

What is a Drug Court?

- Drug Courts are judicially supervised court dockets that reduce correctional costs, protect community safety, and improve public welfare. In Drug Courts drug dependent individuals remain in treatment for long periods of time while under close supervision. Drug Court participants must meet their obligations to themselves, their families, and society. To ensure accountability drug court participants are regularly and randomly tested for drug use, required to appear frequently in court for the drug court team to review of their progress, recognized for doing well, treatment is adjusted when alcohol or other drug use occurs and sanctioned for not living up to their obligations.
- Drug Court is designed to treat addicted individuals and give them the tools they need to change their lives and enter long-term sobriety/recovery. Drug Court specialize in taking high risk (to reoffend)/ high need (for treatment) individuals. National best practice standard exist for each type of treatment court – fidelity to the standards is critical to good outcomes.
- There are a variety of types of drug court programs (adult drug court, veterans drug courts, DUI drug courts, co-occurring drug courts, juvenile drug courts, tribal healing to wellness courts, and family drug courts).
- Drug Courts work. More than three decades of exhaustive scientific research concludes that drug court is an effective strategy for resolving the issues of drug dependent offenders. More research has been published on the effects of drug courts than virtually all other correctional programs combined including seven meta-analyses conducted by independent scientific teams that all conclude that adult drug courts significantly reduce crime, typically measured by fewer re-arrests for new offenses and technical violations. The reduced crime rate effect last up to 14 years and the researchers are still following some of the cohorts to determine just how long the positive benefits might persist. There are now more than 4,000 drug courts across the country including 41 in Montana from Libby to Sidney.
- Every drug court has a team of inter-disciplinary professionals that includes a judge, court coordinator, prosecuting attorney, defense attorney, treatment professional, case manager, probation officer, and law enforcement. Studies reveal the composition of the Drug Court team has a substantial influence on outcomes. Drug Courts produce significantly greater reductions in criminal recidivism and are significantly more cost-effective when these professionals are dedicated members of the Drug Court team and participate regularly in pre-court staff meetings and status hearings.

- Drug Court is scheduled to be 12-18 months in duration. To graduate, an individual must demonstrate continuous abstinence from alcohol and other drugs for 3-6 months, complete treatment, pay fines and fees, make restitution to victims, participate in self-help meetings, complete a relapse prevention plan, and be in a training program or employed.
- Drug court includes a minimum of two random, observed drug tests weekly, attendance at regular status hearings in court usually weekly in the beginning of the program. Participants may receive progressive sanctions treatment adjustments and incentives. Each participant has an individualized treatment plan based on ASAM criteria.
- Drug court takes a holistic approach to the individual's needs and may include mental health treatment, family counseling, vocational counseling, educational assistance, housing assistance, medical/dental assistance, financial counseling, etc.

Montana's Drug Courts

- Montana has more than 40 drug treatment courts (see attached map). Most courts address adult felony offenders, who have been convicted. In many cases, treatment court is in lieu of incarceration.
- Montana also has six Family Treatment Courts specially addressing the needs of families involved with the child abuse and neglect system. One court is open only to ICWA family cases.
- Drug court strategic planning, program, and training oversight is governed by the Judicial Branch's Drug Court Advisory Council. Judge Kurt Krueger is the chairman. There is also statewide drug court program manager.
- Drug courts are funded through several different sources including state general fund, federal grants, highway traffic safety dollars, local government, fees, and private donations.
- Generally speaking, to be eligible for state general fund dollars, a court must go through a grant cycle with a federal start-up grant. These grants provide three to four years of funding, which allows the court and the community to determine if the program is an appropriate match for community needs.
- The Judicial Branch receives about \$1.7 million per year in general fund for treatment courts. This provides funding for 19 District Court treatment courts. The state general fund dollars usually cover the cost of the coordinator and some funding for drug testing and monitoring services.
- The drug court partnership also draws on resources from county and state team members including probation, law enforcement, county attorneys, and public defenders. Most of the treatment services (both mental and addiction health services) are paid by some form of insurance – primarily Medicaid.
- Ongoing drug court projects:
 - Recidivism dashboard for court
 - Teleservices grant to allow defendants in rural areas to participate in treatment courts
 - Closer partnerships with tribal Healing to Wellness Courts
 - HB654 funding distribution (opioid distributor licensing tax)
 - Fall statewide drug court conference
 - [Montana Treatment Courts \(mt.gov\)](http://MontanaTreatmentCourts(mt.gov))

Montana Drug Court Outcomes

The most recent Montana report analyzes drug court data collected by the Office of Court Administrator (OCA) from May 2008 through October 2020, a 12.5-year (150 months) period. However, the report generally focuses on the most recent 48 months (November 1, 2016 – October 31, 2020). 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). Major findings include the following:

- **Drug Court Admissions** During the 48-month data collection period (November 1, 2016 - October 31, 2020), 1,740 individuals entered Montana drug courts: 1,670 adults (1,474 adult drug court participants and 196 family drug court participants) and 70 juveniles.
- **Graduation Rates** A total of 669 participants graduated from drug court during the 48-month reporting period for a graduation rate of 65.7% for all drug court types. The graduation rate was 67.7% for adult drug court (591 graduates), 56.2% for family drug court (45 graduates), and 54.1% for juvenile drug court (33 graduates). Montana drug court graduation rates have increased since the last report and 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 1,124 participants (excluding active cases) for whom court disposition status was reported, 98.4% were still participating one month after entering a Montana drug court, 88.2% of the cases were still active at six months after admission, and 60.3% 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 1,188 individuals admitted to Montana adult drug courts in 2014, 2015, and 2016, 378 participants (31.8%) were convicted of felonies and/or misdemeanors within the three-year period following their admission. Conversely, nearly 70% (68.2%) did not recidivate. Convictions included 162 felonies (13.6%) and 216 misdemeanors (18.2%). Drug court graduates had a much lower re-offense rate during the three-year period with 157 participants or 13.2% subsequently convicted of felonies and/or misdemeanors compared to 31.8% for all participants. Convictions for graduates included 55 felonies (4.6% of total admissions) and 102 misdemeanors (8.6% of total admissions).

- **Employment Status** Adult drug court graduates reported a 50.0% increase in fulltime employment from admission to graduation (188 employed full-time at admission compared to 282 employed full-time at discharge). Unemployment fell from 245 participants to 129 for an 47.3% 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.
- **Driver's License Acquisition** Among the 416 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 32.7% increase in those receiving a driver's license.
- **Prior Drug Treatment** Over half of those admitted to adult and family drug courts (59.3%) indicated that they had received some alcohol 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.
- **Prior Arrests** For adult drug court cases reporting admission data (1,447), participants had a total of 10,716 felony and misdemeanor arrests before entering drug court for an average of 7.4 arrests per person. Of these cases, there were 2,460 felony arrests and 8,256 misdemeanor arrests prior to admission for an average of 1.7 felony arrests and nearly 5.7 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, 229 participants or their spouses or significant others were pregnant while in drug court. Among those babies born during this period, 152 were born drug free (91.6%), and 14 (8.4%) were born drug affected. Babies who are born drug free avoid substantial and costly health problems.

The full report is available at: [2021drugcourt-report.pdf \(mt.gov\)](https://www.mt.gov/2021drugcourt-report.pdf)