



State of Mississippi

Review of the Feasibility of Extending Drug Courts Statewide in Mississippi

From the Office of State Auditor
Phil Bryant

January 23, 2003

The Performance Audit Division of the Office of the State Auditor (OSA) conducted a review of the feasibility of extending drug courts statewide in Mississippi.

Although drug courts are a relatively new concept in the treatment of substance abusers, all fifty states have some type of drug courts. Mississippi now has three drug courts with additional drug court systems under consideration. The alternatives for sentencing provided by drug courts have produced promising preliminary results in Mississippi and with significant results noted throughout the country. A properly implemented statewide drug court system should reduce drug use and crime in Mississippi.

Components of a model drug court system would include: early drug testing and screening of arrestees, jail and prison-based treatment for those in need of incarceration, and appropriate judicial monitoring, probation supervision, drug testing, treatment, and rehabilitation services for those returned to the community under court control. Given sufficient resources and support at the local, state, and national levels, drug court systems can provide the foundation for an effective, community-based strategy to reduce drug use and crime.

Drug courts in other states have achieved considerable support both financially and politically at the state, local, and national level. Drug Courts have provided intensive, long-term treatment services to offenders with long histories of drug use and criminal justice contacts, previous treatment failures, and high rates of health and social problems. Program completion rates are generally consistent with approximately 47-52% of participants graduating. Drug use and criminal activity are relatively reduced while participants are in the program.

It is our hope the information gathered during this review and included herein will be of benefit to you. Additional information is also available from the U.S. Bureau of Justice.

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PERFORMANCE AUDIT



**Office of the
State Auditor of Mississippi
Phil Bryant**

January 23, 2003

A Review of the Feasibility of Extending Drug Courts Statewide in Mississippi

The Performance Audit Division of the Office of the State Auditor (OSA) conducted a review of the feasibility of extending drug courts statewide in Mississippi.

This review included a review of applicable state statutes, bills introduced during the 2002 and 2003 Legislative Session, Attorney General Opinions, and policies and procedures of the Fourteenth Circuit Court District. Secondly, appropriate state officials and Fourteenth Circuit Court District officials were interviewed. National Drug Court Institute and U.S. Bureau of Justice research, data, and statistics were reviewed.

Conclusion

While violent offenders and drug dealers still need to be incarcerated, drug courts offer a system to deal with a broad range of drug offenders. The system can change the way we treat drug-using offenders with a high level of supervision and treatment alternatives thus possessing the potential to improve the lives of participants.

According to the National Drug Court Institute:

Drug court systems have the potential to greatly expand the impact that drug courts have had on the criminal justice system in the United States. By augmenting existing drug court programs and learning from the experiences of jurisdictions that have

successfully implemented a systemic approach, communities can develop comprehensive drug court systems to deal with all drug-using offenders.

Components of a model drug court system would include: early drug testing and screening of arrestees, jail and prison-based treatment for those in need of incarceration, and appropriate judicial monitoring, probation supervision, drug testing, treatment, and rehabilitation services for those returned to the community under court control.

Resources and support provided at the local, state, and national levels along with a nominal participation fee allow the establishment of drug court systems with the ability to provide the foundation for an effective, community-based strategy to reduce drug use and crime, generate cost savings at the local and state level and allow statewide exchange of information between Circuit Court Districts.

BRIEF SHEET

Recommendations

Additional legislation is necessary to create a statewide system of drug courts. The system if properly implemented can significantly reduce the cost of punishing non-violent drug offenders. One particular issue to address is the necessity to eliminate the ambiguity related to the legality of charging drug court participants a fee for participating in the program. The participation fee is a vital part of cost control.

The Mississippi Legislature 2003 Regular Session has introduced House Bill 119, House Bill 1027, House Bill 1257, and Senate Bill 2605 all of which provide that the participant pay a fee for participation in the program, as well as the cost of the treatment program to which he/she is assigned. These three bills include language that says that it is the intent of the legislature to create a program to facilitate the creation, certification, support and funding of local drug court programs adaptable to chancery, circuit and youth courts.

Additionally, House Bill 1257 and Senate Bill 2605 recommend the establishment within the Administrative Office of Courts, the Mississippi Drug Courts Program Office, which would facilitate the creation, certification, support and funding of local drug court program.

House Bill 1254 requires each circuit court district to establish a drug court.

The Mississippi Department of Public Safety and Planning should seek additional available federal funding for Drug Courts. The U.S. Drug Enforcement Administration has prioritized funding for new drug courts and the President's budget for 2003 increases drug court funding.

House Bill 1257 and Senate Bill 2605 allows a program to apply for and receive grants or contract money from governmental sources.

Performance Audit Division
(601) 576-2640

BRIEF SHEET

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January 23, 2003

Dear Governor, Lieutenant Governor, Legislators, Public Officials, and Citizens:

The Performance Audit Division of the Office of the State Auditor (OSA) conducted a review of the feasibility of extending drug courts statewide in Mississippi.

Drug courts have had a tremendous impact on the criminal justice system in other states. Drug courts if properly implemented should reduce drug use and crime in Mississippi.

Components of a model drug court system would include: early drug testing and screening of arrestees, jail and prison-based treatment for those in need of incarceration, and appropriate judicial monitoring, probation supervision, drug testing, treatment, and rehabilitation services for those returned to the community under court control. Given sufficient resources and support at the local, state, and national levels, drug court systems can provide the foundation for an effective, community-based strategy to reduce drug use and crime.

Drug courts in other states have achieved considerable support both financially and politically at the state and local level. Drug courts have provided intensive, long-term treatment services to offenders with long histories of drug use and criminal justice contacts, previous treatment failures, and high rates of health and social problems. Program completion rates are generally consistent with around 47-52% of participants graduating. Drug use and criminal activity are relatively reduced while participants are in the program.

It is our hope the information gathered during this review and included herein will be of benefit to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Bryant". The signature is fluid and cursive, with a large initial "P" and "B".

Phil Bryant
State Auditor

Introduction

Purpose

The Performance Audit Division of the Office of the State Auditor (OSA) conducted a review of the feasibility of extending drug courts statewide in Mississippi. There are three formal drug courts in operation in the State. The purpose of this review was to examine the feasibility for potential expansion and standardization of drug courts throughout the State.

Scope

The scope of this review is current uses and costs associated with the utilization of drug courts in Mississippi. The results are detailed in this report.

Method

In conducting the review, the Division performed the following procedures:

- reviewed applicable state statutes, proposed legislation and Attorney General Opinions;
- reviewed policies and procedures of the Fourteenth Circuit Court District;
- interviewed appropriate state officials; and
- reviewed laws in other states regarding drug courts.

Background

For several decades, drug use has shaped the criminal justice system. Drug and drug-related offenses are the most common crime in nearly every community. The U.S. Bureau of Justice (USBJ) reports 75% of the correctional population has substance abuse problems.

Drug offenders move through the criminal justice system in a predictable pattern: arrest, prosecution, conviction, incarceration, and release. In a few days, weeks, or months, the same person may be picked up on a new charge and the process begins again.

Expansion and standardization of drug courts throughout the state could assist in breaking this predictable pattern.

Ten Key Components of Drug Courts

The National Association of Drug Court Professionals defined ten key components of drug courts and their operational characteristics as follows:

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

Drug court systems differ from traditional drug court programs in several ways. First, they offer the potential for many different levels and modalities of treatments. Second, because drug court systems deal with a wider range of offenders, the degree of jail or prison involvement and in-custody treatment may vary, depending on the nature of the offense and the degree of substance abuse. Finally, electronic integration of treatment services and justice system case processing is essential in order to manage the number of cases that are handled by drug court systems.

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

In drug court systems and drug court programs alike, the emphasis is on using a team approach to negotiate win-win solutions for all parties. However, because drug court systems deal with more serious offenses with greater consequences, it is more likely that counsel will take stronger positions in court. There also tend to be more legal proceedings in open court, because there is less time to staff cases in advance.

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

In drug court systems, the number of participants is significantly greater than in a traditional drug court program. In some systems, eligibility is not an issue because all offenders are required to participate. Drug court systems stress early intervention due to the more serious nature of the cases they handle. Once an offender is identified as a drug court participant, case information follows the individual through the system. The greater number of cases makes it essential to have more sophisticated information management techniques and classification systems for different levels of offenses and drug abuse.

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

Both drug court programs and drug court systems provide access to a wide array of treatment and rehabilitation services. However, drug court systems often need additional resources in order to address a broader array of problems. Because they offer a wider range of treatment options, drug court systems may be better able to address the underlying causes of addiction.

The large number of participants in a drug court system has multiple impacts. Drug court systems need more spaces in treatment programs, and they run the risk of overusing existing resources. Because of the greater volume of cases, drug court systems can leverage resources to reduce the cost of treatment per client while treating more people effectively. Investments in juvenile and family systems have a significant payback, both in terms of reducing the costs of foster care or juvenile detention and in reuniting families.

Larger systems have greater visibility and impact with government and other groups that control resources, and can foster the development of innovative approaches to treatment. Working with larger caseloads increases the experience and expertise of drug court systems staff, and can enable them to deal more effectively with relapses. However, it can also lead to a higher staff turnover rate.

Drug Court Component 5: Abstinence is monitored by frequent alcohol and other drug testing.

Drug court programs and drug court systems both use frequent alcohol and other drug testing techniques and are alike in this regard. The costs per test can be reduced in drug court systems because of greater volume, but these savings may be offset by the need to perform more tests, which commence with the participant's arrest.

Drug Court Component 6: A coordinated strategy governs drug court responses to participants' compliance.

The increased number of judges needed to manage a larger number of cases can lead to greater disparity in judicial responses because there is less coordination within the system. It can also lead to pressure for uniform guidelines for sanctions and can reduce the flexibility and informality for which drug courts are noted. In drug court systems that mandate the participation of all offenders, there is no end to court involvement, short of graduating from the program or being sentenced to prison.

Drug Court Component 7: Ongoing judicial interaction with each drug court participant is essential.

Judges in drug court systems reach a larger population of offenders, but they may have less time or fewer contacts with each individual. Drug court systems need more judges and other staff, including magistrates, to reduce the risk of judicial burnout. A team system, familiar to most family and juvenile court systems, with drug court team leaders acting as master calendar judges, is a potential solution to the problem. **IMPORTANT NOTE:** (It should be remembered that no matter the number of judicial officers engaged in the system, a single judge must be responsible for, and directly involved with each participant).

Expedited cases, which are the hallmark of drug courts, should save judicial and court time throughout the system. The resources made available through these savings should be allocated directly to the drug courts.

Drug Court Component 8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Quality control and review are even more important in drug court systems because of the increased

number of treatment providers and the more serious nature of the cases that are handled. Consequently, more time and money need to be devoted to these activities, and information systems support is critical. Drug court systems should be monitored and evaluated by objective, third-party professionals who are experienced in conducting such research.

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

The greater number of players in drug court systems increases the need for team meetings and interdisciplinary education. Appropriate training should be provided for directors and managers of drug court systems, who are often called upon to make policy decisions. Periodic policy meetings of top agency managers are critical to effective collaboration.

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

If drug court systems are to be sustainable, there must be strong political support and additional resources, especially at the state and local level. State drug court associations can provide the needed leverage and momentum for such support, especially when systems are transitioning from dependence on federal funding.

Current Laws Potentially Affected by Drug Court Legislation

Expansion and standardization of drug courts throughout the state is an innovative undertaking which will require the amending of existing applicable statutes as well as enactment of new statutes. Current laws potentially affected by drug court legislation and bills introduced during the 2002 Legislative Session are as follows:

Section 41-29-149, Mississippi Code of 1972, Suspended sentences; eligibility for parole; resentencing.

“(a) Regardless of the penalties provided heretofore for the violation of any section or portion of this article, the judge of the court of jurisdiction of any defendant may, in his discretion, suspend such penalty, penalties, or portions thereof, for any person charged with a first offense...”

Section 41-29-150, Mississippi Code of 1972, Participation in drug rehabilitation programs; probation.

“(a) Any person convicted under section 41-29-139 may be required, in the discretion of the court, as a part of the sentence otherwise imposed, or in lieu of imprisonment in cases of probation or suspension of sentence, to attend a course of instruction conducted by the bureau, the state board of health, or any similar agency, on the effects, medically, psychologically and socially, of the misuse of controlled substances. Said course may be conducted at any correctional institution, detention center or hospital, or at any center or treatment facility established for the purpose of education and rehabilitation of those persons committed because of abuse of controlled substances...”

2002 Legislation that died in committee:

House Bill 19

“An Act to Provide for Drug Court Treatment Programs in Circuit Court Districts; to Specify the Purpose and Goals of this Act; to Define Certain Terms; to Provide for Drug Division Probation Programs; to Provide Requirements for Participation in Such Programs; to Provide for the Administration of Such Programs; to Provide That Successful Completion of a Drug Division Probation Program May Result in Dismissal of Criminal Conviction; to Provide for the Payment for Participation in a Program; to Amend Sections 41-29-149 and 41-29-150, Mississippi Code of 1972, in Conformity Thereto; and for Related Purposes...”

House Bill 61

“An Act Relating to Substance Abuse Treatment Programs; to Provide Goals for Treatment-based Drug Court Programs; to Require Circuit Court Districts to Establish a Model of Treatment-based Drug Court Programs for Certain Purposes; to Provide Criteria; to Provide Legislative Intent; to Provide Certain Principles for Operating Drug Court Programs; to Provide for Inclusion of Certain Programs in Such Drug Court Programs; to Provide for Transferring Persons Eligible for Participation in Drug Court Treatment Programs to Other Jurisdictions under Certain Circumstances; to Provide Criteria, Requirements and Limitations; to Provide That Persons Charged with Specified Crimes May Be Eligible for Admission into a Pretrial Substance Abuse Program; to Provide for a Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention Program; to Provide for Admitting Certain Persons to the Program under Certain Circumstances; to Provide for Disposition of Persons in the Program; to Provide Contracting Requirements for Entities Providing Such a Program; to Amend Sections 41-29-149 and 41-29-150, Mississippi Code of 1972, in Conformity Thereto; and for Related Purposes...”

House Bill 1423

“An Act Making an Appropriation for the Purpose of Funding Drug Courts for the Fiscal Year 2002.

Be it Enacted by the Legislature of the State of Mississippi:

Section 1. *The Following Sum, or So Much of it as May Be Necessary Is Appropriated out of Any Money in the State General Fund Not Otherwise Appropriated to the Administrative Office of Courts for the Purpose of Funding Drug Courts in Each of the Circuit Court Districts for the Fiscal Year Beginning July 1, 2002, and Ending June 30, 2003, \$3,000,000.00.*

Section 2. *The Money Appropriated by this Act Shall Be Paid by the State Treasurer out of Any Money in the State General Fund Not Otherwise Appropriated, upon Warrants Issued by the State Fiscal Officer, and the*

State Fiscal Officer Shall Issue His Warrants upon Requisitions Signed by the Proper Person, Officer or Officers in the Manner Provided by Law.

Section 3. *This Act Shall Take Effect and Be in Force from and after July 1, 2002...*”

House Bill 1461

“An Act to Amend Section 9-7-81, Mississippi Code of 1972, to Require Each Circuit Court District to Establish a Drug Court; and for Related Purposes.

Be it Enacted by the Legislature of the State of Mississippi:

Section 1. *Section 9-7-81, Mississippi Code of 1972, Is Amended as Follows:*

9-7-81. The Circuit Court Shall Have Original Jurisdiction in All Actions When the Principal of the Amount in Controversy Exceeds Two Hundred Dollars (\$200.00), and of All Other Actions and Causes, Matters and Things Arising under the Constitution and Laws of this State Which Are Not Exclusively Cognizable in Some Other Court, and Such Appellate Jurisdiction as Prescribed by Law. Such Court Shall Have Power to Hear and Determine All Prosecutions in the Name of the State for Treason, Felonies, Crimes, and Misdemeanors, Except Such as May Be Exclusively Cognizable Before Some Other Court; and Said Court Shall Have All the Powers Belonging to a Court of Oyer and Terminer and General Jail Delivery, and May Do and Perform All Other Acts Properly Pertaining to a Circuit Court of Law. Each Circuit Court Shall Establish a Drug Court in Each Circuit Court District. The Senior Judge Shall Assign Judges to Hear Drug Cases and Shall Establish Times for the Convening of Drug Court.

Section 2. *This Act Shall Take Effect and Be in Force from and after July 1, 2002...*”

Senate Bill 2725

“An Act to Provide for Drug Court Treatment Programs in Circuit Court Districts; to Specify the Purpose and Goals of this Act; to Define Certain Terms; to Provide for Drug Division Probation Programs; to Provide Requirements for Participation in Such Programs; to Provide for the Administration of Such Programs; to Provide That Successful Completion of a Drug Division Probation Program May Result in Dismissal of Criminal Conviction; to Provide for the Payment for Participation in a Program; to Amend Sections 41-29-149 and 41-29-150, Mississippi Code of 1972, in Conformity Thereto; and for Related Purposes...”

Legislation Introduced in 2003 Regular Session

House Bill 119

“An act to provide for drug court treatment programs in circuit court districts; to specify the purpose and goals of this act; to define certain terms; to provide for drug division probation programs; to provide requirements for participation in such programs; to provide for the administration of such programs; to provide that successful completion of a drug division probation program may result in dismissal of criminal conviction; to provide for the payment for participation in a program; to amend Sections 41-29-149 and 41-29-150, Mississippi Code of 1972, in conformity thereto; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. *The Legislature of Mississippi recognizes the critical need for criminal justice system programs to reduce the incidence of alcohol and drug use, alcohol and drug addiction, and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. The Legislature also recognizes that the problem of alcohol and drug abuse among the citizens of Mississippi is excessive and needs to be addressed and corrected not only for the health and welfare of the citizens of this state, but also because alcohol and drug abuse or dependency has been identified as a contributing factor in the commission of many crimes. It is the intent of the Legislature by this act to create a program to facilitate the creation of alcohol and drug treatment divisions in the various district courts of this state...”*

House Bill 1027

“An act to provide for drug court treatment programs in circuit court districts; to specify the purpose and goals of this act; to define certain terms; to provide for drug division probation programs; to provide requirements for participation in such programs; to provide for the administration of such programs; to provide that successful completion of a drug division probation program may result in dismissal of criminal conviction; to provide for the payment for participation in a program; to amend Sections 41-29-149 and 41-29-150, Mississippi Code of 1972, in conformity thereto; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. *The Legislature of Mississippi recognizes the critical need for criminal justice system programs to reduce the incidence of alcohol and drug use, alcohol and drug addiction, and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. The Legislature also recognizes that the problem of alcohol and drug abuse among the citizens of Mississippi is excessive and needs to be addressed and corrected not only for the health and welfare of the citizens of this state, but also because alcohol and drug abuse or dependency has been identified as a contributing*

factor in the commission of many crimes. It is the intent of the Legislature by this act to create a program to facilitate the creation of alcohol and drug treatment divisions in the various district courts of this state...

House Bill 1254

“An act to amend Section 9-7-81, Mississippi Code of 1972, to require each circuit court district to establish a drug court; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. *Section 9-7-81, Mississippi Code of 1972, is amended as follows:*

9-7-81. The circuit court shall have original jurisdiction in all actions when the principal of the amount in controversy exceeds Two Hundred Dollars (\$200.00), and of all other actions and causes, matters and things arising under the Constitution and laws of this state which are not exclusively cognizable in some other court, and such appellate jurisdiction as prescribed by law. Such court shall have power to hear and determine all prosecutions in the name of the state for treason, felonies, crimes, and misdemeanors, except such as may be exclusively cognizable before some other court; and said court shall have all the powers belonging to a court of oyer and terminer and general jail delivery, and may do and perform all other acts properly pertaining to a circuit court of law. Each circuit court shall establish a drug court in each circuit court district. The senior judge shall assign judges to hear drug cases and shall establish times for the convening of drug court.

SECTION 2. *This act shall take effect and be in force from and after July 1, 2003.”*

House Bill 1257

“An act to provide for drug court treatment programs; to specify the purpose and goals of this act; to define certain terms; to provide requirements for participation in such programs; to provide for the administration of such programs; to provide that successful completion of a drug division probation program may result in expunction of criminal record; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. *(1) The Legislature of Mississippi recognizes the critical need for judicial programs to reduce the incidence of alcohol and drug use, alcohol and drug addiction, and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. It is the intent of the Legislature to create a program to facilitate the creation, certification, support, and*

funding of local drug court programs adaptable to chancery, circuit and youth courts...”

Senate Bill 2605

“An act to provide for drug court treatment programs; to specify the purpose and goals of this act; to define certain terms; to provide requirements for participation in such programs; to provide for the administration of such programs; to provide that successful completion of a drug division probation program may result in expunction of criminal record; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

SECTION 1. *(1) The Legislature of Mississippi recognizes the critical need for judicial programs to reduce the incidence of alcohol and drug use, alcohol and drug addiction, and crimes committed as a result of alcohol and drug use and alcohol and drug addiction. It is the intent of the Legislature to create a program to facilitate the creation, certification, support and funding of local drug court programs adaptable to chancery, circuit and youth courts...”*

While drug courts appear to be an alternative sanction to combat growing problems with substance abuse and related crime, appropriate legislation must be in place to create a consistent framework for operation as the system expands.

Drug Court Research Shows

As more drug courts begin operation, groups such as the National Center on Addiction and Substance Abuse at Columbia University conduct research to justify expansion of the system. Research results include:

Drug courts provide more comprehensive and closer supervision of the drug-using offender than other forms of community supervision.

Drug use and criminal behavior are substantially reduced while clients are participating in drug court. Criminal behavior is lower after program participation, especially for graduates.

Drug courts generate cost savings, at least in the short term, from reduced jail/prison use, reduced criminality and lower criminal justice system costs (\$10 savings for every \$1 spent on drug court).

Drug courts have been quite successful in bridging the gap between the court and the treatment/public health systems and spurring greater cooperation among the various agencies and personnel within the criminal justice system, as well as between the criminal justice system and the community.

Benefits of Drug Court Systems

According to the National Drug Court Institute, a division of the National Association of Drug Court Professionals (NADCP), an organization for over 1200 drug courts across the country:

Drug court professionals from across the country identified numerous benefits to developing comprehensive drug court systems that deal with a wider range of cases and serve more clients than traditional drug court programs. One of the primary benefits cited by practitioners is that drug court systems bring collaboration and eliminate the fragmentation in how the criminal justice system deals with drug-using offenders. They also provide a vehicle for judges to have a meaningful impact on a broader population of offenders. Unlike traditional drug court programs, which deal exclusively with drug offenses or rehabilitation cases, drug court systems offer a comprehensive approach to many different kinds of crime. For example, virtually all child abuse and juvenile cases have drug-related issues, and can benefit from a systems approach to address these and other problems, yet these cases would not be heard in traditional drug courts.

Drug court systems achieve an economy of scale that brings many benefits. A mature drug court system can support a greater number of providers who collectively offer more expertise and treatment modalities. They also have greater visibility and leverage on the local, state, and federal level because of their extensive client base. Consequently, drug court systems have a greater potential to attract the resources that will be required for them to be sustainable in the long run.

Another major benefit of drug court systems is that treatment and other services can be expanded to reach minority groups and at-risk populations. This is a major step toward eliminating racial and other biases within the criminal justice system, in which minorities often have less access to treatment options and are more likely to receive prison sentences.

Drug court systems create a culture of cooperation and teamwork that has an impact on other areas of the criminal justice system. Drug courts have been proven to reduce recidivism and prevent relapse, which in turn reduces jail overcrowding. The speedy disposition of cases in drug court systems can reduce or eliminate case backlogs and save judicial and court time, making resources available for other uses. By dealing with more serious offenders, drug court systems gain credibility and can more readily develop partnerships with the law enforcement community.

Finally, drug court systems are more accountable to the community for the success or failure of individual clients because of the number and range of cases they handle. Fortunately, it is easier to measure the impact of a large program in comparison to a smaller one.

Funding for Drug Courts

With expanded resources, more individuals could be placed in a drug court program. Results of a survey completed by the Mississippi Crime and Justice Research Unit, and the Social Science Research Center of Mississippi State University suggested an acceptance of this form of alternative sanction to combat growing problems with substance abuse and related crime.

Currently the law is unclear as to fees assessed for participation in drug court programs. Legislation is needed to eliminate the ambiguity related to fees assessed drug court participants.

Current drug court funding includes federal funds. The U. S. Drug Enforcement Administration has prioritized funding for new drug courts and the President's proposed budget for 2003 increases drug court funding. The Seventh Circuit Court District Drug Court is partially funded by an appropriation from the Mississippi Legislature.

Local funds are solicited from a variety of sources including contributions from individuals and nonprofit organizations. Representative Alyce Clarke has been instrumental in assisting the Seventh District Circuit Court with local contributions for the drug court program.

Costs of Drug Courts vs. Traditional Rehabilitative Methods

The Mississippi Legislature, Joint Committee on Performance Evaluation and Expenditure Review report titled Mississippi Department of Corrections' F/Y 2001 Cost Per Inmate Day (Report #428) purports the average cost of housing an inmate in a 1,000 bed facility to be \$45.91 per day or \$16,757 annually for F/Y 2001. This average includes costs for housing, education and training, food, farming, medical, Parole Board, debt service and administrative services.

The Fourteenth Circuit Court District has implemented a drug court system. We compared the court's reported cost of this system with costs of MDOC referred to in the preceding paragraph. The estimated annual cost to operate the Fourteenth Circuit Court district is less than \$5,000 per drug court participant in FY2002 as compared to \$16,757 per inmate at MDOC.

Drug Courts Today

A December 2000 Office of Justice Programs Court Clearinghouse and Technical Assistance Project, US Department of Justice reported the following national statistics:

- 804 Drug courts in Operation
 - 547 Adult Drug Courts
 - 207 Juvenile Drug Courts
 - 41 Family Drug Courts
 - 9 Combination Drug Courts

- 507 Drug Courts in Planning Process
 - 317 Adult Drug Courts
 - 123 Juvenile Drug Courts
 - 62 Family Drug Courts
 - 5 Combination Drug Courts

- 300,000+ Adults, 12,500 Juvenile Enrolled in Drug Courts to Date
 - 73,000 Adult, 4,000 Juvenile Graduates
 - 70% Retention Rate
 - 75% Previously Incarcerated
 - 1,000 Drug Free Babies Born
 - 3,500 Parents who Regained Custody of Children
 - 4,500 Re-engaged in Child Support Payments
 - 73% Retained or Obtained Employment

Local Drug Courts

The Fourteenth Circuit Court District: Supervised by Judge Keith Starrett, the drug program reports 126 of 165 participants have successfully completed the program.

The Seventh Circuit Court District: Supervised by Judges Breland Hilburn and subsequently Bobby DeLaughter, reports 31 of 96 participants have graduated since the program began in January 2000.

The Fourth Circuit Court District: Supervised By Judge Margaret Carey-McCray reports 37 participants have entered the program since it began in January 2002.

The continuing expansion of the drug court system as evidenced by the number of courts in the planning process and the success rate experienced in the United States support the need for contemplation of expansion of drug courts into other Circuit Court Districts in Mississippi.

Program Performance Indicators and Measures in Mississippi

The Mississippi Bureau of Narcotics reported the following statistics:

	FY 2002 Actual	FY 2003 Estimated	FY 2004 Projected
Number of Drug Related Arrests	2185	2404	2644
Number of Prosecutions	1550	1628	1709

Statistics show that a majority of arrests lead to prosecutions. As the number of arrests and prosecutions increase, prisons become overcrowded. Overcrowding leads to the need for building of more prisons and financing them through tax dollars. Drug courts are a way to punish non-violent drug offenders less harshly than incarceration but more harshly than probation while reducing the need for construction of new prisons.

Conclusion

While violent offenders and drug dealers still need to be incarcerated, drug courts offer a system to deal with a broad range of non-violent drug offenders. The system can change the way we treat drug-using offenders with a high level of supervision, treatment alternatives, and can in turn improve the lives of the participants.

According to the National Drug Court Institute:

Drug court systems have the potential to greatly expand the impact that drug courts have had on the criminal justice system in the United States. By augmenting existing drug court programs and learning from the experiences of jurisdictions that have successfully implemented a systemic approach, communities can develop comprehensive drug court systems to deal with all drug-using offenders.

Components of a model drug court system would include: early drug testing and screening of arrestees, jail and prison-based treatment for those in need of incarceration, and appropriate judicial monitoring, probation supervision, drug testing, treatment, and rehabilitation services for those returned to the community under court control.

Resources and support provided at the local, state, and national levels along with a nominal participation fee allow the establishment of drug court systems with the ability to provide the foundation for an effective, community-based strategy to reduce drug use and crime, generate cost savings at the local and state level and allow statewide exchange of information between Circuit Court Districts.

Recommendations

Additional legislation is necessary to create a statewide system of drug courts. The system if properly implemented can significantly reduce the cost of punishing non-violent drug offenders. One particular issue to address is the necessity to eliminate the ambiguity related to the legality of charging drug court participants a fee for participating in the program. The participation fee is a vital part of cost control.

The Mississippi Legislature 2003 Regular Session has introduced House Bill 119, House Bill 1027, House Bill 1257, and Senate Bill 2605 all of which provide that the participant pay a fee for participation in the program, as well as the cost of the treatment program to which he/she is assigned. These three bills include language that says that it is the intent of the legislature to create a program to facilitate the creation, certification, support and funding of local drug court programs adaptable to chancery, circuit and youth courts.

Additionally, House Bill 1257 and Senate Bill 2605 recommend the establishment within the Administrative Office of Courts, the Mississippi Drug Courts Program Office, which would facilitate the creation, certification, support and funding of local drug court program.

House Bill 1254 requires each circuit court district to establish a drug court.

The Mississippi Department of Public Safety and Planning should seek additional available federal funding for Drug Courts. The U.S. Drug Enforcement Administration has prioritized funding for new drug courts and the President's budget for 2003 increases drug court funding.

House Bill 1257 and Senate Bill 2605 allows a program to apply for and receive grants or contract money from governmental sources.