ARRESTED  
BEFORE  
TRIAL<sup>1</sup>**



**51%**

**MORE LIKELY  
TO  
RECIDIVATE  
AFTER  
SENTENCE  
COMPLETION<sup>1</sup>**



# Impact of Jail

- Among formerly incarcerated men, 2/3 of whom were employed before being incarcerated, **hourly wages decreased by 11%, annual employment by nine weeks and annual earnings by 40% as a result of time spent in jail or prison.**<sup>1</sup>

# Drugs/Alcohol and Incarceration

- **Approx. 80% of offenders in U.S. meet broad definition of substance involvement.<sup>2</sup>**



# Incapacitation vs. Deterrence

- Incarceration has demonstrated incapacitation effects - inmates are prevented from committing criminal acts while incarcerated.<sup>2</sup>
- Average effect of incarceration on crime following release from prison is approximately ZERO.<sup>2</sup>

**0%**

# Incarceration and Relapse

- 70% to 85% of drug-abusing inmates return to drug use within 1 year of release.<sup>2</sup>
- 95% return to drug use within 3 years.<sup>2</sup>



# Substance Abuse and Crime

- **Substance abuse is associated with a several fold increase in the likelihood of continued criminal offending.<sup>2</sup>**

# **DRUG COURTS – WHAT ARE THEY?**

- **Specialized court docket targeting criminal cases involving people who have drug dependency/addiction problem.**

# **DRUG COURTS – PURPOSE**

- **To achieve a reduction in recidivism and substance abuse and successfully habilitate offenders with a high risk to reoffend and a high need for treatment**

# HOW FULFILL THE PURPOSE

- Intensive alcohol and drug abuse treatment
- Mandatory, random, frequent drug testing
- Appropriate and quick sanctions for non-compliant behavior
- Incentives and recognition for hard work
- Continuous judicial oversight
- Employment and other services needed to enter long-term recovery and become productive members of society.

# DRUG COURTS REDUCE CRIME

- **FACT: Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.<sup>3</sup>**
- **FACT: Reductions in crime last at least 3 years and can endure for over 14 years.<sup>3</sup>**

# DRUG COURTS REDUCE CRIME

- **FACT:** The most rigorous and conservative scientific “meta-analyses” have all concluded that **Drug Courts significantly reduce crime as much as 45 percent more than other sentencing options.**<sup>3</sup>



# DRUG COURTS SAVE MONEY

- **FACT:** Nationwide, for every **\$1.00** invested taxpayers **save** as much as **\$3.36** in avoided **criminal justice costs**.<sup>3</sup>
- **FACT:** When considering other cost offsets like savings from reduced victimization and healthcare service utilization, benefits range up to **\$27 for every \$1** invested.<sup>3</sup>
- **FACT: Cost savings** – in reduced prison costs, revolving-door arrests and trials, and victimization – benefits **range from \$3,000 to \$13,000 per client**.<sup>3</sup>

# DRUG COURTS ENSURE COMPLIANCE

- FACT: Without drug court supervision 25% fail to enroll and 70% drop out of treatment prematurely.<sup>3</sup>
- FACT: Drug Courts are six times more likely to keep offenders in treatment long enough for them to get better.<sup>3</sup>

# DRUG COURTS IN MONTANA

- **1996 – First Drug Court in Missoula**
- **Currently 30 drug courts in MT including 5 tribal drug courts.<sup>4</sup>**

# DRUG COURTS IN MONTANA

- The FY2016 budget for drug courts is:
  - \$1,227,041 general fund
  - \$61,211 state special revenue (fees)
- The FY2017 budget for drug courts is:
  - \$1,250,781 general fund
  - \$61,211 state special revenue (fees)

# DRUG COURTS IN MONTANA

- 2,197 participants (1,965 adults and 232 juveniles) entered Montana drug courts.
- As of October 31, 2014, 535 participants were active in a drug court (445 in adult drug court, 56 in family drug court, and 34 in juvenile drug court).<sup>4</sup>
- 160 veterans have been admitted to Montana drug courts.<sup>4</sup>

# DRUG COURTS IN MONTANA

- A total of 831 participants graduated from drug court during the 78-month reporting period - an overall graduation rate of 58.9%.
- Past two years, the graduation rate was 67.0% for adult drug court (310 graduates).<sup>4</sup>

# DRUG COURTS IN MONTANA

## Cost Avoidance

- **Ave. cost avoidance** when only investment costs are taken into consideration was **\$2,438 per participant** or \$97,519 for 40 participants.<sup>4</sup>
- When outcome costs are considered, in MT we avoid an estimated \$11,070 per participant and \$442,789 for every 40 treatment court participants.<sup>4</sup>

# DRUG COURTS IN MONTANA

## Recidivism

- Recidivism data for the 48-month period after discharge (November 2010 - October 2014)
  - 1,083 total discharges from MT drug courts.
    - 335 re-offenses, including 86 felonies and 249 misdemeanors
    - Overall re-offense rate of 30.9%: 7.9% felony (86) and 23% misdemeanor (249) while 69.1% had not reoffended.<sup>4</sup>



# DRUG COURTS IN MONTANA

## Recidivism

- Recidivism rates were much lower for drug court participants who graduated compared to those who terminated early a 4.1% re-offense rate for felonies and a 22.0% re-offense rate for misdemeanors.<sup>4</sup>

# DRUG COURTS IN MONTANA

## Collateral Benefits

- Graduates reported a **54.4% increase** in full-time **employment** from admission to graduation.<sup>4</sup>
- **90.1% decrease in unemployment**
- **317% increase** in high school diploma or GED achievement.<sup>4</sup>
- **52.1% decrease** in those without a driver's license.<sup>4</sup>

# DRUG COURTS IN MONTANA

## Collateral Benefits

- During the past 78 months, 61 babies were born while a parent was in drug court. Fifty seven **babies were born drug free (93.4%)**.<sup>4</sup>
- 41% increase in those paying child support.<sup>4</sup>

# 13<sup>TH</sup> JDDC – Yellowstone County

- **Mission Statement:** *The Mission of the 13th JDDC is to provide non-violent offenders with substance use disorders, court and treatment services to give them the tools and incentives necessary to conquer their substance abuse problems and become productive, law abiding citizens.*

# 13<sup>TH</sup> JDDC – Eligibility Criteria

- **Non-violent**
- **Chemically dependent**
- **Felony**

# 13<sup>TH</sup> JDDC - GOALS

- **Maintain law abiding behavior while participating in the Adult Drug Treatment Court**
- **Reduce the number of relapses and the duration of those relapses while increasing the duration of their sobriety**
- **Increase their life skills**
- **Reduce Recidivism**

# 13<sup>TH</sup> JDDC – NUTS AND BOLTS

- **Team** - Judge, treatment representative, drug testing representative, law enforcement officer, defense counsel, prosecutor, probation officer, coordinator.
- **Staffings** – weekly

# 13<sup>TH</sup> JDDC – NUTS AND BOLTS

## 18 – 24 MONTH PROGRAM

- Treatment Continuum of Care
- Individual Counseling
- Random Drug Testing
- Self Helps
- Attend Court
- Volunteer work
- Obtain employment
- Obtain safe, secure housing
- Ancillary Requirements



# 13<sup>TH</sup> JDDC – 2014 Participants

- 72% Homeless at induction
- 60% Unemployed
- 70% Unattached
- 65% have child(ren)
- 44% hx of trauma
- 56.3% methamphetamine - drug of choice
- 30% opiates - drug of choice
- 62% injecting use

**HIGH RISK HIGH NEED**

# 13<sup>TH</sup> JDDC – 2014 Participants

- 6,987 aggregate days of incarceration in 2 years prior to admission = approx \$558,960
- During 2014 participants had 589 days of incarceration which costs approx. \$55,360
- 84% No Relapse at 6 months
- 86% No relapse at 12 months
- 96% No Relapse at 18 months

# 13<sup>TH</sup> JDDC – Outcomes

- 75% employed at 12 months - adding nearly \$400,000 to the local economy
- 8% homeless at 12 months
- 4 participants out of 61 discharges have re-offended and been convicted of a new felony

# Conclusion

- **DRUG COURTS SAVE LIVES**
- **DRUG COURTS SAVE MONEY**



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