

Drug Treatment Courts

September 25, 2008

Judge Catherine Hammond
Henrico Circuit Court

Chair, Executive Committee, Virginia Drug
Treatment Court Advisory Committee

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Why do we need drug courts?

- We cannot incarcerate ourselves out of the immense **problem** of [drugs + crime].
- Drug Courts present a **solution**.



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Drugs, Drugs and More Drugs

In Virginia, the number of adults arrested for drug offenses rose from

20,806 in 2000

to

29,352 in 2006

Source: (Virginia Criminal Justice System Environmental Scan, 2008)

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Drug Arrest Rates per 100,000 POPULATION

<http://www.dcjs.virginia.gov>

1998

Hampton Roads 742.8

West Central 464.7

Valley 419.7

Southside 214.9

Southwest 374.2

Central 702.2

2007

Hampton Roads 826.8

West Central 621.3

Valley 433.8

Southside 393.7

Southwest 550.2

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Central 567.6

EVERY STATE HAS THE [DRUG + CRIME] PROBLEM

- 53% percent of all jail inmates were on probation, parole or pretrial release at the time of their arrest.
- 50% of all convicted jail inmates were under the influence of drugs or alcohol at the time of their offense.

Source: 2002 U.S. Dep't. of Justice
<http://www.ojp.usdoj.gov/bjs/crimoff.htm#recidivism>

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Va. Prison Population

From 2000 through 2006, drug offenses made up 23% to 26% of all new court commitments to the Virginia Department of Corrections.

Source: (Virginia Criminal Justice System Environmental Scan, 2008)

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REPEAT OFFENDERS

- The Va. Department of Corrections tracks reincarceration rates after an inmate is released from a correctional facility. About 29% of inmates are reincarcerated within 36 months of being released from a correctional facility.

<http://vaperforms.virginia.gov/i-recidivism.php>

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REPEAT OFFENDERS One Example: Henrico Circuit Court (2007)

- Total number of new indictments for felonies in one year: 3,576
- Total number of new criminal cases accusing already convicted felons of violating their DOC probation in one year: 1,663

Source: 2007 State of the Judiciary Report, page I-29

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WHAT TO DO?

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FIND A SOLUTION

- Courts look for long-term solutions to crowded dockets filled by repeat drug offenders
 - Remember -- *even if a jail or DOC sentence is imposed, the offender continues to abuse drugs after serving his/her sentence.*

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DRUG TREATMENT COURTS ARE A SOLUTION

NUMEROUS STUDIES HAVE CONCLUDED THAT DRUG COURTS REDUCE CRIME

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Drug Courts Reduce Crime (meta-analyses)

Citation to Study	Institution	Number of Drug Courts Studied	Crime Reduced on Average by
Wilson et al. (2006)	Campbell Collaborative	55	14%-26%
Latimer et al. (2006)	Canada Dept. of Justice	66	14%
Shaffer et al. (2006)	Univ. of Nevada	76	9%
Lowenkamp et al. (2005)	Univ. of Cincinnati	22	8%
Aos et al. (2006)	Washington State Inst. For Public Policy	57	8%

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United States Government

In 2005, the Government Accountability Office issued its report, confirming that Drug Courts are an effective tool in **reducing substance abuse and related crime.**

<http://www.gao.gov/new.items/d025219.pdf>

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2005 GAO Report:

Our analysis showed that Drug Court program participants “had fewer incidents of rearrests or convictions than comparison group members....”

Columbia University- Recidivism Studies

Based on a review of 37 evaluations: the average recidivism rate for those who complete Drug Court is

between 4% and 29%

compared to 48% for those who do not participate in a Drug Court program.

Source: 2001 Report, Columbia University National Center on Addiction and Substance Abuse

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Virginia - JLARC

- In 2008 the JLARC study concluded “Drug court completers experienced significantly better outcomes in the criminal justice system after treatment ended . . .” than three other comparison groups.

Source: June 2008 JLARC Report, HD 19, page 71

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What is a Drug Treatment Court?

- A specialized docket **within** the existing court system
- Combines **immediacy** and **accountability** of legal sanctions (e.g. incarceration or community service)
- Combines the **power** of judicial supervision with comprehensive substance abuse **treatment** and **case management** to assist non-violent offenders to achieve recovery

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HOW DOES A DRUG COURT WORK?

Watch and Listen...

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Who are the Drug Court participants?

- must be non-violent offenders
- with cases pending in court
- with drug addictions or dependencies
- who choose voluntarily to enter the drug court
- and who have the approval of the Commonwealth's Attorney and the Judge

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What does the participant have to do?



- Participants must comply with Court requirements for a 12 – 18 month period
- Successful participants graduate and in some Drug Courts, receive a reduced or dismissed charge upon graduation

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What are some typical requirements for participants in Drug Court?

- Appear in court once a week
- Maintain employment
- Undergo frequent urine screens
- Be on time
- Participate in group/ individual therapy
- Pay restitution and court costs
- Pay Drug Court enrollment fees

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What is different about drug treatment courts?

- Collaboration of agencies
- Integration of services
- Immediate sanctions
- Intensive supervision
- Judicial supervision
 - (“ The **nudge** from the Judge”)

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"The Nudge from the Judge"

- Judges make the difference
- Judicial oversight is different from probation
 - Treatment alone lacks the *teeth* to enforce treatment retention and compliance
 - Positive reinforcement from authority figure enhances recovery
 - "Theater" of the courtroom creates change

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"The Nudge from the Judge"

Only the Court has the power to punish or incapacitate the participant for noncompliance

- *Immediacy* and *predictability* of sanctions increase the likelihood of participant sobriety
- Criminal defendants are more likely to take treatment *seriously* when the power of the court is involved
- *Interdisciplinary* and *interagency cooperation* represents the *best* model for addicted offenders

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Where are Drug Courts in Virginia?



- There are 27 Drug Court programs in Virginia:
- 15 Adult – Circuit Courts
- 8 Juvenile – J & DR Courts
- 1 DUI – General District Court
- 3 Family – J & DR Courts

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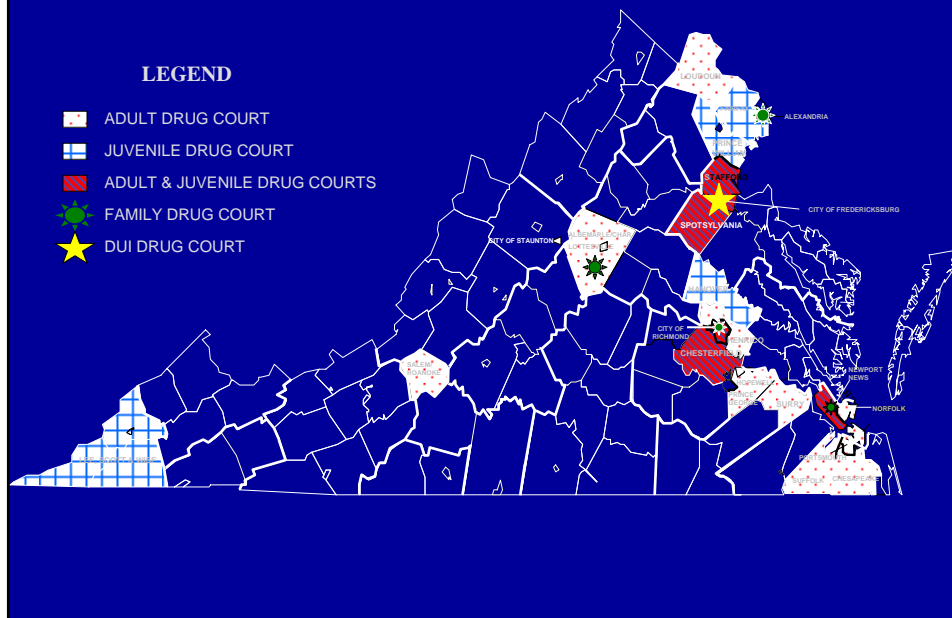
Where are Adult Drug Treatment Courts?

- | | |
|---------------------------------|-------------------------|
| ● Charlottesville | ● Norfolk |
| ● Chesapeake | ● Portsmouth |
| ● Chesterfield/Colonial Heights | ● Rappahannock Regional |
| ● Hampton | ● Richmond (City) |
| ● Henrico | ● Roanoke/Salem |
| ● Hopewell | ● Staunton |
| ● Loudoun | ● Suffolk |
| ● Newport News | |

Yellow indicates programs accepting probation violators

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VIRGINIA'S DRUG TREATMENT COURTS



Drug Treatment Court Act Code 18.2-254.1

In 2004, the General Assembly recognized the solution presented by then existing Virginia drug treatment courts.

“[We] recognize that there is a critical need for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of drug treatment courts as a means by which to accomplish this purpose.”

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Drug Treatment Court Act Code 18.2-254.1

The Act makes the **Supreme Court of Virginia** responsible for:

1. Overseeing statewide policy committee
2. Distributing funds (appropriations and grants)
3. Providing technical assistance/training
4. Setting standards
5. Developing statewide evaluation

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Are there benefits
from Drug Courts in
addition to the
reduction in crime?

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Va. Drug Courts Save \$\$\$\$\$\$\$

- Drug Courts – Costs \$2,500 - \$6,000 per offender per year
- Jail – Costs: \$21,152 per inmate per year [2006]
- Dept. of Corrections/prison – Costs: \$22,831 per inmate per year [2007]
- Opportunity costs: income and sales taxes foregone
- Other costs: prison construction/staff, social services, foster care, etc.

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A Better Alternative?

	Drug Court Participants	Jail/Prison Inmates
Employed?	Yes	No
Pay Taxes?	Yes	No
Pay Child Support?	Yes	No
Pay Court Costs/Fines/Restitution?	Yes	No

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Savings by Society

- Providing treatment to all substance abusers in the U.S. would **save more than \$150 billion** in social costs over the next 15 years, while requiring \$21 billion in treatment costs.

Source: Rand Corporation, "Keeping Score: What We Are Getting For Our Federal Drug Control Dollars"

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Who supports Drug Courts?

- The National Conference of Chief Justices
- The Conference of State Court Administrators
- Approximately 2,775 State and Federal Judges are Drug Court Judges
- Approximately 2,500 Judges previously served as Drug Court Judges
- The American Bar Association

Source: American University, BJA Drug Court Clearinghouse, 5/23/08

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Who supports Drug Courts?

- Virginia's Commonwealth's Attorneys in all of the Virginia Drug Court jurisdictions
- 120 Members of Congress requested \$40 million in funding for the DOJ drug court grant program in 2007
- President Bush and former President Clinton have publicly supported Drug Courts
- Both 2008 candidates for President currently support Drug Courts

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Who supports Drug Courts?

- "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



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Who supports Drug Courts?

- “The establishment of drug courts, coupled with [their] judicial leadership, constitutes one of the most monumental changes in social justice in this country since WWII. Maintaining the integrity of the drug court movement will take constant monitoring and reassessment of their progress.”

General Barry McCaffrey (ret.), Former Director, Office of National Drug Control Policy

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Drug Treatment Courts Face Challenges

Education & Public Awareness

Drug Courts are difficult to describe

Funding

Drug courts compete for criminal justice dollars

Uncertainty

Tazewell Circuit Court's bill did not pass in 2008

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Drug Courts Work!



Thank You

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Drug Treatment Courts Information

VIDEO DOCUMENTARY of Henrico Drug Court
can be viewed online at

<http://www.courts.state.va.us/dtc/home>

Anna Powers, Drug Treatment Court Coordinator,
apowers@courts.state.va.us

Or call (804) 786-3321

All Virginia Drug Court Information at

<http://www.courts.state.va.us/dtc/home/html>

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