



SAN MATEO COUNTY SUPERIOR COURT

Criminal Department

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Alternatives to Incarceration: Drug Court: History of Drug Courts

The emergence of crack cocaine in the mid-1980's had an unprecedented and dramatic impact on the nation's criminal justice system. In an effort to stem street drug dealing and crime and violence associated with illegal drug use, the arrest and prosecution of drug offenders sharply escalated. At the same time, penalties for the possession and sale of drugs were toughened, so greater numbers of drug offenders were charged with felonies that carried sentences of incarceration. Greater numbers of drug offenders were arrested, prosecuted, and convicted; however, drug offenders received few if any treatment services. The result was a revolving door, in which drug offenders cycled in and out of the justice system.

The influx of drug offenders to the system severely strained the courts, forcing some to the brink of collapse. In an effort to address growing caseloads, courts employed delay-reduction strategies, including establishing specialized court dockets to expedite drug case processing. These approaches, however, did little to stem the tide of drug offenders into the system, to rehabilitate drug offenders already in the system, and to reduce recidivism of offenders released back to the streets.

In 1989, troubled by the devastating impact of drugs and drug-related crime on their criminal justice systems, a few communities began experimenting with an approach to low-level drug offenses that brought significant change to the way the court system does business. This new approach integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in judicially supervised habilitation programs. The traditional system had rarely provided substance abuse treatment to defendants in any systematic way, and, in many cases, provided little or no threat of sanctions to drug offenders.

The new approach, a significant departure from traditional court practice, was not always widely supported by members of the judiciary, prosecutors, and the defense bar. Gradually, however, judges, prosecutors, and other representatives of the justice system across the country, who were struggling with similar issues involving drug offenders, began to examine the drug court approach to assess whether replication (or adaptation) might offer them a better response to drug cases.

In enacting the 1994 Crime Act, Congress joined local communities in acknowledging the promise of drug courts in rehabilitating offenders, holding offenders accountable for their actions, and reducing victimization by intervening soon after arrest to place offenders in treatment. Congress authorized the Attorney General to make grants to States, State courts, local courts, units of local government, and Indian tribal governments to establish drug courts. The authority has been delegated to the Assistant Attorney General, Office of Justice Programs (OJP).

The OJP Drug Courts Program Office (DCPO) was established to administer the Drug Court Grant Program and to provide financial and technical assistance, training, related programmatic guidance, and leadership. From FY 1995 through FY 1997, the DCPO awarded more than \$45 million to approximately 270 jurisdictions for the planning, implementation, or enhancement of a drug court. Sixty percent of the 52 recipients of planning grants awarded in FY 1995 have implemented a drug court.

Since 1989, more than 500 courts have implemented or are planning to implement a drug court to address the problem of substance abuse and crime. Local coalitions of judges, prosecutors, attorneys, treatment professionals, law enforcement officials, and others are using the coercive power of the court to force abstinence and alter behavior with a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs to teach responsibility and to help offenders reenter the community. Drug courts are one of a few recent criminal justice initiatives that have started at the grassroots level and spread across the Nation.

On November 24, 1997, the Department of Justice (DOJ) released a survey that documents the dramatic rise in drug court activity. The survey was conducted by the Drug Court Clearinghouse, operated by The American University. The survey demonstrates that drug courts have made great strides over the past 10 years in helping drug-abusing offenders to stop using drugs and lead productive lives. Recidivism rates for drug participants and graduates range from 2 percent to 20 percent.

(From: <http://www.ojp.usdoj.gov/dcpo/about.htm>)

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