

SMART JUSTICE: SAVING PRISON BEDS, TAX DOLLARS, AND LIVES -- PROBLEM-SOLVING COURTS WORK



Report to
Governor C.L. "Butch" Otter
and the 2nd Regular Session of
the 61st Idaho Legislature

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One veteran's story

On July 28, 2009 at about 11pm, Boise Police officers responded to a citizen's emergency 911 call reporting a man standing outside the door armed with a machine gun. He was on a mission to find his dog.

Officers arrived in the vicinity and began searching for the exact location. They heard two more shots which directed them to a nearby apartment building. As officers came around a corner, they observed the suspect standing at the top of the stairs pointing a gun with an attached flashlight at them. Multiple officers shouted commands to put the gun down. The suspect darted in and out of the doorway of a nearby apartment where he'd kicked the door in. He returned to the top of the stairs where he once again pointed his weapon in the direction of officers standing below.

Four officers fired a total of 14 shots as the suspect sought cover and "ducked back" into the apartment. Officers yelled more verbal challenges and the suspect responded by talking with officers. He holstered his pistol, slung his rifle over his shoulder, placed his hands in the air, and walked down the stairs to the officers' location where he was taken into custody.

Police would later learn that on February 8th, 2007, this Idaho National Guard Staff Sergeant was the lone survivor from the explosion of one of the largest IEDs ever placed outside of Karma, Iraq. The blast penetrated the armored hull of a 12 ton bomb-resistant vehicle, which was blown more than 10 feet in the air. It was and has been the deadliest attack on Idaho soldiers in the war. Three of his colleagues died.

Veterans Treatment Courts: Idaho's newest problem-solving courts

This man's remarkable story and even more remarkable response of the Idaho justice system is a prelude to efforts to develop the newest addition to Idaho's portfolio of problem-solving courts: the Veterans Treatment Court.

A veteran's treatment court deals with an individual, most frequently having co-occurring mental and substance use disorders and experiencing post-traumatic stress disorder resulting from combat service in one of our country's armed forces.

Increasingly the military relies upon the reserve and National Guard force, such as Idaho's 116th Combat Brigade, now with multiple deployments. These repeated tours of duty, with frequent combat engagement and all too frequent traumatic brain injuries, leave returning soldiers vulnerable to a downward spiral of depression, substance abuse, domestic instability, and tendency to violence.

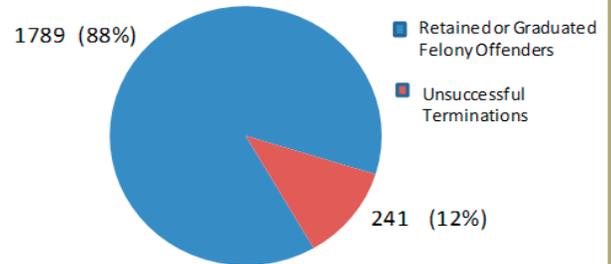
Veterans Treatment Courts offer a humane and yet accountable approach to resolving criminal and clinical issues while reducing both short-term and long-term costs associated with incarceration. Ada County and Canyon County both began formal planning in FY2011 to establish a veteran's treatment court, to begin in FY2012. It is hoped that such a resource can be placed within reach of all our returning service men and women by the end of FY2013. Action by the Legislature in 2011 amended the Drug Court and Mental Health Court Act to allow local court teams, with concurrence of the prosecutor to consider persons for admission who previously would have been barred because of current charges of a violent nature or a history of such charges. This paves the way to serve many veterans who might otherwise be ineligible.



Community-based sentencing alternatives reduce prison growth

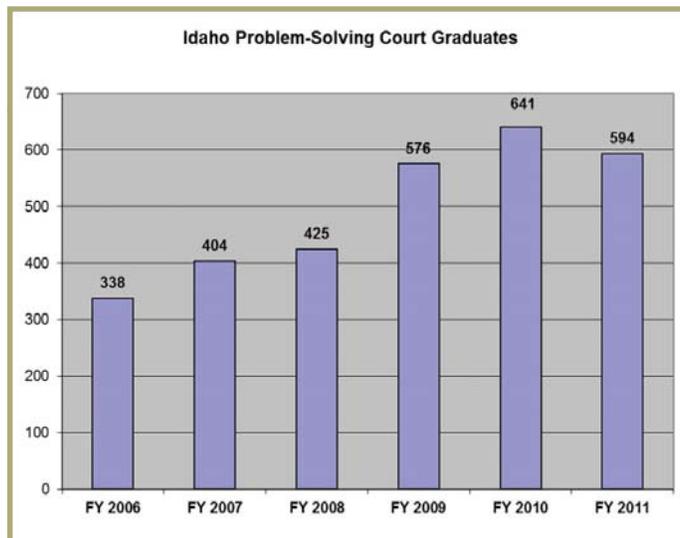
2,030 of the adult felony offenders participating in drug and mental health courts in FY2011 faced a potential prison sentence, if not supervised in the community. Of these offenders, 1,789 (88%) either remained in drug court or mental health court or had successfully completed all requirements and graduated at the end of the year. This represents a significant number of offenders who were managed in the community rather than being sentenced to prison, resulting in significant cost savings to Idaho taxpayers.

FY 2011 Felony Offender Retention: 2,030 Total Participants



Drug Courts and Mental Health Courts at capacity

Idaho's first two drug courts were established at the end of 1998. After thirteen years of operation, Idaho now has 59 drug and mental health courts. With current funding levels, many Idaho drug and mental health courts cannot meet the need in many communities. This ceiling on capacity will have an impact on the ability of drug and mental health courts to continue to reduce the number of offenders being sentenced to prison.



Number of graduates and offenders served

Throughout the past fiscal year, Idaho drug courts and mental health courts supervised a total of 2,244 felony, misdemeanor, and juvenile offenders. Collectively, the adult drug courts supervised 1,670 offenders, mental health courts supervised 324 offenders, and juvenile drug courts supervised 204 youthful offenders. There were 594 graduates from Idaho drug and mental health courts. Since FY2002 there have been a total of 4,235 graduates from all Idaho problem-solving courts.

Idaho DUI Courts document their effectiveness

The incidence of felony DUI offenses has grown dramatically in Idaho; there was a 29% increase just this past year from 1,251 filings in FY2010 to 1,609 filings in FY2011. The demand for DUI courts serving both felony and misdemeanor DUI offenders continues to grow as well. These courts are an effective response to the crime of driving under the influence of intoxicants, with promise for achieving long-term public safety not offered by punitive sanctions alone. Idaho DUI courts have very high compliance and graduation rates. Of 134 total terminations from Idaho DUI courts, 118 (88%) were graduations. Further, an outcome evaluation of four well-established Idaho DUI courts determined that DUI court graduates had only half the recidivism compared to those in the comparison group while DUI court resulted in a 32% reduction in recidivism for all these DUI offenders, not just graduates, over the comparison group.

Breaking the cycle of addiction and child abuse

Idaho's four child protection drug courts served 104 parents last year in Lewiston, Twin Falls, Pocatello, and Idaho Falls. Because child protection drug courts in Idaho emphasize services not only to address parental substance abuse and other debilitating issues but also to meet the needs of the children, it is believed that they offer a real chance to end the intergenerational cycle of substance abuse and child maltreatment.

Preliminary evaluation data has shown that the Idaho children whose parent was served in one of these Child Protection Drug Courts spend less time in foster care, and only 3% of these children re-enter the foster care system, compared to 12% of those children whose parent was not served in a Child Protection Drug Court.



Over 240 drug-free births for Idaho problem-solving courts!

One of the most encouraging outcomes from the drug and mental health court effort is the number of babies born drug free to women in drug and mental health court. Not only do these healthy babies represent a major financial saving to our communities but they also begin life without the significant handicap of being born affected by or dependent upon drugs. In addition, their mothers are able to give them the care and nurturing they need for normal child development. Twenty babies were born to clean and sober women in our drug and mental health courts this year, bringing the total to 248 drug free births, since the beginning of Idaho's problem solving courts.

Drug and Mental Health Courts continue their efforts with juvenile offenders

A total of 204 juveniles participated and 34 graduated from Idaho's seven juvenile drug courts. Issues facing juveniles are often more complex because of intertwined family issues and strong peer influences that often encourage delinquent behavior. The pilot juvenile mental health court, with sessions in Idaho Falls and Rexburg saw 7 graduates in FY2011. Many of these youth in juvenile mental health court would otherwise be committed to the Department of Juvenile Corrections at a very significant cost to the state.



The Commitment of the Idaho Judiciary

As the Third Branch of Government, the Idaho Judiciary is committed to providing access to justice through the timely, fair, and impartial resolution of cases.

The Idaho Courts stand for:

*Integrity
Fairness
Independence
Respect
Excellence
Innovation*

The Idaho Courts strive to:

Provide Timely, Fair, Impartial Case Resolution

Ensure Access to Justice

Promote Effective, Innovative Services

Increase Public Trust and Confidence in Idaho Courts

Approved by the
Supreme Court
October 31, 2011