

## Drug Court Programs Are Needed for All Drug-Using Offenders Who Are on Probation and Living In Our Communities

The most serious offenders typically are sent directly to state prisons. Offenders who are not sent to prison may be given up to a year in the county jail. The fact is, however, that drug-using offenders spend an average of 24 months on probation supervision but only three months in jail (Bureau of Justice Statistics, 1995). Once released from jail and placed on probation, the drug-using offender receives little in the way of supervision, drug testing or judicial monitoring. Typically, overburdened probation staff provide, at most, supervision contacts and drug testing once a month, with no significant judicial monitoring. Contrast that with the bi-weekly judicial monitoring by the drug court judge, weekly supervision by probation officers and almost daily drug testing and treatment sessions of most drug court programs. (American University, Drug Court Survey, 1997)

## Will Drug Courts Provide More Jail Space for Serious Criminals?

With Three-Strikes-You're-Out statutes proliferating and long-term incarceration for serious offenders increasing, drug court programs are needed to free up limited jail space for serious criminals.

## Do Drug Courts Save Money?

Incarceration of drug using offenders costs between \$20,000 and \$50,000 per person, per year. The capital costs of building a prison cell can be as much as \$80,000. In contrast, a comprehensive drug court system typically costs between \$2,500 and \$4,000 annually for each offender.

## Are Drug Courts Programs "Soft on Crime"?

Drug courts across the country control participants' drug usage and activity through: frequent drug testing, intensive supervision and judicial monitoring and immediate sanctions that include terms of incarceration to respond to program violations. This same population currently receives little jail time, supervision, drug testing or treatment, giving these offenders little reason to change their behaviors. Drug courts also provide incentives to participants who comply with program requirements; reducing terms of probation, treatment, conditions, program fees and other innovative rewards.

## What Are DUI Drug Courts?

Given the phenomenal success of drug courts across the country, many courts are beginning to apply the drug court model to DUI cases. In doing so, DUI drug courts, like traditional drug courts, are making offenders accountable for their actions in a fair and just way, thus bringing about a behavioral change that ends DUI recidivism, stopping the abuse of alcohol and protecting the public.

## What Are Drug Court Systems?

Drug court systems deal with all drug-using offenders while they are on probation and supervised in the community (those not sent to state prison or incarcerated in county jail). Drug court systems place drug-using offenders in appropriate drug court tracks that tailor the level of intervention and resource commitment to the needs of the offender but more importantly, to the public safety needs of the community.

All arrestees are drug tested, and those determined to have a drug abuse problem are supervised, drug tested and monitored by the drug court team led by the drug court judge. Denver, Minneapolis and Tampa are jurisdictions that have successful "Comprehensive Drug Court Systems."

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*"The establishment of drug courts, coupled with [their] judicial leadership, constitutes one of the most monumental changes in social justice in this country since World War II."*

—General Barry McCaffrey (ret.)

*Former Director, Office of National Drug Control Policy*

## The Facts on Drug Courts



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# THE FACTS

**FACTS ON  
DRUG COURTS**

**W**ith nearly 1,200 drug courts in existence or being planned, there is a great deal of bi-partisan interest in drug courts across the nation. This fact sheet provides answers to some of the most commonly asked questions about 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.”***

**—George W. Bush**  
***President of the United States***

***“Three quarters of the growth in the number of federal prison inmates is due to drug crimes. Building new prisons will go only so far. Drug courts and mandatory testing and treatment are effective. I have seen drug courts work. I know they . . . make a difference”***

**—William Jefferson Clinton**  
***Former President of the United States***

## **What Are Drug Courts & Why Do We Need Them?**

A drug court is a special court given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives.

Drug court programs bring the full weight of all intervenors (judges, prosecutors, defense counsel, substance abuse treatment specialists, probation officers, law enforcement and correctional personnel, educational and vocational experts, community leaders and others) to bear, forcing the offender to deal with his or her substance abuse problem.

In addition, drug courts ensure consistency in judicial decision-making and enhance the coordination of agencies and resources, increasing the cost effectiveness of programs.

## **Are All Drug Courts the Same?**

The design and structure of drug court programs are developed at the local level, to reflect the unique strengths, circumstances and capacities of each community. Many sectors of the community are involved in the planning and implementation process of a drug court system, including: criminal justice, treatment, law enforcement, educational and community anti-drug organizations. Not only do drug courts address criminal justice matters, but through a myriad of other courts, including family courts, juvenile drug courts, DUI drug courts, reentry courts and mental health courts, they are able to address issues such as divorce, child neglect and abuse, juvenile delinquency and dual diagnosis. Through the combined efforts of these courts, offenders are treated holistically and smoothly reintegrated into society.

## **Do Drug Courts Work?**

American University's Drug Court Clearinghouse reports that over 300,000 drug-using offenders have participated in drug court programs since their inception in 1989. In 1997, the Government Accounting Office (GAO) reported that 71% of all offenders entering drug courts since 1989 have either successfully completed their drug court program or are currently actively participating in their program.

In 2001, Columbia University's National Center on Addiction and Substance Abuse (CASA) concluded an updated study of its seminal 1998 review of drug court research and evaluations. It finds that drug courts continue to provide the most comprehensive and effective control of the drug-using offenders' criminality and drug usage while under the court's jurisdiction.

The revised study, based on a review of 37 evaluations, finds that their results are consistent with the 1998 analysis and the 2000 update based on 48 other evaluations finding that “drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program than other forms of community supervision” and that “drug use and criminal behavior are substantially reduced while offenders are participating in drug court.” In fact, the average recidivism rate for those who complete the drug court program is between four and 29% as compared to 48% for those who do not participate in a drug court program.

## **Who is Eligible for Drug Courts?**

Drug courts started out as diversionary programs dealing with less-serious offenders, typically charged with simple drug possession or under the influence charges.

As drug courts have proven their effectiveness in controlling both the drug usage and criminality of drug-using offenders, communities have successfully expanded drug court programs to probationer, including drug-using offenders charged with non-drug offenses. American University's Drug Court Clearinghouse reports that 70% of drug courts now include probation-based or post-plea programs, and the typical participant has at least a 15-year history of drug usage.

The Bureau of Justice Statistics reports that two million probationers—two-thirds of all probationers—may be considered drug and alcohol involved (BJS, 1995). Unfortunately, no more than one or two percent of drug-using offenders on probation and living in our communities are in drug court programs.