

Will Drug Courts Provide More Jail Space for Serious Criminals?

With Three-Strikes-You're-Out statutes proliferating and long-term incarceration for serious adult offenders increasing, drug court programs are needed to free up limited jail space for serious criminals.

Do Drug Courts Save Money?

Incarceration of drug using offenders costs between \$20,000 and \$50,000 per person, per year. The capital costs of building a prison cell can be as much as \$80,000. In contrast, a drug court program costs, on average, between \$1,500 and \$11,000 annually for each offender.¹⁰ Evaluations from the State of Oregon and Dallas County, Texas, have shown that for every dollar invested in drug court, nearly ten dollars are saved by corrections.^{11,12}

In 2004, states spent at least \$23.3 billion on child welfare activities, including foster care, medical treatment for abused or neglected children, and other direct costs of child maltreatment.¹³ Indirect costs of child maltreatment, such as Medicare and Medicaid-covered treatment of adults' medical problems caused by abuse or neglect in childhood, add to this figure. A local evaluation in Yellowstone County, Montana conservatively shows that for every dollar invested in Family Dependency Treatment Court, there is a \$4.74 cost savings or offset in child and adult costs to the system and community.¹⁴ By affording substance-abusing parents a genuine opportunity for family reunification with support and treatment, family dependency treatment courts decrease the risk of physical and emotional harm to children and ultimately save child welfare dollars.

Are Drug Court Programs Soft on Crime?

Drug courts across the country control participants' drug usage and activity through frequent drug testing, intensive supervision and judicial monitoring, and immediate sanctions that may include terms of incarceration to respond to program violations. The adult substance-abusing offender population has historically been unmoved by the threat of incarceration alone. In fact, drug court participants find drug court more challenging than jail or prison.

What are DWI Courts?

Given the phenomenal success of drug courts across the country, many courts are applying the drug court model to hard core, repeat DUI/DWI cases, either by implementing designated DWI courts, or by accepting impaired drivers into traditional adult drug courts (hybrid DWI/Drug courts). In doing so, DWI courts, like traditional drug courts, are making offenders accountable for their actions while treating the underlying substance-abuse problem, thus bringing about a behavioral change that ends DUI recidivism, halting the abuse of alcohol and protecting the public from impaired drivers.

Aren't Drug Courts Just Specialty Courts?

Drug courts are demonstrably effective. According to a decade of research, drug courts significantly improve substance abuse treatment outcomes, substantially reduce crime, reunite families, and produce greater cost benefits than any other justice strategy. Drug courts transform over 120,000 addicts yearly in the adult, juvenile, and family court systems into drug-free, productive citizens.¹⁵ Yet, drug courts are not widely available and thus not prescribed to everyone who needs them. Despite their immense success, drug courts have not realized their mass implementation and institutionalization.

Drug courts should serve as the model for how to address the broadest population of substance abusers involved in the justice system. Short of this, we fail to provide the best solution to America's greatest justice problem-addiction.

Citations for this document are available at www.ndci.org/publications/FACTS_citations.pdf

"Drug courts are a vital, essential element of our National Drug Control Strategy. While offering incentives to stay off drugs, they hold individuals accountable and simultaneously deal with the deadly disease of addiction. America is better off because of drug courts."

— John Walters

Director, Office of National Drug Control Policy

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**NATIONAL
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THE FACTS

**FACTS ON
DRUG COURTS**

With over 2,000 drug courts in existence or being planned, there is a great deal of bi-partisan interest in drug courts across the nation. This fact sheet provides answers to some of the most commonly asked questions about drug court.

“Drug courts are an effective and cost efficient way to help non-violent drug offenders commit to a rigorous drug treatment program in lieu of prison.”

—President George W. Bush

“Three quarters of the growth in the number of federal prison inmates is due to drug crimes. Building new prisons will only go so far. Drug courts and mandatory testing and treatment are effective. I have seen drug courts work. I know they... make a difference.”

—President William Jefferson Clinton

What Are Drug Courts & Why Do We Need Them?

Two-thirds of all adult arrestees¹ and over half of juvenile arrestees² test positive for illicit drugs at arrest. The national recidivism rate for drug offenses is nearly 67%.³ Up to eighty percent of child abuse and neglect cases⁴ and nearly fifty percent of domestic violence cases are substance-abuse related.⁵

Drug courts represent the combined efforts of justice and treatment professionals to actively intervene and break the cycle of substance abuse, addiction, crime, delinquency, and child maltreatment. These special dockets are given the responsibility to handle cases involving addicted citizens under the adult, juvenile, family, and tribal justice systems.

In this blending of justice, treatment, and social service systems, the drug court participant undergoes an intensive regimen of substance abuse treatment, case management, drug testing, supervision and monitoring, and immediate sanctions and incentives while reporting to regularly scheduled status hearings before a judge with expertise in the drug court model. In addition, drug courts increase the probability of participants' success by providing ancillary services such as mental health treatment, trauma and family therapy, and job skills training.

Are All Drug Courts the Same?

While each drug court should maintain fidelity to the drug court model, the design and structure of drug court programs are developed at the local level to reflect the unique strengths, circumstances, and capacities of each community. Many sectors of the community are involved in the planning and implementation of a drug court, including criminal justice, child protective services, treatment, law enforcement, and educational and community anti-drug organizations.

While adult drug courts address addiction and crime in the criminal justice arena, other variants address substance abuse as it relates to other justice settings. Juvenile drug courts address juvenile delinquency involving use of alcohol or illicit drugs. Family dependency treatment courts apply the drug court model to child welfare cases that involve an allegation of child abuse or neglect related to parental substance abuse.

DWI/Drug courts get at the root of repeat drunk driving. Reentry courts, mental health courts, tribal healing to wellness courts, and many other variants are built around the drug court model.

Do Drug Courts Work?

After a decade of drug court research, scientists at the esteemed Treatment Research Institute at the University of Pennsylvania concluded that, “To put it bluntly, we know that drug courts outperform virtually all other strategies that have been used with drug-involved offenders.”⁶ Columbia University’s historic analysis of drug courts concluded that “drug use and criminal behavior are substantially reduced while offenders are participating in drug court.”⁷ An extensive review of drug courts by the U.S. Government Accountability Office (GAO) concluded that adult drug court programs substantially reduce crime by lowering re-arrest and conviction rates among drug court graduates well after program completion.⁸ More recently, a four-year study by the Northwest Professional Research Consortium, Inc. found that parents enrolled in family treatment drug courts were more likely than parents in traditional child welfare case processing both to complete treatment and to be reunified with their children.⁹

Drug courts work.

Who is Eligible for Drug Court?

Adult drug courts started out as diversionary programs dealing with less-serious offenders, typically charged with simple drug possession or under the influence charges.

As adult drug courts have proven their effectiveness in addressing both the drug use and criminality of drug-using offenders, communities have successfully expanded drug court programs to probationers, including drug-using offenders charged with non-drug offenses. Typically, however, only non-violent offenders are eligible for adult drug court.

Family dependency treatment courts focus on cases entering the child protection system alleging child abuse and neglect where parental substance abuse is a contributing factor.