



WRITTEN TESTIMONY

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REGARDING HOUSE BILL 530

SENATE COMMITTEE ON CRIMINAL JUSTICE

MAY 8, 2007

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony regarding House Bill 530.

Drug courts are a proven effective tool for addressing offenders with substance abuse problems. They save money, help alleviate prison overcrowding, reduce crime, and, most importantly, encourage offender responsibility and success. Evidence documenting their effectiveness is vast, and civil leaders on both sides of the aisle (including President Bush) have vouched for their success. Texas should support the dedicated professionals who work hard every day to help substance abusers become productive members of society.

WHAT ARE DRUG COURTS?

As has been clearly articulated in the supporting testimony offered by the judges in attendance today, drug courts are a diversion program for individuals convicted of illicit drug use. A drug court program involves intensive interaction between offenders and judges, more comprehensive supervision than regular probation, routine drug testing, immediate sanctions for violations, and meaningful incentives for good behavior. The design and structure of drug court programs are developed at the local level to reflect the unique strengths, circumstances, and capacities of each community.

Drug courts typically require (1) weekly drug testing; (2) at least bi-weekly personal appearances before a drug court judge; and (3) personal supervision and treatment contacts at least three times each week.

WHAT DOES H.B. 530 DO?

H.B. 530 mandates the implementation of drug court programs for low-level drug possession offenders in counties with populations greater than 200,000. Counties would make available pre-trial diversion programs for individuals facing low-level possession charges; individuals entering the programs would not have to plea guilty or *nolo contendere*. First-time offenders would also be able to request to seal the record of the charges at hand if they successfully completed the program and did not commit any other crimes for two years afterward.

Counties failing to meet requirements of implementation would risk losing Community Supervision and Corrections Department funding from the Department of Criminal Justice.

For juvenile offenders, H.B. 530 would increase youth access to juvenile drug court programs; in turn, this would strengthen families and help non-violent youth by diverting them from the Texas Youth Commission (TYC). Too often, non-violent youth offenders with drug problems end up in high security TYC facilities. The drug treatment programs at TYC are inadequate and often unavailable to the youth that need them; while awaiting treatment, non-violent youth in TYC are at risk of abuse, sexual assault, and exposure to more hardened youth. Because of these problems, most young people coming out of TYC end up back in the system. H.B. 530 would give young, non-violent drug offenders a real chance to get their lives back on track by keeping them out of abusive, violent, and ineffective TYC facilities.

H.B. 530 would also provide them with needed treatment. According to a national study by Columbia University's National Center on Addiction and Substance Abuse (CASA, 2004), 4 out of 5 young people arrested for juvenile crimes have substance abuse and addiction problems, but only 3.6% of those youth receive treatment. Drug courts provide an opportunity for young people with drug problems to receive the treatment they need in a community-based setting. There are already 22 juvenile drug courts operating successfully in Texas, including juvenile drug courts in Bexar, Dallas, Tarrant, El Paso, Jefferson, Lubbock, and Travis Counties.

H.B. 530 would make the most of limited resources. Detention and secure confinement of youth has been shown to negatively impact youth, increase recidivism, and reduce future earning potential. Juvenile drug courts provide a less-expensive alternative to detention or secure confinement and offer a better long-term return on the state's investment. H.B. 530 would make drug courts an option for non-violent youth offenders in cities across the state and ensure that monies allocated for juvenile justice are wisely spent.

WHAT DO WE KNOW ABOUT DRUG COURTS?

- Between 1984 and 1989, the number of defendants charged with a drug offense in federal courts increased from 11,854 to 29,306.ⁱ During this time, drug courts were developed in response to the costly and time consuming approach to dealing with non-violent substance abusing offenders that were overwhelming the criminal justice system.
- An updated study by CASA is the first to look at the effectiveness of the drug court model on offenders while in a program, as compared to other forms of community supervision. The study concludes that drug courts provide closer, more comprehensive supervision and more frequent drug testing and monitoring during the program than other forms of community supervision. In addition, it found that drug use and criminal behavior are substantially reduced while offenders are participating in a drug court.ⁱⁱ
- Currently, 70% of drug court programs nationally already have probation and post-plea based programs that work with offenders with more extensive drug usage and criminal histories.ⁱⁱⁱ
- Over 400,000 persons have entered drug court programs. Many of these programs have achieved remarkable success in reducing the levels of drug abuse, incarceration, and criminal behavior among drug-using offenders. Drug use is substantially reduced among defendants while they are participating in drug court programs. For most participants who graduate from the programs (ranging from 50% to 65%), drug use is eliminated altogether.^{iv}
- Drug court participants, more than 25% of whom had been in at least one treatment program during the previous three years and had left that program unsuccessfully, named three factors that led to their success in drug court programs: (1) close supervision and encouragement by judges, (2) intensive treatment, and (3) and ongoing monitoring.^v
- Since 1989, the drug court phenomenon has been sweeping the nation. Currently, there are over 1,500 drug court programs. For both small jurisdictions (populations under 200,000) and large metropolitan areas (populations over 750,000), retention rates for drug courts remain high, from 65% to 85%.^{vi}

- Despite the program being highly successful and immensely popular in Texas, drug courts are still unavailable in many counties. Given drug courts' proven success at eliminating addiction and criminal recidivism, Texas must expand and institutionalize the drug court model.

HOW DO DRUG COURTS HELP KIDS?

From 1988 to 1997, the number of juvenile drug violation cases increased 125%.^{vii} This has taught us that kids with substance abuse problems need real solutions to put their lives back together. Juvenile drug courts provide just that by holding individuals accountable for their behavior, while giving youth and families the tools, structure, and support needed to kick drug habits.

Juveniles under the age of 16 were responsible for 40% (73,500) of drug law violation cases and almost 60% of delinquency cases in 1997.^{viii} However, more than 80% of juvenile drug court participants have returned to, or remained in, school full-time as a result of the program participation – a significantly higher rate than would have been expected if the juvenile and family drug court program had not been established.^{ix}

Drug courts help end the cycle of abuse that crosses generations. As of June, 2001, there were 2,100 drug-free babies born to drug court participants enrolled in drug court programs.^x

WHO IS IN FAVOR OF DRUG COURTS?

The Conference of Chief Justices and the Congress of State Court Administrators passed a joint resolution endorsing drug courts in 1999. Prior to that endorsement, the National District Attorneys' Association and the National Sheriffs' Association passed resolutions in favor of drug courts.

In his 2001 budget primer, President Bush stated the following: "Drug courts are an effective and cost-efficient way to help non-violent drug offenders commit to a rigorous drug treatment program in lieu of prison. By leveraging the coercive power of the criminal justice system, drug courts can alter the behavior of non-violent, low-level drug offenders through a combination of judicial supervision, case management, mandatory drug testing, and treatment to ensure abstinence from drugs, and escalating sanctions."^{xi}

ADVANTAGES OF DRUG COURT PROGRAMS:

- **Drug courts are far less expensive than incarceration.** Treatment programs cost on average nearly ten times less than incarceration. Furthermore, treatment expansion can avoid costly new prison construction, saving taxpayers \$520 million. Cost savings have also been noted in probation, supervision, police overtime, and other criminal justice costs.^{xii}
- **Drug court programs will help address the overcrowding crisis.** Approximately 22% of Texas prisoners are currently incarcerated for non-violent drug offenses. Diverting these individuals into drug court programs can preserve much needed prison beds for dangerous criminals.
- **Drug courts encourage personal responsibility.** H.B. 530 holds participants responsible for paying program and court costs to the extent that they are financially able to do so.

- **Drug courts are tough and smart on crime.** Fifty-six percent of drug court judges are former prosecutors, while 23% are former public defenders.
- **Drug courts are the most effective means of controlling the behavior and drug addiction of drug-using offenders.** In 1997, the US Government Accountability Office reported that over 70% of all drug-using offenders who have entered drug court programs since their inception in 1989 have either successfully completed or are currently participating in a drug court program.
- **Drug court programs bring the full weight of all interveners** (judges, prosecutors, defense counsel, substance abuse treatment specialists, probation officers, law enforcement and correctional personnel, educational and vocational experts, community leaders and others) to bear, forcing offenders to deal with their substance abuse problems.

I appreciate the opportunity to testify before this committee and to offer our organization's comments on this important issue. Given overwhelming evidence in support of drug courts and the dedication and expertise that these judges have demonstrated today, it is my opinion that a vote against Chairman Jerry Madden's H.B. 530 is a vote of no confidence for these individuals. Finally, I would like to commend Chairman Madden for his leadership in improving our state's criminal justice system through emphasizing drug treatment and diversion.

ⁱ US Department of Justice, Bureau of Justice Statistics. *Federal Drug Offenders, 1999 with Trends*. 2001.

ⁱⁱ The National Center on Addiction and Substance Abuse (CASA) at Columbia University. *Research on Drug Courts: A Critical Review, 2001 Update*, June, 2001.

ⁱⁱⁱ OJP Drug Court Clearinghouse and Technical Assistance Project and American University School of Public Affairs. *1997 Drug Court Survey Report*, 1997.

^{iv} The Drug Court Clearinghouse and Technical Assistance Project. *Summary Assessment of the Drug Court Experience*. <http://spa.american.edu/justice/publications/just1.htm>.

^v Goldkamp, John S., White, Michael D. and Robinson, Jennifer B. *An Honest Chance: Perspectives on Drug Courts*. The Crime and Justice Research Institute, 2002.

^{vi} The Drug Courts Clearinghouse and Technical Assistance Project. *Looking at a Decade of Drug Courts*, 1999.

^{vii} U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. *Juvenile Court Statistics 1997*, 1997.

^{viii} Bureau of Justice Statistics, 1997.

^{ix} The Office of Justice Programs Drug Court Clearinghouse and Technical Assistance Project (DCCTAP) at American University. *Juvenile and Family Drug Courts: An Overview*, sponsored by the Drug Courts Program Office of the Office of Justice Programs, U.S. Department of Justice, 1998.

^x American University. *Drug Court Activity Update: Summary Information on All Programs and Detailed Information on Adult Drug Courts*, 2001.

^{xi} President George Bush, *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities*, February 28, 2001.

^{xii} Belenko, Steven, Ph.D. *Research on Drug Courts: A Critical Review – 1999*, National Drug Court Institute Review, Update, Vol. II, Issue II, Winter, 1999.