

**U.S. House of Representatives, Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
“FY 2012 Members and Outside Witness Hearing”
March 11, 2011**

**Testimony of Former Congressman Jim Ramstad, Senior Policy Advisor,
National Association of Drug Court Professionals**

To my old friends, Chairman Wolf, Ranking Member Fattah, distinguished Members of the Subcommittee, I am honored to be back here today on the other side of the table to testify on behalf of Drug Courts, a proven budget solution, a public safety solution, and a solution for the growing number of justice-involved veterans who are struggling as a result of their service to this nation.

I would like to see Federal funding for Drug Courts well over \$100 million at the Department of Justice (DOJ) however, like all of you I am deeply concerned about the fiscal challenges facing our nation and recognize that the court system will not be exempt from sacrifice. Thus, I strongly urge that the Subcommittee approves funding for Drug Courts at a minimum \$50 million. This is the same level that was approved by the subcommittee last year. An investment of \$50 million for the Drug Court Discretionary Grant Program at DOJ will save upwards of \$168 million from avoided criminal justice and victimization costs alone and result in over \$1.3 billion in additional benefits to the economy.

As you have now seen, the President’s budget combines funding for Drug Courts with an unauthorized "Problem Solving Courts Initiative." While Problem Solving Courts certainly have merit, I do not believe that we can afford to dilute Drug Court funding. I sincerely hope that the Congress will again see fit to directly fund Drug Courts.

It is no secret that this issue is close to my heart. For over two decades in Congress I fought hard to end discrimination against those suffering from mental health and substance abuse issues. During that time, I had the privilege of working closely with many of you. I was honored to serve on the Judiciary Committee and to have co-founded the Addiction, Treatment and Recovery Caucus with Patrick Kennedy, a former member of this Subcommittee. Working together, and alongside many of you, we were able to pass the Mental Health Parity Bill in 2008. Carrying on the legacy of the late Paul Wellstone, the Parity Bill ensures that both mental health and addiction are fairly treated. This was a significant step forward in our effort to reduce demand. I am here today to talk about another important step we must take.

The Federal Role

Over the last few years, I have heard a consistently asked question among my colleagues. Why is a Federal investment needed for a state and local problem? I believe this question is flawed. This is not just a state and local issue. From the economy to our national security and the

safety of our neighborhoods; drugs and related crime place an unjust burden on all law abiding citizens.

The budget hearing this Subcommittee had last week with the Attorney General clearly demonstrated why prescription drug abuse, and all drug abuse for that matter, is a national issue requiring a national response. Mr. Chairman, I was moved by your concern, and that of Chairman Rogers, as it related to both the enforcement and treatment of prescription drug abusers. I could not agree more that prescription drug abuse is having a devastating impact on many communities. Drug Courts are on the front lines of this issue. It is where many of these individuals end up when their addiction eventually leads them to the criminal justice system. We further know that prescription drug abuse is having a disastrous effect on our veteran population, and leading directly to increases in veteran involvement in Drug Courts and Veterans Treatment Courts.

Until the demand for drugs is eliminated, drugs will remain a national concern necessitating a shared responsibility between federal, state and local governments. This shared responsibility is evidenced by our national strategies to protect our borders, stop prescription drug abuse and trafficking, reduce victimization, and execute evidence-based demand reduction strategies such as Drug Courts.

As the Committee is keenly aware, Federal drug control spending annually exceeds \$15 billion, spread across a dozen federal agencies. A Federal investment in Drug Courts will produce savings felt throughout the federal government; from the Drug Enforcement Administration, Homeland Security and State Department, to the Center for Disease Control, Department of Veterans Affairs and Department of the Interior. What other investment has such a wide-ranging impact on national spending?

But there is a human side to this story. Mr. Chairman, with me today is a remarkable young man from your district. Jonathan grew up in Loudoun County, Virginia. He was an athlete and involved in numerous clubs in high school, graduating in 2003 with an advanced degree. Jonathan took his first prescription painkiller after having his wisdom teeth out when he was 17. By the time he got to college he was hooked. The downward spiral was fast and destructive. He dropped out, got a job, lost it, and was soon in the hospital with an overdose and facing criminal charges. Jonathan is one of the lucky ones. He was admitted into the Loudoun County Drug Court. I'd like to read to you from a statement he provided.

"The Drug Court program changed my life forever. Not only did this program help keep me away from using drugs, but through the judges and their staff, they taught me how to live again. After enrolling in Drug Court, I was able to go back to school and still work a job 30-36 hours a week. I obtained my two year AS degree in Psychology from Northern Virginia Community College in 2010 and have since then transferred to the College of Charleston in South Carolina to finish my undergraduate work and pursue a doctorate in Psychology and Behavioral Neuroscience. Not only did Drug Court get me back into school, they helped me develop essential coping skills for going through life and I am forever grateful for this program.

It is a difficult program, but it is extremely rewarding for those who complete it and continue to live a life in recovery.”

It is important to remember that behind all of the statistics, all of the debate, there are people like Jonathan who have transformed their lives in Drug Court. Today he is celebrating 3 years and 38 days in recovery. Mr. Chairman, this man and thousands more like him are the returns on your investment. Real lives transformed in Drug Court into hardworking, taxpaying members of their community.

A Proven Budget Solution

In fact recently colleagues like our distinguished former Speaker Newt Gingrich, former Member and former Administrator of the Drug Enforcement Administration Asa Hutchinson, former U.S. Attorney General Edwin Meese, III , and former U.S. Secretary of Education and Federal "Drug Czar" William J. Bennett, the President of Americans for Tax Reform, and over 30 of additional conservative leaders representing over 20 states have come together through the Right on Crime movement to offer a new plan to address crime. To quote their priorities, "In Drug Courts, America has found not only a solution to an important public policy problem, it has hit yet again upon an essential conservative truth – the power of personal responsibility and accountability. Drugs courts are not suitable for every convicted defendant, but neither is imprisonment." This says it all.

Drug Courts are a budget solution because they lower criminal justice costs by reducing jail/prison use and reducing crime. The latest research shows Drug Courts save as much as \$27 for every \$1 invested when considering only direct and measurable offsets such as reduced arrests, law enforcement contact, court hearings, and the use of jail or prison beds.¹ Drug Courts provide additional benefits such as reduced foster care placement and healthcare utilization. As a result, Drug Courts save up to \$13,000 for every individual they serve.²

Given the abysmal outcomes of incarceration on addictive behavior, there's absolutely no justification for state governments to continue to waste our 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, a fact made glaringly obvious because we have a solution at our disposal: Drug Courts.

¹ Carey, S. M., Finigan, M., Crumpton, D., & Waller, M. (2006). California drug courts: Outcomes, costs and promising practices: An overview of phase II in a statewide study. *Journal of Psychoactive Drugs, SARC Supplement 3*, 345-356; Loman, L. A. (2004). *A cost-benefit analysis of the St. Louis City Adult Felony Drug Court*. St. Louis, MO: Institute of Applied Research; Finigan, M., Carey, S. M., & Cox, A. (2007). *The impact of a mature drug court over 10 years of operation: Recidivism and costs*. Portland, OR: NPC Research. Available at www.npcresearch.com; Barnoski, R., & Aos, S. (2003). *Washington State's drug courts for adult defendants: Outcome evaluation and cost-benefit analysis*. Olympia, WA: Washington State Institute for Public Policy.

² Pew Public Safety Performance Project. (2007). *Public Safety, Public Spending: Forecasting America's Prison Population 2007 – 2011*.

Many states have recognized Drug Courts as a budget solution:

- As you heard last year, Alabama Chief Justice Sue Bell Cobb directed the lower courts to ensure Drug Courts are operating in every county or judicial district.
- A September 2010 report released by the Georgia Department of Audits and Accounts which concluded that Georgia Drug Courts reduce crime costs nearly 80% less than most other sentencing options, and produce net economic savings of approximately \$18 million statewide helped convince Governor Deal to expand them state wide.
- The most recent Mississippi State Auditor Report concluded that Drug Courts are “reducing the need for construction of new prisons.” The report estimated savings of \$5.4 million dollars annually based on 500 participants going into a statewide Drug Court system instead of being housed in the state Department of Corrections.
- New York has implemented a Drug Court in every county in the state, saving \$254 million in incarceration costs. According to a recent Northwestern University Report, “alternatives to incarceration like Drug Courts, could lead to the closing of four half-empty prisons in New York.”

A Proven Public Safety Solution

Today, over 2,500 communities have found a solution in Drug Court. 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.

The longest study on Drug Court to date shows these outcomes last as much as 14 years.³ 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. Remarkably, 75% of Drug Court graduates remain arrest free compared with 30% of individuals released from prison.⁴

The Department of Justice recently concluded that there are 1.2 million offenders currently before the courts that meet this criterion.⁵ Without access to Drug Court they will continue to drain the criminal justice system of valuable resources.

³ Finigan et al. (2007). *The impact of a mature drug court over 10 years of operation: Recidivism and costs*. Portland, OR: NPC Research, Inc.

⁴ Roman et al. (2003). *Recidivism rates for drug court graduates: Nationally based estimate - Final report*. Washington DC: The Urban Institute and Caliber.

⁵ The Urban Institute. (2008). *To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment for Drug-Involved Offenders*.

A Solution for Veterans in Need

I would like to take a moment to talk about our veterans. I know that every Member on this Subcommittee would agree that we are responsible for ensuring that whatever effects veterans suffer in the task of defending this great nation will be treated. For those that enter the criminal justice system, Drug Courts are answering this call of duty by ensuring they receive appropriate treatment and resources.

There are now over 2.4 million veterans from our conflicts in Afghanistan and Iraq. Most veterans return home strengthened by their military service. But a growing number of veterans are experiencing Post Traumatic Stress Disorder and Traumatic Brain Injury as a result of combat. 1 in 5 veterans show symptoms of a mental health disorder⁶ and 1 in 4 veterans under 25 has a substance abuse disorder.⁷ As I previously mentioned, abuse of prescription drugs is exploding among veterans as they seek to manage pain from injuries suffered during their service.

When left untreated these conditions often lead to criminal activity and increasing numbers of veterans are being arrested and entering the criminal justice system. Drug Courts and Veterans Treatment Courts are collaborating with the Department of Veterans Affairs to connect veterans with the benefits and services they have earned. Federal funding for Drug Courts will expand capacity and increase veteran involvement without limiting eligibility of non-veterans.

From health care to housing and employment, caring for our veterans has always been shared by states and the federal government.

Conclusion

Finally, I would be remiss if I did not mention the FY'11 budget. It is my sincere hope that the committee sees fit to keep Drug Court funding at an appropriate \$50 million level, an amount previously approved.

These are extraordinary times and your responsibility is as great as it has ever been. But I cannot think of a committee more suitable to lead us through the difficult road ahead. Your leadership and integrity will stand this nation in good stead and it is an honor and a privilege to sit before you today. On behalf of 27,000 Drug Court professionals working in over 2,500 Drug Courts, and the 120,000 individuals like Jonathan whose lives were saved in Drug Courts last year, I thank you for your service to this nation.

⁶ RAND Ctr. For Military Health Policy and Research, *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery* (Terri Tanielan & Lisa H. Jaycox eds., 2008).

⁷ Substance Abuse and Mental Health Services Administration, Office of Applied Studies. (November 1, 2007). *The NSDUH Report: Serious Psychological Distress and Substance Use Disorder among Veterans*. Rockville, MD.