



FACT SHEET

DRUG COURT PROGRAMS

Background

California's first adult drug court started in Alameda County in 1991. In 1995, California's first juvenile offender drug court began in Tulare County. The California Department of Alcohol and Drug Programs (ADP) has funded the development of drug courts in the state since 1998. ADP, in alliance with the numerous drug courts throughout the state, is committed to the concept that alcohol and drug services and treatment are preferable to the incarceration of nonviolent drug offenders. The goals of drug court programs are to:

- Reduce drug usage and recidivism
- Provide court-supervised treatment
- Integrate drug treatment with other rehabilitation services to promote long-term recovery and reduce social costs
- Reduce the number of children in the child welfare system
- Access federal and state support for local drug courts

Drug Court Programs

There are three drug court funding programs funded by the state: the Drug Court Partnership (DCP), the Comprehensive Drug Court Implementation (CDCI) and Dependency Drug Court (DDC).

The DCP Act of 1998 grants state funds to counties each year to support adult drug courts.

The CDCI Act of 1999 grants state funds to counties to support adult, juvenile, and dependency drug courts.

In fiscal year (FY) 2004-05, funds were appropriated in the Budget Act for planning or expansion of new or existing DDC programs. The funds support DDC programs that provide services to parents who have children at risk of being taken away by Child Welfare Services (under the W&I 300 code) or have been taken away due to a substance use disorder of the parents.

Common Drug Courts and Models

Across the state, local agencies have developed adult, juvenile, and dependency drug courts, which generally fall into one of four models. Below are descriptions of the three types of drug courts followed by the four typical models on which these courts are based. All drug courts include intensive treatment services with ongoing monitoring and continuing care for approximately 12 months or more.

Adult Drug Courts focus on adult offenders who are convicted felons or on probation. The primary purpose of adult drug courts is to provide substance-abusing offenders with access to treatment linked with supervision, ongoing judicial oversight, and team management.

Dependency Drug Courts focus on cases involving parental rights when the parent or guardian has a substance use disorder. The goal is to provide parent(s) with the

necessary parenting skills and treatment for their substance abuse so children can remain safely in their care, and to help decrease the number of children placed in foster care.

Juvenile Drug Courts focus on delinquency matters involving substance-using juveniles, providing immediate and intensive intervention with continuous court supervision. Both the juvenile and their family are required to participate in treatment. Juveniles are also required to submit to frequent drug testing, appear at frequent court status hearings, and comply with other court conditions geared toward accountability, rehabilitation, long-term sobriety, and cessation of criminal activity.

Pre-plea models afford drug possession offenders a stay of prosecution if they participate in court-supervised treatment. Upon successful completion of the drug court program, the participant is discharged without a criminal record. However, failure to complete the program results in the filing of charges and adjudication.

Post-plea models require a defendant to enter a guilty plea before entering treatment for nine months to three years. Upon successful completion of the drug court program, the criminal charges can be considered for dismissal. However, failure to complete the program results in the sentencing phase of adjudication.

Post-adjudication models allow repeat drug offenders to enter treatment after their conviction, but prior to serving their sentence. Offenders serve their sentence in treatment instead of custody. Failure to complete the program leads to the activation of their sentence.

Civil models allow individuals involved in civil actions (usually child custody) to enter treatment as a condition of retaining or regaining custody of their child(ren). Failure to complete the program can lead to permanent loss of custody.

Target Populations

Drug courts are diverse and serve various populations such as adults, juveniles, repeat drug offenders, multiple offenders, parents or guardians of children in the Child Welfare System, and drug probation violators.

Realignment

On July 1, 2011, the administration and funding of the Drug Court Program was realigned from ADP to the local governments. ADP will continue to collaborate with and provide technical assistance to the counties regarding program realignment issues.

Program Evaluation

There continues to be a growing interest in all collaborative justice courts. Studies show that collaborative justice courts not only generate substantial cost savings, but they also have a positive impact on drug offenders and the quality of life in the community. ADP has produced several reports on the subject that are available at <http://www.adp.ca.gov/DrugCourts/DrugCourtsReports.shtml>.

The Administrative Office of the Courts (AOC) 2006 California Drug Court Cost Analysis Study research summary is available at <http://www1.spa.american.edu/justice/documents/2189.pdf>.

Sacramento County's Dependency Drug Court: Year Seven Report is available at <http://www.cffutures.org/files/publications/year%207%20report%20final.pdf>

There are also many national studies. The National Drug Court Institute's Drug Court Review is available at <http://www.ndci.org/publications/publication-resources/nationaldrug-court-institute-review>.

The National Association of Drug Court Professionals' The Facts on Drug Courts can be downloaded at <http://www.nadcp.org/learn/drug-courts-work>.

Additional Drug Court Information:

ADP's web page:
<http://www.adp.ca.gov/DrugCourts/index.shtml>

Administrative Office of the Courts web page:
<http://www.courtinfo.ca.gov/courtadmin/aoc>

National Association of Drug Court Professionals web page:
<http://www.nadcp.org/nadcp-home/>