

# Drug Court Working Group

## Key Findings

During the 2022-2023 interim session, a joint working group of the Utah Commission and Criminal Justice and the Sentencing Commission came together to determine whether Utah's drug court system was functioning well, what hurdles it faced, whether de-felonization of drug offenses has hurt drug court participation, and what policy changes could make drug courts more successful. The working group heard presentations from the counties, state courts, the department of health and human services, treatment providers, prosecutors, defense attorneys, and other experts.

### What are drug courts?

- Non-adversarial, cooperative courts focused on individuals with a high-risk of reoffending and high needs driven by substance use disorders.
- Drug courts provide intensive evidence-based treatment and supervision, including swift and certain incentives and sanctions.

#### Participants must:

- Plead guilty to or have a conviction for an offense related to their drug use.
- Agree to regular drug and alcohol testing, intensive supervision and treatment, regular check-ins with the court.
- Meet other criteria determined by the local jurisdiction.

#### Participants gain:

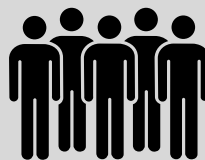
- A chance to reenter the community outside of incarceration.
- In some counties, a reduction in their charge, plea in abeyance, or dismissal upon successful completion.
- Other incentives determined by the local jurisdiction.

### Drug courts work!

- Drug Courts are the most studied, most validated forms of therapeutic justice. There are over 4,000 drug courts nationwide ([OJP summary](#)).
- National studies on drug courts have found they can reduce recidivism by up to 35 percent and save the public an average of \$6,700 per participant vs. traditional criminal justice ([NIJ study summary 2008](#); [NIJ study summary 2011](#)).
- A study of Utah's drug courts also found significant reductions in recidivism for drug court participants, particularly for persons crimes ([2013 UCJC study](#)).

### And they are expanding! In 2023 we have...

**26 Drug Courts with 2,474 participants, & 3,550 across all treatment courts!**



- Mental Health
- Veterans
- DUI

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## Key Findings

### Utah drug courts have seen improvements.

- Gaps in statewide data-collection, as well as pandemic impacts, make it difficult to meaningfully track trends in overall drug court participation. Based on the most recent data we have from courts and DHHS, drug court enrollment is rebounding after some recent decline.
- Per-court enrollment decreased since 2013 in part due to an evidence-based policy decision to cap the number of participants-per-court in courts receiving state funding. But as the number of courts continues to grow, the overall participation rate appears to have stabilized.
- A [2015 audit](#) found gaps in oversight, clear standards, and data-tracking/analysis of Utah drug courts. The Administrative Office of the Courts (AOC) has since:
  - Hired a statewide treatment court coordinator;
  - Developed clear standards and best-practices for drug courts;
  - Begun tracking statewide treatment court enrollment data;
  - Begun certifying, auditing, and re-certifying drug courts according to best-practices.

### And they face some challenges...

- The biggest limiting factor for drug court participation in Utah is a lack of intensive treatment resources providing the full continuum of care for drug court participants, particularly in rural counties.
- Another significant limiting factor is narrow eligibility criteria in some jurisdictions, who may limit enrollment only to certain offense categories—rather than focusing on high-risk, high-needs criteria as a primary consideration.
- Drug courts also face funding gaps, as state funding has not kept pace with growth and counties have picked up more of the tab.
- De-felonization of drug offenses has **not** been a significant challenge for drug courts statewide. National best practices and the AOC's state certification criteria direct local jurisdictions to target high-risk, high-needs individuals for drug courts, without restricting eligibility to only drug possession offenses.

### Policy Recommendations

- **Clarify, educate, and emphasize best-practices for drug court statewide, including eligibility criteria and incentives proven to work.**
- **Increase access to treatment services providing the full continuum of care statewide.**
- **Launch a new study to evaluate the effectiveness of Utah treatment courts since the AOC established consistent standards and certification criteria statewide.**
- **Obtain a clear picture of how much treatment courts reduce recidivism and costs compared to traditional courts.**