Third strategy of drug courts makes sense

Frank Devlin

On one end of the drug-war argument, you have those who favor harsh sentences in drug-related cases. They believe tough sentences serve a dual purpose, putting some offenders away for a long time while scaring others away from drugs and drug-related crime.

On the other end, you have those who would decriminalize drugs, maybe even have the government make them available to users in a controlled way: People wouldn't commit crimes for drug money and there wouldn't be so many people in jail.

And then you have a third strategy, one that — given political, societal and human realities — has the best chance of working. The one that already seems to be working: drug courts.

Next year, Montgomery County will join Philadelphia and Chester counties when it starts operating its own.

At drug courts, certain drug-related cases are diverted from the standard criminal courts so defendants get a better chance at rehabilitation than they would through normal channels.

Defendants take part in an intensive program including therapy, a 12-step program and a lot of drug testing. In drug court programs, people who complete regimens successfully have their records cleared.

In Montgomery County, according to a Morning Call article by Pamela Lehman, only nonviolent offenders and those without drug-dealing charges will be eligible.

Drug courts are much less costly than jail. Compared to probation, though, they can cost more in the short run, said a 2004 study of the St. Louis City Adult Felony Drug Court, which began in 1997.

That study, conducted by the Institute of Applied Research of St. Louis, compared the first 219 defendants who completed the drug court program with a control group of 219 St. Louis defendants who completed probation.

That study said it cost an average $7,793 to put a defendant through drug court versus $6,344 for probation. A reason for the difference: An average of $651 was spent on urinalysis for drug-court defendants versus $40 for probation defendants.

But the long-term benefits more than compensated for the short-run costs. The drug court participants were, on the whole, more law-abiding and productive. After completing drug court, they earned more than people on probation — meaning they paid more taxes — and took less in welfare, Medicaid and food stamps.

As for the law-abiding part: For the two years after study participants exited either drug court or probation, the cost of incarcerating recidivists who had been on probation averaged $497 per defendant, compared to an average of $264 for drug court defendants.

According to a report summary, there was "a net savings of $2,615 per [drug court] graduate the first 24 months after drug court, compared to probation completers."

Montgomery County's drug court has a $400,000 budget for its initial year.

Of course, drug courts aren't perfect. Drug court judges have been quoted as saying some defendants enter drug court only because they are trying to avoid jail, not because they are serious about turning their lives around.

In the Lehman article, Montgomery County District Attorney Bruce Castor said, "The only thing that drives down crimes is to lock people up for longer terms."

If people who are addicted to or under the influence of drugs always acted logically, yes, that might be the case. The prospect of harsh punishment would deter them from crime. But drug-induced behavior often defies logic. As the National Association of Drug Court Professionals says on its Web site (www.nadcp.org), drug users have "historically not been motivated by the threat of incarceration alone."
Which is why drug courts make sense.

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