



# MINNESOTA JUDICIAL BRANCH

FIFTH JUDICIAL DISTRICT

## PROBLEM SOLVING COURTS ADULT/JUVENILE/FAMILY & MULTI-COUNTY PROGRAMS

- ◆ **THE PREMISE OF DRUG COURT IS THAT MANY FELONY OFFENDERS, GIVEN A FAIR CHANCE, CAN MAKE POSITIVE CHANGES IN THEIR LIVES, AVOID PRISON AND STAY AWAY FROM DRUGS AND CRIME IN THE FUTURE.**
  
- ◆ **IT COSTS ABOUT \$7,500 A YEAR TO PROVIDE TREATMENT AND OTHER ALTERNATIVES THROUGH DRUG COURT FOR THE AVERAGE FELONY DRUG OFFENDERS VERSES APPROXIMATELY \$30,000 TO INCARCERATE AN OFFENDER IN STATE PRISON.**
  
- ◆ **ADDICTS ARE MOST VULNERABLE TO SUCCESSFUL INTERVENTION DURING THE CRISIS OF INITIAL ARREST AND INCARCERATION. THEREFORE, INTERVENTION MUST BE IMMEDIATE AND UP-FRONT.**
  
- ◆ **ADDICTION TO DRUGS SELDOM EXISTS IN ISOLATION FROM OTHER PROBLEMS THAT UNDERMINE REHABILITATION**
  
- ◆ **ADDICTION TO DRUGS IS A LONGSTANDING AND INSIDIOUS CONDITION, SO TREATMENT MUST BE LONG TERM AND COMPREHENSIVE**

Background: Drug Courts are a relatively new phenomenon in the state of Minnesota. The first adult drug court was developed in Hennepin County. Several other counties followed suit and have expanded into other problem solving arenas including DWI and mental health courts. By the end of 2007 there were 31 operational drug courts in the state. Nationwide, as of December 31, 2005, there were 1,753 operational drug courts in all 50 states and U.S. territories.

The Minnesota Judicial Branch through the State Court Administrator's Office (SCAO) is interested in expanding drug courts statewide in an efficient and cost effective manner. The 2006 Minnesota legislature appropriated \$200,000 for the development of a multi-county drug court pilot project. Two pilot projects, both in the Fifth Judicial District received the entire grant award to develop and test two different multi-county models. In 2007, they were one of only ten programs nationwide to be awarded a two-year \$350,000 federal Bureau of Justice Assistance grant. In addition to the multi-county pilot projects, the Fifth District also has a juvenile drug court in Brown County. Blue Earth County started an adult drug court in 2004 and planning is underway for a family dependency treatment court which will focus on family CHIPS cases. As of 3/25/08, there were 88 adults in the Fifth Judicial District participating in drug court, several cases pending approval and 22 drug court graduates.

### What is a drug court?

Drug court is a nationally recognized program that offers judge-supervised alternatives to jail or prison for many felony level offenders. It is a non-traditional approach to defendants who are substance abusers. Rather than focusing only on the crime and punishment, drug courts attempt to address the underlying conditions which lead to criminal behavior such as addiction, lack of job skills and thinking errors. The goal is to keep offenders sober by providing long term treatment and directing them to education, employment and other options that may keep them from re-offending. Drug Courts recognize:

- ◆ Drug Court expedites drug cases and provides early intervention—a crucial factor in reducing relapse into drug use
- ◆ Treatment must include other available resources such as educational and vocational assessments along with job training and placement.
- ◆ Relapse and intermittent advancement are part of the recovery process, so a continuum of progressive sanctions and incentives are integral to the drug court treatment program.

Drug court programs are designed to fit the unique characteristics and needs of their jurisdictions, but generally involve quickly identifying substance abusing offenders and placing them under strict court monitoring and community supervision coupled with effective, long-term treatment services.

Drug court structures treatment intervention around the authority and personal involvement of a drug court judge. The judge is part of a dedicated team consisting of a program coordinator, probation agent, prosecutor, defense attorney, treatment provider, and law enforcement who work together to provide a coordinated strategy to govern program responses to participants' compliance.

## DO DRUG COURTS WORK?

- ◆ IN FEBRUARY 2005 THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE (GAO) PUBLISHED AN EXTENSIVE REVIEW OF DRUG COURT RESEARCH, CONCLUDING THAT MOST ADULT DRUG COURT PROGRAM PARTICIPANTS DEMONSTRATE LOWER RECIDIVISM, RE-ARREST, AND CONVICTION RATES THAN COMPARISON GROUP MEMBERS.
- ◆ IN 2003, THE NATIONAL INSTITUTE OF JUSTICE (NIJ) RELEASED A STUDY OF 2,000 DRUG COURT GRADUATES NATIONWIDE, SHOWING THAT ONE YEAR AFTER GRADUATION FEWER THAN 17% HAD BEEN RE-ARRESTED AND CHARGED WITH A FELONY OFFENSE.
- ◆ A 2003 NEW YORK STATE COURT SYSTEM REPORT ESTIMATED A SAVINGS OF \$254 MILLION IN INCARCERATION COSTS BY DIVERTING 18,000 NON-VIOLENT DRUG OFFENDERS INTO DRUG COURT.
- ◆ THE JUDICIAL COUNCIL OF CALIFORNIA AND THE CALIFORNIA DEPARTMENT OF ALCOHOL & DRUG PROGRAMS ESTIMATED IN 2002 THAT DRUG COURTS SAVE THE STATE \$18 MILLION PER YEAR.

## What is the purpose of drug court?

- ◆ Improve public safety by reducing recidivism
- ◆ Reduce costs associated with criminal case processing and re-arrest
- ◆ Reduce jail and prison overcrowding
- ◆ Introduce participants to an ongoing process of recovery designed to achieve total abstinence
- ◆ Promote self-sufficiency and empower substance abusers to become productive and responsible members of the community, and;
- ◆ Reunify families and protect children

## What is a multi-county drug court?

A multi-county drug court is where at least two counties come together to share resources and staff to develop a drug court program that can serve at least 25 participants. In many smaller counties in rural Minnesota, there are not enough eligible offenders to make a single county program viable, cost efficient or sustainable. While there are several models operating around the nation, the two multi-county drug court projects being piloted in the 5<sup>th</sup> Judicial District are:

Faribault, Martin and Jackson counties - Single location, multi county drug court. In this example, there is one central location for the drug court (Martin County). There is a single team that represents all three counties and all of the participants travel to court. There is consistent eligibility criteria adopted by all counties.

Brown, Nicollet and Watonwan counties - Partial traveling criminal justice group. In this model the judge, coordinator, probation agent and public defender will travel to the three counties to conduct staffings and court hearings. There will be individual teams in each county and there may be different eligibility criteria as well as differences in the target population.

## Who are the drug court clients?

Typically, non-violent felony level offenders - men and women - who are identified as being chemically dependent and facing prison time. They usually have had at least one prior treatment attempt and are oftentimes poly-substance abusers. In the 5<sup>th</sup> Judicial District it is estimated that about 50% of the drug court participants are methamphetamine addicts. They are generally between the ages of 18-35 and many have dependent children.

## Are drug courts soft on crime?

Drug court programs are typically 18-24 months long and have step-down phases. Initially, defendants often must make weekly appearances before a Drug Court judge, who closely supervises them and knows who is doing well and who isn't. In addition they are receiving intensive treatment services; subject to enhanced supervision from a probation agent, unannounced home visits from law enforcement and frequent drug testing. Former participants have said it was the structure of the program and the intensity of the supervision that kept them clean and sober. Participants are given incentives and rewards when they do well but receive swift and certain consequences, including jail time when they have not followed the conditions of the program.

## What are the incentives and sanctions?

The primary incentive for most defendants to enter drug court is to avoid prison time, and many will admit that they did not want to stop using drugs when they were in the early stages of the drug court program. The court rewards the positive behavior of each participant. Some times it's a handshake or an acknowledgement by the judge to the rest of the court room that this person has done well. They are also given tangible rewards, such as a reduction in their monthly program participation fee.

## For more information on Drug Courts Contact:

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