



Drug Courts and Mental Health Courts 2007

Report to Governor Butch Otter and the Second Regular Session of the 59th Idaho Legislature

Drug and Mental Health Courts Expand in 2007

Idaho's first two drug courts were established at the end of 1998. After nine years of operation, Idaho now has 52 drug and mental health courts. Legislative support in 2007 provided funding to extend felony drug courts by an additional 275 offenders at any given time and to pilot test a juvenile mental health court in District 7. These additions brought the courts' ability to respond to community needs across the state to a new level and supported new courts in Blaine, Lemhi, Bingham, Nez Perce, Franklin, Madison, and Ada Counties.

Number Served Increases

Throughout the past fiscal year, drug courts and mental health courts supervised a total of 1,817 offenders, including those who were under supervision at the start of the year plus new participants who entered a drug court or mental health court during the year. All adult drug courts supervised 1264 participants, mental health courts supervised 323 participants and juvenile drug courts supervised 230 participants. Collectively, mental health courts and adult and juvenile drug courts supervised an average of 966 offenders each month.

Prison Related Impacts Are Significant

1,103 of the adult offenders supervised by drug and mental health courts were charged with *felony* offenses and faced a potential prison sentence if not supervised in the community through drug court or mental health court. Of these felony defendants, 928 (84%) either remained in drug court or mental health court at the end of the year, or successfully met all requirements and graduated. This represents a significant number of offenders who were managed in the community rather than being sentenced to prison and provided real cost savings to Idaho taxpayers.

Evaluation Results Demonstrate Effectiveness

During 2007, two important Idaho drug court evaluations were completed.

➤ Adult Felony Drug Court Outcomes

Idaho felony drug courts were examined to determine their impact on recidivism. Recidivism was defined as any court filing for a significant new offense for which the offender was found guilty. This evaluation augments the preliminary outcome evaluation carried out in 2003, which looked at recidivism rates, based on all new arrests, for the two oldest drug courts, located in Ada and Kootenai Counties. In 2007, Dr. Shelley Johnson Listwan of Kent State University, and Dr. Edward Latessa of the University of Cincinnati reviewed data from ten felony drug courts across the state. This evaluation showed that collectively *these Idaho felony drug courts achieved statistically significant reductions in recidivism* for participating offenders compared to a matched comparison group who received traditional criminal justice system management, including probation and in some cases, prison. The evaluation period covered drug court and comparison cases beginning as early as July 2002 and followed them through June 2006. The chart below shows the relative outcomes for all participants, graduates, non-graduates and the comparison group

Adult Felony Outcome by Number of Individuals and percentage Rate of Recidivism

	All Drug Court	Drug Court Graduates	Comparison Group
<u>Overall Population in Study</u>	702	290	691
<u>New Offenses (recidivism)</u>	203 (29.5%)	56 (19%)	237 (37.3%)

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In addition to criminal recidivism data, measured by court filings for significant new offenses for which the offender was found guilty, impressive changes were seen in abstinence from drugs or significantly reduced drug use, employment, housing stability, health indicators and family relationships among these drug court participants. Idaho drug court teams will meet in January 2008 to plan ways to strengthen the courts, based on the findings of this evaluation.

➤ DUI Courts Impact Review Completed

In order to provide an effective alternative to incarceration, two new courts were added to the ten existing courts that manage DUI offenders. These offenders clearly demonstrate the potential to continue with other criminal behaviors and to commit felony offenses. Driving under the Influence comprises a significant proportion of Idaho misdemeanor offenses and annually results in loss of life and substantial property damage. To explore the effectiveness of DUI courts as a sentencing alternative for this population, an evaluation of four DUI courts was completed in 2007. The results demonstrate that participation in a DUI court significantly reduces the likelihood of recidivism, when participants are compared with a similar group who were eligible but who did not participate in the DUI court. The chart below shows comparative recidivism rates, over a 4½ year time-frame (from January 2002 – June 2006).

DUI Court Outcome by Number of Individuals and percentage Rate of Recidivism

	All DUI Court	DUI Court Graduates	Comparison Group
Overall Population in Study	216	164	200
New Offenses (recidivism)	50 (23%)	29 (18%)	74 (37%)

Additionally, 77% of these DUI court participants successfully completed the courts' requirements and graduated while the comparison group was more likely to commit multiple offenses, and at a faster rate than the DUI court group.

Mental Health Courts Building on Early Success

Idaho has become a model for development of mental health courts across the country, particularly for other rural jurisdictions. Idaho mental health courts demonstrate the effectiveness of connecting Assertive Community Treatment, a long standing evidence-based treatment for severe and persistent mental illness, with effective probation supervision and continuing judicial involvement. Based on this success, the Bonneville County Mental Health Court was selected as one of five *national learning sites*, through the Council of State Governments and U.S. Department of Justice. As an additional acknowledgement, Judge Michael McLaughlin was awarded the 2007 Granata Award for Excellence in Judicial Administration for his leadership, including his work in establishing and presiding over the Fourth District mental health court.

Mentally ill offenders frequently experience a worsening of the symptoms of their mental illness when incarcerated. Whether in jail or prison, they represent a major liability and significantly greater management costs to counties or to the state. Repeat psychiatric hospitalizations are a very costly form of treatment. To address these concerns, mental health courts are operating in all seven Judicial Districts at the end of 2007. Mental health court capacity has grown from 50 participants at the start of 2005 to a combined capacity of 225 offenders in 2007. It is anticipated that these courts will achieve the cost savings found in the 7th District Mental Health Court where participants reduced their jail days by 84% and their psychiatric hospital days by 98%, compared with the year before entering mental health court.

Judge Michael Kennedy Presides Over Pilot Juvenile Mental Health Court

In the summer of 2007 the 7th Judicial District began operation of a pilot project to extend the mental health court model to up to thirty juveniles with significant mental health problems. For the juvenile mental health court in Idaho the treatment model is based on delivery of comprehensive "wraparound" services which engage the family as a primary element of the plan of treatment. "Wraparound service" is also an evidence-based practice with research and evaluations demonstrating of its effectiveness. It provides the kind of holistic treatment that shows great promise for strengthening family functioning as well as achieving individual behavior change. It is expected that the District 7 Juvenile Mental Health Court will have a positive impact on reducing institutionalization, both in juvenile correctional and psychiatric facilities.

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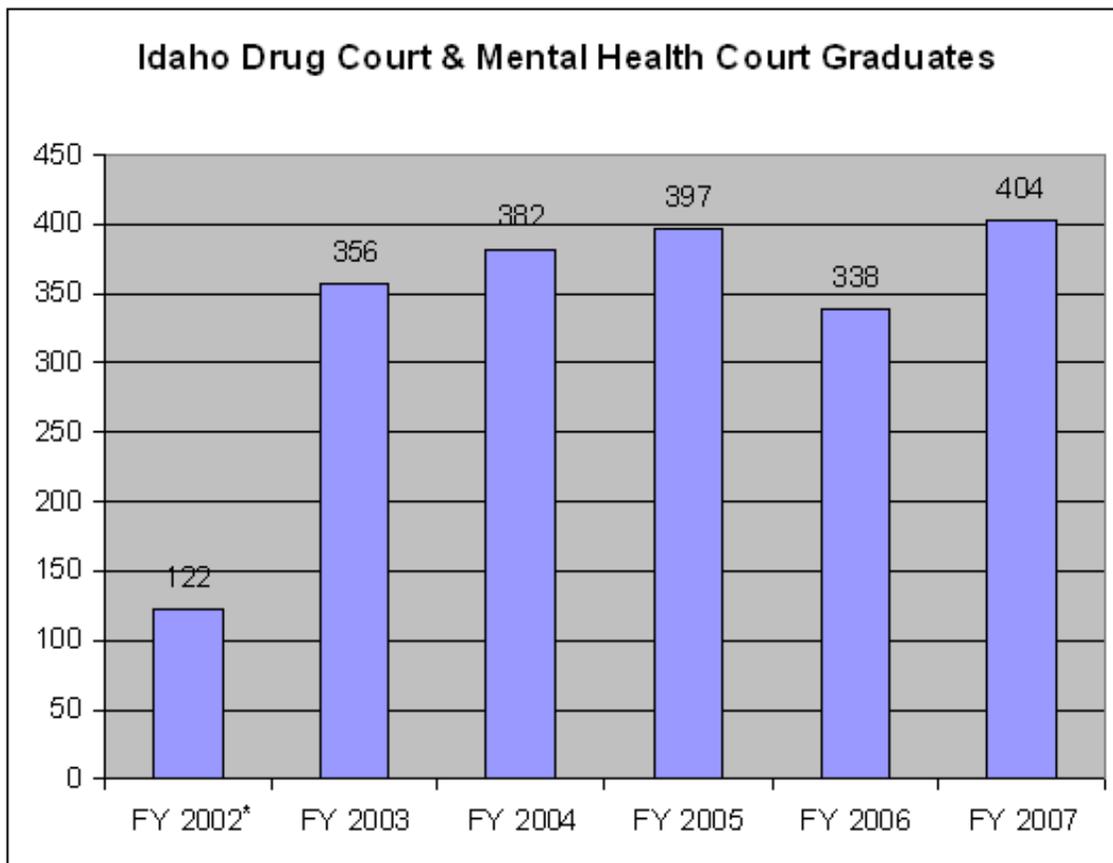
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22 Drug-Free Babies Born in 2007

It often seems that children bear a disproportionate impact of Idaho's methamphetamine epidemic, including drug-affected births, injuries, serious neglect, and outright abuse. **Drug courts offer a meaningful alternative.** Drug courts began compiling statewide data on births to their female offenders in July 2003. Since that time a total of 121 drug-free babies were born to women participating in drug court with 22 babies born during 2007. These mothers curtailed or eliminated drug use during a substantial period of their pregnancy and were able to properly care for their baby after its birth. By any evaluation measure, these drug-free births add up to major savings for Idahoans.

Other Outcomes Document Effectiveness

There were **404 graduates in FY07** from Idaho drug and mental health courts.. **An overall total of 1,999** offenders have graduated from drug and mental health courts since they were established in 1998. The accompanying chart tracks the rates of graduation over the years of drug courts. Each graduate represents a significant reduction in the likelihood of future crime and a clear increase in productive citizenship. For example, data collected in the Ada County Drug Court demonstrates one economic impact of successful drug court participation. Of the Ada County Drug Court graduates, only 43% were employed when they began drug court. However, 96% were employed at the time of their graduation. The graduates demonstrated an overall average wage increase of \$ 6.15 per hour or \$12,792 per year.



* Includes all graduates prior to 2002

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Families and Meth — Breaking the Cycle of Addiction

Idaho continues to demonstrate successful Child Protection Drug Courts. Using the drug court model, Bonneville County began operating a Child Protection Drug Court over four years ago. This court manages and treats drug-addicted parents who have a child abuse or neglect case and need enhanced services and support to successfully reunify the family. This court supervised 31 parents in 2007, with five of these parents completing all court requirements. During 2006 Nez Perce County also began a Child Protection Drug Court. In October 2007 Idaho received a grant of one million dollars per year to establish two more Child Protection Drug Courts. Bannock County and one other county will implement and evaluate a child protection drug court which will integrate a comprehensive gender-specific treatment approach, serving both the parent(s) and the children.

Forging Effective Partnerships

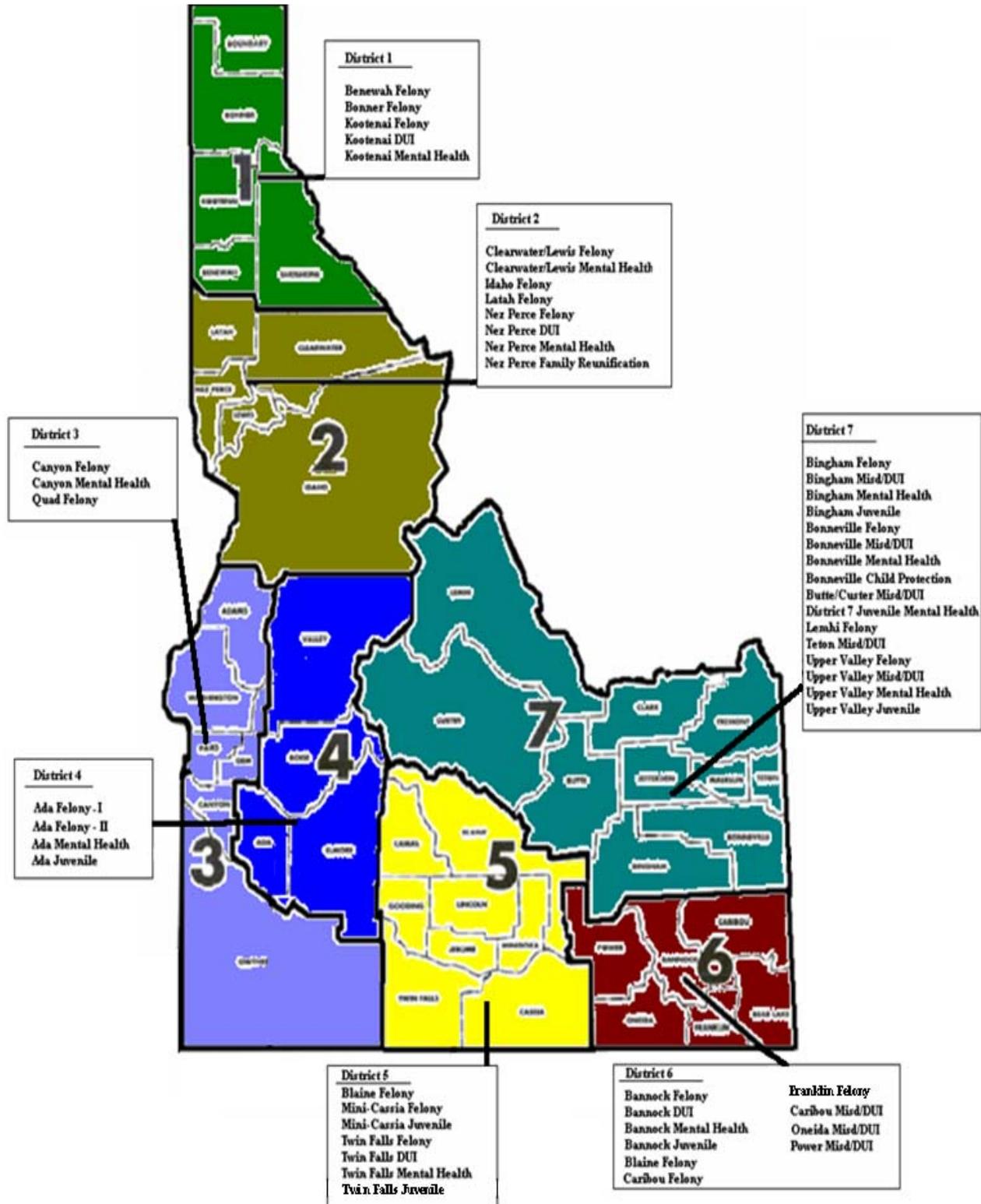
Drug courts and mental health courts are only as strong as the foundation of partnerships upon which they are built.

- ✎ Many **county probation departments** across the state provided critically important support including offender supervision and drug court coordination services to the adult misdemeanor drug courts and to the juvenile drug courts.
- ✎ Despite growing state probation caseloads, the **Idaho Department of Correction** expanded its support for drug courts and mental health courts to assure close community monitoring and accountability of participating offenders. In addition, department staff joined with other drug court team members in training events and worked to assure the accuracy of the criminogenic risk assessments by which drug court and mental health court participation is determined.
- ✎ The **Idaho Department of Health and Welfare Substance Abuse Program** dedicated countless hours to managing treatment services, expanding recovery support services, obtaining grant support to expand family drug courts, implementing a statewide uniform substance abuse assessment and implementing better services for participants with co-occurring substance use and mental disorders as well as supporting professional training and other treatment improvement efforts.
- ✎ The **State Mental Health Program** provided extensive support in the implementation, and staff training of the mental health courts and in establishing the new Juvenile Mental Health Court.
- ✎ The Department's **Regional Mental Health Centers** undertook the development and delivery of treatment to mental health court offenders. Essential support to mental health court participants in their efforts to become productive members of the community was provided by the Department of Vocational Rehabilitation as well as by many members across the state of the National Alliance on Mental Illness.
- ✎ Finally, no drug or mental health court could operate, much less succeed, without the committed partnership of the many **community-based treatment agencies**. Their willingness to come together with other professionals in a team effort is an essential ingredient for any drug or mental health court.

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Trial Judges are Willing to Expand Courts to Meet the Need

All Idaho judicial districts are willing to expand drug courts and mental health courts to meet the needs in their communities, including additional courts to serve more of the mentally ill, more drinking drivers, and more drug dependent families who are unable to properly care for their children. While the 2007 increase in felony drug court capacity provided the ability to serve many more felony offenders, many misdemeanor / DUI offenders remain significantly underserved and without access, in many cases, to the drug court opportunity. Many individuals who could be safely and accountably managed in the community remain incarcerated in County jails for lack of treatment access and adequate community supervision.

Idaho drug courts and mental health courts remain a positive and cost-effective sentencing alternative, an effort of which all three branches of government, Idaho policymakers, and citizens can be proud. Idaho has achieved growing national recognition for its drug and mental health court leadership. In the face of increasingly complex and growing caseloads, drug and mental health court judges have stepped forward with commitment and compassion. They stand ready to move ahead as additional resources and new tools are available.

National Evidence on Effectiveness Document by GAO

In February 2005, the U.S. Government Accountability Office (GAO) published an extensive review of drug court research, which concluded that most adult drug court programs evidenced:

- Lower re-arrest and conviction rates for drug court participants than comparison group members.
- Fewer recidivism events for drug court participants than comparison group members.
- Recidivism reductions for participants who had committed various categories of offenses.
- Recidivism reductions that were maintained for substantial intervals of time after the participants had completed the drug court program.
- Positive cost/benefit/ratio for the drug court participants.

In 2007 a national evaluation was conducted of family (child protection) drug courts. This evaluation of four family drug courts across the country demonstrated the effectiveness of the family drug court model and identified elements leading to successful outcomes. With a new federal grant, Idaho will add two such child protection drug courts and create a stronger partnership between Idaho's judiciary and child welfare services in the state in order to reunify families and reach permanent planning for children as quickly as possible.

Contact

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