

House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
“FY 2011 Members and Outside Witness Hearing”
April 14, 2010

Chief Justice Sue Bell Cobb
State of Alabama

TESTIMONY

To Chairman Mollohan, Ranking Member Wolf, and distinguished Members of the Subcommittee, I am honored to have the opportunity to testify on behalf of Drug Courts, our nation’s most proven effective and fiscally responsible justice program. In doing so, I will strongly urge that funding for Drug Courts includes at minimum \$65 million for the Drug Court Discretionary Grant Program, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice. This is the most effective and efficient way to ensure Drug Courts throughout the nation are not forced to shut their doors at a time when they are needed most.

While there is funding in the President's budget for an unauthorized "Problem Solving Courts Initiative" (\$57 million) and funding for substance abuse treatment within some criminal justice programs, I am deeply concerned that there is no direct funding for the Drug Court Discretionary Grant Program. While Problem Solving Courts certainly have merit, they are extensions of the Drug Court model after all; siphoning funds from Drug Courts will have a disastrous effect.

The President’s budget proposes \$56 million for Drug Treatment Courts at the Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, and Department of Health and Human Services. But this critical funding goes toward the expansion of existing Drug Court’s capacity and is only most effective in conjunction with funding from the Drug Court Discretionary Grant Program. For the past fifteen years the Drug Court Discretionary Grant Program has struck the proper balance between government oversight and local innovation. By focusing on the core infrastructure of Drug Courts through the implementation, enhancement, national research, training, and technical assistance, this has become the most important, cost effective and research validated program we have to combat the scourge of substance abuse and crime plaguing our criminal justice system. At a moment in our history when the Federal government must make judicious economic decisions, why would we suddenly abandon one of the few criminal justice programs that is cost effective, evidence-based and stems the tide of drugs and crime?

There is no questioning the explosive impact that substance abuse has had on our criminal justice system. As a nation we annually spend a staggering \$60 billion on corrections, an investment that has done little to stem the tide of crime or substance abuse. Half of the nation’s prison population is clinically addicted to drugs or alcohol. Upon their release, nearly all will relapse into substance abuse and as many as 80% will

commit a new crime (typically drug related). In this revolving door pattern it is easy to see why spending on corrections remains exorbitant. Given the abysmal outcomes of incarceration on addictive behavior, there's absolutely no justification for state governments to continue to waste tax dollars feeding a situation where generational recidivism is becoming the norm and parents, children and grandparents may find themselves locked up together. This is simply an appalling fiscal policy. But there is a solution.

In my home state of Alabama, we have seen firsthand the impact Drug Courts can have on substance abuse and crime. For far too long we attempted to incarcerate our way out of an epidemic of substance abuse and crime instead of addressing the core of the issue. Our first Drug Court launched in 1993 and since then another 56 have opened their doors. As a Chief Justice feel I have an obligation to ensure that justice in my state is meted out as effectively, efficiently and with the greatest results on public safety as possible. This is the reason I have pushed so ardently for the establishment of Drug Courts. And I am not alone. The Conference of Chief Justices, an organization of which I am a proud member, represents the highest judicial officers in the United States. The Conference has called Drug Courts “the most effective strategy for reducing drug abuse and criminal recidivism among criminal offenders.” As Chairman of the Conference of Chief Justices/ Conference of State Court Administrators Criminal Justice/Evidenced-Based Sentencing Committee, I can assure you that the Chief Justices and State Court Administrators are adamant in their support of data-driven solutions to drug-induced crime. The answer is model drug courts.

Today, 2,369 communities have found a solution in Drug Court. Over the last two decades states have turned to Drug Courts where traditional sentencing of non-violent, substance abusing offenders has failed. One reason behind this unprecedented growth: Drug Courts work better than jail or prison, better than probation and better than treatment alone. Drug Courts reduce substance abuse and crime more effectively and at less expense than any other justice strategy.

Model drug courts put judges in the “transformation” business, for drug courts can truly transform the lives of those who have and are about to lose everything. One of our Alabama judges has said, “Nothing means more to me in my judicial career than my drug court. My drug court not only transforms the offender but makes me a better husband and father.”

Recently a cost-related meta-analysis, the most rigorous scientific tool available to researchers, was released with staggering results. Drug Courts produced an average of \$2.21 in direct benefits to the criminal justice system for every \$1.00 invested. These savings stem directly from reduced re-arrests, law enforcement contacts, court hearings, use of jail or prison beds and tangible impacts of crime victimization. When more distal cost-offsets were also taken into account, such as savings from reduced foster care placements or healthcare service utilization, studies have reported economic benefits ranging from approximately \$2.00 to \$27.00 for every \$1.00 invested. The result has been net economic benefits to local communities ranging from approximately \$3,000 to

\$13,000 per Drug Court participant. Let's not forget that these savings can also be measured in lives restored, reunited families and communities made safer. Drug Courts provide an astounding return on investment, in part, because Research demonstrates that nationwide, 70% of the approximately 120,000 seriously addicted individuals who voluntarily enter Drug Court complete it a year or more later and 75% of them remain arrest-free. A Drug Court participant is over twice as likely to stay clean and remain arrest-free as a newly released state inmate. Research also concludes that Drug Courts reduce drug abuse and improve employment and family functioning. These effects are not short-lived. The longest study on Drug Court to date shows these outcomes last as much as 14 years. Now consider that the more serious the offender's drug addiction and length of criminal record, the better Drug Courts work. Drug Courts are not for the first time or the non-addicted offender. Those individuals do just as well when diverted to a disposition that leads to record expungement upon successful completion of court conditions. Drug Courts focus on high-value offenders; those who have the highest need for treatment and other wrap-around services, and who have the highest risk of failing out of those services without support and structure. The Department of Justice recently concluded that there are 1.2 million offenders currently before the courts that meet this criterion. Without access to Drug Court they will continue to drain the criminal justice system of valuable resources.

Substance abuse has also had a role in crippling state budgets. States spend, on average, \$65,000 per bed to build new prisons and \$23,876 to operate them. This is part of the reason states have invested so much in Drug Courts. State and local governments have traditionally leveraged the federal investment in Drug Courts at a 9:1 ratio. They recognize the significant cost savings they provide. But we are all keenly aware of the economic challenges that states will face in FY 2011. Because many States must cut their operating budgets, Drug Courts will be forced to close their doors. A \$65 million FY 2011 appropriation for Drug Courts at the Department of Justice will reduce fiscal burdens facing many States and ensure the continuation of one of the most successful state/federal funding partnerships in the criminal justice system.

The historic 1994 Crime Bill authorized \$1 billion for the Drug Court Discretionary Grant Program to be administered by the Department of Justice, Office of Justice Programs. The intent was to expand Drug Court funding to \$200 million annually. The appropriation has, since 1995, averaged only \$40 million –not enough. Despite being significantly underfunded, the Drug Court Discretionary Grant Program has proven an invaluable funding stream. DOJ funding focuses on the critical infrastructure (drug testing, case management services, evaluation, supervision, and training needs) to our court system across the country - our lawyers, judges, defense bar, prosecutors and our dedicated criminal justice first responders all benefit. The Drug Court Discretionary Grant program, coupled with state investments, has been critical to the growth and sustainability Drug Courts. Please help these officials do their jobs to save lives.

We are all keenly aware of the historic economic times with which we are faced. Now more than ever we must focus on cost effective, evidence-based practices that reduce drugs and crime and ease the financial burden of a costly criminal justice system.

Unfortunately, the Administration's budget does not reflect this issue with the urgency it requires. I respectfully ask that this committee consider restoring funding for Drug Courts at the Department of Justice Drug Court Discretionary Grant program at a modest level of \$65 million. In addition, I ask that the committee maintain proposed funding levels for Drug Courts at the Center for Substance Abuse Treatment. Only then can we ensure that twenty years of progress brought about by Drug Courts is not undone.