
AN OVERVIEW OF DRUG COURTS AND DUI COURTS

Presented to Law and Justice Interim Committee
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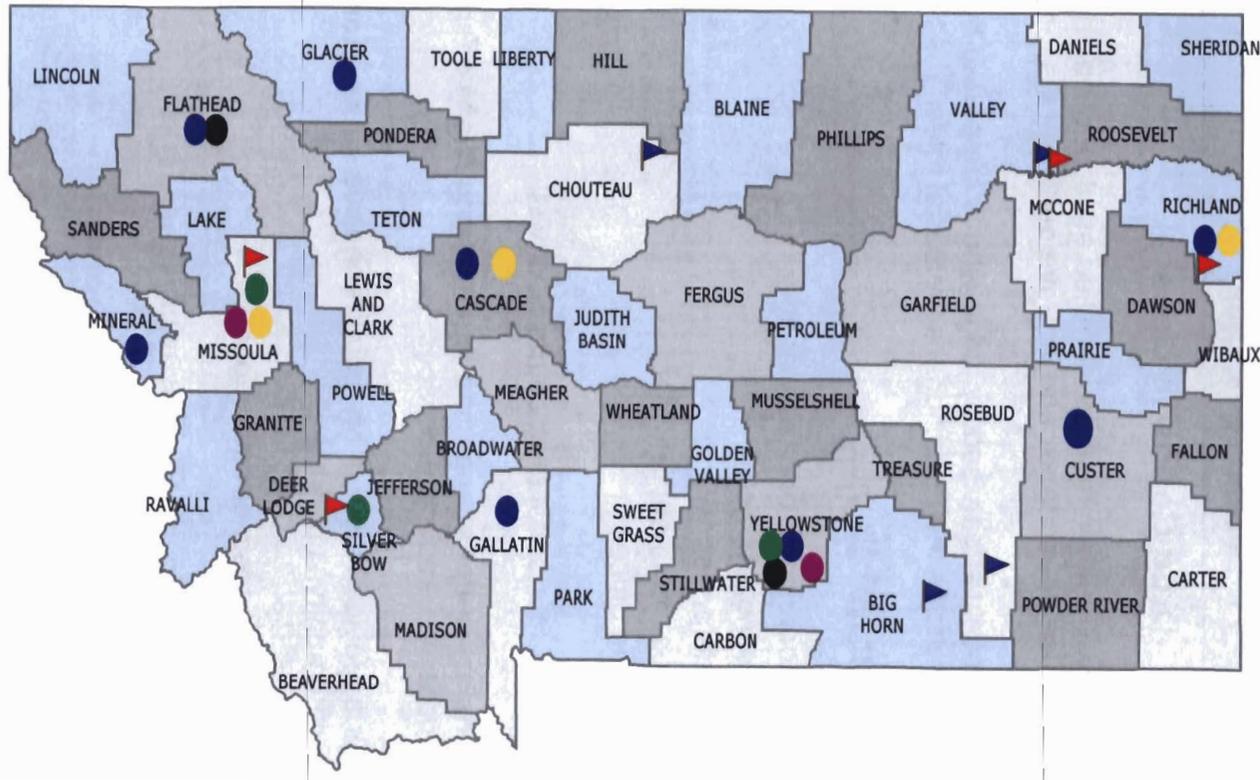
Drug Courts in General

- Purpose of drug courts: guide offenders identified as alcohol and drug-addicted into treatment to reduce dependency and improve quality of life for offenders
- Drug court clients: closely supervised by judge who is supported by team members operating outside their traditional adversarial roles.
 - Team members typically include:
 - Court coordinator or case manager
 - Prosecuting attorney
 - Public defender
 - Addiction treatment provider
 - Probation officer
- National research has found that drug courts work well¹:
 - Drug courts are better at engaging and retaining felony offenders in programmatic and treatment services.
 - Drug courts provide closer, more comprehensive supervision than other forms of community supervision.
 - Drug courts avoid costs or save money.
 - Drug court client drug use is substantially lower.
 - Drug court clients have lower recidivism rates.
 - Drug court clients are employed.
 - Drug court graduation rates remain high compared to other programs.

¹ Belenko, S.R. Research on Drug Courts: A Critical Review, 2001 Update. The National Center on Addiction and Substance Abuse: Columbia University, June 2001.

Drug/DUI Courts in Montana

December 2009



Drug Court Legend

- Adult ●
- Juvenile ●
- Family ●
- Co-Occurring ●
- DUI ●
- Tribal ▶
- Pending DUI ▶

MONTANA'S DRUG COURTS

Court	Location	Level
Adult		
* Custer County Treatment Court	Carter, Custer, Fallon, Garfield, Powder River, Rosebud, & Treasure Counties (16th Judicial District)	District
* 8th Judicial District Adult Drug Treatment Court	Cascade County (8th Judicial District)	District
* Gallatin County Treatment Court	Gallatin County (18th Judicial District)	District
Kalispell Adult Misdemeanor Drug Court	Kalispell	Municipal
* Mineral County Adult Treatment Court	Mineral County	Justice's
* Billings Adult Misdemeanor Drug Court	Billings	Municipal
7th Judicial District Adult Drug Court	Dawson, McCone, Prairie, Richland, & Wibaux Counties (7th Judicial District)	District
9th Judicial District Drug Court	Glacier County	District
Family		
* Butte-Silver Bow Family Drug Court	Butte-Silver Bow County (2nd Judicial District)	District
* Yellowstone County Family Drug Treatment Court	Yellowstone County (13th Judicial District)	District
* Fourth Judicial District Family Drug Court	Missoula County (4th Judicial District)	District
Juvenile		
* Fourth Judicial District Youth Drug Court	Missoula County (4th Judicial District)	District
* 7th Judicial District Youth Treatment Court	Dawson, McCone, Prairie, Richland, & Wibaux Counties (7th Judicial District)	District
* 8th Judicial District Juvenile Drug Treatment Court	Cascade County (8th Judicial District)	District
Co-Occurring		
* Missoula Drug Court Co-Occurring Docket	Missoula County (4th Judicial District)	District
Billings Mental Health Court	Billings	Municipal
DUI		
Billings DUI Court	Billings	Municipal
Kalispell DUI Court	Kalispell	Municipal
** Butte-Silver Bow DUI Court	Butte-Silver Bow County	Justice's
** Missoula County DUI Court	Missoula County	Justice's
** 7th Judicial District DUI Court	Dawson, McCone, Prairie, Richland, & Wibaux Counties (7th Judicial District)	District
Tribal Affiliated		
Chippewa-Cree Adult Drug Court	Rocky Boy's Reservation	Tribal
Northern Cheyenne Adult Drug Court	Northern Cheyenne Reservation	Tribal
Crow Juvenile Drug Court	Crow Reservation	Tribal
Assiniboine & Sioux Tribes Family Healing to Wellness Court	Fort Peck Reservation	Tribal
** Assiniboine & Sioux Tribes DUI Court	Fort Peck Reservation	Tribal

* Courts receiving state general fund support

** Pending DUI courts

Montana Drug Courts

- Twenty-two (22) drug courts currently operating in Montana -- 3 family; 8 adult; 3 juvenile; 2 co-occurring; 2 DUI; and 4 tribal
- Drug courts are funded from various sources -- state general fund, federal grants, local government contributions, private donations
- Twelve (12) courts are supported by \$1.345 million general fund appropriation for the 2011 biennium (FY 2010 and FY 2011)
- Statewide data system: collects information on participants (e.g., arrests, drug use, employment, education) at admission and discharge
- Findings from 2008 study on Montana drug courts²
 - Drug courts' retention rates were 94.6% after one month, 73.2% over one year after entry
 - Nearly 47% of drug court participants successfully complete program, on par with national averages
 - 30% increase in employment for drug court participants
 - Drug court participation associated with increase in educational level
 - Seven babies were born drug free during fiscal year 2008
 - 43% of participants eligible for driver's licenses achieved them while in program
 - 78% of adult participants were attending self-help meetings at discharge.
 - Nearly 84% of those who graduated had resolved all prior charges
 - Recidivism rate for drug court participants was 24.1% for all cases discharged between July 2007 and February 2009. This includes 9.8% for graduates and 39.6% for those who were terminated or absconded. Nearly 73% of these recidivism cases were misdemeanors. Twelve family court cases had been discharged for between six months and a year; 100% of these had no new substantiated referrals to Child and Family Services Division.

² Conley, Timothy. Measuring the Performance of Montana Drug Courts, The University of Montana School of Social Work, January 13, 2009.

DUI Courts in General

- Created to reduce number of multiple drunk driving events by improving repeat DUI offenders' compliance with treatment and other supervisory conditions.
- DUI courts require participants to:
 - attend frequent status hearings in courts
 - complete an intensive regimen of chemical dependency treatment and use a variety of wrap-around services to that treatment
 - undergo random and continuous biological testing for alcohol and other drug use
 - undergo intensive supervision and case management, including home visits;
 - attend self-help meetings.
- Participants receive negative sanctions for program infractions and positive recognition for achievements.
- Most DUI courts are post-adjudication and require participants to serve some portion of a jail sentence
- Successful DUI courts adhere to the 10 key components for drug courts
 - DUI courts have slightly different emphasis: assist participants in developing transportation plans to enable participants can get to work, treatment, and self-help meetings.

Effectiveness of DUI courts

- Michigan study³

DUI court participants less likely than DUI offenders sentenced in traditional court to be arrested for a new DUI offense or any criminal offense within two years of entering program

- Georgia study⁴

After four years, DUI court graduates had a recidivism rate of 9% compared to two comparison groups with 24% and 35% rates

³ Fuller, Bret; Carey, Shannon; and Kissick, Katherine. Michigan DUI Courts Outcome Evaluation. NPC Research: Portland, OR. October 2007.

⁴Fell, James; Tippetts, A. Scott; and Langston, Elizabeth. An Evaluation of the Process and Impact of Three Georgia DUI Courts (Draft Report), National Highway Traffic Safety Administration: Washington, DC., July 2008.

MONTANA DUI COURTS

- Two DUI courts in operation in Montana for approximately 1 year
 - Billings Municipal Court
 - Kalispell Municipal Court
- Four DUI courts are pending
 - Seventh Judicial District Court (Dawson, McCone, Prairie, Richland, and Wibaux Counties)
 - Missoula County Justice's Court
 - Butte-Silver Bow County Justice's Court
 - Assiniboine and Sioux Tribes (Fort Peck)
- Adult drug courts that include DUI offenders (hybrid courts):
 - Gallatin County Drug Court
 - Custer County Treatment Court
 - Eighth Judicial District Adult Drug Treatment Court
 - Mineral County Drug Court
- Costs for implementing DUI court include:
 - DUI court coordinator
 - Probation officer – Most misdemeanor courts do not have probation officers
 - Chemical dependency assessments
 - Treatment
 - Biological monitoring for alcohol and drug use
 - SCRAM and ignition interlock devices
- Funding DUI courts
 - Implementation grants from Montana Department of Transportation – potentially available for three years
 - Currently no state general fund money available to sustain courts

Key Components of Drug Court

- 1. Drug courts integrate alcohol and other drug treatment services and other wrap around services with justice system case processing.**
- 2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**
- 3. Eligible participants are identified early and promptly placed in the drug court program.**
- 4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.**
- 5. Abstinence is monitored by frequent alcohol and other drug testing.**
- 6. A coordinated strategy of sanctions and incentives governs drug court responses to participants' compliance.**
- 7. Ongoing judicial interaction with frequent status hearings with each drug court participant is essential.**
- 8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.**
- 9. Continuing interdisciplinary education promotes effective drug court planning implementation, and operations.**
- 10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness**