

TREATMENT COURTS 101

A treatment court is a specialized docket of cases that is established within an existing district court or court of limited jurisdiction and that targets specific individuals or types of drug-related offenses. Montana law defines a drug treatment court as “a court...implementing a program of incentives and sanctions intended to assist a participant to end the participant’s addiction to drugs and to cease criminal behavior associated with drug use and addiction.” Treatment courts can also focus on individuals involved in the criminal justice system who have a mental disorder. Drug treatment court types in Montana include those that specialize in adult criminal offenses related to drug use, DUI offenses, juveniles, veterans, and families with a drug-involved parent.

Montana law restricts participants from having a conviction for a sex offense but does allow a participant to have a conviction for a violent offense. In addition to the judge, a treatment court team works with the judge to provide information and support for the participant. The team can include a prosecutor, a defense attorney, a law enforcement officer, a drug treatment court coordinator, a probation and parole officer, treatment providers, staff from the Department of Public Health and Human Services, and other individuals selected by the judge.

Key Facts

- Number of treatment courts in Montana: 36 (not all are funded from the General Fund)
- First drug court was established in Missoula in 1996
- General fund appropriation for treatment court: FY 2018 = \$1,154,050; FY 2019 = \$1,191,874
- Average length of stay of any participant in adult treatment court: 385 days
- Average length of stay of a graduate of adult treatment court: 485 days
- Average length of stay of a participant who terminated participation early: 237 days
- Recidivism rate for adult drug court participant 29% (an individual admitted to a drug court in 2010, 2011, or 2012 and convicted of a felony or misdemeanor in the 3 years following drug court admission)
 - Three counties operating veterans courts: Yellowstone, Cascade, and Missoula

Sources

- Title 46, chapter 1, part 11, MCA: Drug Offender Accountability and Treatment, www.leg.mt.gov/bills/mca/title_0460/chapter_0010/part_0110/sections_index.html
- Title 46, chapter 1, part 12, MCA: Mental Health Treatment Court, www.leg.mt.gov/bills/mca/title_0460/chapter_0010/part_0120/sections_index.html
- Montana Drug Courts report, Montana Supreme Court, Office of Court Administrator (OCA), Jan. 2017, www.courts.mt.gov/portals/113/drugcourt/report/2017drugcourt-report.pdf
- Appropriation information from OCA staff