



Drug Courts Save Lives and Money

And for that they are attacked by decriminalizers

More research has been published on the effects of Drug Courts than virtually all other criminal justice programs combined. By 2006, the scientific community concluded from advanced statistical procedures called *meta-analyses* that Drug Courts reduce crime and return financial benefits to taxpayers that are several times the initial investment. A large-scale study funded by the National Institute of Justice and completed in 2009 - called the Multi-Site Adult Drug Court Evaluation or MADCE - confirmed, once again, that Drug Courts reduce crime, reduce substance abuse, and reduce family conflicts associated with domestic violence and child abuse.

Yet, in the wake of this powerful evidence, two non-scientific think tanks committed to drug decriminalization, the Drug Policy Alliance (DPA) and the Justice Policy Institute (JPI), have cherry-picked the literature and reinterpreted the science to reach the opposite conclusion. Together, they released yoked reports purporting to find that Drug Courts do not work and may make some people worse.

The reason they are targeting one of the most effective programs for treating substance abuse is not difficult to fathom. Drug Courts are a principal obstacle to their decriminalization efforts. For decades, drug decriminalization and legalization advocates took steady aim at the so-called War on Drugs because of its emphasis on mandatory sentencing and incarceration. But Drug Courts throw a curve ball to these arguments. Drug Courts prove that drug abuse can remain illicit without necessitating a costly and draconian punitive response. We can hold people accountable for their dangerous actions, while at the same time providing them with needed treatment and other services they need to change their lives. So now Drug Courts have become the new bogeyman of the drug decriminalization/legalization movement.

The DPA and JPI "studies" throw a disjointed slew of accusations at Drug Courts, hoping, perhaps, that some may stick or the sheer number of complaints might sway uninformed observers. A few of the most damning indictments are addressed here to illustrate how the worst of their assertions are either outright false, built on an unproven pillar of sand, or amount to little more than uninformed wish fulfillment.

False Indictments

Both reports make the damning accusation that Drug Courts discriminate, albeit unintentionally, against racial minorities. In support of the indictment, they cite a statewide study in Missouri which found that African American participants graduated from Drug Court at lower rates than Caucasians.

What they fail to mention, however, is that the same study *ruled out* race as the culprit. The researchers determined that addiction to crack cocaine and lower socioeconomic status were actually responsible for the differences in outcomes. Once these variables were taken into account, race was no longer a factor.

They also neglect to mention a national study by The Sentencing Project in Washington DC, which credited Drug Courts with bending the curve downward on incarceration of racial minority citizens. Rather than exacerbating sentencing disparities for African Americans, Drug Courts offer a treatment-oriented alternative to jail or prison that improves the lot of minority citizens and their communities.

Unfortunately, once thrown, the irresponsible smear of racism is exceedingly difficult to cleanse. This libel could take on a false life of its own, by invoking emotional reactivity rather than calm analysis. This is not coincidental. DPA and JPI are counting on it.

Pillars of Sand

The “studies” accuse Drug Courts of *net-widening*, a slur commonly reserved by criminologists for the most loathsome of failed criminal justice policies. Net widening refers to programs that, by virtue of their existence, cause more and more people to be arrested and drawn into the correctional system. Drug Courts, so the argument goes, cause the police and prosecutors to charge more people with more drug crimes, so they can fill their empty treatment slots and justify their funding.

To support this stain, DPA and JPI offer a lone citation to a non-empirical law article written more than a decade ago by a judge in Denver. In it, the non-scientifically trained jurist – a vociferous critic of Drug Courts – observed that arrests for drug offenses increased in Denver at around the same time as the advent of the Drug Court. He opined that the police must have been arresting more people because they now had a place to put them. Even if this personal impression was accurate (which is open to question), it involved only one Drug Court more than 12 years ago. Continuously citing and re-citing this same article in the literature as “proof” that Drug Courts net-widen does not rise to the level of credit-worthy evidence.

Undoubtedly, arrest rates have increased over time for drug-related offenses, but there is no basis for blaming this on Drug Courts. It is equally or more likely that other factors – such as changing demographics (e.g., rising poverty and unemployment rates), drug-

use patterns (e.g., crack cocaine and methamphetamine) and drug policies (e.g., the War on Drugs) — were responsible for the development. Indeed, Drug Courts were created for the very reason that drug crimes were already on the rise. The most likely interpretation of the evidence is that rising drug arrests led to the creation of Drug Courts, and not the other way around, in which Drug Courts led to rising drug arrests.

Wishful Thinking

Another blind set of accusations center on the notion that Drug Courts usurp treatment resources that would otherwise be available to addicted individuals who want help but cannot access affordable services. Most addicts, it is asserted, would seek and remain in treatment of their own volition if only given the chance, and do not require the prodding of the judicial system.

If only this were so. The overwhelming weight of clinical experience and scientific data prove otherwise. Addicted persons seek treatment when they run out of other options. Treatment is often the last resort — hopefully one short of overdose or suicide — that is accepted ambivalently at best, and grudgingly in most instances.

Without the leverage and encouragement of the court, success is unlikely. Criminal justice leverage, studies have shown time and again, “raises the rock bottom” so addicts do not need to destroy themselves, their families, and their careers before at last finding redemption.

Respect for Science

Science has a reliable mechanism for challenging false statements and placing a check on unbridled speculation. It is called *peer review*.

Scientists submit their writings to a neutral arbiter, typically a journal editor or government program officer, who distributes the manuscript to objective experts in the field. The independent experts must have no conflict of interest with the subject matter of the arguments, nor may they have a personal or professional relationship with the authors. They are “blinded” to the authors’ identity, and vice versa. This frees them up to frankly critique the facts and logic in the treatise, and to recommend, up or down, whether the arguments merit publication and dissemination.

Unshackled by such annoyances, DPA and JPI published their own “vanity press” booklets, in which they could say whatever they wanted without fear of having their sources confirmed or their facts checked. This is beyond unfair. It is recklessly irresponsible.

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