

# Drug courts USA

AMERICA'S DRUG COURTS offer the first glimpse of a breakthrough in dealing with the vast numbers of drug offenders appearing in their courts. Serious consideration should be given to introducing them in Britain. We too can no longer afford to process large numbers of drug offenders. As in America, we are breeding disrespect for the penal system and doing little about the problem. Drug use in our prisons is rife, and probation too often offers little treatment or help to drug users. These are the conclusions I reached after visiting a number of US drug courts last August.

The essential feature of drug courts is that they do not pass the offender over to someone else. Drug courts do not hand cases over to treatment agencies or divert cases out of the court system as in a purely diversionary model. Nor do they sentence offenders to probation or prison. Drug courts might send an offender to a treatment programme *but the court retains control*, of the offenders and of the programme.

## Courts in control

The court retains its right to monitor the course of treatments. If it regards the programme as substandard it dismisses it and employs another (the Portland Drug Court recently dismissed some of its treatment providers). If the offenders fail to abide by certain conditions the court may send them to custody for perhaps two or three weeks but then they return to the programme. Only after many failures will the court give up and return the offender to the traditional judicial system. Failures involve not attending the programme, not reporting to the court, or testing 'dirty' for drugs. Programmes normally last a year but can last longer.

Some of America's drug courts, as in Chicago, are aimed solely at cutting the time defendants spend at court. The most interesting ones are in Miami, Portland, Fort Lauderdale and Baltimore. These operate with court-monitored treatment programmes.

*It's barely got off the ground in Britain' but in the USA court-ordered drug treatment is a full time business for a growing number of special courts – the judge specifies the programme, monitors its progress, and dispenses rewards and punishments to the offenders. A leading UK criminologist says we should try it here*

by

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## SUMMARY

The drug courts which began in Miami in 1989 offered an alternative to a criminal justice system seen as failing with drug offenders. The judge also acts as a social worker, prosecutor and defender. Offenders are sent to treatment programmes but the court retains control of the offenders and the programme. Drug users dealt with in drug courts tend to commit fewer offences than those referred to conventional courts. In Britain they should be trialed in one or two cities and carefully evaluated.

Such courts began in Miami in 1989 when they tried to develop a court to do more than just process cases more quickly. They tried to produce a programme of drug treatments as an alternative to usual court procedure. In this the Miami Drug Court stood out sharply from the approaches taken elsewhere. Since then the number of drug courts using the Miami model has grown from 15 in 1993 to over 30 by mid 1994. By mid 1995 there are expected to be over 50.

Tim Murray, Director of the Metro Dade Office of Substance Abuse, believes Miami-style drug courts can be seen as "a turning back of the judicial clock" to "a time when judges ran their own calendars, defendants had to deal with a single judge, and court staff and cases moved slowly and carefully through the judicial system".

## Rational response to an irrational system

New York City in the early 1970s was the first to use special drug courts, introduced to deal with the influx of offenders resulting from the harsh 'Rockefeller drug laws'. At first these took only felony cases but later extended to non-felony cases. In 1987, growing concern over the rise of crack/cocaine use led to new drug courts, (called 'N' or Narcotics Parts) being set up in four of the five boroughs of the city.

Several factors promoted the development of US drug courts. Most important was the massive increase in drug (especially crack/cocaine) use in the 1980s and the corresponding rise in drug arrests. The 'War on Drugs', which involved arresting many street-level dealers (often through buy-bust operations), gave a further impetus to the rise in drug arrests. From 1980 to 1989 all arrests in the USA rose by 37 per cent but drug arrests increased by 134 per cent. Data from the Drug Use Forecasting Programme showed that drug use was also common amongst those arrested for non-drug crimes.

When the offenders reached court, pressure on the criminal justice system was even greater. Prison sentences were mandatory for offenders