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Development & History

Development of Idaho's Drug Courts

The United States drug court movement is young. It began in Miami, Florida with the Dade County Drug Court in 1989. This burgeoning movement first developed in response to the growing number of drug cases overcrowding America's criminal court calendars. Originally developed for first time and non-violent offenders to seek an end to the revolving door for those with addiction issues, the model has since evolved and is based on research that indicates "what works" to reduce recidivism for justice involved individuals with behavioral health issues. Not only has the population shifted from first time offenders to those with more serious criminal histories, but the model has been adopted for other populations with specialized needs such as DUI court, Mental Health Courts, and Veterans Courts, collectively known in Idaho as Treatment Courts. The treatment court offers many the choice of participating in an intensive court-monitored treatment program as an alternative to the usual court adjudication process.

Participation in treatment court includes several days each week of group and individual counseling, educational sessions, attendance at self-help support groups such as Alcoholics or Narcotics Anonymous, reading and writing assignments, community service, drug testing, and regular appearances in front of the treatment court judge. Failure to adhere to the treatment requirements and expectations results in the assessment of sanctions, including additional educational assignments, work details, community service, and even jail time. Participants move from more to less intensive phases of treatment during their treatment court participation. Graduation comes when the participant has adhered to the rules of the treatment courts and have been reestablished as productive and contributing members of their communities.

In 1997, Ten Key components were established with practices and researchers. One of the components that was critical early on was the collection of data and inclusion of researchers. This guidance led to a robust examination of treatment court practices as compared to outcomes and costs. The findings of that study became the foundation for the development of Best Practice Standards. Much like medical standards, the research indicates that adherence to these practices increases positive outcomes and reduced future criminal behaviors. As such, the Idaho Supreme Court has adopted a set of Idaho Treatment Court Best Practice Standards and a comprehensive quality assurance plan that seeks to identify areas for improvement based on the standards. Courts are provided with information on how they are performing and education and resources to support their improvement. It is the goal of the courts to operate according to best practices in order to make their participants and communities safer and healthy.

History of Idaho Treatment Courts

To address the growing court dockets of drug-related cases and to slow or stop the revolving door of drug dependent defendants entering Idaho courts, the Idaho Judiciary made expansion of drug courts its



number one priority in the 2000 legislative session. Concurrently, the Governor, faced with requests from the Idaho Department of Correction for major funding for new prison construction, developed a programmatic and budget package to carry out a major statewide substance abuse treatment initiative that included funds to expand treatment for drug court participants.

Against this backdrop of converging public policy from the executive and judicial branches, the 56th Idaho Legislature took historic action and enacted Senate Bills 1171, 1257, and 1267, a coordinated set of bills enabling both parallel and integrated activity by the Supreme Court, the Department of Correction, and the Department of Health and Welfare. Senate Bill 1171 established a statutory framework for the expansion of drug courts to all judicial districts and addressed eligibility, evaluation, implementation, funding, and participant fees. Senate Bill 1257 provided \$576,000 to the Department of Health and Welfare to support the treatment needs of the drug courts while Senate Bill 1267 appropriated \$991,000 to address critical operating expenses of drug courts. Through this carefully orchestrated action, all three branches of government articulated a common vision and initiated a strategic investment clearly designed to reduce the devastating and degrading impact of drugs on individuals, families, and communities across Idaho. This funding became available July 1, 2001, and by December 31, 2001 there were seventeen treatment courts in operation. Eleven more treatment courts began operating between January 1, 2002 and March 31, 2002, two additional treatment courts began operations during fiscal year 2003, and two more courts began in FY2004. As of December 31, 2022, 68 treatment courts are in operation and serve all seven judicial districts in the state. In addition, following the treatment court model, eleven mental health courts, two juvenile mental health courts, six veteran's treatment courts, one domestic violence drug court and two child protection/parent treatment courts have been established.

Idaho's Early Treatment Courts

The first treatment court began in Idaho in September 1998 with the Kootenai County Drug Court under Judges James Judd and Eugene Marano. Soon thereafter, in March 1999, the Ada County Drug Court began under Judge Daniel Eismann. The two early treatment courts established solid operational foundations, demonstrated successful retention of clients in treatment, and achieved several positive outcomes. The Phase I Idaho Drug Court Evaluation, discussed in a separate section, provides further detail on the evaluation of the two early Idaho drug courts.

In 2000, prior to the passage of SB 1171, treatment courts were started in Bonneville, Bannock, Jefferson, Fremont, Madison, Power, Teton, and Twin Falls Counties and Bingham County started two treatment courts in early 2001. Early Idaho treatment courts paved the way for passage of the Idaho Drug Court Act by building a solid foundation of operational success and public support through the vision and personal commitment of their judges, the collective efforts of their teams, including prosecutors, public defenders, treatment providers, and drug court coordinators, and the funding acumen of their trial court administrators.