

PERFORMANCE AUDIT
Administration of Montana's Drug Courts
Judicial Branch

JANUARY 2015

13P-08

REPORT SUMMARY

Although national data and our observations of drug courts in Montana reveal positive outcomes, the Judicial Branch lacks accurate performance data to support expenditures. The branch also needs to improve programmatic oversight, evaluation, and training systems to support the individual courts.

Context

Drug courts have operated in the United States for more than 20 years. A drug court is a specialized court docket that targets criminal, child abuse and neglect, or juvenile cases involving people who have drug addiction and dependency problems. The purpose of a drug court is to achieve a reduction in recidivism and substance abuse, and to increase the participants' likelihood of successful rehabilitation through early, continuous, and intense judicial oversight; substance abuse treatment; mandatory periodic drug testing; use of appropriate sanctions and incentives; and other community-based rehabilitation services. Participants remain in the community—working, going to school, taking care of family, and fulfilling community service obligations.

Montana's first drug court began operating in Missoula in 1996, and there are now 26 drug courts operating statewide at the district and limited jurisdiction level. This audit focused primarily on district courts with some limited work in courts of limited jurisdiction.

Results

Audit work identified weaknesses with Judicial Branch (branch) oversight, assistance, evaluation of drug courts, and training of drug court staff.

Audit recommendations to the Supreme Court include:

- ◆ Ensure courts comply with statutory requirements that prohibit drug court participation by individuals convicted of a violent offense.
- ◆ Work with the district court judges to determine whether changes in statutory eligibility requirements relative to violent offender eligibility in non-federally funded drug courts should be brought forward for legislative consideration.
- ◆ Ensure courts comply with statutory provisions for assessing drug court participant fees.
- ◆ Ensure individual drug court case files contain documentation to support consideration of ability to pay fees and indigency decisions.
- ◆ Ensure courts comply with state law by having a formal Memorandum of Understanding between drug courts and treatment providers.
- ◆ Adopt a system-wide approach to training drug court personnel, including developing formal training plans; ensures timely training; and expands training opportunities through web-based training.

- ◆ Strengthen drug court case management by prioritizing delivery of an automated case management system for district level drug courts currently using paper files; and developing a strategic plan to implement an integrated, web-based, drug court specific case management system for all district level drug courts.
- ◆ Strengthen validity of recidivism data collected from drug courts by ensuring staff apply a consistent definition of recidivism relative to drug courts; provide routine staff training for data collection; and assessing the accuracy of the data collected.
- ◆ Establish a drug court council to provide system-wide planning and policy direction for drug courts.
- ◆ Develop a long-term planning strategy for drug courts that establishes operational and funding priorities.
- ◆ Improve its processes for providing programmatic and administrative assistance to drug courts by redefining the role of the statewide drug court coordinator; developing administrative reference material for drug court staff; and providing an ongoing administrative training component for drug court coordinators.

Audit work also identified areas for legislative consideration with the following conclusions:

- ◆ Detailed cost compilation for all drug courts is not currently possible as the branch does not collect comprehensive drug court cost data. In addition, there is no mechanism in place for reporting complete financial data to the legislature.
- ◆ There will be continued fiscal pressure to fund drug courts with state general funds as federal grants expire or as amounts are reduced. Planning for financial sustainability of drug courts is currently done on a short-term basis.

Recommendation Concurrence	
Concur	8
Partially Concur	1
Do Not Concur	1
Source: Agency audit response included in final report.	

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