



DRUG COURTS

A Smart Approach to Criminal Justice

Drug courts, which combine treatment with incentives and sanctions, mandatory and random drug testing, and aftercare, are a proven tool for improving public health and public safety. They provide an innovative mechanism for promoting collaboration among the judiciary, prosecutors, community corrections agencies, drug treatment providers, and other community support groups. These special courts have been operating in the United States for more than 20 years, and their effectiveness is well documented. In times of serious budget cuts, the drug court model offers State and local governments a cost-effective way to increase the percentage of addicted offenders who achieve sustained recovery, thereby improving public safety and reducing costs associated with re-arrest and additional incarceration. Every \$1 spent on drug courts yields more than \$2 in savings in the criminal justice system alone.

President Obama's FY 2012 Budget request includes approximately \$101 million for drug, mental health, and other problem-solving courts, including Veterans Treatment, Tribal Healing to Wellness, and Family Dependency Treatment Courts. This demonstrates the Administration's support for increasing and enhancing access to substance use disorder treatment. With more than 2,600 drug courts in operation today, approximately 120,000 Americans annually receive the help they need to break the cycle of addiction and recidivism.

Overview

- ◆ Drug courts operate on the local level to divert non-violent offenders with substance use problems from incarceration into supervised programs with treatment and rigorous standards of accountability.
- ◆ The courts connect the judicial, law enforcement, and treatment communities with other systems and provider organizations through comprehensive case management to address participants' other needs, such as education, housing, job training, and mental health referrals.
- ◆ Drug courts help participants recover from addiction and prevent future criminal activity while also reducing the burden and costs of repeatedly processing low-level, non-violent offenders through the Nation's courts, jails, and prisons.

Drug court programs have a tangible effect on criminal recidivism. In a recent Department of Justice study, drug court participants reported 25 percent less criminal activity and had 16 percent fewer arrests than comparable offenders not enrolled in drug courts. In addition, 26 percent fewer drug court participants reported drug use and were 37 percent less likely to test positive for illicit substances.¹

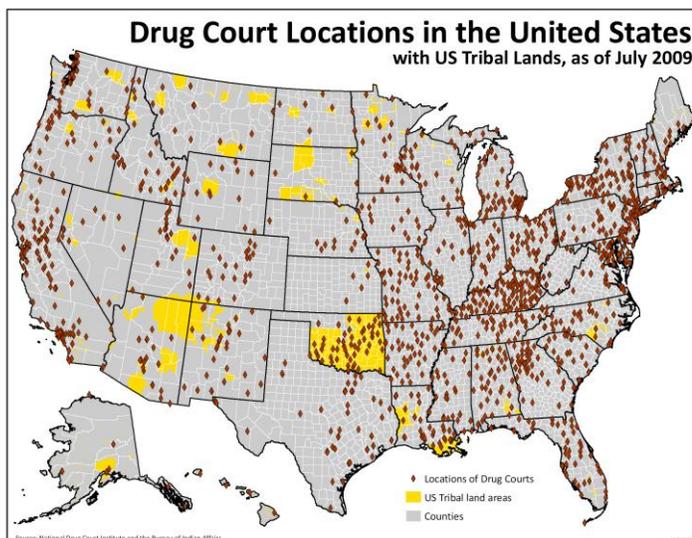
¹ National Institute of Justice *NIJ's Multisite Adult Drug Court Evaluation: Executive Summary*. U.S. Department of Justice [2011]. Available: <http://www.urban.org/UploadedPDF/412353-multi-site-adult-drug-court.pdf>

ONDCP seeks to foster healthy individuals and safe communities by effectively leading the Nation's effort to reduce drug use and its consequences.

Additionally, an analysis of drug court cost-effectiveness conducted by The Urban Institute found that drug courts provided \$2.21 in benefits to the criminal justice system for every \$1 invested.² When expanding the program to all at-risk arrestees, the average return on investment increased even more, resulting in a benefit of \$3.36 for every \$1 spent.³

By the Numbers

- ◆ The drug court movement continues to grow. Since 1989, drug courts have been established or are being planned in all 50 States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, Guam, and in nearly 90 Tribal locations (see map.)
- ◆ There are more than 2,600 drug court programs throughout the United States.
- ◆ Approximately 47 percent of counties in the United States are served by drug courts (see map).
- ◆ A review of five independent meta-analyses concluded that drug courts significantly reduce crime by an average of 8 to 26 percentage points; well-administered drug courts were found to reduce crime rates by as much as 35 percent, compared to traditional case dispositions.⁴
- ◆ The success of drug courts has led to development of Tribal Wellness, Veterans Treatment, Mentally Ill Offender, Community, and Family Treatment courts.



The Drug Court Model: Best Practices

Drug court participants are provided intensive treatment and other services for a minimum of one year. There are frequent court appearances and random drug testing, with sanctions and incentives to encourage compliance and completion. Successful completion of the treatment program results in dismissal of the charges, reduced or set-aside sentences, lesser penalties, or a combination of these. Most important, graduating participants gain the necessary tools to rebuild their lives.

Because the problem of drugs and crime is much too broad for any single agency to tackle alone, drug courts rely upon the daily communication and cooperation of judges, court personnel, probation, treatment providers, and providers of other social services.

Drug courts vary somewhat in terms of their structure, scope, and target populations, but they all share three primary goals:⁵

- 1) REDUCED RECIDIVISM RATES**
- 2) REDUCED SUBSTANCE USE AMONG PARTICIPANTS**
- 3) REHABILITATION OF PARTICIPANTS**

² Bhati, Avinash Singh, Roman, John K., Chalfin, Aaron. "To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders." The Urban Institute [2008]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/222908.pdf>

³ *Ibid.*

⁴ Marlowe, DB. Recent Studies of Drug Courts and DWI Courts: Crime Reduction and Cost Savings. National Association of Drug Court Professionals. Available: http://www.isc.idaho.gov/dcourt/DC_Research_Update408.pdf

⁵ National Criminal Justice Reference Service. *In the Spotlight: Drug Courts*. U.S. Department of Justice [2009]. Available: http://www.ncjrs.gov/spotlight/drug_courts/summary.html

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Achieving these goals requires adherence to the core organizational structure and attributes of the drug court model. This model, which has successfully been replicated in thousands of courtrooms nationwide, includes the following key components:^{6,7,8}

- ◆ Integration of alcohol and other drug treatment services within justice system case processing;
- ◆ A non-adversarial approach, through which prosecution and defense counsel promote public safety while protecting participants' due process rights;
- ◆ Early identification of eligible participants and prompt placement in the drug court;
- ◆ Access to a continuum of alcohol, drug and other treatment, and rehabilitation services;
- ◆ Frequent alcohol and other drug testing to monitor abstinence;
- ◆ A coordinated strategy governing drug court responses to participants' compliance or non-compliance;
- ◆ Ongoing judicial interaction with each participant;
- ◆ Monitoring and evaluation to measure achievement of program goals and gauge effectiveness;
- ◆ Continuing interdisciplinary education to promote effective drug court planning, implementation and operations; and
- ◆ Forging of partnerships among drug courts, public agencies, and community-based organizations to generate local support and enhance drug court program effectiveness.

Drug courts following these tenets reduce recidivism and promote other positive outcomes. The magnitude of a court's impact may depend upon how well the practitioners address and balance these core components and adapt to the needs of their clients and court staff.

Connecting Drug Courts to Law Enforcement

A strong partnership with local law enforcement is a critical component of a successful drug court. Street-level enforcement officers provide a unique perspective and benefit to drug court teams. Law enforcement can improve referrals to the court and extend the connection of the drug court team into the community for further information gathering and monitoring of participants. Law enforcement personnel play important roles not only in the day-to-day operations of the drug court, but also in showing other government and community leaders the public safety efficacy of these courts. A comprehensive study of the key attributes of successful drug courts reinforces the importance of this relationship. In the 18 adult drug courts studied, researchers found that:⁹

- ◆ Having a member from law enforcement on the team was associated with higher graduation rates, compared to teams without a law enforcement member (57 percent versus 46 percent).
- ◆ Drug court teams that included law enforcement personnel reduced costs an additional 36 percent over the reductions achieved by traditional drug courts.

In recognition of the importance of law enforcement participation in the drug court process, the National Association of Drug Court Professionals' (NADCP) National Drug Court Institute (NDCI) has created a National Law Enforcement Task Force. This Task Force is designed to increase the involvement of law enforcement personnel in the drug court process and gather critical input from key law

⁶ *Ibid.*

⁷ Office of Justice Programs. *Defining Drug Courts: The Key Components*. U.S. Department of Justice [1997]. Available: <http://www.ndci.org/sites/default/files/ndci/KeyComponents.pdf>

⁸ Shannon Carey, Michael Finigan, and Kimberly Pukstas. *Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes, and Costs*. NPC Research [2008]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/223853.pdf>

⁹ *Ibid.*

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enforcement leaders across the country. The Task Force has representatives from a number of law enforcement organizations, including:

- ◆ International Association of Chiefs of Police (IACP)
- ◆ National Sheriffs Association (NSA)
- ◆ National Organization of Black Law Enforcement Executives (NOBLE)
- ◆ Hispanic American Police Command Officers Association (HAPCOA)
- ◆ National Native American Law Enforcement Association (NNALEA)
- ◆ National Organization of Women Law Enforcement Executives (NAWLEE)
- ◆ American Probation and Parole Association (APPA)

To further educate and expand law enforcement involvement in drug courts, NDCI is developing a curriculum for law enforcement personnel. This curriculum will include information on the medical aspects of addiction, treatment, and recovery, and how to engage substance abuse service providers. ONDCP is providing the funding for this training course, which will qualify for Police Officer Standards and Training (POST) for the enrolled law enforcement officers.

Training & Technical Assistance Resources

With the expansion of drug courts throughout the country, it is critical to ensure standards for drug court implementation and operations are effectively disseminated to the field. It is also critical for the more than 2,600 courts currently in operation, along with those in the planning and implementation phases, to be fully trained and operating in accordance with the long-standing, strict standards designed for drug courts to achieve optimal outcomes.

In an effort to maintain efficacy and improve the operations of drug courts, NDCI provides critical education, training, and technical assistance to longstanding as well as newly formed drug courts. NDCI is supported by several Federal agencies, including:

- ◆ U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance, Office of Juvenile Justice & Delinquency Prevention, and the National Institute of Justice)
- ◆ U.S. Department of Health & Human Services, Substance Abuse & Mental Health Services Administration (Center for Substance Abuse Treatment)

A full list of trainings and technical assistance provided by NDCI and funded through these partners is available on the NDCI Web site, at www.ndci.org.

Drug Court Funding Opportunities

NDCI maintains an updated list of Federal funding opportunities available for drug courts. The list is available on the NDCI Web site, at www.ndci.org.