
CHAPTER 4

Conclusion

Many states are struggling with how to integrate drug court systems.

Drug courts reflect local community desires to deal with substance abuse-driven criminal behavior in a manner different from the punitive methods found in traditional criminal justice programs. A federal funding initiative sparked their growth and expansion, often bypassing formal state participation. Now, with federal funding decreasing while the demand for services grows, Wyoming, like many other states, is struggling to make tough decisions about systems, governance structure, and funding.

Some Wyoming communities operate drug courts without state funds or oversight.

Drug courts represent a unique governmental mix of administrative and judicial processes. In Wyoming each court defines its own blend, resulting in so many differences among them that it is almost easier to describe those rather than their commonalities.

Although the state's interest in drug court outcomes is profound, not the least because it has invested more than \$24 million in them, in practice it is funding 23 individual and different local drug courts while requiring little oversight and accountability. In addition, under the current approach, several communities have volunteered to operate drug courts without state funding, potentially leading to a parallel system devoid of any state oversight of services or results.

The judiciary has significant interest in helping define and operate drug courts.

Solutions to Wyoming's quandary may prove particularly challenging since drug courts have been established within different court levels, but operate without approved judicial standards and procedures. A function that is called a court, headed by a judge, operated in - and much like - a standard courtroom, and defined in statute as a "sentencing option," seems to warrant at the very least, approved judicial rules and management policies. Yet at present, as one observer has commented, they seem to exist in an alternate judicial universe.

Statute creates a decentralized structure for drug courts in which the primary state control mechanisms are grant applications and

Statute requires a judge on local teams, but does not address the broad role of the judiciary.

awarding of funds, and the requirement that service providers be certified. Statute is silent as to the role of the judicial branch in this endeavor, other than specifying that a judge will preside over each local drug court. As to administration of a drug court “system,” statute sets up a cross-jurisdictional structure without clearly assigning responsibility and authority to administer the elements that involve the judicial branch.

In addition, although decisions to allocate resources should be based on demonstrated benefits, a drug court information system is only now, five years after enactment of HB 82 (2001), about to be implemented. Many persons we interviewed believe that that drug courts are effective, but without clear definitions of success and adequate statewide data, we can neither confirm nor refute this perception.

Other states have tended toward more centralized state-level administration of drug courts.

Wyoming is not the only state grappling with the issues presented in this study. Nationwide, states have confronted the question of how to impose some sort of broader state government structure onto a locally-driven, primarily state-funded effort. Other states’ solutions have been nearly as varied as the drug courts themselves, but most of them have tended toward creating clear and more centralized authority and oversight within the judicial or executive branches, and sometimes both, to manage the process.

Stakeholders agree a more stable and predictable drug courts system is needed.

Stakeholders indicate a desire for greater definition of the state’s involvement to create a more stable, predictable system. If the Legislature believes drug courts should continue and possibly expand, it needs to explore ways to institute reasonable standardization for drug courts. Without this kind of effort, it is not clear that Wyoming drug courts can be much more than a loose amalgamation of 23 or more locally-run activities that share two commonalities: name and major funding source.