TOPIC

Drug Courts as an Alternative to Incarceration

PROBLEM

An estimated 50% of the 5.5 million individuals under criminal justice supervision meet the criteria for diagnosis of drug abuse or dependence. But punishment alone is a futile and ineffective response to drug abuse, failing as a public safety intervention for offenders whose criminal behavior is directly related to drug use.

SOLUTIONS

In many jurisdictions, some individuals with drug problems (typically non-violent) are sentenced to a specialized drug court as an alternative to incarceration. FL established the first drug court 1989; today more than 2600 drug courts operate in all 50 states.

Drug courts typically mandate addiction treatment, often offer other human services, and typically require regular drug tests and judicial meetings to assess progress.

Drug court judges have the power to provide rewards and penalties to offenders, potentially including expunging a conviction if the individual makes sufficient progress.

CONCLUSION

Drug courts reduce drug use and re-arrest for non-violent, drug-involved offenders. Because they are resource-intensive, they may better be reserved for more complex cases in which the individual has not responded to less resource-intensive supervision (e.g., 24/7 Sobriety).

KEY POLICY EVIDENCE

Individuals who participated in prison-based treatment followed by a community-based program post-incarceration were 7 times more likely to be drug free and 3 times less likely to be arrested for criminal behavior than those not receiving treatment.

A comprehensive drug court system typically costs between $2,500-$4,000 annually for each offender, compared to $20,000-$50,000 per person per year to incarcerate a drug-using offender.

Replacing incarceration for drug-related offenses with treatment referrals is not effective if it is not accompanied by drug court monitoring. Fewer than 25% of offenders so referred under California's Proposition 36 showed up at treatment and completed it.

Recidivism drops, on average, by 38%-50% among adult drug court participants, according to a review of 154 evaluations.

Offenders randomly assigned to drug court were over 4 times more likely to receive addiction treatment and were two-thirds less likely to be re-arrested compared with individuals under typical supervision in one rigorous study.

One dollar spent on drug courts is estimated to save approximately $4 in avoided costs of incarceration and health care,38 and prison-based substance abuse treatment saves between $2 to $6.39

Drug court effectiveness varies significantly. Research suggests that results are best when the court uses a transparent, consistent approach to applying sanctions, has significant leverage over the offender, and employs a uniform model (i.e., all offenders are either pre-plea or post-plea).

> Jail doesn't work as a rehabilitative tool, and sometimes prison creates more problems than it solves," says Barron County Wisconsin Circuit Court Judge Edward Brunner. It took two years to get his drug court up and running. 'The idea of drug court was initially met with some resistance–especially from law enforcement who often view it as 'soft on crime,' said Judge Brunner. 'But we took it to the public. We went around to every service club, showed videos, and talked about why it makes sense–how it saves lives and can get participants to be productive in their communities."
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> *From "Drug Court Success Stories Reduce the Cycle of Addiction, Crime," Hazeldon Betty Ford Foundation*

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