



## **Drug Courts are the Answer**

### **Setting the Record Straight: Responding to DPA and JPI Attacks on Drug Courts**

**On April 7, 2011, Margaret Dooley-Sammuli from the Drug Policy Alliance (DPA) and Nastassia Walsh from the Justice Policy Institute (JPI) co-authored an Op-Ed in the *Baltimore Sun* entitled “Drug Courts are not the answer.” Their tag-line was “Drug courts don't solve America's drug problem and may actually make things worse.”**

The Op-Ed was highly critical of Drug Courts and made several unsubstantiated arguments calling into question Drug Court research and efficacy. Their motivation for doing so became apparent during a mid-March briefing on Capitol Hill at which they released yoked reports attacking Drug Courts and advocating for America to follow the lead of Portugal in decriminalizing all illegal drugs, including heroin, methamphetamine, and crack cocaine.

This brief provides a detailed response to the allegations made by the DPA and JPI in the *Baltimore Sun*.

#### **The Research**

DPA and JPI say, “Claims that drug courts have significantly reduced costs, incarceration or drug use are unsupported by the evidence.” The scientific community disagrees. Using advanced statistical procedures called *meta-analyses*<sup>1</sup>, independent researchers from seven different leading academies have all concluded that Drug Courts significantly reduce crime and return financial benefits to taxpayers that are many times the initial investment.

A recent cost-related, meta-analysis concluded that Drug Courts produce an average of \$2.21 in direct benefits for every \$1.00 invested – a 221% return on investment. When savings from reduced foster care placements, healthcare utilization and other distal cost offsets are also taken into account, Drug Courts return to the community up to \$27 for every \$1 invested. The vast majority of Drug Courts reduce crime, in some cases by up to 50%, and the longest study to date shows these effects lasted an astounding 14 years.

One of the most powerful studies of a Drug Court to date was conducted in Baltimore by researchers from the University of Maryland at College Park. Participants who were randomly assigned to the Baltimore City Drug Treatment Court (BCDTC) had far better outcomes than other drug offenders on every measure of criminal recidivism including fewer re-arrests for new crimes, fewer convictions for

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<sup>1</sup> Because only conclusions from high-caliber research can be considered definitive by the scientific community, meta-analyses carefully and systematically excludes poor-quality studies from consideration. Only studies meeting high scientific standards of methodology and analysis merit inclusion.

new crimes, and fewer days of incarceration. The BCDTC clients also attended more than twice the number of therapy sessions, remained enrolled in substance abuse treatment for several months longer, and used significantly less illicit drugs and alcohol. All of these superior effects remained statistically significant and clinically robust for at least three years, which marked the endpoint of the study.

### **Target Population**

JPI and DPA claim that “the participants most likely to do well in drug courts are those without a drug problem.” According to the scientific community, the exact opposite is true. Several of the meta-analyses referenced earlier concluded that Drug Courts are most effective when treating seriously addicted individuals with long, criminal histories and poor prognoses for success in standard treatment. In other words, Drug Courts are most successful when treating a population most in need of treatment and most unlikely to be successful in any other treatment setting.

This is precisely the population being targeted by the Drug Courts in Baltimore City where the vast majority of participants have been addicted to drugs for decades. Most come from economically impoverished areas replete with generational drug usage and use on average \$50 to \$200 of heroin and cocaine a day. They have committed numerous crimes to support their habits and are facing prison sentences. The vast majority emerge from Drug Court as employed, taxpaying members of their communities.

### **Net Widening**

DPA and JPI report that “Drug Courts have been associated with increased arrests and incarceration,” a phenomenon known as “net-widening.” Neither organization has yet to provide any empirical evidence to support this claim. The lone citation for their assertion comes from a non-empirical law article written by a judge in Denver over a decade ago. In it, the judge – a vociferous critic of Drug Courts – alleges that arrests for drug offenses increased in Denver at around the same time as the advent of the Drug Court. He opined that the police must have been arresting more people because they now had a place to put them.

In fact, this anecdotal speculation was disproven as soon as it was offered. Studies in Denver published before 2001 proved that net-widening did not, in fact, occur; indeed, imprisonment for drug offenses declined after the Drug Court came into being. Drug Courts were created for the very reason that drug crimes were already on the rise. In fact, rising drug arrests often contribute to the creation of local Drug Courts – not the other way around.

### **Community Drug Treatment**

DPA and JPI argue “Treatment through the criminal justice system, including Drug Courts, is not found to be more effective than treatment in the community.” First, their comparison between Drug Court and treatment in the community is perplexing considering Drug Courts *are* treatment in the community. Certainly, we all would agree that drug-dependent citizens should not need to be arrested in order to receive high-quality treatment, case management, and long-term support to find recovery. But outside of Drug Courts, at least half of addicted offenders never enroll in treatment and another 50% drop-out before receiving any benefits. Less than 5% achieve long-term sobriety. Drug Courts improve treatment completion rates six-fold from what DPA and JPI say is the ideal.

Furthermore, DPA and JPI cite a Washington State Institute for Public Policy (WSIPP) study that they claim reports “Drug Courts do not reduce recidivism by even a half a percentage point more than treatment in the community.” This statement reflects a fundamental misunderstanding of how research is conducted. Actually, the WSIPP study compared Drug Court to “business as usual” as defined by the researchers as drug treatment in the community. After reviewing 57 studies representing over 19,000 participants, the WSIPP study actually showed that Drug Courts were 8% more effective than drug treatment in the community alone.

### **Racial Disparities**

Finally, in their reports DPA and JPI say that Drug Courts discriminate against racial and ethnic minority citizens by excluding them from treatment or punishing them more severely than non-minorities. This is a patently false claim. Drug Courts reduce sentencing disparities for minorities by offering an effective, treatment-oriented alternative to jail or prison. Minority clients perform just as well in Drug Courts as anyone else, taking into account the seriousness of their addiction and other problems they may face that require treatment and remedial attention. In some Drug Courts, like those in Jefferson County, Kentucky, African-American participants had the *best* outcomes of all – about twice as good as those of Caucasians.

Drug Courts demonstrate that drug-related crime can remain illicit while providing a health-centered response to addiction. Unfortunately, DPA and JPI attack Drug Courts based solely on ideology and supported only by cherry-picked data and anecdotes. While not every Drug Court is perfect, we know that the vast majority outperform every other strategy for drug addicted offenders. An examination of the research reveals that Drug Courts are this nation’s most effective strategy for reducing substance abuse, crime, and recidivism while saving tax-payers a fortune.

For more information please contact West Huddleston, CEO at [whuddleston@nadcp.org](mailto:whuddleston@nadcp.org) or Doug Marlowe, J.D., Ph.D., Chief of Science, Law and Policy at [dmarlowe@nadcp.org](mailto:dmarlowe@nadcp.org).