



Wyoming Legislative Service Office

EXECUTIVE SUMMARY

Drug Courts

Program Evaluation Section

July 2006

Purpose

In January 2006, the Management Audit Committee directed staff to undertake a review of the operations and impacts of drug courts, as authorized in W.S. § 5-10-101 through 107. In Wyoming, drug court is not a separate or specific level of court within the judicial branch of government. Statute defines drug courts as a sentencing option that judges may impose on offenders to break the cycle of addiction and crimes related to drug and alcohol abuse. The goal is to assist offenders in becoming constructive and contributing members of society.

Background

Currently, 23 drug courts in 13 counties have state grant funding. Since 1997, a total of 1,644 offenders have entered Wyoming drug courts; 417 are currently enrolled and of the remainder, 606 or about half have successfully completed the process, or “graduated.”

From FY '01 through '08, the Legislature appropriated \$24.6 million to the Department of Health through its Substance Abuse Division (Division) to administer drug court grants to local communities. The Division's drug court coordinator recommends to the State Drug Court Panel (Panel) which grant applications to fund, and accounts for drug courts' spending of grant funds. The Panel makes final determinations on awards.

Drug courts, along with juvenile courts, are perhaps the most celebrated examples of the

therapeutic justice model in operation.

Historically, drug courts started in individual communities as local initiatives, funded by the federal government, in an attempt to deal with drug offenders and drug-related crime in ways different from the traditional, punitive criminal justice model.

The drug court model entails a qualified offender volunteering to undergo strict scrutiny of his or her life through regular drug court hearings, random alcohol and drug testing, intensive supervised probation, and substance abuse treatment. A judge leads the local team in managing the offender through the process; the team recommends to the judge immediate rewards and sanctions, depending on the offender's actions.

Results in Brief

Wyoming's drug courts currently function as 23 separate organizations, with unique structures, management practices, and operating policies and procedures. They independently define important aspects of their courts such as: admission criteria; the type (adults, juveniles, families, DUI) and level (felonies vs. misdemeanors) of offenders to treat; whether they emphasize jail-based, in-patient, or outpatient treatment; and whether they use state-paid judges and defense counsel or pay these professionals separately. Drug courts operate at the municipal, circuit, district, and juvenile court levels, and the employment status of local coordinators also varies from one court to another.

Drug courts are popular, and the widely-held perception is that they are effective in rehabilitating substance abusing offenders. However, due to strong structural and operational differences among drug courts, little data has been gathered that might support this view, such as long-term outcome data. Statute gives judges the option of participating or not, and does not further address the role of these significant stakeholders; within the executive branch, the Division and Panel provide minimal oversight of locally-run drug courts.

Principal Findings

For the Division, the complexity of administering a program involving the significant participation of two branches of government has proven difficult to manage. For example, an important factor in determining effectiveness is the collection and analysis of data. Division-required reports do not produce enough consistent and comparable information to evaluate drug courts' effectiveness. Also, although the Division has adopted four national outcome measures for drug courts, we found confusion at the local level as to the Division's intended use of the measures, as well as how these adult court-focused measures might impact juvenile drug courts.

Only recently, on July 1, 2006, did the Division get a new case management and data reporting system up and running. Consequently, to report on demographics and provide baseline statistics on the Division's adopted outcome measures, we needed to obtain basic data from each individual drug court that has admitted offenders.

The Division needs to continue to define performance and outcome measures meaningful to all state-funded drug courts, and develop reporting requirements for the data it requires. At the local level, we found support for altering the grant funding process by building drug court appropriations into the

Division's standard budget. However, we recommend the Legislature consider delaying such a decision until consistent and reliable data is available from the Division.

Acknowledging the disparate nature of local drug courts, the Division made early efforts to engage important stakeholders, especially the Judiciary, and devise state-level standards for drug courts. Those efforts have not been successful. In addition, unresolved legal, process, and administrative issues exist between the Judiciary, Division, and local courts on how to structure and carry out inter-agency and inter-branch administration.

It appears stakeholders need to step back and reassess how and where drug courts fit into the executive and judicial branches of state government. We recommend the Legislature consider authorizing a steering committee with broad state-level membership to review different administrative models for drug courts, and report recommendations for a comprehensive state administrative structure. If the Legislature wishes drug courts to continue and even grow in number and capacity, it needs to find a better balance between local "ownership" of drug courts and the state's duty to require reasonable standards that help ensure accountability.

Agency Comments

WDH agrees in part that the Division should continue to define performance and outcome measures and reporting requirements. It agrees in part that the Legislature should consider delaying a decision to alter the current grant funding process. It is neutral with regard to the recommendation that the Legislature authorize a steering committee to review different administrative models.

Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website at legisweb.state.wy.us