

A Drug Court Within Reach of Every American in Need

Recommendations for Expanding the Most Effective Criminal Justice Strategy for Non-Violent, Drug-Addicted Offenders

“I would also ensure that Congress robustly funds prevention and treatment programs like the Second Chance Act, Drug Courts, and the Drug Free Communities Support Program. I co-sponsored the Second Chance Act and have been a proponent of Drug Courts since my days in Illinois, and I will continue to support (and, in the case of Drug Courts, expand) these programs as President.”

—President-Elect Barack Obama
The Police Chief, October 2008.

The American Criminal Justice System Needs a New Direction

More than 2.3 million adults are now behind bars in the U.S., representing 1 out of every 100 adult Americans.¹ This burden is borne disproportionately by racial and ethnic minorities. One out of every 15 African American men and 1 out of every 36 Hispanic men are now incarcerated in this country.

Drug and alcohol abuse has driven much of the explosion in the inmate population. Approximately 80% of inmates have a serious history of substance abuse² and one-half are clinically addicted to drugs or alcohol.³ Most of these individuals do not pose a serious threat to public safety. More than three-quarters of state inmates were incarcerated for a nonviolent offense and most of them have no history of a violence offense anywhere on their records.⁴

It is no secret that prison has accomplished little to stem the tide of crime or drug abuse. Upon their release from prison, between 60% and 80% of drug abusers commit a new crime (typically a drug-related crime)⁵ and 85% to 95% relapse quickly to drug abuse.⁶ More than half will be returned to prison in a now familiar revolving door pattern, and in some states, such as California, more than 75% will be returned to prison.

Amazingly, these disappointing figures have done little to curb prison spending. National expenditures on corrections well exceed \$60 billion annually.⁷ On average, states spend \$65,000 per bed, per year to build new prisons and \$23,876 per bed, per year to operate them.

Every year in the U.S., there are approximately 1.2 million prison-bound, drug-abusing offenders who pose little threat to public safety.⁸ For them, there is a better way...

Drug Courts

Are the Solution

Drug Courts are judicially supervised court dockets that strike the proper balance between the need to protect community safety *and* the need to improve public health; between the need for treatment *and* the need to hold people accountable for their actions; between hope and redemption on the one hand *and* productive citizenship on the other.

Drug Courts keep nonviolent, drug-addicted individuals in treatment for long periods of time, while supervising them closely. Drug Court participants receive the treatment and other services they require to stay clean and to lead constructive lives, yet they are also held accountable by a judge for meeting their obligations to society, themselves and their families. Participants are regularly and randomly tested for drug use, required to appear frequently in court for the judge to review their progress, and receive rewards for doing well and sanctions for not living up to their obligations.

The Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) passed a joint resolution to “Take steps nationally and locally, to expand and better integrate the principles and methods of well-functioning Drug Courts into ongoing court operations.” This significant national resolution further declares that “Drug Courts and Problem-Solving Court principles and methods have demonstrated great success in addressing certain complex social problems, such as recidivism, that are not effectively addressed by the traditional legal system.”⁹

Now 20 years since the first Drug Court was initiated, there has been more research published on the effects of Drug Courts than on virtually all other criminal justice programs combined. The scientific community has put Drug Courts under a microscope and concluded that *Drug Courts work better than jail or prison, better than probation, and better than treatment alone. Drug Courts significantly reduce drug abuse and crime and do so at less expense than any other justice strategy.*

Drug Courts Reduce Crime

Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.¹⁰ Compare this to the typical re-arrest rates on standard probation, in which 46% of probationers commit a new offense and over 60% commit a probation violation.¹¹ Not to mention the high re-arrest rates ensuing after release from prison, which, as noted, generally exceed 60% to 80%.

The U.S. Government Accountability Office (GAO) agrees and in 2005 concluded that Drug Courts significantly reduce crime and save money for taxpayers by offsetting the costs of law enforcement, court case processing and victimization resulting from future criminal activity.¹²

In the ensuing years since the GAO Report, researchers have continued to uncover definitive evidence for the efficacy and cost-effectiveness of Drug Courts. Five independent meta-analyses have now all concluded that Drug Courts significantly reduce crime by as much as 35% in comparison to traditional case dispositions.¹³ Researchers also concluded Drug Courts reduce drug abuse and improve employment and family functioning.¹⁴

And these effects are not short-lived. Rigorous studies examining long-term outcomes have found that reductions in crime lasted at least 3 years¹⁵ and as much as 14 years.¹⁶

Drug Courts Save Money

Drug Courts also save considerable money for taxpayers. Eighteen rigorous cost/benefit studies have found average cost savings ranging from \$4,000 to \$12,000 per client. The Urban Institute estimates a favorable cost/benefit ratio as high as \$3.36 for every \$1.00 invested in treating drug-addicted offenders under the watchful eye of Drug Court.¹⁷

In 2007, 41 state budgets included a specific appropriation for Drug Courts, totaling \$181,795,694 nationwide. Amazingly, for every one Federal dollar invested to start a new Drug Court or enhance the capacity of an existing Drug Court, states invested approximately \$9.00 to sustain them (a 9:1 ratio).

An Investment Yet to be Realized

The historic 1994 Biden Crime Bill authorized \$1 billion for the Drug Court Discretionary Grant Program, administered by the DOJ Office of Justice Programs. The intent of the Biden Crime Bill and the Democratic White House at the time was to expand Drug Court funding to \$200 million annually by the year 2000. Unfortunately, since 1995 the appropriation has, in fact, averaged only \$40 million. The Drug Court Discretionary Grant Program continues to be significantly under-funded and is currently appropriated at only \$15.2 million.

The Center for Substance Abuse Treatment (CSAT), within the DHHS Substance Abuse and Mental Health Services Administration (SAMHSA), has also supported Drug Courts through its discretionary funding (for treatment). But it, too, is drastically under-funded with a mere \$10 million

a year available to enhance treatment services within Drug Court programs.

Despite these serious funding challenges, Drug Courts now exist in every U.S. state and territory. Today, there are 2,147 adult, juvenile, family, reentry and veteran Drug Courts in operation.¹⁸ Yet, as impressive as this may be, over one half of U.S. counties do not have a Drug Court and those that do serve only a fraction of the eligible offenders. In total, Drug Courts serve only about 5% of the adult offender population estimated to be in need of Drug Court services.¹⁹

How Much Money Is Needed?

Drug Courts need \$250 million per year for the next six years—essentially as was originally envisioned in the Crime Bill—to make Drug Court available to every non-violent, drug-addicted offender. Only by putting a Drug Court within arms reach of every adult, juvenile, veteran and family in America who needs it can we truly break the cycle of drugs and crime in our country.

What will be the Return on the Investment?

A \$250 million annual Federal investment would reap staggering savings, with an estimated annual return of as much as \$840 million in net benefits from avoided criminal justice and victimization costs alone. A \$250 million annual Federal investment would also substantially reduce the demand for illicit drugs and enable state and local governments to cease over-relying on expensive and ineffective prison sentences for nonviolent, addicted offenders.

If the past is any indication of the future, state and local governments can be expected to follow suit and leverage the Federal investment several-fold. In these down-turn economic times, there is no way to be certain whether the states will be able to continue to leverage Federal dollars at a 9:1 ratio. But in the past, once states began to realize cost-offsets from criminal justice and prison expenditures, state funding was reapportioned to expand and sustain Drug Courts. Assuming even a modest 5:1 state investment, a \$250 million annual Federal investment could leverage as much as \$1.25 billion in state funding.

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Recommendations to the New Administration

The National Association of Drug Court Professionals (NADCP) recommends that the Obama Administration put a Drug Court within reach of every American who needs it beginning with the 2010 budget, thereby providing the necessary guidance to the 111th Congressional appropriation process and report language.

- Ensure the following priorities are achieved within the \$250 million annual funding:
 - Dedicate 50% of the total funding to expand the capacity of existing adult Drug Courts;
 - Dedicate 25% of the total funding to implement new adult Drug Courts in communities where they do not currently exist;
 - Authorize CSAT and OJJDP to utilize 15% of the total funding to continue to provide support to Family and Juvenile Drug Courts;
 - Dedicate 10% of the total funding to provide the critical training and technical assistance needed to plan, implement, enhance and sustain Drug Courts;
 - Enhance emphasis on Veterans Treatment Courts as defined by the Veterans (SERV) Act introduced in both the House and Senate in the 110th Congress.
 - Ensure equity in sentencing and equal access for minorities to Drug Courts and other Problem-Solving Court programs.
- Increase ONDCP funding for the National Drug Court Institute from \$1 million to \$5 million a year to support research, scholarship, training and technical assistance for Drug Courts;
- Convene an interagency Federal senior leadership group led by the Office of National Drug Control Policy (ONDCP) to ensure collaboration, coordination, and communication between all of the impacted agencies (DOJ, DHHS, DOT, VA, DOD);
- Lead a public and private partnership to enhance public awareness and support for Drug Courts.
- Enhance emphasis on the full range of Problem-Solving Courts as defined by the Conference of Chief Justices and the Conference of State Court Administrators.
- Enhance emphasis on Reentry Drug Courts, Reentry Courts and other effective reentry models that help prisoners return as contributing members of their community as defined in the Second Chance Act of 2007.

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- ¹⁹ The Urban Institute (2008), *supra*.

About NADCP

The National Association of Drug Court Professionals (NADCP), a not-for-profit organization located in the Nation's Capitol, was founded in 1994 by a group of judicial visionaries to reverse the growing impact of drug-related crime. They created a court model using a combination of accountability and treatment to compel and support drug-using offenders to change their lives. From that vision came the Drug Court movement and the NADCP. In 1997, NADCP and the White House Office of National Drug Control Policy (ONDCP) then partnered to create the National Drug Court Institute (NDCI), the professional services branch NADCP.

Today, NADCP is the premier national membership, training and advocacy organization for Drug Courts, representing over 22,000 multi-disciplinary Drug Court professionals. NADCP hosts the largest annual training conference on drugs and crime in the nation and provides 130 Drug Court training and technical assistance events, benefiting tens of thousands of drug court professionals each year. NADCP/NDCI continues to write, publish, and disseminate scholastic and practical publications that are critical to the ongoing growth and fidelity of the Drug Court model and works tirelessly on Capitol Hill and in state legislatures to transform the American justice system through policy, legislation and appropriations.