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Feds, Others Scrutinize Drug Courts

More drug courts operate pre-plea than post-adjudication, according to a new congressionally mandated report by the U.S. Government Accounting Office. The GAO's survey of all drug courts in the nation found that 44 percent defer prosecution pending completion of drug treatment, while 38 percent require a plea but withhold sentencing pending completion of treatment. Others use both or hybrid approaches.

Eligibility criteria vary widely for defendants in the nation's drug courts. 78 percent accept repeat offenders. Six percent allow offenders with a current conviction for a violent offense, even though this is prohibited while receiving federal funding (GAO plans to "follow up with" DOJ on these respondents) and 16 percent allow past violent convictions. Four out of five drug courts rely heavily on federal funding.

Most drug courts bar offenders involved in drug dealing, though some admit dealers of smaller quantities. The report also noted a trend toward expanding eligibility criteria in drug courts that initially were quite restrictive. [About 40 percent of all drug courts expand their eligibility, either in regard to criminal history or targeted offenses, based on experience after the initial implementation period, according to a May 1997 report by the OJP Drug Court Clearinghouse and Technical Assistance Project at the American University, *Drug Courts: 1997 Overview of Operational Characteristics and Implementation Issues*. The report also noted that a few higher volume programs have restricted eligibility.]

The GAO report found wide variation in the types of treatment offered, the types of related services (e.g., job skills, housing, family and medical services), and in the types of graduated sanctions imposed for relapse or program noncompliance. Most drug courts

were said to require some initial period of incarceration.

Reviewing the extensive body of 20 evaluation studies to date on the overall impact of drug courts, the perennially cautious GAO found "some positive results" but refused to "draw any firm conclusions."

No such caution was evidenced by the director of the DOJ-funded program at the American University responsible for providing technical assistance to drug courts; in comments appended to the GAO report, Project Director Caroline Cooper reported that recidivism rates are always "significantly lower" in drug courts than in the traditional adjudication process, and that "almost all new offenses have involved recurring drug possession and very few have involved violent crimes."

Other benefits are also noted in the American University comments: successful completion of treatment is twice as likely through drug courts than through traditional treatment programs; a GED and employment are required; and the reunification of families and the birth of drug-free babies is increased.

A major drug think tank agreed. A May 1997 report by the organization Drug Strategies, *Cutting Crime: Drug Courts in Action*, cited dramatic reductions in recidivism, as well as cost savings for treatment versus incarceration, medical savings when babies are born drug-free, foster care savings when children are returned home following a parent's drug treatment, and reduced welfare costs.

Similarly, drug courts combining both rehabilitation and criminal justice control were found "promising" in reducing recidivism, in a recent congressionally-ordered survey of crime prevention programs prepared by the University of Maryland, *Preventing Crime: What Works, What Doesn't, What's Promising*

The GAO did note that most of the relatively few drug court studies examining correctional costs found significant savings in choosing treatment over incarceration; Delaware, for example, found that it

could treat 219 drug offenders for the cost of keeping 8 offenders in prison for a year.

Other findings GAO culled from the studies: a person's likelihood of successfully completing drug court increases if he or she is over 40, has a longer history of drug use, is residentially stable, or is married. One study found that most eligible offenders represented by private attorneys chose not to participate in the drug court.

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