

**Program Summary
Judiciary
Drug Court**

Program Overview

Drug Courts are voluntary programs for offenders charged with or convicted of drug and drug-related crimes. An alternative to regular criminal adjudication, Drug Court teams typically consist of a judge, prosecutor, defense attorney, probation officer, and a treatment provider who collaborate to design appropriate treatment, counseling, and sanctions to reduce the offender's dependency on illegal drugs and their future chances of incarceration. Drug Courts have been in operation in Arizona since March 1992, with 36 operational programs

throughout 12 counties and 9 Native American tribal governments. *Table 1* lists the operational and planned drug courts in Arizona.

Eligibility for Drug Courts varies depending on the requirements and restrictions of the particular Superior Court in which the program operates. Defendants typically have a demonstrated drug addiction that has put them in contact with law enforcement and the judicial system. In most cases, the underlying offense must be of a non-violent, non-sexual nature, and the offender must not have

Table 1		
<u>Location</u>	<u>Operational Drug Courts</u>	<u>Implemented</u>
Bisbee	Cochise County Juvenile	Sept. 2000
Camp Verde	Yavapai County Adult	Jan. 2007
Camp Verde	Yavapai-Apache Tribal Adult DUI	March 2000
Flagstaff	Coconino County Adult DUI/Drug	Feb. 2001
Florence	Pinal County Juvenile	May 2006
Fort McDowell	Fort McDowell Yavapai Tribal Adult	April 2006
Fort McDowell	Fort McDowell Yavapai Tribal Juvenile	March 2005
Fredonia	Kaibab Band of Paiute Tribal Adult	Unavailable
Globe	Gila County Adult and Juvenile (2)	June 1999
Holbrook	Navajo County Adult	March 2006
Keams Canyon	Hopi Tribal Juvenile	Jan. 2001
Kingman/Lake Havasu City	Mohave County Juvenile	May 2007
Kykotsmovi	Hopi Tribal Juvenile	Jan. 2002
Peach Springs	Hualapai Tribal Combination (Adult/Juvenile)	Jan. 1998
Payson	Gila County Juvenile	Oct. 2004
Phoenix	Maricopa County Family	Sept. 2002
Phoenix	Maricopa County Adult DUI (3)	March 1998
Phoenix	Maricopa County Adult	April 1992
Prescott	Yavapai County Adult DUI/Drug	Sept. 2000
Prescott	Yavapai County Juvenile	May 1997
Prescott	Yavapai County Family	Feb. 1997
Sacaton	Gila River Tribal Juvenile	April 2000
Sanders/St. Johns	Apache County Juvenile	Nov. 2006
Safford	Graham County Juvenile	Aug. 2006
Scottsdale	Salt River Pima-Maricopa Tribal Juvenile (2)	Sept. 2005
Show Low	Navajo County Adult	Dec. 2006
Sierra Vista	Cochise County Adult	Jan. 2008
Supai	Havasupai Tribal (Adult/Family/Juvenile)	March 2001
Tucson	Pima County Juvenile	June 2004
Tucson	Pascua Yaqui Tribal Family	July 2002
Tucson	Pima County Family	Oct. 2000
Tucson	Pascua Yaqui Tribal Juvenile	July 1999
Tucson	Pascua Yaqui Tribal Adult	Aug. 1998
Tucson	Pima County Adult (2)	Jan. 1998
Yuma	Yuma County Juvenile	March 2001
Yuma	Yuma County Adult	March 1998
<u>Location</u>	<u>Planned Drug Courts</u>	
Fort McDowell	Fort McDowell Yavapai Tribal Family	
Keams Canyon	Hopi Tribal Family	
Florence	Pinal County Juvenile	
Parker	La Paz County Juvenile	
Sells	Tohono O'odham Tribal Family	
Sells	Tohono O'odham Tribal Juvenile	

committed a prior violent or sexual offense.

The process for each Drug Court also varies, although most follow a post-adjudication procedure in which offenders enter the program after pleading guilty. Individuals, now on probation, then are given opportunities to utilize drug treatment services, such as counseling and education. Offenders also must abide by certain rules, such as abstaining from drugs and alcohol and obeying any other prohibitions ordered by the judge. If an offender successfully completes the program, often the conviction is reduced from a felony to a misdemeanor. Terms of probation, which originally may have continued past the completion point of the Drug Court program, are then often suspended.

In a few cases, Drug Courts are pre-adjudication programs. In these instances, the offender enters a guilty plea, but the court suspends judgment until the offender successfully completes treatment, at which point charges are dismissed. If the offender drops out or is removed from the program, the court can convict on the original charge.

Although there is a basic Drug Court model, programs in a particular county or tribal government have their own characteristics and modifications. The most common forms are adult and juvenile Drug Courts, although some jurisdictions have implemented family Drug Court and DUI/Drug Court programs.

According to a 2007 survey conducted by American University, Arizona ranked 17th for the total number of operational Drug Courts in the United States – 1 higher than in a 2006 survey. Among 11 western states, Arizona ranked 5th behind California (161), Washington (42), New Mexico (38) and Idaho (36).

Program Funding

Federal sources often provide most of the monies for Drug Courts, especially during the planning and initial implementation phases. The U.S. Department of Justice distributes monies for up to 3 years, after which jurisdictions must either fund the programs or find alternative funding sources. Some Arizona jurisdictions are currently using federal seed monies to plan, implement, or enhance their programs, and others that have already used their allotments of federal monies have found new funding elsewhere.

The FY 2007 budget contained the first dedicated state funding for Drug Courts. Laws 2005, Chapter 296 appropriated \$1 million from the General Fund in FY 2007 for Drug Court Programs. The FY 2008 and FY 2009 budgets continued this funding. Of this ongoing funding, \$589,600 has been allocated to 6

counties for adult Drug Court programs: Maricopa (\$73,000), Yuma (\$125,900), Pima (\$211,400), Navajo (\$87,300), Coconino (\$31,100), and Yavapai (\$60,900). An additional \$18,600 was retained for use in an Adult Drug Court Evaluation Study. The remaining \$405,400 was allocated to 9 counties for juvenile Drug Courts: Apache (\$56,900), Cochise (\$71,300), Graham (\$10,000), Gila (\$18,500), Maricopa (\$29,900), Pima (\$112,600), Pinal (\$24,500), Yavapai (\$39,300), and Yuma (\$42,400).

Only 2 Arizona Drug Courts (the juvenile Drug Courts in Pima and Pinal Counties) have stopped operation after becoming operational. The Pinal County drug court was discontinued in 2003 because of a lack of funding. The reason behind the Pima County court's closure in 2001 was not available.

Costs will differ throughout the state for each Drug Court, based on staffing levels, caseloads, and types of treatment offered. According to the Arizona Office of the Courts (AOC), in FY 2008, adult Drug Courts served 1,241 adults at a cost of \$490 in appropriated funding per participant. FY 2008 costs for juvenile Drug Courts were estimated at \$565 in appropriated spending per participant and 717 youth were served. The average total participant cost for adult and youth, including all treatment, grant funding, and county costs, was not available.

AOC reports that new sources of funding include the Drug Treatment and Education Fund, Drug Court participant fees, county funds, the DUI Abatement Fund, and Fill the Gap monies.

Recent Programmatic Changes

Most of the state's Drug Courts were created in the late 1990s to 2001. However, the most recent additions were the Cochise County Adult court, which began in January 2008; the Mohave County Juvenile court, which began in May 2007; the Yavapai County Adult court, which began in January 2007; the Navajo County Adult court, in December 2006; the Apache County Juvenile court, in November 2006; and the Graham County Juvenile court, in August 2006.

Performance Measures

Drug Courts often determine performance levels through a few primary measures, such as numbers of offenders processed, graduation rates, re-arrest rates, and cost-savings measures. These performance measures, however, are frequently collected only at a county level and are not always comprehensively aggregated. AOC reports that 13,642 offenders statewide had been enrolled in adult, juvenile, and family Drug/DUI Court programs through December 2006. Of those participants, 30% have graduated,

successfully completing program requirements, with the remainder still enrolled, dropping out, or removed from the program. This graduation rate is a decrease of 3.1% from the previous year's adult graduation rate. Specific juvenile Drug Court graduation rates were not available.

No statewide information regarding recidivism rates of Drug Court graduates was available, but a few individual courts report data. A Pima County Superior Court study found that 24% of adult Drug Court program graduates had been re-arrested since 1999, compared to 61% of those who failed the program and 65% of those not placed in the program. Yuma County's Adult Drug Court showed a 14% re-arrest rate, according to AOC.

The AOC has been collecting re-arrest data from counties receiving state funding, but no comprehensive data was available. However, a mid-year report for FY 2007 indicated that 105 people had been convicted of a new charge while participating in Drug Court, with another 547 participants progressing satisfactorily through programs, for a preliminary reconviction rate of 16.1%. A 2006 National Institute of Justice report showed a 9.4% one-year felony re-arrest rate of drug court graduates, compared to a 41.1% arrest rate for non-graduates. The study was composed of a sample of 2,357 Drug Court graduates nationwide.

Similar data was unavailable for other drug treatment programs, such as those offenders may be required to undergo as terms of probation.

AOC also did a cost comparison of 848 adult drug or DUI offenders who were sent to prison in FY 2004 after their probation was revoked. Given that prison costs are generally higher than those incurred by an offender on diversion, AOC estimates a cost savings by diverting these offenders into Drug Court.

The AOC study, however, is limited because it implies that all Drug Court participants would be sent to prison rather than placed on probation, which would cost less than incarceration. The study also assumes 100% success, not taking into account any Drug Court participants who fail and are sent to prison, again driving up costs. Also, any cost savings estimate will depend on whether diverting an inmate from prison results in fewer prison beds being operated.

Table 2 lists possible performance measures that would be helpful in measuring the effectiveness of the Drug Court program.

Drug Courts Performance Measures				
<u>Performance Measure</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
	<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Estimate</u>
Percent of program participants graduating	33.1	30.0	33.1	22.3
Percent of program participants re-arrested since 1999 (Pima County)	24.0	NA	NA	NA
Percent of participants convicted of new charge while in program	NA	NA	16.1 ^{1/}	NA

^{1/} This number is based on an AOC mid-year estimate. Actual numbers are currently unavailable for the performance measure.