
MONTANA JUDICIAL BRANCH TREATMENT COURT BASICS

courts.mt.gov

February 2024

- ❑ Introductions and Treatment Court Locations – *map attached*

- ❑ Governance Structure
 - Treatment courts are managed by the judge, who presides over the docket
 - The dockets can be attached to a District Court, Court of Limited Jurisdiction, or Tribal Court
 - Each court has a governance document and participant manual
 - Funding and policy guidance for District Court treatment courts is provided by the Supreme Court's Drug Court Advisory Committee
 - The Court Administrator's Office has one state level program manager working with the courts

- ❑ Funding Through Judicial Branch Budget:
 - The state funds some District Court Treatment Courts
 - OCA provides technical assistance and other support - but not general fund dollars - to limited or tribal courts
 - Courts generally start with federal start-up grants, which run for three-four years; successful courts are added to the general fund matrix via a legislative request
 - Funding sources – federal grants dollars, local government support, highway traffic safety funding, and state general fund dollars make up most of the support
 - 24 courts of 36 courts are funded by a combination of state general fund and opioid settlement dollars:
 - \$1.8 million in general fund
 - \$350,00 in opioid settlement dollars
 - The state dollars pay for a coordinator and ancillary services such as drug testing

- ❑ How Does a Court Actually Operate:
 - *Web link to guiding documents and manuals*

- ❑ Performance Measurements:
 - OCA collects extensive performance measurements and outcome measures – distributed in a lengthy biennial report each legislative session
 - *Highlights from the 2023 report attached*
 - Individual courts also conduct program evaluations (STEER and CAMO)
 - Peer review process for continuance improvement

- ❑ Critical System:
 - Appropriate substance abuse and behavioral health services – very dependent on Medicaid dollars and other health insurances
 - Involvement from court partners – law enforcement, prosecutor, defense counsel, etc.

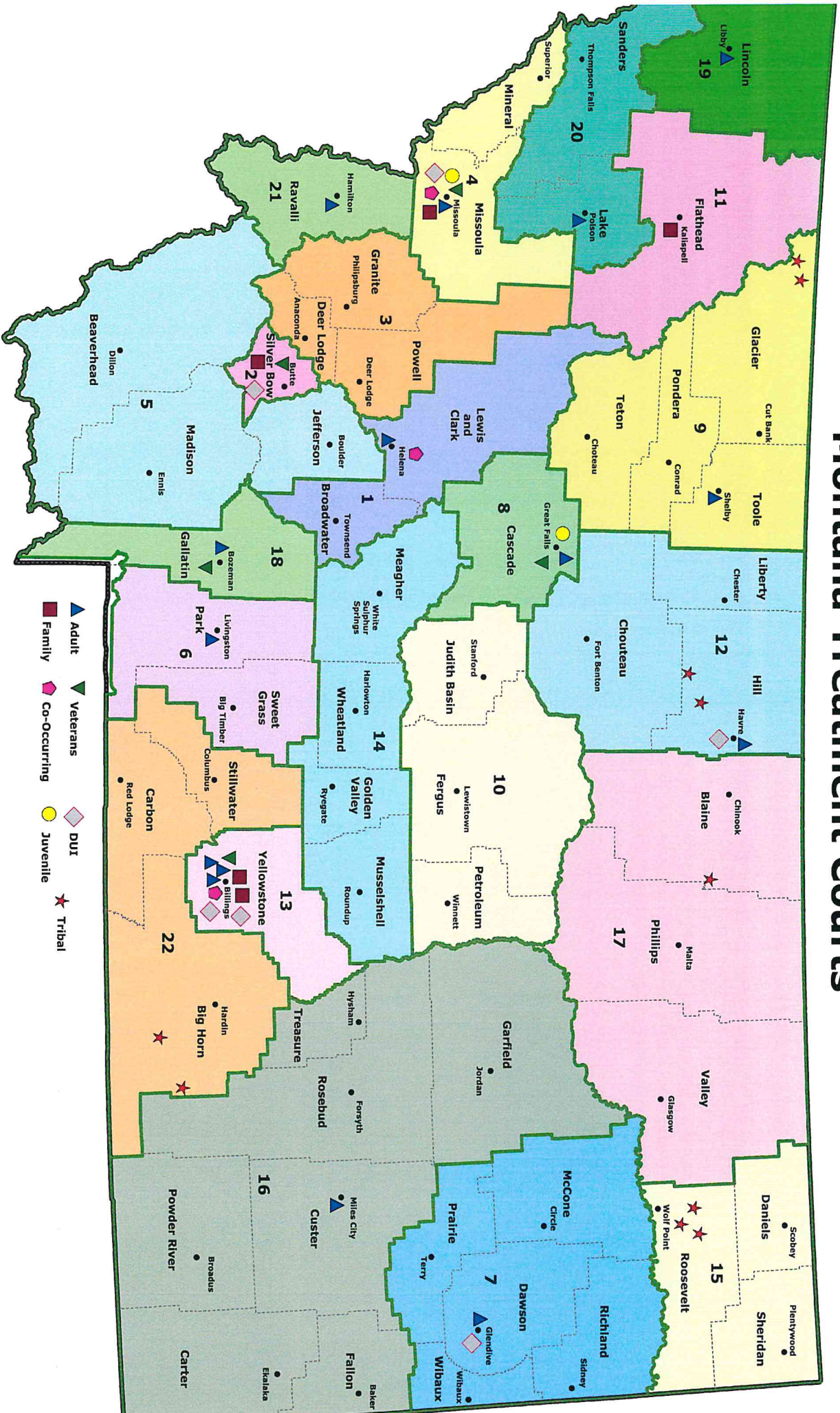
Success Stories

Future Initiatives:

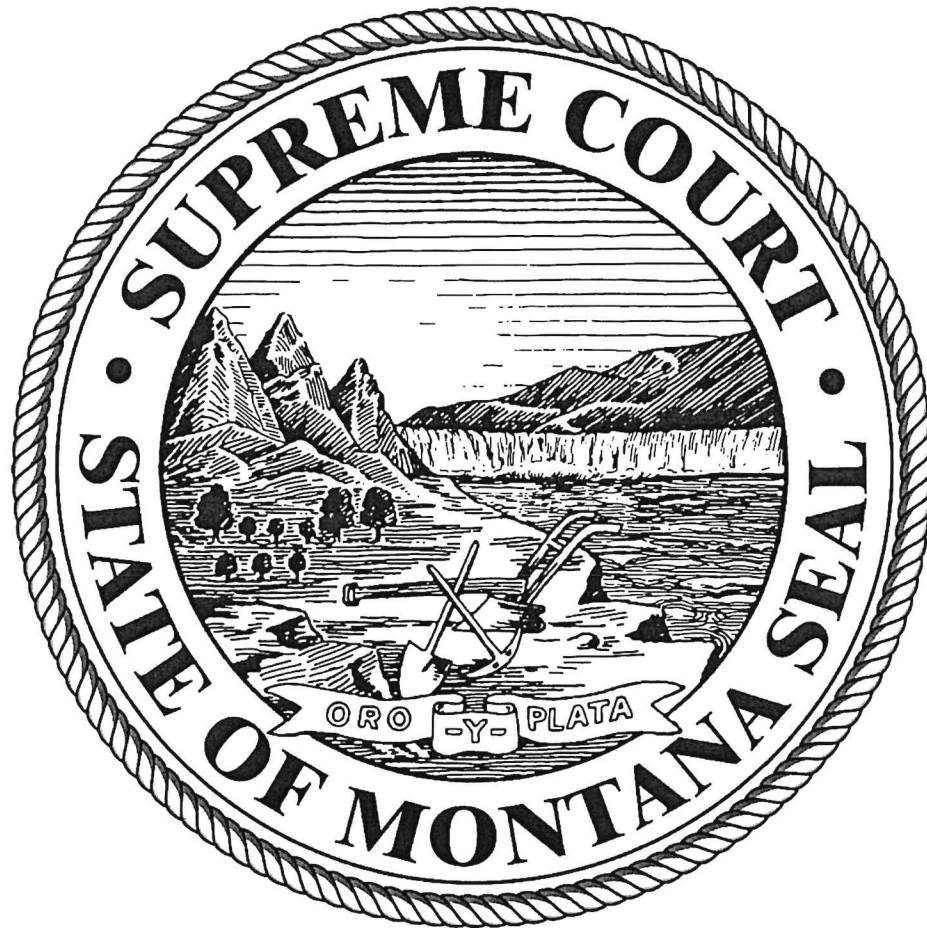
- Ongoing work on teleservice and expanding the reach of treatment courts to rural areas
- Relapse prevention and alumni activities
- Continuing education – statewide treatment court conference in September

Attend a Local Treatment Court (*website*)

Montana Treatment Courts



Montana Drug Courts: An Updated Snapshot of Success and Hope



Produced by Montana Supreme Court
Office of Court Administrator
January 2023

I. Report Highlights

Drug courts in Montana are court dockets within a district court or court of limited jurisdiction (i.e., city, municipal, or justice's court) that specialize in criminal, child abuse and neglect, or juvenile cases involving people who are dependent on alcohol and/or other drugs. Drug courts give individuals the tools to change their lives. These courts reduce recidivism and alcohol and other drug use among participants and rehabilitate them through substance use disorder treatment, mandatory and frequent drug testing, self-help meetings, use of appropriate sanctions, incentives, and therapeutic responses, and continuous judicial oversight.

Since their inception in 1989 in Miami, Florida, treatment court have become one of America's most researched and successful government programs. Treatment court are an alternative to incarceration that connect people with substance use and mental health disorders with the services they need to lead productive lives and keep them out of jail or prison.

This report analyzes drug court data collected by the Office of Court Administrator (OCA) from May 2008 through October 2022, a 14.5-year (174 months) period. However, the report generally focuses on the most recent 48 months (November 1, 2018 – October 31, 2022). The data confirm that Montana drug courts continue to provide a strong investment in the recovery of alcohol and other drug dependent persons involved in criminal, child abuse and neglect, and juvenile cases. Additionally, it appears that as Montana drug courts mature, the participants who are admitted are increasingly a high-risk/high-need population (high-risk to reoffend and high-need for treatment services).

Special Note: This report does not include data from the three drug court dockets for the Billings Municipal Court as no data submission occurred. Additionally, some indicators do not include specific items from the Cascade County Veteran Court and Adult Drug Court due to data migration issues, which will be resolved in future reports.

Major findings include the following:

- Drug Court Admissions. During the 48-month data collection period (November 1, 2018 - October 31, 2022), 1,592 individuals entered Montana drug courts: (1,279 adult drug court participants and 252 family drug court participants) and 61 juveniles.
- Active Population. As of October 31, 2022, 521 participants were active in Montana drug courts: 439 in adult drug courts, 73 in family drug courts, and 9 in juvenile drug courts.
- Veteran Drug Court Dockets. In recent years, Missoula, Yellowstone, Cascade, Butte-Silver Bow Counties (new) and the city of Bozeman (new) have implemented special drug court dockets specifically to meet the needs of veterans. In the past 48 months, a minimum of 192 veterans have been served in Montana adult and family drug courts. Of these 192, 185 individuals who had military service or more than 96.3% of all veterans admitted to Montana drug courts had been admitted to the five Montana veterans court dockets. As these veteran- specific dockets mature and as the Bozeman and Butte-Silver Bow veterans courts are implemented, the number of veterans served by these specialty courts will grow, and Montana veterans will receive improved services.
- Graduation Rates. A total of 572 participants graduated from drug court during the 48-month reporting period for a graduation rate of 59.6% for all drug court types. The graduation rate was 61.2% for adult drug court (476 graduates), 51.9% for family drug court (68 graduates), and 56% for juvenile drug court (28 graduates). Montana drug court graduation rates are as good as or better than rates found in comprehensive national studies.
- Retention Rates. Retention rates drive the success of a drug court. Even participants who do not graduate benefit from time in the drug court. For the 1,071 participants (excluding active cases) for whom court disposition status was reported, 95.4% were still participating one month after entering a Montana drug court, 72.6% of the cases were still active at six months after admission, and 55% were still active at one year after admission. These are impressive numbers for retention given the importance of providing an adequate dose of treatment to participants in drug court.
- Recidivism. A key measurement of recidivism for drug court participants is the conviction rate after admission to drug court. For this report, recidivism was defined as a new conviction for participants within three years after date of admission into drug court. Recidivism was calculated using all felonies and all misdemeanors except

for hunting and fishing offenses, offenses related to commercial trucking, general traffic violations unless DUI-related and low-level offenses (e.g., loitering).

For the 1,079 individuals admitted to Montana adult drug courts in 2016, 2017, and 2018, 214 participants (19.8%) were convicted of felonies and/or misdemeanors within the three-year period following their admission. Conversely, over 80% (80.2%) did not recidivate. Convictions included 107 felonies (9.9%) and 107 misdemeanors (9.9%).

Drug court graduates had a much lower re-offense rate during the three-year period with 102 participants or 9.4% subsequently convicted of felonies and/or misdemeanors compared to 19.8% for all participants. Convictions for graduates included 35 felonies (3.2% of total admissions) and 67 misdemeanors (6.2% of total admissions).

Overall conviction/recidivism rates for the three-year period following admission to Montana adult drug courts remain low and somewhat lower than in the previous three-year period.

- Employment Status. Adult drug court participants during the four-year reporting period, showed a 79.6% increase in full-time employment from admission to discharge (226 to 405). Adult drug court graduates reported a 106% increase in full-time employment from admission to graduation (165 employed full-time at admission compared to 341 employed full-time at discharge). Unemployment fell from 341 participants to 137 for an 148.9% decrease in unemployment. Those participants who remained unemployed may have been enrolled in an academic or educational/technical training program because graduates are required to be employed or in an educational program. For family drug court graduates, 15 were employed full-time at admission compared to 43 at discharge for an increase of 186.6%. Unemployment fell from 21 at admission to 4 at discharge, an 81% decrease.
- Educational Status. For juvenile drug courts, a major emphasis, along with remaining drug free, is educational advancement for participants. The number of participants receiving a high school diploma or GED went from 18 at admission to 30 at discharge, a significant increase (66.7%). For all juvenile drug court participants with some college/some technical school at admission increased from 1 to 3.
- Driver's License Acquisition. Among the 419 adult and family drug court graduates who did not have a driver's license at admission but who were eligible to receive one, 136 obtained a license by graduation, a 32.4% increase in those receiving a driver's

license. Fifty-three drug court participants received their state identification card by time of discharge.

- Gender and Ethnicity. Among the 1,592 admissions to Montana drug courts during the most recent 48 months measured, 969 (60.9%) were male and 623 (39.1%) were female. This percentage represents a consistent increase in female participants compared to previous reports. In the past approximately 10 years there has been nearly a 10% increase in women in Montana's treatment courts. Native Americans, Hispanics, African Americans, and Asian/Pacific Islanders make up nearly one-fourth of the Montana treatment court population (24.3%).
- Drugs of Choice. The primary drug of choice for adult drug court participants continued to be alcohol (49.6%) followed by methamphetamine (29.3%) and marijuana (8.8%). **Notable is the increase in alcohol and methamphetamine as the primary drugs of choice for adult drug court participants compared to the previous report (alcohol went from 41.4 to 49.6% and methamphetamine from 27.3% to 29.3%) and the decrease in marijuana from 18.9 to 8.8%.**

For family drug court participants, the primary drug of choice was methamphetamine (46%) followed by alcohol (25.3%), then marijuana (11.9%), heroine (10%), and opiates at 2.7%. **Methamphetamine and alcohol continue to be by far the two primary drugs of choice for family drug courts.**

For juvenile drug court participants, the primary drug of choice was marijuana (89.3%) followed by alcohol (5.3%) and methamphetamine (1.8%).

- Prior Drug Treatment. Over one-third of those admitted to adult and family drug courts (37.7%) indicated that they had received some alcohol and/or drug treatment in the 36 months before entering drug court. Having received previous treatment is an indicator of high risk for re-offense and high need for additional treatment of offenders in the criminal justice system.
- Sobriety Measures. Attending self-help meetings is considered a long-term strategy for remaining clean and sober. Among graduates from adult and family drug courts, 417 participants out of 446 were attending self-help meetings at discharge (93.5%).
- Prior Arrests. For adult drug court cases reporting admission data (1,279), participants had a total of 10,240 felony and misdemeanor arrests before entering drug court for an average of over 8 arrests per person. Of these cases, there were 2,317 felony arrests and 7,923 misdemeanor arrests prior to admission for an average of 1.8 felony arrests and nearly 6.2 misdemeanors arrests per person. When

considering prior arrest history, psychiatric history, and prior drug treatment, the extent of psycho/social/criminal justice problems being experienced by the population admitted to Montana drug courts is substantial and meets the criteria for a high-risk/high need population (high risk to reoffend and high need for treatment).

- Pregnancies and Births. For the period May 2008 through October 2020, 245 participants or their spouses or significant others were pregnant while in drug court. Among those babies born during this period, 156 were born drug free (91.2%), and 15 (8.8%) were born drug affected. Babies who are born drug free avoid substantial and costly health problems.
- New Substantiated Child Abuse and Neglect Reports. From January 1, 2017, through December 31, 2019, 111 cases were identified as family drug court cases, 10 cases (9% had received a new substantiated child abuse and neglect report, and a little over 8% (9 cases) receive a new founded report. **Conversely, nearly 83% of the participants did not receive a new substantiated/founded report during the follow-up period.**
- Housing. For all adult drug court participants admitted and discharged during the previous 48-month period, the number of homeless went from 88 at admission to 85 at discharge (3.4% decrease). Participants owning their own home went from 102 to 138 (35.3% increase). Those renting increased from 241 to 304 (26.1% increase), while those living with friends, relatives, or significant others decreased from 165 to 98 (40.6% decrease).