

The War on Drug Courts

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by Eli Sanders

It started earlier this year in the big-brain-filled halls of a couple of liberal think tanks in Washington, DC: a campaign against drug courts.

Once seen by progressives as a powerful answer to the war on drugs—a way to get addicts into treatment instead of prison, while also saving taxpayers money—these touchy-feely, health-focused courts have now become part of the problem, according to certain leading liberal minds in the nation's capital. (Never mind that some of those same leading liberal minds once supported the creation of drug courts.)

"Drug Courts Are Not the Answer," blares the cover of a 28-page critique released in March by the Drug Policy Alliance. A similar critique, released this year by the Justice Policy Institute, declares that the American system for dealing with drug abuse is "addicted to courts."

Specifically, the groups claim that drug courts are less effective than community treatment, don't improve public safety, and are not as cost-effective as people think. "Drug courts have not demonstrated cost savings, reduced incarceration, or improved public safety," states the Drug Policy Alliance report.

The problem with these critiques: They're totally wrong, in their conclusions and sometimes in their facts, according to drug court advocates here in King County and around the country.

For example, it's easy to calculate the savings to taxpayers from King County's Drug Diversion Court: \$11.2 million between 2005 and 2010.

A couple of recent days spent watching proceedings on the ninth floor of the King County Courthouse illustrated other reasons why those involved in our local drug court—**judges, administrators, and even the arrested addicts themselves, who essentially trade jail time for treatment—think it's well worth keeping.**

One woman who'd recently passed her "sober birthday" approached the bench and expressed gratitude for being kept in check by the drug court's requirements. "I like you guys to be proud when I'm here," she told King County Drug Diversion Court judge Harry J. McCarthy. "Actually doing what you guys tell me to do has made a difference."

Another woman appeared holding her baby, and Judge McCarthy praised her commitment. "You have been consistently drug free for a long time," he said. A picture of her baby was taken for the "Our Kids" wall in the back of the courtroom, filled with smiling babies of recovering addicts. (Most of them are white babies, in case you were wondering.)

On another day, a young man came forward and admitted to a relapse. "Honesty is the key to success here in drug court," Judge McCarthy told him. The young man replied that he was more determined than ever. "I'm here to get sober," he said. "This is definitely a program I need."

Of course, it's not just anecdotes like these that make drug court advocates upset at attacks on the program. It's also the numbers.

A July report by the Washington State Institute for Public Policy found that statewide, drug courts saved Washington taxpayers \$7,651 per participant over that participant's lifetime.

Furthermore, the National Association of Drug Court Professionals, in a rebuttal to the March reports from the drug-court-criticizing think tanks, noted that the think tanks misinterpreted some of the Washington State Institute for Public Policy findings on recidivism. The think tanks claimed drug courts were less than half a percentage point better at reducing recidivism than just using treatment in the community. In fact, the institute found that drug courts were 8 percent more effective than community treatment alone.

"I have no idea why they're pushing this," Judge McCarthy says of the think tank reports. "I don't think that it really

rings true at all."

Dan Abrahamson, director of legal affairs for the Drug Policy Alliance, admits that his group's report wasn't based on new research findings or even on a "meta-analysis" of current findings. "We never claimed to undertake any research on drug courts," he says. He also says his report might not be correct for all drug court programs.

King County and San Francisco, for example, "are rather unique, because those jurisdictions have had really progressive drug policies generally," Abrahamson says.

So why declare, in sweeping terms, that "Drug Courts Are Not the Answer"?

Abrahamson focuses on the word "the" in his report's title, saying the word was chosen to convey the idea that drug courts are not the one and only answer nationwide.

But drug court advocates have another theory: Abrahamson's group and the Justice Policy Institute are interested in attacking drug courts mainly because it helps their ultimate aim—full legalization of drugs.

Consider: If you're a group now pushing for full legalization, it's hard to see the logical consistency in also supporting drug courts—as Abrahamson's group did in 2000 by pushing the drug court model via California Proposition 36 (ultimately approved by 61 percent of voters)—because drug courts are based on the assumption that drug abuse can, in fact, be positively addressed by the legal system.

Abrahamson disputes this theory, saying the Drug Policy Alliance is only on record calling for the decriminalization of marijuana. But that doesn't wash. The Drug Policy Alliance—the latest iteration of several drug-policy organizations funded by George Soros—calls itself "the leading organization in the United States promoting alternatives to the war on drugs." Not just pot, but hard drugs. The group's political action committee gave \$50,000 in June to an initiative campaign in Washington State that would let marijuana be sold in stores, and the group's executive director, Ethan Nadelmann, has routinely called for rethinking penalties for amphetamines, heroin, and cocaine.

And if that's the case, why not focus all your energy on getting rid of failed drug laws? After all, if the failed laws disappear, don't the supposedly problematic drug courts disappear, too?

Abrahamson suggested the focus on drug courts comes about because waiting for drug laws to change is going to be a long wait, and in the meantime, drug courts are a venue in which a campaign like his might achieve more speedy results: "Drug courts, to be frank, are really the only 'reform' policy that's on the agenda."

<http://www.nadcp.org/node/753> cited August 2011