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Court Treatment System Is Found to Help Drug Offenders Stay Clean

By PAUL von ZIELBAUER

Nonviolent drug offenders who complete judge-supervised treatment programs are significantly less likely to commit crimes again than those who serve prison time, according to a new study by an independent research arm of the New York State court system.

The study underscores what New York's chief judge, officials at the United States Justice Department and local judges across the country have believed for years, without the benefit of formal research: that state-run "drug courts" offering court-supervised treatment programs are far better at preventing future criminal behavior than prison is, and that they do so at a fraction of the cost.

The study of New York's drug court system, by the Center for Court Innovation, found that in six sample jurisdictions — including three in New York City — the rearrest rate among drug offenders who had completed a court-monitored treatment plan was 29 percent lower over three years than the rate for the same type of drug offenders who opt for prison time without treatment.

"These are very positive findings, I think, getting to the answer of whether drug courts work in reducing recidivism," said Deborah J. Daniels, an assistant United States attorney general in charge of the Justice Department's grant-making arm, which gives millions of dollars to local drug courts. "It shows that drug courts continue to be a very promising way of dealing with a first-offender or nearly first-offender population."

Drug courts focus on a limited, voluntary group of offenders and generally do not admit hard-core criminals, like major drug traffickers, multiple-felony offenders or anyone with a history of violence.

New York drug courts, which have included 18,000 nonviolent drug offenders who have volunteered to participate in court-monitored treatment in lieu of incarceration, have saved an estimated \$254 million in prison-related expenses, the report said.

They have also helped low-level offenders like Jimmie Bellamy, 24, of Jamaica, Queens, stay out of trouble. Mr. Bellamy, arrested twice since 2000 for possessing a small amount of cocaine, is one of 250 participants in Judge Leslie G. Leach's Queens Treatment Court, one of 13 in the city.

A third conviction would send Mr. Bellamy to jail. But next month, Mr. Bellamy, an airport freight handler, will complete his one-year program under Judge Leach's guidance and graduate out of drug court.

"Before I started with the program, I thought it was a joke," Mr. Bellamy, carrying a sign-in sheet for his Narcotics Anonymous meeting, said in an interview after an appearance before Judge Leach on Thursday. "I didn't have my G.E.D., I didn't have a job. Now, I'm working on my G.E.D., I got a job. I

just bought me a car."

The need for drug courts, judges and prosecutors say, has increased as the number of drug arrests nationwide has exploded over the last two decades. New York State recorded 145,694 drug arrests in 2000, a sixfold increase from the 24,407 arrests made in 1980. More than half of New York State prisoners convicted of drug-related crimes are arrested again within three years.

Court-ordered drug treatment has been a fixture in states' criminal justice systems for years. Drug courts are distinguished by their requirement that judges and prosecutors monitor an offender's progress in treatment. There are now more than 1,000 state and local drug courts across the nation, including 106 in New York, the second-largest state system next to California's.

New York State's drug court system is regarded as one of the best in the nation, said John S. Goldkamp, a professor of criminal justice at Temple University, who has studied the impact of drug courts in several states.

New Jersey operates about 20 drug courts in 13 counties, but budget cuts have delayed plans to open them in the state's remaining 8 counties.

Connecticut is planning to reopen its half-dozen drug courts soon. They were closed for budget reasons last year; at the time, the state court system's chief administrator, Judge Joseph H. Pellegrino, said drug courts "may not have been as successful as we may have thought," the Associated Press reported.

Judge John R. Schwartz began New York's first drug court in Rochester in 1995, over considerable doubts among some of New York's most influential judges. But within months, city courts in Buffalo and Syracuse, and a district court in Suffolk County, had drug courts.

The first drug court started in 1989 in Miami — the illicit gateway for South American cocaine — as local criminal courts were being overwhelmed with drug cases. Dade County jurists and officials formed a committee to discuss creating incentives for addicts to get treatment.

"They invented a model that they never meant to be a model for the country," Professor Goldkamp said.

That Janet Reno was the Dade County prosecutor at the time and Hugh Rodham, Hillary Rodham Clinton's brother, was a local public defender also helped garner attention. President Bill Clinton appointed Ms. Reno attorney general in 1993, and the next year, Congress, led by Democrats, passed a crime-prevention bill that sent \$6 million toward drug courts in local jurisdictions around the country.

This year, a Republican-controlled Congress approved nearly \$45 million for drug courts in all 50 states, Washington and Puerto Rico, and President Bush's budget proposal for next year includes \$64 million.

The administration has consistently supported increased financing for drug courts; President Bush's niece Noelle Bush is one of the 100,000 people who have entered drug courts over the past 14 years.

In January 2002, Ms. Bush, now 26, the daughter of Gov. Jeb Bush of Florida, was charged with prescription fraud after she posed as a doctor to fill an order for an anti-anxiety medicine. Her case was referred to a drug court, and the judge supervising her treatment program dismissed the charge last August.

In New York State, as in other places, drug courts emerged over the objections of many jurists who

saw them as a form of social work, an inappropriate departure from the business of interpreting the law and deciding punishments.

"I was a skeptic," Joseph J. Traficanti Jr., a New York deputy chief administrative judge and the current director of the state's 106 drug courts, said in an interview on Friday. Judge Traficanti, a prosecutor in the 1960's and 70's, said his philosophy for fighting drugs was, "Lock them all up and solve the problem."

"Of course, that didn't work," he said.

Judge Traficanti said he changed his mind in 1997, when he traveled to Rochester to observe Judge Schwartz's "graduation" of drug-court participants. "I couldn't really believe my ears and eyes," Judge Traficanti recalled. "These tough street people got up one after another and said, 'Judge Schwartz, thank you for saving my life.'"

In its study, the Center for Court Innovation also notes the limitations of the impact of drug courts on participants, who are, according to statistics, as likely to fail to finish their treatment as they are to complete it.

Offenders who enter drug court but fail to complete their treatment, in fact, are often more likely to commit new crimes than offenders charged with similar crimes who never participated, the study found.

In drug courts, prosecutors put aside the usual adversarial approach to defense lawyers and their clients and, instead, everyone works with the judge to foster compliance. But as the New York study shows, each court's rules and requirements for admitting participants vary almost as widely as do their rates of success.

Their individual rules may cause the disparity. Many drug-court jurists, like Judge Leach in Queens, use a system of encouragement — a round of applause, for instance, for a clean urine test — and punishments that increase in severity with each misstep. Most of his clients, as he calls them, are unemployed; most are charged with cocaine-related crimes; and most, he said, are addicted to marijuana.

Judge Leach's approach, like many drug court jurists', is to be strict but encouraging. "You end up establishing a relationship when you see a defendant once a week," he said.

So when, say, an offender fails a drug test, Judge Leach may express his displeasure and demand that the person compose an essay explaining his decision and ways to avoid making another bad one. If a participant seems blasé about his treatment, the judge might force him to spend the day in the "penalty box" — the jury box — where he can witness drug court failures being handcuffed and led straight to jail.

At the center of the drug courts' success, judges say, are the participants who turn their lives around.

"When you see a parent get his case dismissed, with his children in the courtroom, or a wife with tears in her eyes, it really is a rich, rewarding thing to see," Judge Leach said in an interview. "Because they can actually see a light."