

## Development & History

### Development of Idaho's Drug Courts

The United States drug court movement is young. It began in Miami Florida, with the Dade County Drug Court, in 1989. This burgeoning movement first developed in response to the growing number of drug cases overcrowding America's criminal court calendars. The drug court offers mostly drug offenders the choice of participating in an intensive court-monitored treatment program as an alternative to the usual court adjudication process.

Drug court treatment includes several days during each week of participation in group and individual counseling, educational sessions, attendance at self-help support groups such as Alcoholics or Narcotics Anonymous, reading and writing assignments, community service, drug-use testing, and regular appearances in front of the drug court judge. Failure to adhere to the treatment requirements and expectations results in the assessment of sanctions including additional educational assignments, work details, community service, and even jail time. Participants move from more to less intensive phases of treatment during their drug court participation. Graduation comes when the participant has lived alcohol / drug and crime-free for a significant period of time and has reestablished a productive and contributing lifestyle.

According to James Nolan, author of *Reinventing Justice*, the "innovative adjudication model draws heavily on the American therapeutic idiom to give direction and meaning to its philosophy, forms and procedures" (Nolan, 1998). The model has received almost uniformly positive media coverage and overwhelming public support at both the national and local levels. Judges celebrate the drug court as an exciting movement, a new way of justice, even revolution in American jurisprudence. (Nolan, 2001.)

### History of Idaho Drug & Problem Solving Courts

To address the growing court dockets of drug related cases, and to slow, or stop, the revolving door of drug dependent defendants entering Idaho courts, the Idaho Judiciary made expansion of drug courts its number one priority, in the 2000 legislative session. Concurrently, the Governor, faced with requests from the Idaho Department of Correction for major funding for new prison construction, developed a programmatic and budget package to carry out a major statewide substance abuse treatment initiative. This initiative included funds to expand treatment for drug court participants. Against this backdrop of converging public policy from the executive and judicial branches, the 56th Idaho Legislature took historic action and enacted Senate Bills 1171, 1257, and 1267, a coordinated set of bills enabling both parallel and integrated activity by the Supreme Court, the Department of Correction, and the Department of Health and Welfare. Senate Bill 1171 established a statutory framework for the expansion of drug courts to all judicial districts and addressed eligibility, evaluation, implementation, funding, and participant fees. Senate Bill 1257 provided \$576,000 to the Department of Health and Welfare to support the treatment needs of the drug courts while Senate Bill 1267 appropriated \$991,000 to address critical operating expenses of drug courts. Through this carefully orchestrated action, all three branches of government articulated a common vision and initiated a strategic investment clearly designed to reduce the devastating and degrading impact of drugs on individuals, families, and communities, across Idaho.

This funding became available July 1, 2001 and by December 31, 2001 there were 17 drug courts in operation. 11 more drug courts began operating between January 1, 2002 and March 31, 2002. Two additional drug courts began operations during fiscal year 2003, and two more began in FY2004. As of December 31, 2003, 32 drug courts were in operation serving all judicial districts in the state. In addition, following the drug court model, two mental health courts and one child protection/parent drug court have been established.

### Idaho's Early Drug Courts

Drug Courts began in Idaho in September 1998, starting with the Kootenai County Drug Court under Judges James Judd and Eugene Marano followed soon, thereafter, by the Ada County Drug Court, under Judge Daniel Eismann, in March 1999. These two early drug courts established solid operational foundations and demonstrated successful retention of clients in treatment and achievement of several positive outcomes. The Phase I Idaho Drug Court Evaluation, discussed in a separate section, provides further detail on the evaluation of these two early Idaho drug courts. Other Judicial Districts also began drug courts prior to the passage of SB 1171. In 2000, drug courts began in Bonneville, Bannock, Jefferson, Fremont, Madison, Power, Teton, and Twin Falls Counties. Just before the new law began, Bingham County started two drug courts, in early 2001. The early Idaho drug courts, through the vision and personal commitment of their judges, the collective efforts of their teams, including prosecutors, public defenders, treatment providers, and drug court coordinators, and the funding acumen of their trial court administrators, built a solid foundation of operational success and public support, paving the way to statewide drug court development and the passage of the Idaho Drug Court Act.

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