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Michael *Swank*
Program Evaluator

Jim *Reuss*
Associate Program Evaluator

Karla *Smith*
Associate Program Evaluator



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

Recommendation Locator

Finding Number	Page Number	Recommendation Summary	Party Addressed	Agency Response
1	19	The Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires.	WDH SAD	Partially Agree
2	22	The Legislature should consider delaying a decision to alter the current grant funding process during the '07 – '08 biennium.	Legislature	Partially Agree
3	37	The Legislature should consider authorizing a steering committee to review different administrative models, and report recommendations for a comprehensive state administrative structure.	Legislature	Neutral

INTRODUCTION

Scope and Acknowledgements

Scope

W.S. 28-8-107(b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

In January 2006, the Management Audit Committee directed staff to undertake a review of drug court operations in Wyoming. The Committee requested an analysis of the program's costs, operations, and outcomes. This study focuses on the state's administrative structures and role in the management and oversight of locally-created drug courts. It addresses the following questions:

- Who runs drug courts and how do they work? How many offenders have graduated from drug courts, and at what cost? What are the similarities and differences among the local courts?
- How effective have drug courts been in achieving five goals listed in statute? Are the courts effective both individually and collectively?
- Does data collected at the state level support assertions that drug court participants have positive outcomes?
- How do the executive and judicial branches of government collaborate to ensure that legislative goals are achieved?
- How are standards set, and who makes policy for drug courts?

Acknowledgements

The Legislative Service Office expresses appreciation to the staff at the Wyoming Department of Health, the Department of Corrections, the Department of Family Services, the Public Defender's Office, the Office of the Attorney General, and the many local judges, drug court coordinators, and team members who assisted in this research. We also gratefully acknowledge the cooperation and material assistance provided by local drug court coordinators, the Substance Abuse Division, the Department of Corrections, the Division of Criminal Investigation, and the Wyoming Supreme Court.

CHAPTER 1

Background

What is a drug court?

Drug courts, along with juvenile courts, are perhaps the most celebrated and publicly visible examples of the therapeutic justice model in operation. A drug court is not a specific level of court within the judicial branch of government. Rather, it is a process through which a wide array of state and local government resources can be focused on a criminal offender whose primary behavioral problem is substance abuse.

Drug courts involve collaboration between criminal justice and treatment service professionals.

Collaborative in nature, drug courts are cross-jurisdictional, involving efforts of many individuals in the criminal justice and treatment professions. Working together, professionals guide an offender through evaluation, structured therapy, skills development, intense supervision, and monitoring within a courtroom setting. The goal is to rehabilitate the offender (see Figure 1.1 on the next page for description of a model drug court process).

Drug courts are locally formed and run.

In Wyoming, creation of a drug court is a local option and participation is voluntary for judges. Drug courts have been established within municipal, circuit, district, and tribal courts. As of March 31, 2006, 23 drug courts in 13 counties and the Wind River Indian Reservation had been awarded state grants. At that time, 21 were actively admitting offenders while two had not yet started to admit offenders.

About 400 offenders now participate in drug courts.

Most drug courts are set up to handle adults, although a few specialize in handling juvenile or family cases. Since the first Wyoming drug court was established in Uinta County in FY '98, 1,644 offenders have been admitted; on March 31, 2006, 417 offenders were actively participating. Participation is also voluntary for offenders, although they must meet locally established qualifications for admittance.

Model drug court components and process	
<p>Who manages and operates a drug court?</p> <p>Drug courts are labor-intensive, requiring members of the local management committee to devote their time and expertise to the supervision and therapies aimed at individual offenders. Adherence to the non-adversarial, team concept for the following local team members suggests a successful drug court will emerge:</p> <ul style="list-style-type: none"> • Judges are the central authority figures in the process. They oversee an individual offender's progress throughout treatment in regularly scheduled hearings, and impose incentives and sanctions with the advice and recommendations of the team to assist offenders in rehabilitation. • The drug court coordinator is selected by the team and is responsible for day-to-day administration and oversight. • Probation/supervision services provide data on offenders that informs court decisions regarding incentives (rewards) and sanctions (punishments) based on observed behaviors, collected drug samples, etc. • Treatment providers meet frequently with drug court offenders both individually and in groups to discuss the offenders' addictions, help alter their thought processes, and teach decision-making or coping strategies. • Defense and prosecuting attorneys provide legal input to the management teams under the same auspices as in a regular courtroom: the defense advocates for the best interests of the client, and the prosecutor pursues the state's interests of justice and public safety. 	<p>How do drug courts work?</p> <p>In addition to general and daily monitoring of offenders while in drug court, two central processes occur for the team to formally address offenders' progress, relapses, or other actions. These are the team staffing (staff meetings) and the formal courtroom hearings.</p> <p>Staff Meetings: Typically, local drug court management committees meet weekly or semi-monthly to discuss the progress of individuals in the drug court. They discuss offenders according to their status or the phase they are at in drug court. Each offender's case is considered. Sanctions and rewards are determined, depending on positive or negative actions since the last meeting.</p> <p>Examples of incentives include: less restrictive probation terms, coupons for local restaurants or movies, or an allowed excursion or home visit (for juveniles). Possible sanctions include: writing an essay to the judge, set hours of community service, or brief stays in jail. The management committee often votes on incentives and sanctions to recommend to the judge.</p> <p>Hearings: Courtroom hearings for drug court offenders happen directly after staff meetings on a weekly or semi-monthly basis, and may or may not be open to the public to observe. In the hearing, the judge has each drug court participant approach the bench, and they discuss the offender's behavior during the preceding week.</p> <p>The judge brings up any issues brought to his attention through the drug court team and levies any sanctions or awards as appropriate. Often, the number of days an individual had remained sober is given particular attention, with each participant receiving a round of applause from persons in the courtroom.</p>

Source: LSO summary of professional literature and observations.

Generally, drug courts involve deferred sentencing plus individual counseling, group sessions, and other forms of treatment; monitoring (such as unannounced urinalyses); regular attendance at court sessions; employment requirements; living restrictions; payment of fees and other forms of restitution; and skills

development. Few persons successfully complete their drug court

commitment in less than a year.

By statute drug courts are a sentencing option, not a separate level of court

Statute calls drug courts a “sentencing option” for judges.

The Legislature approved funding of drug courts in 2001 through House Bill 82 (see the 2006 program evaluation report *HB 59: Substance Abuse Planning and Accountability*, for more explanation of both bills). Wyoming was one of the first states in the nation to codify drug courts into its statutes. W.S. 5-10-101(a)(i) states that the legislative intent for drug courts is to enable access by addicted offenders to needed treatment services. Wyoming’s drug court statute is located in Title 5, Courts (W.S. 5-10-101 through 107; see Appendix A). It defines drug courts as a sentencing option for judges; drug courts are not a separate level of the judicial branch, such as circuit, district, or juvenile courts.

Statute prescribes both state and local responsibilities for drug courts

The Division creates rules for the grant process used to fund drug courts.

Wyoming Department of Health (WDH): The WDH through the Substance Abuse Division (Division) is responsible for managing the state’s drug court funds. It takes a local, voluntary initiative to form a drug court and most apply for state funds, which historically have been limited to a maximum of \$200,000 per court. The Division enters into contracts with individual drug courts and has issued rules governing annual grant applications, the funding process, and drug court eligibility requirements. Rules require that local drug courts:

- Provide cash and in-kind matching funds totaling 25 percent of requested state funds.
- Apply, or show an effort to apply, for federal funds prior to applying for state funding.
- Complete national drug court trainings of team members prior to receiving state funds, and thereafter complete six hours of drug court-specific training annually.
- Have available a comprehensive range of treatment services and levels of care.
- Complete evaluations of the effectiveness and fiscal status of

operations.

The Division has one staff member to process grant applications and track awards.

WDH designates one staff position, the State Drug Courts Coordinator (state coordinator), within the Division to direct state efforts in three primary areas: funding, working with other Division staff to ensure providers are certified, and reporting. Statute requires WDH to make funding recommendations to the State Drug Court Panel (see below) and to certify treatment providers; it limits payment of state funds by drug courts to certified providers only. Statute also requires WDH to gather data and report annually to the Governor and the Joint Labor, Health, and Social Services Committee on drug court effectiveness.

The State Drug Court Panel makes final funding decisions, based on Division recommendations.

State Drug Court Panel: The Panel makes final grant funding decisions. Its members include representatives from several governmental entities affected by and involved in drug courts: the Board of Judicial Policy and Administration, the Governor's Substance Abuse and Violent Crime Advisory Board, and the departments of Health, Family Services, Corrections, the Attorney General, and the state Public Defender. The Panel meets periodically to discuss and decide on local drug court grant applications.

Local drug court teams administer and oversee each drug court.

Local Drug Courts: By statute, each local drug court must have its own management committee, also referred to as "the team" by many stakeholders. Its members include a presiding judge, defense counsel and prosecutor, a monitoring officer, and a representative of the drug court's treatment personnel. These five may select additional members such as municipal and county law enforcement officers, DFS caseworkers, or at-large community members. The teams, facilitated by their own local drug court coordinators, establish drug court policies and procedures, offender admission criteria, and graduation requirements for their courts.

Based on recent (May 2006) applications and funding decisions by the State Drug Court Panel, the state has one municipal, thirteen circuit, seven district or juvenile, and two tribal drug courts. Of the 23, seven are juvenile drug courts, and these also have been set up within the different levels of courts.

National drug court guidelines are part of the drug court statute.

Statute requires use of the national “Key Components” by drug courts

The federal government played a key role initially in spreading the word about the potential of drug courts, providing start-up funding, and setting guidelines. Although it has no programmatic authority over state drug courts, initial federal funding was linked to core principles called *Defining Drug Courts: The Key Components (The Key Components)*, published by the National Association of Drug Court Professionals. These ten components outline guidelines for structure, operations, and performance benchmarks when setting up local drug courts. They have been widely adopted by local drug courts across the nation (see Appendix B for the complete list of components).

The state helped fund drug courts even before the 2001 enactment of HB 82.

Appropriations come from different funding sources and separate legislation

Wyoming’s original drug courts, Uinta Adult and Sheridan Juvenile Drug Courts, started in FY ’98 with federal grant funds, which were further supplemented with state funds from the Governor’s Substance Abuse and Violent Crime Advisory Board. Direct legislative funding of drug courts began in July 2001 with HB 82, which gave statutory authority for drug courts and authorized \$1.5 million for annual grants. This appropriation went to WDH, and since then the Substance Abuse Division has made biennial budget requests for funding.

Drug court funds do not come from one specific and continual source or simply through the WDH budget request: Tobacco Settlement Funds have constituted slightly more than 50 percent of state funding since FY ’02. As Figure 1.2 indicates, the state has appropriated \$24.6 million in General and Tobacco Settlement Funds for drug courts.

Figure 1.2

**Appropriations for drug courts by funding source and legislation
FY '02 – '08**

Appropriation Method (session year approved)	Funding Source	FY '02 ¹	FY '03 - '04	FY '05 - '06	FY '07 - '08
HB 82 (2001)	General Funds	\$1,500,000	\$3,000,000	\$3,000,000	\$3,000,000
HB 59 (2002)	Tobacco Settlement Funds		\$3,400,000	\$3,400,000	\$3,400,000
SAD Budget (2005, 2006)	Tobacco Settlement Funds			\$1,300,000	\$1,400,000
HB 91 (2006)	General Funds				\$1,200,000
Subtotal	General Funds	\$1,500,000	\$3,000,000	\$3,000,000	\$4,200,000
Subtotal	Tobacco Settlement Funds	-----	\$3,400,000	\$4,700,000	\$4,800,000
Total (\$24,600,000)	All Funds	\$1,500,000	\$6,400,000	\$7,700,000	\$9,000,000

Source: LSO analysis of Division and LSO information.

¹ HB 82 (2001) was in effect only for the second half of the FY '01 – '02 biennial budget cycle.

From FY '02 through the most recent FY '07 grant application and funding cycle, the Drug Court Panel has allocated \$17.4 million in state funds to local drug courts (see Appendix C for detail on state funds dedicated to drug courts since FY '02). The remaining funding has either been spent on WDH administrative costs (limited by statute to 10 percent of appropriations), or has been reserved for FY '08 drug court applications.

***Local drug courts
rely primarily on
state grants and
state-funded
personnel.***

The total cost of drug courts to the state is not fully represented by the amount of grant funding plus local match amounts. Other state agencies dedicate personnel to serve local drug courts and incur additional costs, such as the Department of Corrections for probation officers. Some state-paid personnel work in local drug courts as an extension of their normal duties, such as judges, prosecutors, public defenders, and the Department of Family Services caseworkers. WDH has not quantified these additional costs, nor did we attempt to do so.

Wyoming drug courts expanded rapidly after the passage of HB 82

The first drug court was founded in Florida in 1989, and since then drug courts have expanded rapidly across the nation. According to a recent GAO report, there were approximately 1,200 drug courts operating in the United States as of September 2004, with an additional 500 in the planning stages.

Each drug court targets either adult or juvenile offenders.

In Wyoming the number of state-funded drug courts grew rapidly after 2001, with the total now numbering 23 (see Appendix D for a map showing locations). Figure 1.3 shows the expansion of the number and types of state-funded drug courts by their offender emphasis: adult, juvenile, family, and DUI offenders.

Figure 1.3

Drug courts receiving state funds FY '98 – '07¹

Court Type	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Adult	2	2	3	3	8	8	9	10	13	13
Juvenile		1	1	1	3	5	6	7	7	6
Family									2	3
DUI									1	1
Total	2	3	4	4	11	13	15	17	23	23

Source: LSO analysis of Division information.

↑ HB 82 (2001) passed

¹ Sweetwater County Family and Laramie County DUI Courts were awarded funds in FY '06, but had not yet admitted offenders as of March 31, 2006.

Drug courts supervise and treat many different types of offenders

About half of all admitted offenders graduate drug court.

From the inception of the first drug courts in FY '98 through March 31, 2006, a total of 1,644 individuals have been admitted to Wyoming drug courts. On March 31, 2006, the number of offenders actively participating in drug courts was 417. Of the individuals who are no longer active, 606 (51 percent) have completed the process, or “graduated,” while 581 (49 percent) have been terminated or discharged from drug court for failing to comply with drug court requirements.

Overall, 1,172 males and 472 females have been admitted to drug

courts (see Appendix E on individual courts and characteristics of their offender populations). Figure 1.4 shows an annual summary of offenders admitted, graduated, and terminated, for state-funded drug courts.

Figure 1.4

Annual drug court census, FY '98 – '06 ¹

Fiscal Year	Admitted	Graduated	Terminated
1998	38	0	6
1999	65	13	24
2000	92	24	30
2001	76	50	36
2002	160	35	49
2003	276	75	75
2004	259	123	90
2005	298	134	112
2006	228	111	93
Unknown	15		
Total	1,507	565	515

Source: LSO analysis of drug courts' data.

¹ Data analysis covered through March 31, 2006 for this evaluation; since tribal data could not be analyzed by fiscal year or by individual, it is not included in this figure.

Drug courts focus on misdemeanor and/or felony cases.

Depending on local community preferences, individual drug courts serve different types of offenders. Some limit participants to misdemeanants, some focus on juveniles or families, and others accept felons; one court will soon concentrate only on DUI offenders.

The national drug court experience was fueled by local initiatives

In the past 15 years individuals across the nation have pushed for acceptance and development of the drug court concept, community by community. The push to create drug courts has emphasized two points: first, that drug courts as a treatment modality work to accomplish the goal of rehabilitating offenders; and second, that drug courts are a less expensive alternative to incarceration.

Federal grants

Recognizing these advantages, the U.S. Department of Justice Drug Courts Program Office in the mid 1990's fostered the rapid

fostered the rapid expansion of drug courts nationwide.

nationwide expansion of drug courts through a grant program aimed at stimulating local initiative and commitment to drug courts. The grants, like other federal efforts, concentrated on providing funds for local operations, and did not emphasize the development of state regulatory or administrative oversight systems. Further, federal statutes do not define what drug courts are, nor do they require states to fund them.

Recent statewide evaluations begin to point toward positive drug court outcomes

The Division has contracted with WYSAC for two drug court studies.

The Division contracted with the University of Wyoming's Survey and Analysis Center (WYSAC) to conduct statewide drug court evaluations in 2004 and 2005 (see Appendix F for the executive summary of each report). The first report focused on the processes used by individual drug courts and provided a preliminary impact evaluation. Acknowledging that drug courts vary in their operations, WYSAC also found that drug court participants and their families believe drug courts are working well. Their findings, based on surveys of offenders, showed that offenders generally feel the drug court positively impacted their lives.

WYSAC's 2005 evaluation began to look at drug court outcomes.

The second WYSAC evaluation (2005) focused on local drug courts' use of and adherence to the national *Key Components* and gave a preliminary look at outcome measures adopted by the Division for drug courts. Overall, the evaluation concluded that drug courts are a cost-efficient alternative to incarceration and that while preliminary calculation of the national outcome measures is problematic, data shows drug courts may be effective in holding offenders accountable. For example, the report noted that in FY '05, 98 percent of all urinalysis tests for drug court participants proved negative.

Although these evaluations are limited to analyzing narrow, single-fiscal year timeframes, and use largely survey information from stakeholders and offenders to provide a snapshot of drug courts in the state, they provide a beginning for more comprehensive evaluation of drug courts in the future. In addition, we note that fully half of the 12 recommendations from the 2005 evaluation point to the need for a more comprehensive state oversight role in such areas as offender referral processes, drug testing, and

performance measurement.

Emphasizing local initiative has hampered development of a statewide program

Statute does not address the significant role of the judiciary in administering drug courts.

During research, LSO noted the high enthusiasm exhibited by stakeholders involved with drug courts. That support notwithstanding, this report goes beyond individual success stories and anecdote to focus on several issues having to do with administrative accountability at the state level. We identified a fundamental problem in Wyoming's drug court statute: it states clear goals, provides the executive branch with a mechanism for distributing funding, and requires reports on effectiveness. However, statute does not distinguish how administration, oversight, and performance evaluation of locally established drug courts will occur insofar as they involve a separate branch of government, the judicial branch.

Chapter 2 examines the Division's role in helping gather relevant data and in developing a functional case management system to support current and future funding decisions. Chapter 3 identifies the great diversity and variety among local drug courts, a set of circumstances that has not been conducive to broad stakeholder buy-in (i.e. – the Wyoming judiciary) or clear policy and system development. These issues represent obstacles to evaluating the long-term impact of drug courts in meeting local needs and achieving state goals.

CHAPTER 2

Systems do not yet provide statewide performance and outcome data for Wyoming drug courts

Each of Wyoming's drug courts is individualized by how the local team defines its structure, management approach, and operational policies and procedures. This variety allows each team to use resources to meet community needs according to local standards and principles, and to create community buy-in. However, this same lack of uniformity inhibits the state from gathering performance and outcome information on drug courts.

Many stakeholders view state-funded drug courts as effective, but there is minimal data to support this view.

Drug courts seem to be viewed as effective in the communities that have chosen to implement them. However, although five years have elapsed since the Legislature authorized drug courts, a useful statewide case management and data reporting system has not been established to provide statistical information to support these positive views. Without the ability to gather and analyze detailed information, the Substance Abuse Division (Division) has not been able to accurately evaluate the success or failure of these courts, either individually or collectively.

Before the funding process is altered, the Division should gather and analyze data.

A new case management system, which is expected to generate more consistent and useful data at the state level, went into operation on July 1, 2006. In tandem with this development, the Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires. In addition, until the new case management system is fully operational and can reliably report on the Division's adopted performance and outcome measures, the Legislature should consider delaying a decision on whether to alter the grant funding process by building drug court appropriations into the standard budget.

Drug courts function within locally defined parameters

Under Wyoming statute, drug courts are designed, operated, and monitored at the local level (see Chapter 3 for discussion). Although state funding and personnel contributions constitute the major portion

of a drug court's budget, each is set up so its own judge and team define everything from admission criteria, to individual court policies and procedures, to which offenders will be treated and with what services. Considerable variation results: Some courts focus only on misdemeanants, others on felons, some on both. Some drug courts focus on juvenile, family, or DUI-specific offenders. In addition, other than at the Supreme Court level, drug courts operate at all levels of the court system: municipal, circuit, district, and juvenile.

State requirements and national principles can guide evaluation of drug courts

National guidelines, state requirements set out drug court evaluation criteria.

Federal and state involvement in managing drug courts has been mixed, and this has led to a variety of implementation systems nationally, as well as a variety of perceptions about their results. To assist states in assessing the success of their drug courts, experts have developed performance and outcome measures. Wyoming's Legislature has incorporated some of these principles into statute: examples are the best practice guidelines for adult drug courts, called *The Key Components*, and the five statutory goals (see below) for all drug courts. In the drug court statute, the Legislature has also set expectations of a state-level program that will follow broad rules and requirements, and that will produce demonstrable results. Division rules encourage constant review and require that all local drug courts submit an annual self-evaluation.

Statutory goals indicate that drug courts' performance and results should be measured

The drug court statute gives WDH responsibility for determining the effectiveness of drug courts. W.S. 5-10-101(b) outlines five goals:

Four of the five statutory goals indicate performance can be measured.

- Reduce substance dependency
- Reduce substance and criminal recidivism
- Reduce the courts' drug related workload
- Increase offender accountability
- Promote effective interaction and use of resources among criminal justice personnel and state and community agencies

Only the fifth goal does not lend itself to a statistic that gauges measurable results from drug court intervention with offenders. These statutory goals require tracking information tied to each

individual offender who participates in a drug court, uses services, and makes (or does not make) life changes.

The Key Components guide drug courts in using measurable best practices.

State statutorily adopted The Key Components from national guidelines

The Key Components of drug courts (refer to Appendix B) outline day-to-day operational concepts of an inter-disciplinary approach to dealing with drug court offenders' circumstances. The approach is based on a collaborative, non-adversarial relationship among team members and with offenders. Several components lead to measurements which can be used in evaluating drug courts' effectiveness. For example, courts should monitor offenders' abstinence with "frequent alcohol and other drug testing," ensure early or prompt admission into the program for eligible offenders, and deliver immediate incentives and sanctions for offender compliance or non-compliance with court orders.

The Division has adopted the four national outcome measures for adult drug courts.

The Division has adopted proposed national outcome measures for drug courts

The National Drug Court Institute's National Research Advisory Group (NRAG) has proposed standard outcome measures that will provide valuable information to local and state decision-makers about the effectiveness of drug courts. The Division noted in its 2005 annual report to the Legislature that it had adopted these outcome measures for the state. The measures are: 1) participant retention and graduation; 2) participant sobriety; 3) participant recidivism; and 4) units of service provided to participants. The recidivism and sobriety measures coincide with two of Wyoming's statutory goals.

Division rules require audits and evaluations of drug courts.

WDH rules also require data collection and reporting

WDH and Division rules governing applications for drug court funding require service reports, financial audits, and self-evaluations covering success measures, as determined by each court. Rules also address the need for a statewide case management system to "...ensure that data is collected efficiently, in a uniform manner and in a format that facilitates research and the evaluation of outcomes."

A new data system and recent adoption of outcome standards result in minimal statistical evidence of effectiveness

Diversity among local drug courts inhibits the gathering of statewide data on performance.

Despite heavy emphasis on producing measurable outcomes, the most that WDH can show at this point is reports from 23 individual drug courts claiming success in terms of their own measures. Because WDH does not yet have a functional and usable statewide case management and data reporting system, data gathering at the state level is haphazard. Drug courts differ on many issues, such as what type of offender they focus on, what treatment methods they use, and how they report the costs of treatment. This means the data on court operations and offender treatment reported to the Division, while presumably accurate for individual courts, is collectively often inconsistent and incompatible. Because of their dissimilarities, the local courts' reports do not provide a statewide statistical perspective on the effectiveness of drug courts.

LSO staff requested standardized data from 21 individual drug courts with admitted offenders.

Due to the lack of credibility associated with the current case management system (which was replaced at the beginning of FY '07), we sought another means of obtaining current and accurate data. Since Wyoming's drug court offender population is small, LSO staff requested each drug court to respond to a data request for admitted offenders' records from FY '98 through March 31, 2006. Our intent was to gauge how Wyoming drug courts are doing vis-à-vis the national outcome measures. LSO received individualized offenders' records from 19 of the 21 drug courts with admitted offenders.

The following descriptions paint a picture of drug courts statewide and provide a baseline of information, but the information should be interpreted cautiously. Since no control groups were used for comparative purposes, results are not necessarily caused by drug courts, nor should they be interpreted as indicative of drug courts' success or failure.

WYSAC reported an in-program recidivism rate of 8% for offenders

Recidivism The national outcome measure for offender recidivism is defined as any subsequent criminal offense resulting in an arrest, not including minor traffic violations or technical probation violations, after an offender graduates from drug court. This is termed post-program recidivism. The 2005 WYSAC evaluation of Wyoming drug courts concluded on some statistics for in-program recidivism for courts for one fiscal year; they found in-program recidivism was 8.2 percent statewide for FY '05, with rates ranging from no in-program recidivism to 20 percent in one juvenile court.

in FY '05. WYSAC could not report on post-program recidivism due to both time limitations and technical difficulties in accumulating the necessary data.

For post-program recidivism, 17% of drug court graduates are re-arrested within a year of program completion.

LSO received individualized offenders' records from 12 of the 13 adult drug courts with admitted offenders. We found that through March 31, 2006, 471 adult drug court graduates had complete enough records to be checked against law enforcement misdemeanor and felony arrest records to derive recidivism rates. Figure 2.1 shows the results of our analysis for graduates who re-offended within selected timeframes. For example, of the 369 graduates who were at least one year past their exit from drug court, 62 (or 16.8 percent) had been re-arrested for a criminal offense within that first year. Overall, 30 percent Wyoming drug court graduates have been re-arrested (see Appendix G for methodology, including data and analytical limitations).

Figure 2.1

Number and percent of adult drug court graduates re-arrested

Timeframe	Number of relevant graduates	Number of adult drug courts represented	Number with post-graduate arrests	Percent with post-graduate arrests
3 months	457	10	17	3.72%
6 months	426	10	31	7.28%
12 months	369	8	62	16.80%
24 months (2 yrs)	266	8	67	25.19%
36 months (3 yrs)	169	7	56	33.14%
48 months (4 yrs)	115	3	50	43.48%
60 months (5 yrs)	84	3	40	47.62%
Any time after graduation	471 (all graduates)	10	142	30.15%

Source: LSO analysis of drug courts' data and law enforcement arrest records.

Sobriety The 2005 WYSAC evaluation provided a one-fiscal-year outcome analysis of drug court sobriety, defined as an average length of continuous sobriety and the number and trend of failed drug tests. Since their analysis was recent, and also due to time constraints and local court data collection limitations, we did not evaluate sobriety for this national outcome measure.

However, the Key Components recognize that maintaining sobriety

In-program sobriety is recognized as a key to offender success after graduation.

correlates with success, reducing the chance of offenders committing additional crimes. Since drug courts do not confirm participants' continuing sobriety after graduation, and since stakeholders voiced concerns regarding possibly insufficient sobriety requirements for drug court graduates, LSO staff analyzed graduates' last verified in-program substance use to see if there were differences in post-program recidivism. We used the most explicit sobriety standard which was from the Fremont County adult drug court, requiring a minimum of one year verified sobriety before offenders can graduate.

Post-program recidivism was 38% for offenders who had relapsed in the year before they graduated.

For those offenders who had a relapse or substance use within one year before their graduation date, 38 percent were re-arrested after graduation. For those who did not have a confirmed substance use, or had used more than a year prior to graduating, 27 percent were re-arrested after graduation. This analysis indicates at least one additional factor, graduation sobriety criteria, that may be considered in defining what standards to adopt for drug courts to help ensure program and offender success.

Different drug courts had graduation rates ranging from 34% to 86%.

Retention-Graduation The national outcome measure for retention of offenders in drug court is defined as a ratio or percent of offenders who graduate from the program compared to those who enter. Overall, of the 1,188 offenders both adult and juvenile who finished a drug court program (either by graduation or termination) from FY '98 through March 31, 2006, half (51 percent) graduated. Graduation rates in individual drug courts ranged from a low of 34 percent to a high of 86 percent.

WDH has not established sufficient state-level data gathering and reporting standards

Since enactment of HB 82 in 2001, development and expansion of drug courts around the state have been linked to testimonial or anecdotal success stories of offenders going through drug courts. The Division has experienced problems with getting reliable and consistent outcome data from courts: we found that drug court self-evaluations are not consistent enough in form or content to yield system-level information, and quarterly service reports provide aggregate service data that cannot be correlated to individual offenders. Furthermore, even though the Division states it has

adopted the national outcome measures, this fact has not been sufficiently communicated to local coordinators. Additionally, neither state nor local stakeholders believe the national outcome measures are the only measures the state should rely upon to evaluate drug courts.

Individual drug court annual self-evaluations do not support statewide performance and outcomes measurement

The Panel has voiced concerns over the variations in self-evaluations.

Courts must complete annual self-evaluations in order to continue eligibility for state funding. We reviewed 17 annual reports, and found they vary widely in content and format. The Division has not issued standards guiding how to conduct these evaluations and only minimally states what information should be included. Some courts used *The Key Components* as criteria for evaluating themselves, while others gave descriptions of program strengths and weaknesses, successes and failures. Some reports tied detailed statistical outcomes analysis to quantifiable program goals, while others provided summary narratives of their local drug court's processes. At the state level, Drug Court Panel members have voiced concern about the variations in content and format these evaluations come in.

Drug courts' quarterly reports cannot be correlated with an individual client's treatment history

Quarterly service summaries could not be linked with individual offenders' service data.

The national outcome measure on units of service indicates this data should be tracked at both the individual offender and program level. Drug courts submit quarterly service summaries to the Division to show what services have been provided to clients. These reports tend to be summaries describing the aggregate services provided for all offenders in that drug court, as a group. When LSO staff requested the corresponding individual offenders' service summaries from each drug court, less than a third had some of the information to give, while the remainder said it was either not available or not easily summarized in the timeframe of this study.

Division data systems cannot differentiate drug court offenders

In addition, as noted in the 2006 LSO program evaluation *HB 59: Substance Abuse Planning and Accountability*, the Division acknowledges there are problems accounting for client treatment and costs. Specifically, many state substance abuse and mental health providers deliver services both through contracts with drug courts and through contracts with the Division for clients not in drug court.

from community providers' non-offending clients.

Since the drug court case management information system is not yet fully functional, and the Division's community mental health and substance abuse information system does not track treatment by individual, there is no reliable way for the Division to differentiate drug court offenders from non-offenders treated by these providers. This means the Division is not able to verify services and costs per individual in either drug courts or the regular state substance abuse service systems.

Local coordinators are not clear on the status of the national outcome measures.

Division has adopted national outcome measures, but uncertainty remains

One central theme LSO staff heard in interviews with local coordinators was that there still is confusion as to the status of the national outcome measures. When asked, coordinators' responses varied from not knowing what the national outcome measures are, to being uncertain as to whether the Division is moving to adopt or has adopted them. In addition, the Division has not made clear what its purpose is in adopting the measures or how it will use the measures administratively.

Some judges and coordinators think other measures should be used to measure drug court performance.

Even if the state continues to move toward adopting the national outcome measure, all courts do not agree with those measures as being the correct or only measures of success for them. For example, several coordinators and judges said employment status and continuing education are relevant measures. However, we were not able to gather employment and education data consistently from individual courts because some record education levels at admission, but not the number of days attended while in the program. Similarly, individual courts were inconsistent in reporting employment data: some track whether an offender was employed while in the program, while others track the number of days employed while in the program.

Recommendation: The Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires.

National measures are a starting point for comprehensive evaluation of drug courts.

The Division says it is close to having a better case management system for drug courts, and it has begun discussing with local coordinators the merits of having drug courts measure their own performance and results. However, the national outcome measures are intended to focus on adult courts, and so represent only a starting point for proper evaluation.

The Division should continue to define performance and outcome measures for adult drug courts, as well as define relevant and reliable measures to cover family and juvenile drug courts, some of which are already operating. Also, the Division should develop uniform reporting requirements for data it requires drug courts to submit. This might include specifying a minimum set of data elements for drug courts to enter into the system, thus ensuring necessary data will be available to evaluate the Division's performance and outcomes measures.

Performance and outcome evaluation can help guide future system-level decisions.

These measures should also be articulated in a Division policy that indicates how the data will be used in recommending drug court applications to the Panel. The same data can help guide the expansion of new drug courts, the targeting of different offender populations, and other system-level decisions. Until the Division sets standards that consistently measure drug courts' performance and outcomes, the Legislature cannot be certain that drug court efforts are meeting the five statutory goals, and that continued requests for funding are justified.



More time will be needed to build and implement a statewide case management system

A legislative budget footnote now allows the Panel to award drug courts more than \$200,000

Although some stakeholders see the current annual grant funding process in a positive light, as a means of providing continued state oversight of drug courts, many stakeholders believe funding should come through a line-item or standard budget request process that does not require annual applications. Initially, a \$200,000 annual cap per court was put in place through statute (W.S.5-10-102(b)). A 2006 budget footnote made that cap discretionary, removing one

per year. fiscal constraint and criterion the state coordinator and the State Drug Court Panel could use when evaluating applications. Few other criteria exist on which the Panel can base its funding decisions.

In light of this new discretionary authority, the Panel will increasingly need to rely on more objective information to determine the needs and extent to which an individual court will be funded. However, the Division lacks a functional case management system to provide the data to support anecdotal contentions that drug courts are successful and meeting statutory goals. One knowledgeable stakeholder we interviewed stated that the only defensible position now should be to get the data that shows drug courts' effectiveness.

The first case management and data system was largely unusable.

The original case management/data system was not vetted with local stakeholders, and it proved unusable

As required by HB 82 in 2001, the Division promptly worked to get a statewide case management system/management information system (CMS/MIS) for drug courts up and running. Since the Division lacked in-house technical expertise, the initial information system was contracted through WYSAC in FY '02, for \$103,000. However, local coordinators and their teams were not consulted on the system's structure or capabilities, and that system, now termed the pilot CMS, proved to be generally unusable. Other CMS/MIS issues included:

- Access and maintenance problems due to a WYSAC employment issue.
- It was a data collection system rather than a comprehensive case management system.
- Coordinators had little understanding or training with the system or the importance of data collection.
- The system lacked fields required to meet Division and coordinators' needs.

According to stakeholders we interviewed, the initial system was an evolution and learning process. The Division anticipates the new system that started in July 2006 will be comprehensive and more user-friendly, as it was more thoroughly vetted in advance, with all parties included in the process.

CMS/MIS data collection is essential to monitoring and oversight of drug courts

Data should include offenders' personal, educational, family information, and both in- and post-program activities.

Key Component # 8 states, "...fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation systems." In addition, the National Drug Court Institute strongly recommends a comprehensive management information system and has further recommended gathering specific data elements such as offenders' personal identification, health, education, and family factors, as well as setting up fields to track in-program and post-program offender actions. The goal is to make it easier for state stakeholders to collect standardized data and court outcomes with common definitions and terminology.

Data on treatment services will help identify which have the most impact on offenders.

Without a useable case management system for the first five years of state-funded drug courts, neither the Division nor local teams has had reliable and comparable statistical information to show success per statutory goals, *The Key Components*, or the national outcome measures. In order to describe the state's drug court offender population, we requested standard fields of data from each court. The availability of individualized offender data from court to court was quite varied, and it was not available at all from two of the courts. Of particular concern was the absence of data on the national "services provided" outcome measure. This measure could help drug courts identify how many services a successful participant is likely to need, and whether certain services work better with different participants depending on the crime they committed or the intensity of their addiction.

Local stakeholders say it takes 3 to 5 years before drug courts become well-established.

The Division currently has minimal available data, beyond the limited LSO staff request, on which to report historic performance and outcomes of drug courts. Many of the coordinators and judges we interviewed stated that it takes three to five years before a court is well-enough established to understand the process and begin to produce better results. Limitations such as these restrict any one court's ability to justify expansion and increased funding requests; the same can be said about all 23 drug courts considered collectively.

Recommendation: The Legislature should consider delaying a decision to alter the current grant funding process

during the '07/'08 biennium.

One more biennium will allow time to enter data and gauge locals' use of the new system.

Despite the goodwill and general enthusiasm built up for drug courts in the Wyoming communities where they operate, there has been a major void of reliable and consistent data to show that drug courts are effective. Because more time is needed to build a database, the Legislature may not want to make major structural changes at this time in how drug courts are funded.

By FY '09, 5 years of data should be available to provide information to support future funding decisions.

Through this study, LSO staff obtained some limited offender-specific data from individual drug courts; with it, we could summarize basic statistics for this report and begin to look at outcome measures. This same data can be input into the new case management system, along with data that will be gathered during the FY '07 – '08 biennium. That information together with the state-defined performance and outcome measures, improved data collection methods, and the reporting standards recommended above, should give the Legislature by FY '09 five years or more of performance and outcome information for most of the courts now in operation. This track record should provide a solid basis to inform future drug court funding decisions.

CHAPTER 3

State statutes for oversight of local drug court calls for a commitment from two branches of government and multiple agencies

Emphasis on keeping operations local has led to ad hoc development of drug courts.

Development of drug courts in Wyoming has been rapid but hardly systematic. Locally and voluntarily formed, drug courts at present are diversely structured and just as differently operated. New drug courts were started with minimal statutory indication of how the state would oversee its investment or coordinate local efforts. Our research indicates that funding drug courts, by itself, has not led to formation of a uniform program statewide. Instead, there has been ad hoc development of 23 separate drug courts and any initial expectation that they would consistently report outcomes has not materialized.

Nationally, states are considering more fully integrating drug courts into state government.

Many of the stakeholders we interviewed said the Legislature needs to decide whether or not it wants drug courts as part of the standard criminal justice system, and if so, then they say it should fund them accordingly. Such a decision parallels a new phase nationally in which other states are considering whether drug courts should be institutionalized; they are considering doing so by more fully integrating drug courts into statewide agencies and by clarifying and standardizing their operations. This requires finding a balance between “top-down” and “bubble up” approaches, in order to maintain the engagement of current stakeholders.

We recommend that the Legislature consider authorizing a steering committee to review different administrative models, and report recommendations for a comprehensive state administrative structure. Such efforts will require full inclusion of the judicial branch since many judicial stakeholders feel they were not adequately consulted or involved in discussions prior to establishment of drug courts in Wyoming.

Figure 3.2 Structural and procedural characteristics of state-funded Wyoming drug courts

Court Name	Date 1st Admitted Offenders	Target Population	Level of Judiciary	Level of Offenses Covered	Judicial Representative Performing Hearings	Sentencing Structure
Albany County	July-04	Adults	Circuit	Misdemeanor	Judge	Post, PPPA
Big Horn County	August-02	Juveniles/Families	District	Delinquency, CHINS, Abuse/Neglect	Judge (Cir. and Dist.)	Post
Campbell County 1	February-02	Adults	District	Felony, Misdemeanor	Judge	Post, DP
Campbell County 2	June-04	Juveniles	District	Delinquency (misdemeanor)	Judge	Post, DP
Fremont County 1	January-02	Adults	Circuit	Felony, Misdemeanor	Judge	Post
Fremont County 2	August-02	Juveniles	District	Delinquency (misdemeanor)	Circuit Judge and Comm.	Post
Johnson County 1	March-04	Juveniles	Circuit	Delinquency (misdemeanor)	Judge	Post, DP
Johnson County 2	March-06	Adults	Circuit	Misdemeanor	Judge	Post, DP
Laramie County 1	October-01	Adults	Circuit	Felony, Misdemeanor	Judge	Post, DP
Laramie County 2	N/A	Adults (DUIs)	Circuit	Misdemeanor	Judge	DP
Lincoln County	April-00	Adults	Circuit	Felony, Misdemeanor	Judge	Post
Natrona County	January-02	Adults	Circuit	Felony, Misdemeanor	Judge	Post
Park County	February-02	Adults	District	Felony, Misdemeanor	Judge	Post, DP
Sheridan County 1	May-98	Adults	Circuit	Felony, Misdemeanor	Magistrate	Post, DP
Sheridan County 2	June-99	Juveniles	Circuit	Felony, Misdemeanor	Magistrate	Post, DP
Sweetwater County 1	August-05	Adults	Circuit	Felony, Misdemeanor	Judge	Post, DP
Sweetwater County 2	NA	Families	District	Delinquency, CHINS, Abuse/Neglect	Judge	Post, DP
Teton County 1	April-04	Adults/DUI	Circuit	Felony, Misdemeanor	Judge	Post
Teton County 2	September-05	Families	District	Delinquency, CHINS, Abuse/Neglect	Judge	Post
Tribal 1	July-05	Adult	Tribal	Felony, Misdemeanor	Judge	Post, DP
Tribal 2	July-01	Juveniles	Tribal	Delinquency (misdemeanor)	Judge	Post, DP
Uinta County	November-97	Adults	Circuit	Felony, Misdemeanor	Judge	Post
Evanston	January-02	Juveniles	Municipal	Delinquency (misdemeanor)	Judge	Post, DP, DJ&S

Source: LSO summary of drug court data and grant applications.

Judicial Representative Abbreviation: Comm. = Court Commissioner

Sentencing Structure Abbreviations: Post = Post-plea or post-adjudication; DP = Deferred Prosecution; PPPA = Post-Plea, Pre-Adjudication;

DJ&S = Deferred Judgment and Sentencing

Local drug courts vary greatly in their structure and operations

Although a few drug courts were already operating by 2001, new ones formed more quickly once HB 82 was enacted. WDH and the State Drug Court Panel do not guide or control the development and expansion of drug courts, aside from disbursing money as authorized by this act. Figure 3.2 lists excerpts from the drug court statute, highlighting the many aspects of operations and management controlled at the community level.

Figure 3.2

Selected statutes illustrating local “ownership” of drug courts

- **W.S. 5-10-104(a):** a *local* drug court management committee shall be established by each *local* drug court.
- **W.S. 5-10-104(c):** All members shall be residents of, or practicing in the county or counties served by the *local* drug court.
- **W.S. 5-10-104(d):** Each *local* drug court management committee shall manage the funds received from the drug court account, meet any reporting requirements of the department of health, and appoint a drug court coordinator or program manager *who shall be responsible for administration and oversight of the court* and will be the primary contact for *outside* agencies.
- **W.S. 5-10-105(a):** Requests for new or continued funding of drug courts may be submitted annually by any *local* drug court management committee to the drug court panel on dates set by the department of health.
- **W.S. 5-10-105(e):** The department of health shall, on behalf of the drug court panel, annually report to the governor and the joint labor, health, and social services committee on the *selected drug courts which receive funding*.
- **W.S. 5-10-107(a):** *Each drug court* shall establish conditions for referral of proceedings to the court consistent with drug court office *guidelines*. Any proceeding accepted by the drug court program for disposition *shall be upon agreement of the parties*.

Source: Wyoming Statutes.

Wyoming drug courts have many personnel, resource, and operational differences.

Differences among drug courts include the court level at which they are placed, who participates on local management teams (for example, what “type” of judge), and whether defense counsel is included. In addition, resources available to work with offenders vary greatly. We also found wide variation among individual drug courts as to target offender populations, the status and organizational location of local drug court coordinators, and how judges address important legal concerns. Figure 3.1 (opposite page) shows the 23 state-funded drug courts that operate currently

Figure 3.3

Average cost per day and average cost per admitted, terminated and graduated offender, FY '03 – '06

Court Name	FY '06	FY '05	FY '04	FY '03	Overall (FY '03 - '06, through March 31, 2006)			
	Average cost per day	Average cost per day	Average cost per day	Average cost per day	Weighted average cost Per day	Average cost per offender (weighted average length of stay)	Average cost per terminated offender (weighted average cost per day x average non-completer length of stay)	Average cost per graduated offender (weighted average cost per day x average graduate length of stay)
Albany County Adult	\$58.10	\$81.73	-----	-----	\$69.14	\$12,911	\$20,326	\$29,564
Big Horn County Family	Data Incomplete							
Campbell County Adult	\$38.63	\$42.24	\$19.76	-----	\$32.37	\$8,965	\$8,933	\$15,212
Campbell County Juvenile	\$112.99	\$110.33	\$108.14	\$130.86	\$114.83	\$16,191	\$31,349	\$58,220
Fremont County Adult	\$14.14	\$14.74	\$14.22	\$18.30	\$15.12	\$7,619	\$6,833	\$7,996
Fremont County Juvenile	\$41.56	\$37.33	\$39.19	-----	\$39.10	\$9,853	\$13,762	\$13,723
Johnson County Juvenile	Too few admitted and completed offenders							
Johnson County Adult	Too few admitted and completed offenders							
Laramie County Adult	\$31.20	\$41.53	\$42.73	-----	\$38.29	\$25,233	\$11,296	\$16,426
Laramie County DUI	No offenders admitted							
Lincoln County Adult	\$41.24	\$42.14	\$45.72	\$51.02	\$44.95	\$23,957	\$8,944	\$17,529
Natrona County Adult	\$21.00	\$25.40	\$31.01	\$39.62	\$28.16	\$10,474	\$7,180	\$12,839
Park County Adult	\$46.64	\$53.87	\$56.73	\$60.43	\$54.74	\$14,069	\$11,660	\$30,272
Sheridan County Adult	\$30.55	\$18.22	\$29.86	\$53.79	\$29.82	\$6,859	\$8,469	\$12,227
Sheridan County Juvenile	\$98.92	\$59.10	\$135.77	\$127.33	\$95.05	\$25,283	\$34,028	\$40,966
Sweetwater County Adult	Too few admitted and completed offenders							
Sweetwater County Family	No offenders admitted							
Teton County Adult/DUI	\$58.81	\$129.42	\$1,206.09	-----	\$98.37	\$15,444	\$20,461	\$40,725
Teton County Family	Too few admitted and completed offenders							
Tribal Adult	Data not individualized							
Tribal Juvenile	Data not individualized							
Uinta County Adult	\$25.75	\$26.14	\$21.97	\$24.69	\$24.61	\$7,653	\$5,069	\$10,262
Evanston Juvenile	\$81.40	\$77.84	\$68.88	\$49.18	\$67.46	\$20,913	\$12,008	\$24,691
Statewide	\$34.77	\$36.24	\$34.55	\$41.21	\$36.22	\$13,216.07	\$9,695.75	\$15,799.52
Adult Courts	\$29.01	\$31.33	\$27.86	\$33.18	\$30.09	\$11,587.81	\$7,840.56	\$13,398.13
Juvenile/Family Courts	\$70.94	\$60.82	\$71.04	\$85.06	\$69.87	\$17,442.12	\$21,061.31	\$27,375.01

Source: LSO analysis of drug court data and grant applications.

Note: Costs for each drug court include both state drug court grant funds and the local matching funds declared by each court in grant applications submitted to the Division (see Appendix G for the detailed methodology used to calculate these costs).

at the district, juvenile, circuit, municipal court, and tribal court levels, and the levels of criminal offenders they accept. Some other differences include:

Drug courts utilize post-plea or post-adjudication sentencing.

- Certain drug courts concentrate on misdemeanants but may also take in felons; the opposite is true of other courts that concentrate on felons but also accept some misdemeanants.
- Some drug courts appear to tailor their operations toward a more specific type of offender; among these “specialized” courts are the juvenile drug courts, family drug courts, and DUI courts.
- Drug courts use a range of sentencing options and procedures: most operate as a post-plea/post-adjudication court, but some employ other methods such as deferred and suspended sentences upon completion of drug court.

Judge and defense counsel team membership varies

A judge (or magistrate or commissioner) oversees each drug court’s operations.

Within the diverse court structures and locations, judicial and defense counsel participation differ. Drug courts have formed mainly at the circuit and district court levels, where practices vary from having a full-time, state-paid judge who oversees the court, to drug courts that pay for a magistrate or commissioner to handle team meetings and drug court hearings. The variety extends to use of defense counsel: both state-paid public defenders and drug court-paid private attorneys work as defenders in drug courts. The costs of paying for a separate judge or defender, versus using services already available through the courts or the State Public Defender’s Office, can reduce a drug court’s budget for treatment services.

Local resources vary and may contribute to inequities accessing needed services for drug court offenders

Certain types of

In addition to differences in whether courts use state-paid judges and defense counsel or pay for them from their own budgets, other available funds and resources dedicated to each court vary widely by community and offender emphasis. Figure 3.3 (opposite page) breaks down the costs-per-day for operating the courts, and also shows the cost per active, terminated, and graduated offender (based on actual average lengths of stay in drug court).

Generally, the Division is unable to explain or justify this range in cost per day and cost per offender. However, some disparities may

offenders require more intensive services.

be explained by the fact that juvenile courts tend to have higher costs than adult courts, since they may also be providing services to a juvenile's family. Similarly, felony offenders and those with co-occurring addictions tend to require more intensive treatment at higher cost than misdemeanor substance-abusing offenders.

State funds or state-paid personnel account for 48% of locals' matching funds.

The Division has not yet defined eligible types of local matching funds; currently, each court claims various local and additional state sources for the 25 percent local in-kind and cash match. For example, in FY '07 grants (awarded May 5, 2006), applicants claimed they would provide \$3.7 million in local cash and in-kind matching funds to support their courts. Upon further review, we identified \$1.8 million (48 percent) of these matching dollars as other state funds or state-paid personnel dedicated to the local drug courts.

The Division and local drug courts have not reached consensus on a funding formula.

The Division and local drug court stakeholders acknowledge these contentious issues; they have attempted recently to clarify eligible local matching funds and devise a state-level funding strategy, or formula, to allocate grant funds. However, these efforts have not resulted in consensus. Overall, LSO staff analysis indicates that different communities have a variety of resources to use in their drug courts beyond the state grant, so that participating offenders of one drug court may be at a disadvantage compared to another for accessing the range of supervision and treatment services needed for their rehabilitation.

Individual drug court processes are not consistent

Three procedural elements of local drug courts illustrate other inconsistencies among them: admissions criteria, assessments, and treatment methods used.

Admission criteria National guidelines suggest targeting non-violent addicted offenders, and for the most part, Wyoming's drug courts appear to follow that path. However, judges told us that accepting only non-violent offenders unnecessarily restricts a drug court's ability to provide treatment to those who need it, such as for addicts also involved in domestic violence. Several courts noted that they make exceptions in selecting offenders to include some charged with a violent crime.

Not all drug courts use the ASI assessment as required in Division rules.

Assessments Despite Division rules requiring, at a minimum, the use of the Addiction Severity Index (ASI) assessment tool to screen eligible adult offenders, we learned that not all courts are using this assessment tool and meeting this requirement. Further, WYSAC's 2005 evaluation noted at least two courts that were not using the ASI as a continuing measure of treatment progress of offenders. Juvenile drug courts may also use other age-appropriate assessments, but are not required to do so by drug court rules.

Offenders' treatment is dependent on available services, more than on their needs.

Treatment Drug courts use an assortment of approaches to treatment. Frequently, a participant's treatment is dependent more on the availability of local resources and the coordinator's ability to marshal treatment resources, than on what coordinators and judges believe is needed. Additionally, current research indicates truly addicted offenders have different treatment needs from other substance-abusing offenders. Mixing addicted and abusing offenders in the same drug court may complicate the process of levying incentives and sanctions effectively, as well as make it more difficult to determine what modes of treatment are needed in a community.

Status of local drug court coordinators is unclear, and their duties differ from court to court

Drug court coordinators have unclear lines of authority in statute; at least two major issues have arisen regarding their status, the first being an employment and accountability issue: Who holds the coordinators responsible for the activity in their courts, and for whom do they work? The second is a legal status issue: Who is liable if a local coordinator's actions or drug court proceedings are challenged in court?

Local coordinators may be employed by counties, as contract employees, or by a non-profit organization.

Employment and accountability Individual local solutions have been applied to coordinator employment issues, resulting in no consistency across the state. In some counties, the coordinator is a county employee with the benefits and legal protections commensurate with that status. In other counties, the coordinator is a contract employee or an employee of a separate non-profit organization formed by the drug court management team. Payment of a coordinator's salary can be out of grant funds from WDH, or they may be paid by a local government so that more grant dollars are available to cover treatment costs.

Local coordinators may not have liability protection.

Coordinator legal standing and liability The Attorney General's Office has issued an informal opinion on the question of legal immunities and protections for local drug court coordinators. The Office states that local coordinators enjoy different levels of immunity or liability protection depending on each one's employment status as defined by the local drug court structure; thus, any one coordinator may have different protections and liabilities when performing professional duties than others have.

The state cannot effectively monitor drug court processes or results

As the Legislature increasingly emphasizes the results and performance of drug courts, issues of state versus local control and concerns about diverse procedural practices are surfacing. Due to the wide variations among local courts, measuring performance and outcomes statewide has been challenging. The Division has struggled to establish a functional management information system; politically, it is proving difficult to define performance measures that fit all drug courts, given their different structures, target populations, and perceptions of success.

There is no local consensus on standardizing operations or adopting uniform accountability measures.

In the face of this diversity, there has been little direction from WDH and little agreement at the local level on how to standardize. Ironically, concern over increased accountability comes at a time when individual drug courts are more entrenched than ever, both financially and organizationally, in local communities. One coordinator phrased the challenge by saying each court is "fiercely" independent and they will "fiercely" defend themselves. Further compounding the problem, according to the Division, is that three drug courts are operating without any state funding and therefore oversight by the Division; nine additional communities may be planning to start drug courts (this many have inquired at the Division or have already gone through the federal training).

Relevant state standards have not been developed for two key functions of drug courts

We found general agreement that the three most important aspects in making drug courts successful are: substance abuse treatment of offenders, intensive supervision/probation, and intense and continued involvement of the judge to bring it all together. Statute

Division rules and authority cannot address probation practices and judicial processes.

requires substance abuse treatment providers to be certified, and HB 59 in 2002 required the adoption of standards by the Division. However, the drug court statute and Division rules do not and cannot address the other two legs of the stool. Inter-agency collaboration is needed to work out standards for intensive supervision and probation; similarly, judicial-executive collaboration is necessary to develop standards for judicial conduct and guidelines for handling drug court proceedings.

Many state entities contribute to drug court operations

No single entity has authority to oversee activities in the 23 separate, locally-run courts or to develop policy for a system. For example, in interviews with local stakeholders, we found that many hold a misperception that the executive branch, through either the state drug court coordinator, the Division, or the State Drug Court Panel, is responsible for making policy.

Drug court judges feel isolated, deal with legal and ethical concerns individually.

Having worked in consultation with the Judiciary to adopt non-funding related standards (see page 34), and having been unsuccessful in that effort, the Division does not believe it has authority to compel judges to follow standard executive branch procedures in operating drug courts. Statute does not give the Panel managerial or policy-making authority. We learned that under these circumstances, local drug court judges feel isolated: they do not answer to the state coordinator or the Panel, and absent policy guidance from the judicial branch, find it necessary to address legal and ethical concerns individually.

The state coordinator has limited authority to guide judges and drug

WDH, Division and State Coordinator We were told one of the main reasons WDH was selected to administer drug court funding was that this structure would provide linkages between drug courts and the Department's existing substance abuse treatment programs. WDH and the Division have some oversight authority for drug courts by virtue of statutory requirements to manage and account for funding, issue program guidelines, collect local self-evaluations, and report to the Legislature and Governor. However, drug court judges, who are leaders of the local teams, are part of a separate branch of government, the judicial branch. As an employee of an executive branch agency, the state drug court coordinator has

court processes. limited ability to oversee or direct judges in how to run their courts, other than through the grant funding process. Given their separate lines of authority, the state coordinator's approach to influencing judicial activities has been to seek change through education and consensus building.

State Drug Court Panel and Governor's Board The drug court statute specifically and narrowly restricts the State Drug Court Panel's role to making funding decisions regarding local drug courts' grant applications. Panel members acknowledge a need for more standards, policies, and quantifiable outcomes to come from the state, and they have begun discussions to define terminology and establish funding priorities. However, the Panel has no administrative or policy-making authority to direct drug courts toward satisfying statutory purposes and goals.

The Governor's Board has requested more consistent drug court data.

The Governor's Substance Abuse and Violent Crime Advisory Board's (Governor's Board) receives WDH drug court reports and has a representative on the State Drug Court Panel. It has also gone beyond those roles in participating in the administration of drug courts: the Governor's Board was directly involved in drug court funding prior to FY'02, and has recently requested more standardized outcome measures from them.

Corrections and the State Public Defender provide personnel to local teams.

Other State Agencies: In addition to reviewing grant applications, the State Drug Court Panel member agencies also support local drug court operations with personnel and funding. For example, the Department of Corrections dedicates nine full-time probation officers exclusively to drug courts, and an estimated 80 percent of drug court offenders are represented by the Public Defender's Office. Locally, team members find it necessary to adjust or alter their traditional professional roles in order to contribute to the collaborative decision-making process typical of drug courts. This was described as "...everyone has to give up a bit of power or control" for the good of the team and offender.

Judicial opinions are mixed, but judicial stakeholders perceive they had little impact on how statute and local courts developed

Judges' interactions with drug court offenders are integral to offender progress.

According to drug court research, a judge's regular interaction with offenders is both the most valued incentive (i.e. the judge's praise) and the most sobering sanction (i.e. reprimands) for offenders during their time in drug court. However in Wyoming, broad-based judicial support for drug courts has not developed even though they have been created across the state and exist within different levels of Wyoming's courts. The Center for Court Innovation holds that a primary building block for beginning to institutionalize drug courts is having stakeholder agreement on the concept and process.

The judiciary was not sufficiently included in early drug court discussions.

Drug courts have engendered controversy within the Wyoming judiciary since they were first proposed. Several judges and knowledgeable observers maintain that input from the Judiciary was not sufficiently solicited at the early stages of drafting the drug court statute. Key stakeholders mentioned they were not consulted until statutory language had been proposed and appropriations were already attached.

Judges may be beginning to find common ground on drug courts

Ethical and constitutional concerns fuel judicial reservations about drug courts.

After interviewing numerous judges, both participants and non-participants in drug courts, we believe many are coming to agree that further definition of drug and problem-solving courts should be considered cautiously. Early in 2006, all levels of the Wyoming Judiciary endorsed a resolution calling for a thorough discussion before further modifying or changing statute. Such discussions are indicated because statute leaves open to interpretation by each individual drug court certain important ethical and constitutional concerns. These issues, summarized in Figure 3.4, include: separation of powers between the executive and judicial branches; jurisdictional, due process, and appeals procedures, as well as ex parte communications.

Figure 3.4

Selected judicial concerns about drug courts

Separation of Powers: The mere fact that state-level drug court funding is managed by WDH and the Division, while the courts manage the legal process and sentencing of offenders, creates confusion as to where each branch's authority ends and the other's begins. Nationally, the Conference of State Court Administrators notes support for some sharing of powers among the branches of government, but it also asserts that policy decisions dealing with the actual administration of justice are the primary power of the judicial branch.

Jurisdiction, Due Process, Appeals: Jurisdictional questions have arisen in that some cases typically heard in one court under one set of principles and procedures may be processed at a different level of court functioning under a different set of principles and procedures. An example would be a juvenile referred from the district-level juvenile court to a circuit or municipal juvenile drug court. Related issues include when individual offender rights may be secondary to drug court functions and authority, and what the appeals process is if offenders wish to contest drug court (i.e. – sanction) or probation revocation decisions, especially at the district court level.

Ex Parte Communications: In some drug courts, the judge participates in team staffing to discuss the merits of the case. In some drug courts, the judge participates in the team staffing without the presence of the defendant, the defense counsel, or prosecution counsel. Some concerns have to do with: (1) not having legal representation when the team discusses an offender's situation; (2) the judge's role as a team member in deciding what sanctions to recommend; (3) the judge's ability to render an impartial decision, if present for team discussion; and (4) outside the court, families may approach judges to discuss an offender's case, also compromising judicial impartiality.

Source: LSO summary of stakeholder interviews and document review.

WDH and the Board of Judicial Policy and Administration attempted to set state standards for drug courts, but were unsuccessful

The Board of Judicial Policy and Administration concluded drug courts are not "courts."

Stakeholders told us that standards, rules, or guidelines are needed to help bring more consistency into drug courts across the state. The continued absence of statewide standards may relate to the unclear organizational status of drug courts: Statute indicates they are a "sentencing option" as defined under the Courts (Title 5), and in 2003, the Board of Judicial Policy and Administration in concert with the Division attempted to adopt judicial rules of procedure. The Board concluded that drug courts are not actually courts in the same sense that municipal, circuit, district, and juvenile courts are and the rules were not adopted. The Board's reasons for holding this position are similar to judicial concerns summarized in Figure 3.4.

The absence of approved judicial rules that would clarify how drug courts are, or are not, part of the judicial system contributes to the

ambiguity. The Judiciary requested WDH and the Division to extract administrative aspects which had been in the proposed judicial rules, but they have yet to do so. Figure 3.5 lists areas of drug court operations stakeholders mentioned could benefit from statutory change or development of state standards and guidance.

Figure 3.5

Areas that can benefit from rules or guidance

Judicial concerns	Separation of powers, treatment of juveniles, jurisdiction, due process, appeals, ex parte communication, fundraising
Probation concerns	Drug court versus regular probation procedures, caseload for drug court probation officers
Local coordinators' concerns	Employment status, liability due to uncertain and inconsistent local drug court structures (non-profits, local government entities)
Others' procedural concerns	Drug court admissions criteria, graduation standards and requirements, drug testing standards and protocols, training, required treatment components and standardized rates, standard waiver documents and practices

Source: LSO summary of stakeholder interviews and document review.

Nationally, experts and practitioners recognize the need to institutionalize drug courts

Clear administrative structure and authority are needed for a statewide drug court program.

The federally-driven initiative to create local drug courts bypassed broad state government involvement that might have defined and standardized important aspects of drug court functioning.

Wyoming set up a decentralized implementation strategy that mimicked the federal strategy and emphasized local decision-making and control. However, research indicates an administrative structure with clear authority is essential for a statewide drug court program; institutionalizing drug courts into a statewide system provides stability for the function and assists in meeting program goals. In order to do this, a state needs to establish both an oversight responsibility and the authority to hold local drug courts accountable.

Defined state-level structure may promote the sustainability of drug courts

The Bureau of Justice Assistance and the National Drug Court Institute have developed model drug court legislation that stresses “the importance of structure,” including “clearly defining” aspects

of state-level drug court administration. In general, clear lines of authority should provide the chief state administrator sufficient clout and influence to compel adherence to the state standards and policies.

How to integrate drug courts into state government is a concern in many states.

In a 2004 study called *The Future of Drug Courts: How States are Mainstreaming the Drug Court Model*, the Center for Court Innovation (Center) noted that the central issue currently facing drug courts nationwide is the challenge of institutionalization. Intuitively, institutionalization and promoting drug courts as a fully integrated program, rather than as an experimental project, appears to conflict with the local, flexible nature of their origins. But the Center emphasizes that “drug courts will not survive for long unless they are institutionalized,” and that “the movement has as much, if not more, to fear from excessive fidelity to the model.”

Recent study identifies successful administrative models for drug courts

Generally, drug court research supports establishing a comprehensive and well defined administrative structure in which policy-making authority is clear and well-communicated to all stakeholders. The Division recently commissioned a nationally recognized drug court research expert to examine oversight and administration issues and recommend changes for Wyoming.

A recent study states Wyoming has an “executive branch” model, since funding goes through WDH.

The report outlines three basic models for administering drug courts: executive branch, judicial branch, and a “hybrid” model involving collaboration between the executive and judicial branches. It found that many states have an oversight commission or advisory panel to assist in program management, but instead of recommending one model over the others, it indicated the general benefits and drawbacks of each. Figure 3.6 summarizes the models as described in the study; it placed Wyoming under the “executive branch model” since state funding for drug courts is appropriated to WDH.

Figure 3.6

Drug court administrative models advantages and disadvantages

Executive Model		Judicial Model		Hybrid Model	
Advantage	Disadvantage	Advantage	Disadvantage	Advantage	Disadvantage
Oversight ability for treatment and supervision already based in executive branch agencies	Judges feel isolated in operating drug courts	Improved financial stability	Administering a program through the judiciary creates conflict of interest if program is challenged; suit may go to federal court with state judiciary as defendant	Each branch has authority over its own structure	Difficulty defining the program's final authority
Judiciary lacks administrative experience in program management, especially in substance abuse treatment	De facto violation of the Constitution for the separation of powers	Improved accountability Improved legitimacy of drug courts	Judiciary is in the position of having to make clinical or treatment decisions for which they are not trained or inclined as a group to do	Each branch can oversee its primary responsibilities to provide accountability and legitimacy	
States Using Executive Model		States Using Judicial Model		States Using Hybrid Model	
Missouri, Washington, Wyoming		Arizona, Florida, Illinois, Minnesota, Louisiana, Virginia		California, Idaho	

Source: LSO summary of *Intergovernmental Relations and Drug Courts: Finding a Home for State Management of Local Judicially Driven Programs*, by Dr. Cary Heck and Aaron Roussell, National Drug Court Institute and University of Wyoming, 2006.

Recommendation: The Legislature should consider authorizing a steering committee to review different administrative models, and report recommendations for a comprehensive state administrative structure.

Because statute allows drug courts to develop and function for the most part independently of state prerogatives, local authorities are doing so in 23 rather different ways. The Legislature has delegated significant autonomy to locally-formed drug courts, and statute is silent on key

It is time to step

***back and reassess
the roles of major
stakeholders in drug
courts.***

aspects of drug court processes and concerns; the role of judges and probation personnel practices are two of those aspects. One study points out, “legislation must have teeth...it does not seem to be enough to simply define and provide funding for drug courts.” We believe it is time to step back and reassess the role of each major participant in drug courts.

***The drug court
steering committee
should include
members from all
levels of the
judiciary.***

The Legislature should consider appointing a steering committee to review successful administrative models from other states, and report to the Legislature with recommendations for improving the state-level structure for drug courts. In order to develop a shared understanding of terminology and clear lines of communication, the committee’s membership should be equally broad and inclusive of at least the following: members of the judiciary representing all court levels and including practicing and non-practicing drug court judges, members of the Legislature, and agency representatives from the State Drug Court Panel.

The steering committee’s charge could be two-fold, in that it could also be tasked to begin forging a common understanding of drug courts. For example, are they actual courts, another form of intensive supervised probation, purely treatment-related, or do they serve some other purpose or set of purposes? This greater definition should fit with the recommended administrative structure and placement of the program in state government.

***A stronger state
presence should
provide reasonable
uniformity, equity,
and accountability.***

The state needs to have sufficient and reasonable oversight authority over local drug courts to better ensure accountability for state funds, a more uniform and fair process, and the adoption of best practice treatment methods. Ultimately, if the Legislature desires this accountability, it needs to establish a stronger state administrative presence with regard to drug courts.

CHAPTER 4

Conclusion

Many states are struggling with how to integrate drug court systems.

Drug courts reflect local community desires to deal with substance abuse-driven criminal behavior in a manner different from the punitive methods found in traditional criminal justice programs. A federal funding initiative sparked their growth and expansion, often bypassing formal state participation. Now, with federal funding decreasing while the demand for services grows, Wyoming, like many other states, is struggling to make tough decisions about systems, governance structure, and funding.

Some Wyoming communities operate drug courts without state funds or oversight.

Drug courts represent a unique governmental mix of administrative and judicial processes. In Wyoming each court defines its own blend, resulting in so many differences among them that it is almost easier to describe those rather than their commonalities.

Although the state's interest in drug court outcomes is profound, not the least because it has invested more than \$24 million in them, in practice it is funding 23 individual and different local drug courts while requiring little oversight and accountability. In addition, under the current approach, several communities have volunteered to operate drug courts without state funding, potentially leading to a parallel system devoid of any state oversight of services or results.

The judiciary has significant interest in helping define and operate drug courts.

Solutions to Wyoming's quandary may prove particularly challenging since drug courts have been established within different court levels, but operate without approved judicial standards and procedures. A function that is called a court, headed by a judge, operated in - and much like - a standard courtroom, and defined in statute as a "sentencing option," seems to warrant at the very least, approved judicial rules and management policies. Yet at present, as one observer has commented, they seem to exist in an alternate judicial universe.

Statute creates a decentralized structure for drug courts in which the primary state control mechanisms are grant applications and

Statute requires a judge on local teams, but does not address the broad role of the judiciary.

awarding of funds, and the requirement that service providers be certified. Statute is silent as to the role of the judicial branch in this endeavor, other than specifying that a judge will preside over each local drug court. As to administration of a drug court “system,” statute sets up a cross-jurisdictional structure without clearly assigning responsibility and authority to administer the elements that involve the judicial branch.

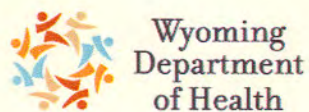
In addition, although decisions to allocate resources should be based on demonstrated benefits, a drug court information system is only now, five years after enactment of HB 82 (2001), about to be implemented. Many persons we interviewed believe that that drug courts are effective, but without clear definitions of success and adequate statewide data, we can neither confirm nor refute this perception.

Other states have tended toward more centralized state-level administration of drug courts.

Wyoming is not the only state grappling with the issues presented in this study. Nationwide, states have confronted the question of how to impose some sort of broader state government structure onto a locally-driven, primarily state-funded effort. Other states’ solutions have been nearly as varied as the drug courts themselves, but most of them have tended toward creating clear and more centralized authority and oversight within the judicial or executive branches, and sometimes both, to manage the process.

Stakeholders agree a more stable and predictable drug courts system is needed.

Stakeholders indicate a desire for greater definition of the state’s involvement to create a more stable, predictable system. If the Legislature believes drug courts should continue and possibly expand, it needs to explore ways to institute reasonable standardization for drug courts. Without this kind of effort, it is not clear that Wyoming drug courts can be much more than a loose amalgamation of 23 or more locally-run activities that share two commonalities: name and major funding source.



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Brent D. Sherard, M.D., M.P.H., Director and State Health Officer

Governor Dave Freudenthal

MEMORANDUM

DATE: July 18, 2006

TO: Representative Randall Luthi, Chairman, Management Audit Committee
Senator Grant Larson, Vice Chairman, Management Audit Committee

FROM: Brent D. Sherard, M.D., M.P.H., Director and State Health Officer
Wyoming Department of Health *[Signature]*

SUBJECT: Wyoming Department of Health Response – Drug Court Report

REF: S-2006-608

Please find attached the Wyoming Department of Health's response to the Drug Court Report as requested by the Legislative Service Office.

Thank you.

BDS/HB/jg

Attachment

c: Chris Boswell, Chief of Staff, Office of the Governor
Wendy Curran, Policy Analyst, Office of the Governor
Heather Babbitt, Drug Court Coordinator, Substance Abuse Division
Steve Gilmore, Administrator, Substance Abuse Division
Ginny Mahoney, M.A., Chief of Staff

Wyoming Department of Health
Drug Court Report Response
July 18, 2006

Recommendation – The Division should continue to define performance and outcome measures and develop uniform reporting requirements for the data it requires.

Response – The Wyoming Department of Health agrees in part with this recommendation.

- Performance and outcome measures, data collection, and reporting standards for evaluation have been developed and implemented in the Case Management System that began full operation on July 1, 2006. As this report states, the measures listed here have been elusive, even at the federal level. Only recently were national outcomes developed.
- Local programs were included in the design of the case management system beginning in May 2004 with the *Wyoming Drug Court Statewide Technical Assistance Project* and continuing with the user's group, alpha testing and beta testing.
- The Wyoming Department of Health continues to work on defining performance measures for juvenile and family drug courts as well as policies on data entry requirements.
- The report asserts that statewide effectiveness of drug courts has not been demonstrated. However, without a comparison of the outcomes, costs, sentencing and supervision of offenders in the traditional court system, no valid conclusion can be reached by the Legislative Service Office evaluation staff, making the statement inaccurate and merely a reflection of the opinion of the program evaluators.

Recommendation – The Legislature should consider delaying a decision to alter the current grant funding process during the 2007-2008 Biennium.

Response – The Wyoming Department of Health agrees in part with this recommendation.

- The data system for drug courts has not been effective in gathering needed information to support changes in appropriations to fund drug courts in the state. It is reasonable to delay alteration of the grant funding process by making drug courts a standard budget item until the data exists to support the outcomes of the program.
- Delaying a decision to make drug courts a standard budget item until data is received will prohibit growth at the state level until the next biennium. There are additional communities discussing the planning and implementation of a drug court. Delaying state funding to those programs will result in locally funded drug court programs with little state authority to obtain or collect data or a “business as usual” approach to handling addicted offenders in those communities.

Recommendation – The Legislature should consider authorizing a steering committee to review different administrative models, and report recommendations for a comprehensive state administrative structure.

Response – The Wyoming Department of Health is neutral with regard to this recommendation.

- The scope of work done by the legislature is at their discretion and the Wyoming Department of Health and the Substance Abuse Division will continue to provide a high level of cooperation.
- Legislative intent for local drug courts is couched throughout Wyoming Statutes 5-10-101 through 5-10-107 and gives direction to the Wyoming Department of Health as to the appropriation to each local court. Currently the Department is complying with the statutory provisions.
- Oversight of the funding to local drug courts has been through the State Drug Court Panel, whose duties are defined in statute.
- Developing a state administrative structure could potentially restrict the autonomy of the local drug court program management committee and centralize drug court operations at the state level, rather than allowing community based restorative justice programs to work in the state. Maintaining some level of local autonomy allows communities to shape their drug court program to fit local circumstances such as drug use and arrest patterns and the availability of treatment resources and other services.

APPENDIX A

Selected Statutes

Title 5 - Courts

CHAPTER 10 - DRUG COURTS

5-10-101. Purpose and goals.

(a) The legislature recognizes that a critical need exists in this state for criminal justice system programs that will break the cycle of drug and alcohol abuse and addiction and the crimes committed as a result of drug and alcohol abuse and addiction. Local drug court programs shall be facilitated for the purpose of:

- (i) Providing sentencing options for the judicial system to dispose of cases stemming from drug use; and
- (ii) Combining judicial supervision, supervised probation, drug testing, treatment, aftercare and monitoring of drug court participants.

(b) The goals of the drug court programs funded under this article include the following:

- (i) To reduce alcoholism and other drug dependency among offenders;
- (ii) To reduce recidivism rates in both drug use and criminal activity;
- (iii) To reduce the drug related court workload;
- (iv) To increase the personal, familial and societal accountability of offenders; and
- (v) To promote effective interaction and use of resources among criminal justice personnel, state agencies and community agencies.

5-10-102. Establishment of drug court system; drug court account.

(a) There is created a drug court account. All interest earned on funds within this account shall be deposited in the account.

(b) Any drug court which meets all of the qualifications of W.S. 5-10-106 and rules and regulations properly promulgated is eligible for funding from the drug court account in an amount not to exceed two hundred thousand dollars (\$200,000.00) for each fiscal year.

(c) The department of health shall make funding recommendations to the drug court panel based on the amount of funding which the county supplies to its drug court. The department of health shall make recommendations regarding a proportionate contribution to each participating county from the drug court account subject to the maximum amount established in subsection (b) of this section.

(d) In addition to those funds appropriated to the account under subsection (a) of this section the department may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically given to the department for the benefit of the drug courts or treatment providers in Wyoming.

5-10-103. Drug court panel.

(a) The department of health shall oversee and provide funding for the drug courts from the drug court account. The department of health shall implement rules and regulations specifying a funding application procedure, certification requirements for treatment personnel participating in the drug court program and drug court program office guidelines. In order to maximize federal financial participation, compliance with the United States' Department of Justice Drug Court Program guidelines shall be considered by the department.

(b) A drug court panel shall consist of the following persons or their designees: chairman of the board of judicial policy and administration, chairman of the governor's substance abuse and violent crime advisory board, director of the department of health, the attorney general, director of the department of family services, director of the department of corrections and the state public defender. The panel, upon recommendations from the department of health, shall make all funding determinations. The panel shall determine whether a local drug court management committee which makes application for drug court funding meets the criteria established by W.S. 5-10-106.

(c) Any expenses incurred in implementing this act shall be paid from the drug court account by the department of health. Administrative expenses shall be minimized and shall not exceed ten percent (10%) of the amounts appropriated to the drug court system.

(d) Those members of the drug court panel who are not full-time employees of the state of Wyoming shall receive as compensation one hundred twenty-five dollars (\$125.00) for each day necessarily employed in attending the meetings of the board, and shall also receive per diem and mileage allowance as allowed to state employees for attending the meetings and performing the duties incumbent upon them as members of the drug court panel.

5-10-104. Local drug court management committee.

(a) A local drug court management committee shall be established by each local drug court. The members of this management committee shall be actively involved with the drug court. The management committee shall consist of:

- (i) The judge who presides over the local drug court;
- (ii) One (1) prosecuting attorney, selected by the county or district attorney;
- (iii) One (1) member of the bar who practices criminal defense, selected by the judge of the drug court;
- (iv) A monitoring officer, agreed upon by the attorney members of the committee and the judge; and
- (v) A representative of the treatment providers, agreed upon by the attorney members of the committee and the judge.

(b) The five (5) members of the local drug court management committee specified in subsection (a) of this section may appoint additional members.

(c) All members shall be residents of, or practicing in the county or counties served by the local drug court.

(d) Each local drug court management committee shall manage the funds received from the drug court account, meet any reporting requirements of the department of health and appoint a drug court coordinator or program manager who shall be responsible for administration and oversight of the court and will be the primary contact for outside agencies.

(e) The drug court coordinator or program manager and any other persons employed shall receive compensation as determined by the local drug court management committee.

5-10-105. Application; selection by drug court panel; report on grants awarded.

- (a) Requests for new or continued funding of drug courts may be submitted annually by any local drug court management committee to the drug court panel on dates set by the department of health. Submitted proposals shall be in a form provided and prescribed by the department of health, which shall, at a minimum, require the qualifying information provided by W.S. 5-10-106.
- (b) The Wyoming Criminal Justice Statistical Analysis Center within the University of Wyoming shall be utilized in providing appropriate data for a proposal.
- (c) The drug court panel shall award grants to only those drug courts which meet the standards required by this article and rules and regulations promulgated by the department of health.
- (d) In accordance with determinations of the drug court panel, the department of health shall annually distribute funds to the management committee of selected drug courts on or before September 1. Drug court grants received under this article shall only be used for the purposes for which the grant is awarded and shall not be expended for any other program, activity or purpose.
- (e) The department of health shall, on behalf of the drug court panel, annually report to the governor and the joint labor, health and social services committee on the selected drug courts which receive funding. The report shall include an evaluation of the drug courts and a determination of whether each drug court funded under this article is successful in meeting the objectives of this article.

5-10-106. Qualifications.

- (a) To be eligible for funding from the state drug court account a local drug court shall:
- (i) Integrate substance abuse treatment services with the justice system case processing;
 - (ii) Use a nonadversarial approach involving both the prosecution and defense counsel to promote public safety while providing appropriate treatment for the adjudicated individual;
 - (iii) Identify eligible participants early and promptly place the eligible participant in the drug court program;
 - (iv) Provide access to a continuum of substance abuse related treatment and rehabilitation services;
 - (v) Monitor long term abstinence by frequent drug and alcohol testing;
 - (vi) Coordinate a strategy which will guide drug court responses to a participant's compliance with the program requirements;
 - (vii) Facilitate ongoing judicial interaction with each drug court participant;
 - (viii) Monitor and evaluate the achievement of program goals and gauge the effectiveness of the program;
 - (ix) Continue interdisciplinary education which promotes effective drug court planning, implementation and operations;
 - (x) Forge partnerships among drug courts, public agencies, community-based organizations and private foundations and businesses which generate local support and enhance the effectiveness of the drug court program; and
 - (xi) Have maximized the use of available federal funding from the United States department of justice drug court program under the guidelines of title 42, section 3796ii of the United States Code.

5-10-107. Conditions for admission to a drug court program.

- (a) Each drug court shall establish conditions for referral of proceedings to the court consistent with drug court program office guidelines. Any proceeding accepted by the drug court program for disposition shall be upon

agreement of the parties. Any drug court participant shall agree to the release of medical and other records relevant to the treatment of the participant pursuant to subsection (b) of this section.

(b) Drug court staff, designated by the judge, shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Agency employees shall fully inform a drug court staff of all matters relevant to the treatment of the participant. No contents of records and reports shall be disclosed to any person outside of the drug court. The records and reports shall be maintained by the court in a confidential file not available to the public.

(c) The judge who presides over the drug court shall inform the eligible participant prior to acceptance into the drug court program that the eligible participant may be subject to a term of probation that exceeds the maximum term of imprisonment established for the offense as provided in W.S. 5-9-134.

APPENDIX B

Key Components of Drug Courts

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Source: *Defining Drug Courts: The Key Components*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Clearinghouse, October 2004.

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APPENDIX C

Drug courts costs: grant funds and local match

Figure C.1a

Drug court state grant contracted amount, claimed local in-kind and cash match, and total funds committed to individual Wyoming drug courts, FY '02 – '04

Court Name	FY '02			FY '03			FY '04		
	Contracted	Match	Total Funds Committed	Contracted	Match	Total Funds Committed	Contracted	Match	Total Funds Committed
Albany County Adult	-----	-----	-----	-----	-----	-----	\$85,664	\$73,127	\$158,791
Big Horn County Family	\$112,145	\$115,595	\$227,740	\$107,626	\$104,315	\$211,941	\$107,626	\$88,306	\$195,932
Campbell County Adult	-----	-----	-----	-----	-----	-----	\$100,000	\$78,576	\$178,576
Campbell County Juvenile	\$104,519	\$73,393	\$177,912	\$196,722	\$100,060	\$296,782	\$196,687	\$124,705	\$321,392
Fremont County Adult	-----	-----	-----	\$200,000	\$102,018	\$302,018	\$200,000	\$161,505	\$361,505
Fremont County Juvenile	\$170,503	UK	UK	\$165,984	UK	UK	\$200,000	\$79,468	\$279,468
Johnson County Juvenile	-----	-----	-----	-----	-----	-----	\$92,228	\$36,220	\$128,448
Johnson County Adult	-----	-----	-----	-----	-----	-----	-----	-----	-----
Laramie County Adult	\$191,676	UK	UK	\$187,157	UK	UK	\$200,000	\$120,810	\$320,810
Laramie County DUI	-----	-----	-----	-----	-----	-----	-----	-----	-----
Lincoln County Adult	\$173,124	UK	UK	\$160,396	\$39,199	\$199,595	\$161,900	\$39,675	\$201,575
Natrona County Adult	\$79,971	UK	UK	\$200,000	\$155,219	\$355,219	\$200,000	\$190,986	\$390,986
Park County Adult	\$123,032	UK	UK	\$194,000	\$135,405	\$329,405	\$200,000	\$160,000	\$360,000
Sheridan County Adult	\$129,592	UK	UK	\$199,214	\$23,278	\$222,492	\$200,000	\$19,836	\$219,836
Sheridan County Juvenile	-----	-----	-----	\$195,361	\$66,423	\$261,784	\$194,075	\$69,867	\$263,942
Sweetwater County Adult	-----	-----	-----	-----	-----	-----	-----	-----	-----
Sweetwater County Family	-----	-----	-----	-----	-----	-----	-----	-----	-----
Teton County Adult/DUI	-----	-----	-----	-----	-----	-----	\$55,476	\$28,950	\$84,426
Teton County Family	-----	-----	-----	-----	-----	-----	-----	-----	-----
Tribal Adult	-----	-----	-----	-----	-----	-----	-----	-----	-----
Tribal Juvenile	\$73,919	UK	UK	\$155,500	\$140,440	\$295,940	\$154,231	\$128,800	\$283,031
Uinta County Adult	\$191,519	UK	UK	\$200,000	\$136,585	\$336,585	\$200,000	\$138,440	\$338,440
Evanston Juvenile	-----	-----	-----	\$158,109	\$103,367	\$261,476	\$175,048	\$109,294	\$284,342
All contracted/awarded funds	\$1,350,000	UK	UK	\$2,320,069	UK	UK	\$2,722,935	\$1,648,565	\$4,371,500

Source: LSO summary of Division data.

UK = Division data did not account for matching funds

Figure C.1b

Drug court state grant contracted amount, claimed local in-kind and cash match, and total funds committed to individual Wyoming drug courts, FY '05 – '07

Court Name	FY '05			FY '06			FY '07		
	Contracted	Match	Total Funds Committed	Contracted	Match	Total Funds Committed	Contracted (Request)	Match	Total Funds Committed
Albany County Adult	\$181,228	\$101,708	\$282,936	\$175,746	\$130,067	\$305,813	\$199,126	\$130,546	\$329,672
Big Horn County Family	\$141,465	\$92,126	\$233,591	\$199,966	\$74,236	\$274,202	\$199,535	\$127,992	\$327,528
Campbell County Adult	\$200,000	\$109,823	\$309,823	\$200,000	\$140,484	\$340,484	\$200,000	\$106,915	\$306,915
Campbell County Juvenile	\$198,337	\$112,126	\$310,463	\$200,000	\$108,078	\$308,078	\$200,000	\$107,078	\$307,078
Fremont County Adult	\$200,000	\$185,805	\$385,805	\$200,000	\$178,805	\$378,805	\$200,000	\$199,795	\$399,795
Fremont County Juvenile	\$200,000	\$122,528	\$322,528	\$200,000	\$130,128	\$330,128	\$200,000	\$141,643	\$341,643
Johnson County Juvenile	\$91,474	\$36,220	\$127,694	\$85,300	\$34,220	\$119,520	\$48,258	\$45,591	\$93,849
Johnson County Adult	-----	-----	-----	\$14,932	UK	UK	\$42,905	\$124,395	\$167,300
Laramie County Adult	\$200,000	\$148,430	\$348,430	\$200,000	\$155,430	\$355,430	\$212,820	\$172,250	\$385,070
Laramie County DUI	-----	-----	-----	\$15,250	\$17,530	\$32,780	\$145,000	\$91,500	\$236,500
Lincoln County Adult	\$156,700	\$44,375	\$201,075	\$157,591	\$47,059	\$204,650	\$159,363	\$47,325	\$206,688
Natrona County Adult	\$200,000	\$207,764	\$407,764	\$200,000	\$169,522	\$369,522	\$334,507	\$1,260,768	\$1,595,275
Park County Adult	\$200,000	\$110,396	\$310,396	\$200,000	\$96,185	\$296,185	\$200,000	\$118,300	\$318,300
Sheridan County Adult	\$152,722	\$11,134	\$163,856	\$199,294	\$75,066	\$274,360	\$200,000	\$75,537	\$275,537
Sheridan County Juvenile	\$183,412	\$67,863	\$251,275	\$185,214	\$64,866	\$250,080	\$200,000	\$78,837	\$278,837
Sweetwater County Adult	-----	-----	-----	\$209,999	\$50,064	\$260,063	\$200,000	\$161,767	\$361,767
Sweetwater County Family	-----	-----	-----	\$108,150	\$30,500	\$138,650	\$108,150	\$64,650	\$172,800
Teton County Adult/DUI	\$155,481	\$124,200	\$279,681	\$186,368	\$100,298	\$286,666	\$116,000	\$30,000	\$146,000
Teton County Family	-----	-----	-----	\$153,888	\$38,877	\$192,765	\$131,627	\$54,725	\$186,352
Tribal Adult	-----	-----	-----	\$183,373	\$76,709	\$260,082	\$199,969	\$104,458	\$304,427
Tribal Juvenile	\$154,231	\$113,400	\$267,631	\$198,673	\$70,505	\$269,178	\$199,877	\$70,458	\$270,335
Uinta County Adult	\$200,000	\$231,189	\$431,189	\$200,000	\$231,189	\$431,189	\$248,338	\$240,940	\$489,278
Evanston Juvenile	\$184,948	\$139,632	\$324,580	\$200,000	\$174,532	\$374,532	\$204,407	\$185,755	\$390,162
All contracted/awarded funds	\$2,999,998	\$1,958,719	\$4,958,717	\$3,873,744	UK	UK	\$4,149,882	\$3,741,225	\$7,891,108

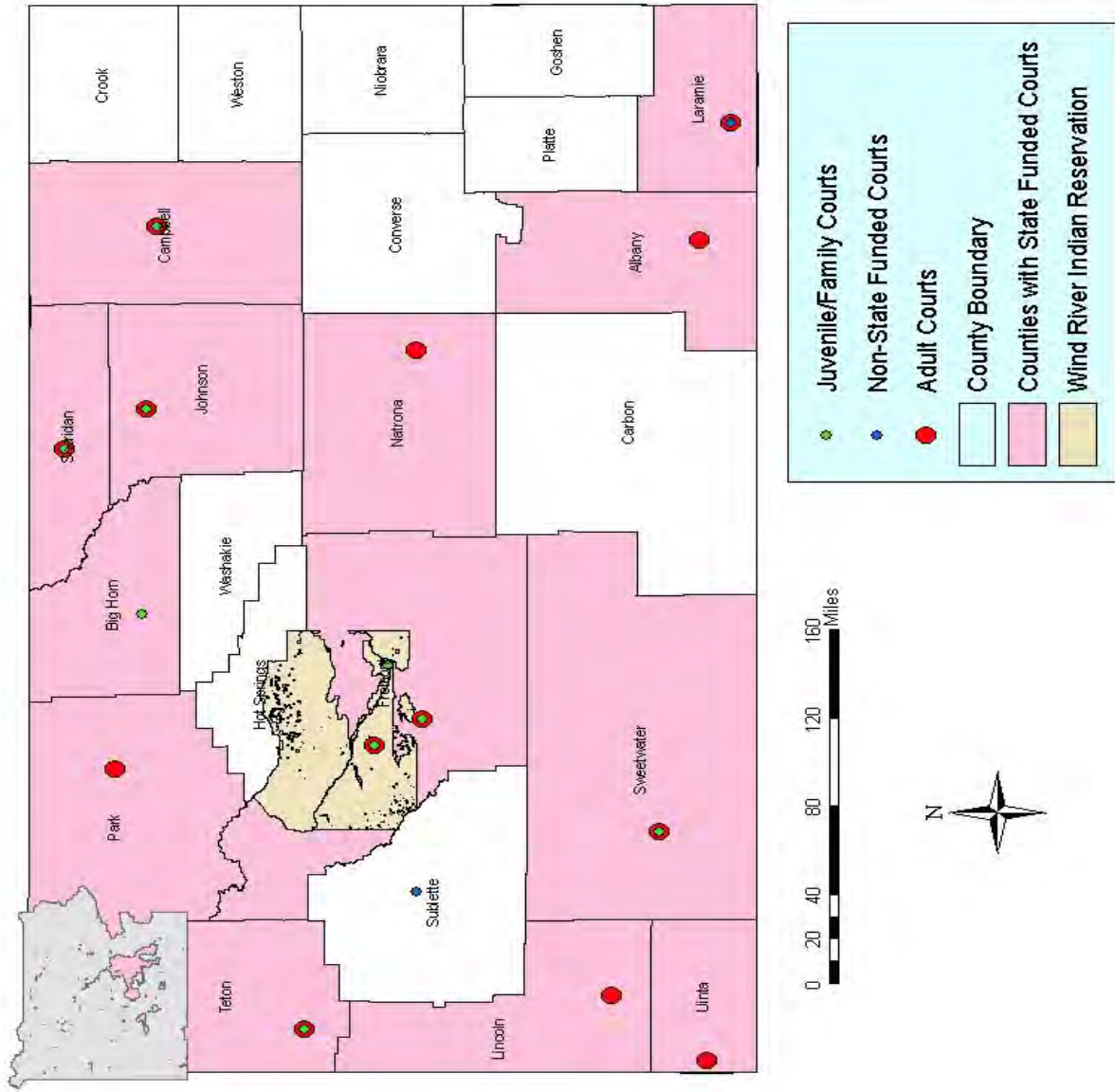
Source: LSO summary of Division data.

UK = Division data did not account for matching funds.

APPENDIX D

Map: Wyoming Drug Courts

Figure D.1
Wyoming drug court locations: state funded adult and juvenile/family courts and non-state funded



Source: LSO summary of Division information.

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APPENDIX E

Characteristics of Wyoming drug court offenders

Figure E.1

Number of drug court offenders, FY'98 – '06 (through March 31, 2006)

Court Name	Documented Offenders			Active			Exited			Unknown		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Albany County Adult	26	21	5	12	10	2	13	11	2	2	1	0
Big Horn County Family	32	21	11	6	1	5	14	9	5	12	11	1
Campbell County Adult	84	56	28	28	13	15	56	43	13	0	0	0
Campbell County Juvenile	31	21	10	7	5	2	22	14	8	2	2	0
Fremont County Adult	182	132	50	70	52	18	110	79	31	2	1	1
Fremont County Juvenile	85	54	31	32	18	14	53	36	17	0	0	0
Johnson County Juvenile	7	4	3	1	0	1	6	4	2	0	0	0
Johnson County Adult	3	3	0	3	3	0	0	0	0	0	0	0
Laramie County Adult	73	53	20	33	27	6	38	24	14	2	2	0
Laramie County DUI	No offenders admitted											
Lincoln County Adult	65	47	18	12	6	6	51	39	12	2	2	0
Natrona County Adult	152	121	31	51	37	14	101	84	17	0	0	0
Park County Adult	70	51	19	16	13	3	53	37	16	1	1	0
Sheridan County Adult	138	101	37	21	15	6	105	78	27	12	8	4
Sheridan County Juvenile	58	39	19	5	4	1	53	35	18	0	0	0
Sweetwater County Adult	9	2	7	9	2	7	0	0	0	0	0	0
Sweetwater County Family	No offenders admitted											
Teton County Adult/DUI	29	26	3	19	17	2	10	9	1	0	0	0
Teton County Family	2	2	0	2	2	0	0	0	0	0	0	0
Tribal Adult	81	56	25	20	15	5	61	41	20	0	0	0
Tribal Juvenile	60	33	27	14	10	4	46	23	23	0	0	0
Uinta County Adult	393	286	107	46	28	18	341	255	86	6	3	3
Evanston Juvenile	64	43	21	10	5	5	54	38	16	0	0	0
Statewide	1644	1172	472	417	283	134	1187	859	328	40	30	10
Adult Courts	1305	955	350	340	238	102	939	700	239	26	17	9
Juvenile/Family Courts	339	217	122	77	45	32	248	159	89	14	13	1

Source: LSO analysis of drug courts' data.

¹ Individual offenders were classified as unknown if their date of admission, date of graduation, or date of termination were not available or not reasonable (i.e. – date of graduation = October 15, 2006)

Figure E.2

Number of exited offenders: terminated or graduated, FY'98 – '06 (through March 31, 2006)

Court Name	Exited		Terminated		Graduated		Percent terminated	Percent graduated
	Total	Male	Female	Total	Male	Female		
Albany County Adult	13	11	2	5	4	1	38.46%	61.54%
Big Horn County Family	14	9	5	2	2	0	14.29%	85.71%
Campbell County Adult	56	43	13	13	8	5	23.21%	76.79%
Campbell County Juvenile	22	14	8	11	7	4	50.00%	50.00%
Fremont County Adult	110	79	31	55	41	14	50.00%	50.00%
Fremont County Juvenile	53	36	17	23	19	4	43.40%	56.60%
Johnson County Juvenile	6	4	2	3	2	1	50.00%	50.00%
Johnson County Adult	0	0	0	0	0	0	0.00%	0.00%
Laramie County Adult	38	24	14	25	17	8	65.79%	34.21%
Laramie County DUI								
Lincoln County Adult	51	39	12	23	19	4	45.10%	54.90%
Natrona County Adult	101	84	17	39	36	3	38.61%	61.39%
Park County Adult	53	37	16	31	22	9	58.49%	41.51%
Sheridan County Adult	105	78	27	50	39	11	47.62%	52.38%
Sheridan County Juvenile	53	35	18	33	22	11	62.26%	37.74%
Sweetwater County Adult	0	0	0	0	0	0	0.00%	0.00%
Sweetwater County Family								
Teton County Adult/DUI	10	9	1	6	5	1	60.00%	40.00%
Teton County Family	0	0	0	0	0	0	0.00%	0.00%
Tribal Adult	61	41	20	39	28	11	63.93%	36.07%
Tribal Juvenile	46	23	23	27	15	12	58.70%	41.30%
Uinta County Adult	341	255	86	174	127	47	51.03%	48.97%
Evanston Juvenile	54	38	16	22	18	4	40.74%	59.26%
Statewide	1187	859	328	581	431	150	48.95%	51.05%
Adult Courts	939	700	239	460	346	114	48.99%	51.01%
Juvenile/Family Courts	248	159	89	121	85	36	48.79%	51.21%

Source: LSO analysis of drug courts' data.

Figure E.3
Average Length of stay for offenders: active, exited, terminated, graduated, FY '98 – '06 (through March 31, 2006)

Court Name	Average Length of Stay (days in program)																	
	Documented Participants				Active				Exited				Terminated				Graduated	
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	
Albany County Adult	291	294	281	187	177	238	376	401	242	294	331	145	428	440	339			
Big Horn County Family	Data incomplete																	
Campbell County Adult	381	383	376	277	270	282	425	412	481	276	267	291	470	445	583			
Campbell County Juvenile	330	358	278	141	134	160	390	437	307	273	306	216	507	569	398			
Fremont County Adult	496	509	460	504	525	444	490	498	470	452	476	382	529	521	547			
Fremont County Juvenile	314	322	301	252	229	282	351	368	316	352	368	278	351	369	327			
Johnson County Juvenile	Too few admitted and completed offenders																	
Johnson County Adult	Too few admitted and completed offenders																	
Laramie County Adult	489	501	457	659	624	813	341	362	304	295	332	217	429	436	422			
Laramie County DUI	No offenders admitted																	
Lincoln County Adult	348	347	350	533	690	377	304	294	336	199	191	235	390	392	387			
Natrona County Adult	343	338	360	372	276	261	379	366	442	255	265	143	456	442	506			
Park County Adult	332	311	387	257	247	300	354	333	403	213	178	299	553	560	537			
Sheridan County Adult	330	317	367	230	248	187	350	331	407	284	262	364	410	399	436			
Sheridan County Juvenile	375	388	350	266	302	123	386	397	363	358	365	344	431	452	392			
Sweetwater County Adult	Too few admitted and completed offenders																	
Sweetwater County Family	No offenders admitted																	
Teton County Adult/DUI	203	198	245	157	148	233	561	292	270	208	195	270	414	414				
Teton County Family	Too few admitted and completed offenders																	
Tribal Adult	Data not individualized																	
Tribal Juvenile	Data not individualized																	
Uinta County Adult	310	319	286	311	371	219	309	313	300	206	201	217	417	422	399			
Evanson Juvenile	293	262	357	310	145	474	290	277	320	178	183	156	366	361	374			
Statewide	355	356	351	365	361	328	358	354	360	268	268	267	436	436	437			
Adult Courts	360	361	358	385	384	332	360	353	368	261	259	264	445	440	460			
Juvenile/Family Courts	325	327	324	250	210	307	348	356	330	301	310	278	392	410	363			

Source: LSO analysis of drug courts' data.

Figure E.4

Average age upon admission to drug court, FY '98 – '06 (through March 31, 2006)

Court Name	Average Age at Admission (years old)																	
	Documented Participants				Active				Exited				Terminated				Graduated	
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Albany County Adult	31.1	31.8	27.9	30.3	32.1	21.4	31.1	31.6	28.3	25.7	23.6	34.0	34.5	36.2	22.6			
Big Horn County Family	Data Incomplete																	
Campbell County Adult	32.0	33.1	29.7	30.4	32.4	28.7	32.6	33.3	30.4	26.8	26.4	27.4	34.4	34.9	32.2			
Campbell County Juvenile	16.2	16.5	15.7	16.0	16.2	15.4	16.4	16.7	15.8	16.1	16.5	15.5	16.6	16.8	16.1			
Fremont County Adult	30.8	30.6	31.6	29.6	29.0	31.5	31.6	31.6	31.7	30.7	31.0	31.0	32.5	32.6	32.4			
Fremont County Juvenile	16.1	16.2	15.9	15.9	16.0	15.8	16.2	16.3	16.0	16.1	16.0	16.7	16.3	16.7	15.8			
Johnson County Juvenile	Too few admitted and completed offenders																	
Johnson County Adult	Too few admitted and completed offenders																	
Laramie County Adult	25.3	24.2	28.3	25.5	24.4	30.4	25.2	23.9	27.3	24.1	22.7	27.0	27.3	27.0	27.0	27.3	27.0	27.8
Laramie County DUI	No offenders admitted																	
Lincoln County Adult	27.9	26.6	31.0	29.5	32.9	26.1	27.5	23.6	33.4	25.7	24.3	31.9	29.0	26.8	34.2			
Natrona County Adult	29.1	28.5	31.5	27.0	27.2	26.4	30.2	29.1	35.7	27.1	26.3	36.0	32.2	31.1	35.7			
Park County Adult	30.6	30.0	32.0	33.8	34.7	29.9	29.7	28.4	32.5	26.4	24.6	30.8	34.2	34.0	34.7			
Sheridan County Adult	29.0	28.6	29.9	30.4	28.5	34.7	28.8	28.6	29.2	25.9	25.2	28.3	31.4	32.0	29.8			
Sheridan County Juvenile	16.5	16.4	16.7	16.8	16.8	UK	16.5	16.4	16.7	16.5	16.4	16.7	16.4	16.3	16.6			
Sweetwater County Adult	Too few admitted and completed offenders																	
Sweetwater County Family	No offenders admitted																	
Teton County Adult/DUI	33.8	33.6	35.8	35.9	36.4	32.4	21.7	28.3	42.7	30.0	27.5	42.7	29.4	29.4	N/A			
Teton County Family	Too few admitted and completed offenders																	
Tribal Adult	Data not individualized																	
Tribal Juvenile	Data not individualized																	
Uinta County Adult	30.4	30.1	31.3	30.9	31.3	30.2	30.4	30.0	31.5	28.4	28.0	29.6	32.4	32.0	33.8			
Evanson Juvenile	16.5	16.5	16.4	16.2	16.6	15.8	16.5	16.5	16.6	16.5	16.5	16.4	16.6	16.5	16.7			
Statewide	27.69	27.60	27.90	27.64	28.02	26.66	27.60	27.48	28.25	25.69	25.13	27.43	29.53	29.76	28.92			
Adult Courts	29.92	29.57	30.88	29.67	29.75	29.50	29.92	29.54	31.45	27.66	26.96	29.89	32.19	31.97	32.84			
Juvenile/Family Courts	16.32	16.39	16.20	16.06	16.22	15.07	16.41	16.43	16.35	16.34	16.31	16.44	16.46	16.56	16.29			

Source: LSO analysis of drug courts' data.

APPENDIX F

Executive summaries of 2004 and 2005 WYSAC evaluations on Wyoming drug courts

Drug Courts in the State of Wyoming: A Process & Outcome Evaluation

WYSAC Technical Report No. CJG-401
October 2004

Executive Summary

One of the most devastating social problems facing Wyoming is substance abuse and the crime caused by substance abuse. Approximately 80 percent of incarcerated offenders in the state have issues with substance abuse. These individuals congest court calendars, flood our jails and prisons, and consume scarce criminal justice resources. Additionally, these individuals rarely receive the necessary substance abuse treatment while incarcerated and are then released from incarceration without the tools necessary to stay sober. These disturbing trends have led the Wyoming Legislature, Executive Branch, and Judiciary to develop and implement a statewide drug court system that embodies a new approach to addressing substance abuse issues: the drug court.

The Wyoming Department of Health Substance Abuse Division contracted with the Wyoming Survey & Analysis Center (WYSAC) to conduct a process and outcome evaluation of the statewide drug court program. The primary purpose of this study is to show how the drug court movement is taking shape in the state of Wyoming and to what effect. A variety of different data sources were used to evaluate the Wyoming drug court program including surveys of adult and juvenile clients, parents of juvenile clients, and local drug court coordinators, data from the pilot drug court Case Management System (CMS), and qualitative information from state drug court applications and contracts, local audit reports completed by the Substance Abuse Division, news coverage, and from ongoing informal contact with a wide range of drug court stakeholders. The key findings from this study are presented briefly below.

Key Findings

Based on the extensive analyses of both process and outcome measures in this evaluation, it is clear that Wyoming's drug courts are implementing effective programs that are producing positive results for participants, their communities, and the state of Wyoming as a whole. While the individual drug courts throughout the state do vary somewhat in the day-to-day functioning of their programs, they have all used the Office of Justice Program's recommended "10 Key Drug Court Components" as their guiding program model. This evaluation also shows that the adult drug court clients, the juvenile clients, their parents, and the local drug court coordinators all believe that the drug court model is working well for them. More specifically, clients, parents, and coordinators rate their drug court programs in terms of program design, the local drug court team staff, the use of sanctions and incentives, and treatment services.

Drug Courts in Wyoming, FY 2005 Statewide and Local Evaluation

WYSAC Technical Report [CJR-513]
30 September 2005

Executive Summary

Since the first Wyoming adult drug court was created in 1997, the state has seen continual growth in the application of this rehabilitative model. As of July 2005, there were 20 state-funded drug court programs with over 400 clients being served in the state of Wyoming. This evaluation of state-funded drug courts includes 17 drug courts fully operational during fiscal year 2005. The purpose of the evaluation and this report is to provide process and outcome information to the Wyoming Department of Health Substance Abuse Division's (SAD) management team and other Wyoming stakeholders. In addition to statutorily requisite accountability reporting, this report shares operational details and practitioner insights into what does and does not contribute to successful drug court programs. The value of disseminating practices and insights among neighboring drug courts, and the discussion it unavoidably instigates, should not be undervalued as an evaluation outcome in and of itself.

Arrest to Program Admission: Research concerning the motivation of drug court participants strongly supports the notion that the arrest of a potential participant is a motivational factor for change, and this motivational impetus seems to diminish as the time between arrest and first treatment episode grows. Thus, time from arrest to first treatment episode is an important concern for drug court programs. The average number of days that juveniles have to wait in Wyoming from time of arrest until program admission is approximately 32. Adult court participants have to wait an average of 26 days for admission. The range of values among individual courts is quite broad, seven to seventy-five days.

Although there is no specific data related to national averages on this issue, it appears as though most of Wyoming's courts are fairly efficient at admitting new clients. Perhaps even more importantly, several courts made substantial progress from the previous year's program entry from date of arrest numbers. Campbell Adult, Sheridan Adult, and Sheridan Juvenile reduced the typical wait from 30 to 7 days. Fremont Adult and Uinta Adult also made substantial gains. That being said, there is still room for improvement. One possible method for improvement would be a standardized screening and referral process.

Client Assessment and Screening: Since it is a program requirement, it is not surprising that all courts in Wyoming use the Addiction Severity Index (ASI) for the initial assessment of clients. Only two of the courts surveyed responded that they were not using the assessment tool as a continuing measure of treatment progress for participants. The ASI is specifically designed to be used at different intervals with the same participants throughout the treatment process, and the two programs not using assessments for follow-up should consider using follow-up ASI tests with clients to determine the effectiveness of treatment practices and drug court procedure overall. On the whole, most Wyoming drug courts appear to be adhering quite closely to best practices in this area.

Co-morbid Disorders: The research literature demonstrates that people who suffer from mental health problems are also much more likely to abuse substances. Consistent with this literature, nearly half of the treatment providers who responded to the 2005 survey reported that over 50% of their clients exhibited co-morbid disorders or had a dual diagnosis. Another 30% reported that between 26% and 50% of their clients exhibited co-morbid disorders.

Coordinators were asked if their courts screen specifically for co-occurring disorders. Thirteen coordinators (72%) replied yes, while the remaining five (28%) replied no. When responding to the question, "How effectively is your court currently treating clients with c-occurring disorders," just over half of the coordinators (57%) answered *effectively*. Five coordinators (36%) answered *ineffectively*, and one answered *very ineffectively*. No coordinators responded with *very effectively*. Given the literature in the field and the responses from Wyoming coordinators, co-morbid disorder diagnoses should be a standard practice of the intake policy of drug courts.

Services/Providers: Statewide, there was an increase of three services/providers being used overall in 2005 (n=335 in 2004 and n=338 in 2005). In 2004 every drug court reported using substance abuse counseling, mental health, and GED/adult education. In 2005 every drug court reported using substance abuse counseling, mental health, and education & vocational training. The use of anger management and housing decreased the most, both serving three fewer drug courts in 2005 than in 2004. The use of detention, the public health department, and in-patient mental health were the services/providers that increased the most in the number of drug courts utilizing them. The discontinuation of services/providers may be due to causes such as budget restrictions or lack of availability of the particular service/provider in the community in 2005.

Overall, it appears that both urban and rural drug courts in sparsely populated Wyoming have put together a wide range of services in order to serve their clients. Interview transcripts indicate that many courts have overcome substantial impediments to finding local expertise, and only through creative contractual arrangements across county and state lines have they been able to WYSAC, *University of Wyoming 2005 Drug Court Evaluation* patch together a fragile network of needed professionals and services. From accounts in some locations, a single psychologist or counselor leaving town would create significant problems in maintaining the delivery of services essential to drug court programs. In-patient residential care is sometimes essential in the treatment of addiction, but a number of drug courts report that such care is not available without substantial delays, sometimes running into months. Some juvenile drug courts do not have access to appropriate detention facilities within a reasonable distance.

Drug Testing: One of the primary behavior management tools used in drug courts is regular and randomized drug testing. Most often, this testing takes the form of urinalysis (UA). Participants begin their drug court programs in Phase 1 and graduate to higher phases as they successfully complete program requirements. Most programs have phases that are scheduled to last a minimum of 12 to 13 weeks. The frequency of testing is often dependent upon the participant's program phase, but evidence of drug use while in the program—a positive (UA)—can also trigger more frequent testing at any phase of the program. Drug testing encourages participant compliance with program rules and assists in the promotion of sober living among clients during all treatment phases. On average, Wyoming drug courts test more than the minimum 2 tests per week (recommended by the 10 Key Components of Drug Courts) during the beginning phases of their programs.

2005 Performance Measures: During FY2005, Wyoming had 17 state-funded, fully-operational drug courts with additional courts seeking funding to begin operations. As these programs continue to emerge and grow, the need for standardized measurement of drug court activity has increased. In order to better document the work of drug court programs, the National Drug Court Institute (NDCI), in concert with the National Institute of Justice (NIJ) and the Bureau of Justice Assistance (BJA), created a panel of leading drug court researchers in the country. This National Research Advisory Group (NRAG) developed a short list of standardized performance measures for drug courts that will provide the field with guidance for research. SAD has adopted these four performance measure for all Wyoming drug courts: 1) participant retention/graduation; 2) participant sobriety; 3) participant recidivism; and 4) units of service provided to participants. It is important to note that a single year's data on any or all of the performance measures is insufficient to measure individual or statewide performance of drug courts.

Conclusions and Recommendations: Analyses of process, outcome, and interview data in this evaluation demonstrates that Wyoming's drug courts are staffed with a wealth of dedicated individuals intent on implementing the philosophy and summary model defined in the 10 Key Components of Drug Courts. Almost to a person, they have faith in what they are undertaking and believe that drug courts are effective in battling the cycle of addiction and its associated criminality.

The implementation this year of the four statewide performance measures based on commonly measured outcomes is a large and positive step forward for Wyoming in its goal to produce empirical evidence of the comparative performance of drug courts. The implementation next year of the comprehensive case management system will ensure efficiency and data comparability in the collection of hundreds of essential data elements. Through customized reporting functions built into the software, data can be easily harvested for analyses.

As did the FY2004 evaluation, this evaluation finds that drug courts are a cost-efficient alternative to incarceration (\$21.91 per person per day in drug court vs. \$114.51 at the state penitentiary). Although the evaluation identified many strengths in the Wyoming system, the ultimate purpose of evaluation is to identify functional aspects that could benefit from specific action or actions being employed. Based on the findings of this

evaluation, recommendations to SAD and the State of Wyoming are listed below (the recommendations are not rank-ordered).

- A standardized participant referral process should be implemented in all state-funded drug courts.
- Aftercare should be required of all state-funded courts. The methods and scope of aftercare should be developed through discussion with local drug courts and the state drug court association.
- The Addiction Severity Index (ASI) instrument should be used at 6-month intervals with all participants in the program in order to consistently document treatment progress.
- The State of Wyoming needs to explore actions that would lead to increased numbers of inpatient beds.
- SAD in cooperation with local drug courts and the state drug court association should consider providing training on the creative, innovative uses of sanctions and incentives.
- SAD in cooperation with local drug courts and the state drug court association should locate or develop team member training beyond the introductory level. As suggested by coordinators, it should be training that targets more experienced and seasoned drug court team members. Training aimed at improving team cohesiveness—interdisciplinary training, conflict resolution training, team building workshops/retreats, and re-training through *team* attendance of national drug court conferences—should be facilitated.
- SAD and local drug courts should begin working immediately with municipal police, sheriff departments, DCI, circuit, and district court representatives in order to establish consistent, formal data exchanges for the purpose of gathering reliable post-program recidivism data. Legislative and executive branch stakeholders should be included in the effort.
- SAD and the state drug court association should explore methods whereby local prosecuting attorneys and public defenders might be granted regular, formal release time so that these busy professionals have time to invest in their drug court team member responsibilities. Release time for interdisciplinary training would also be valuable.
- SAD and the state drug court association should explore methods whereby local law enforcement personnel can gain a better understanding of the philosophy and positive outcomes that drug courts can produce in their local communities.
- Statewide standards with regard to the frequency of drug testing should be considered.
- SAD and the state drug court association should consider structuring and adopting a “core set” of goals and objects (for use at the local drug court level) upon which local drug courts can build if they would like to include additional measures of local choice.
- Co-morbid (the presence of more than one disorder in a participant) diagnoses should become a standard practice during participant intake at local drug courts.

Intergovernmental Relations and Drug Courts: Finding a Home for State Management of Local Judicially Driven Programs

Cary Heck, Ph.D.,
National Drug Court Institute and University of Wyoming
and
Aaron Roussell, University of Wyoming

Executive Summary

- Drug Courts are highly collaborative community based coalitions, managed by judges, designed to combat problems related to substance abuse/addiction and crime.
- The drug court model incorporates aspects of all three branches of government. Wyoming's Drug Courts are managed and run by local judges, funded by the Legislature, and overseen by the Wyoming Department of Health, Substance Abuse Division which is an executive branch agency.
- Three models of state drug court oversight were considered in this research project including the Judicial Model, Executive Model, and Collaborative Model.
- Eleven states drug court program directors were surveyed to determine the extent to which they were satisfied with their current model and the extent to which their funding was considered stable.
- Of those surveyed, five states use the judicial model, four use the executive model and two used the collaborative model.
- No one model was found to be superior for managing drug court programs. Each approach has strengths and weaknesses related to separation of powers issues as well as funding and oversight issues.
- Wyoming's model was in line with other states using an executive branch agency to administer drug courts.
- It is recommended that Wyoming strengthen its oversight committee (Drug Court Panel) to include additional representation from both the judicial and legislative branches.
- It is recommended that Wyoming implement judicial rules and policies related to drug court functioning and that these rules be monitored for compliance by the oversight committee.
- It is recommended that Wyoming establish additional rules for drug court operations designed to maintain the integrity of the drug court model as applied in funded courts and to provide legitimacy for these programs.

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APPENDIX G

Research Methodology

Summary of Methodologies

This evaluation was conducted according to statutory requirements and professional standards and methods for governmental audits. The research was conducted from February through June 2006.

General Methodology

To compile basic information about drug courts (W.S. § 5-10-101 through 107 and described in House Bill 82 (2001), we reviewed relevant statutes, rules, professional literature, legislative history, agency and Wyoming drug courts' literature, agency budget requests, previous studies and reports and other information. To gain further understanding, we interviewed a variety of state agency officials and managers, as well as other persons knowledgeable about the system. We interviewed local drug court stakeholders and observed both adult and juvenile drug court proceedings including staff meetings and courtroom hearings.

Substance Abuse Division: documents and data

We requested state agency documents to gather aggregate drug court cost information for all drug courts as well as by specific state-funded drug court. We obtained copies of quarterly service summaries and the most recent annual self-evaluations submitted by each court in operation long enough to have them. We also obtained various national and professional literature documents the Division uses to disseminate information about drug courts. Since there was no fully functional case management or management information system utilized by the Division to track drug court offenders' information, we did not ask for the Division to supply any field-level drug court offender data. However, LSO did engage a Memorandum of Understanding (MOU) with the WDH/Division to access and obtain client level data from each individual drug court receiving state funds.

Local Drug Courts: data

In addition to Division supplied documentation, LSO staff received individual offender-level records from 19 of the 21 drug courts which had admitted offenders on or before March 31, 2006. LSO staff received aggregate-level offender data from the Tribal Adult and Juvenile drug courts.

LSO staff provided a template spreadsheet in Microsoft Excel format so each court would report commonly requested fields on their offenders. Basic analysis was done of offender characteristics including age, gender, length of stay while in drug court. Staff looked at the entire state drug court population of offenders as well as calculating figures for each drug court.

Limitations of Data Analysis

Overall: The following drug courts have admitted offenders over at least the last two fiscal years (FY '05 and FY '06): Albany County Adult, Campbell County Adult and Juvenile, Fremont County Adult and Juvenile, Laramie County Adult, Lincoln County Adult, Natrona County Adult, Park County Adult, Sheridan County Adult and Juvenile, Teton County Adult, Uinta County Adult and Evanston Youth (juvenile). The following drug courts were not analyzed beyond overall offender tallies such as number of admitted offenders and their current status (active, graduated, or terminated) as they have not admitted offenders for one full fiscal year: Johnson County Adult, Sweetwater County Adult and Teton County Family. Two courts provided data which was incomplete and could not be used for further analysis other than to show how many people were documented to have been admitted: Big Horn County Juvenile and Johnson County Juvenile. Each court's data was cleaned and organized based the fields requested. Any offender that had an unreasonable admission, graduation, or termination date was tallied as a drug court offender, though their current status was labeled as "unknown."

Offender Outcomes: LSO staff used the data acquired from the individual drug courts to begin to calculate offender outcomes based on the national outcome measures proposed by the National Drug Court Institute's National Research Advisory Committee. For recidivism, all offenders who graduated on or before March 31, 2006 were selected with identifying fields that could be match with offender arrest records from Wyoming's Division of Criminal Investigation (DCI) of the Attorney General's office and violation records in the Wyoming Supreme Court's data system. LSO staff used both systems to corroborate and de-duplicate records for individuals shown to have arrests after their graduation date from drug court. DCI's system is based on fingerprint cards submitted to DCI for custodial arrests by local law enforcement agencies for felonies and high misdemeanors. It does not represent all arrests as not all fingerprint cards are sent to DCI and does not include any out-of-state arrests or federal arrests. The Wyoming Supreme Court data is gathered by the Circuit Courts of Wyoming and includes misdemeanor and preliminary hearings of felony violations of the law. Neither data system should be interpreted as complete or representing all arrests/violations for the state or the offenders LSO staff attempted to gather post-graduation recidivism.

Costs-per-day and cost-per-offender: The costs for Figure 3.3 were derived by dividing annual funds committed to drug courts (state grant funds and local matching funds claimed by individual courts) by the number of service units (days) offenders were enrolled in drug court. For example, the following table illustrates how the cost-per-day for each court was figured:

Adult Court	FY '06	FY '05	FY '04	FY '03	FY '03 - '06
A. Number of service days	13,200	16,055	12,607	8,966	50,828
B. Amount of state and local resources committed	\$277,142	\$407,764	\$390,986	\$355,219	\$1,431,111
Cost per service day (B / A)	\$21.00	\$25.40	\$31.01	\$39.62	\$28.16
Juvenile Court					
A. Number of service days	2,045	2,814	2,972	2,268	10,099
B. Amount of state and local resources committed	\$231,059	\$310,463	\$321,392	\$296,782	\$1,159,696
Cost per service day (B / A)	\$112.99	\$110.33	\$108.14	\$130.86	\$114.83

The cumulative average cost-per-day was calculated based on the cumulative service days and drug court dedicated funds. For the cost-per-offender, the per-day service cost was multiplied by the average length of stay for offenders that were currently active, terminated, or had graduated each drug court (refer to Appendix E). For example, at \$28.16 per day service cost in the example above and an average length of stay of 456 days for a graduate; a graduate for this court would cost \$12,839. Only courts with at least two years of funding history were analyzed to address potential biases in the number of service days in a courts first year where start-up costs and circumstances may inhibit broad admissions of offenders.

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