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Drug courts offer offenders alternatives

By David Unze, USA TODAY

Damon Fuseyamore vividly recalls smoking "my last nickel of crack" on June 16, 1997, while sitting on the steps outside his New York City residence. He said he owed loan sharks money and had been arrested two weeks before "with six nickels of crack and a bunch of money."

He was charged with selling crack and was looking at 2-to-7 years in prison. But he had another option.

"I had a choice of doing jail time or changing my life and going through treatment," he said. "If you have a choice between doing 2-to-7 or going through the program and going into treatment, any smart person would take the program."

Fuseyamore, 45, and the father of a 10-year-old son, celebrated 10 years of sobriety in June and has been a mechanic for the New York City Fire Department for six years, according to Dennis Reilly, former director of the Brooklyn Treatment Court. Fuseyamore's story is one of thousands touted by supporters of alternative drug courts.

The courts, which are multiplying across the USA, began 18 years ago as an experiment to attack a growing crack cocaine epidemic in Miami. They rely on treatment, rigorous supervision and accountability as a way to help, for the most part, non-violent drug users rather than sending them to prison.

There are now 2,016 drug courts in about 1,100 counties, according to the National Drug Court Institute. That number, the institute says, is up from 1,048 five years ago and is nearly 1,800 more than existed 10 years ago.

According to West Huddleston, CEO of the institute, a 2005 study — the most recent available — showed 70% of drug court participants graduate from the program and reoffend at a rate of 17% on average, compared to the 66% recidivism rate of drug offenders who do time in prison.

That study also showed the annual average cost of a drug court participant is \$3,500, compared to annual prison costs that range from \$13,000 to \$44,000 per inmate, Huddleston said.

Alternative drug courts are funded by a combination of federal, state and charitable dollars. There is \$15.2 million for the Department of Justice Drug Court Discretionary Grant Program in the 2008 budget that awaits President Bush's signature. In addition, the federal Substance Abuse and Mental Health Services Administration has \$10.2 million in the 2008 budget to add treatment beds within operational drug courts.

Supporters say more is needed.

"We're scratching the surface. I think it's critical that a drug court is in every county in America," said Huddleston, who estimates that 120,000 people are served annually by drug court alternatives, but potentially four million more people could benefit by such programs. The program is mocked by some as adult day care or handholding for addicts, Huddleston said.

Eric Miller, an assistant professor of law at Saint Louis University is among the unconvinced. He said the drug court program takes away the adversarial design and uses the judge to engage the defendant in a 12-step style program.

"That's not what judges do," he said.

Miller questions whether there is enough thought to weeding out the people the drug court doesn't suit.

"A lot of thought has to be given to the types of people it best works for," he said. "I'm not saying it doesn't work at all. But I think there needs to be more thought about who it works for."

Stearns County (Minn.) attorney Janelle Kendall admits she was skeptical about drug courts.

"Our drug court was certainly not the prosecutors' idea," she said. "It still isn't for violent offenders. ... What this approach seems to reach is what's left of the humanity of the drug addict."

Among the areas of growth:

- Missouri**, which had eight drug courts in 1998, has added 100 courts since then, according to Ann Wilson, coordinator of Missouri's drug courts. Missouri has more drug courts per capita than any state and as of Sept. 1 boasted 108 operational drug court programs, Wilson said. Of those, 75 are adult programs, 19 are for juveniles and 14 are family programs.

•**New York**, which has a drug court in each of its 62 counties and has integrated its funding into its overall judicial budget, according to Drug Court Institute research

•**Oklahoma**, where a Department of Mental Health and Substance Abuse Services report shows that from July 2005 to July 2006, the most recent period for which data was available, prison population expansion was slowed by 2,300 inmates because those offenders were admitted into drug court. The report shows that there are 52 drug courts in 59 counties. It lists the annual cost for a drug court participant as \$5,000, compared to at least \$16,000 annually for a prison inmate.

•**Florida**, where the first drug court was created in 1989, now has more than 109 active drug courts and six more in the works, according to Jennifer Grandal, court operations consultant in the office of state courts administrator.

Unze reports for the St. Cloud (Minn.) Times.