

THE BENEFITS OF THE SPECIALIZED INSTANCES CONCERNING DRUG ADDICTION

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Abstract: Courts regarding drugs offer new perspectives in the reunion of justice management and offering proper treatment services to drug addicts that had done penal crimes. Considered to be the most significant initiative of penal justice in the last period, the court regarding drugs is presented through the benefits of the specialized programs: reducing recidivism, public funds savings, preventing draw backs and maintaining the clients in treatments, giving individualized treatments to drug consumers. The elements exposed are argued by the practice registered at the level of courts from USA and proved by different scientific research. In the article, the success factors of the courts regarding drugs that had been proposed by a group of experts UNODC are also underlined.

Key words: courts regarding drugs, justice, treatment, drugs, benefits

There were lately initialized a few tries to integrate the drug addiction treatment inside the justice system in a manner that differs of the traditional one and it is defined through coordination and collaboration, by a functional approach. Indeed, these integrated schemes rely on the concept “No frontier organizations”, which are characterized by the approach of some inter-agencies objectives and operational practices concerning the key decision points, which are common for the justice’s administration and for the treatment services. This perspective underlines the creation of the functional politics and practices which come over the institutional borders and evolve actions that the systems themselves have benefits from.

The concept of “No frontier organizations” evolved having as a start the systemic organizational perspective concentrated on the creation of some integrated

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processes which contribute to obtaining the expected results and concentrates less on the performance of some of the parts of the system. Hammer mentioned (1996)¹ that: *“The problems that the modern organizations deal with are not the problems of the issue. The reason why we are so slow in obtaining good results isn’t because of the fact that the staff is moving very slow and inefficiently; fifty years of studies represent this from this point of view. We are slow because our staff perform tasks that not all of us have to, just to get to the desired result, and because there are also delays of handling the papers from the person that solves a target towards the one that has to solve the next one... We are inflexible because the people are stuck in the manner they act, but none of them can’t understand how it could be possible to match the individual choirs just to create a result, an absolutely necessary understanding of the way how they could change the path the results are created.”*

The implementation of the services of treatment and correction will be determined by the coordination of these systems in their linking points. Inside the activity of the firms from the private sector there has been proved that creating some no frontier organizations needs a new perspective by means of which the process will go on better as a whole than as separate ways. So, the parts and the responsibilities of each organization stay consistent with their original purposes but work in relationship with the inputs of some other structures. Actually, it is noticed that there aren’t yet leaders to express the necessary authority and responsibility but there still exist people with special functional abilities, there still are differences between consumers and tenders of services and the activity continues to evolve in different places.

By focusing each organization on the process itself but not only on their own objectives and responsibilities, the actions can be implemented in a way that maximizes their efficacy and efficiency.

Moore (1991) ²suggested that each agency could take part to the key decisions concerning their client, including the remittance towards the adequate services, the change of the treatment plans depending on the client’s growth, the transition to other services when it is considered useful, and also jumping over some of the system’s segments. There is more necessary the integration and sectioning of the functional policies and practices of the agency than the coordination of the practices and the services concerning these problems.

As concerning the systematic approach the services offer has to concentrate on the creation of the necessary infrastructure just to sustain the priorities of each agency.

¹ Apud. Anspach, D.; Ferguson, A. (2003), *Assesing the Efficacy of Treatment Modalities in the Context of Adult Drug Courts*, University of Southern Maine, p. 7-3.

² Moore, M. H. (1991), *Drugs, the Criminal Law and the Administration of Justice*, Milbank Quarterly.

Inside the justice's administration system and also of the treatment system, there was noticed a certain permeability of the borders of the specifically activities by means of evolving an efficient treatment applying some integrated policies.

The most obvious examples of creating a no frontiers services system are offered by the instance's programs concerning the drug addiction, a context in which there was succeeded the successful integration of the justice's administration system together with the systems of the health services.

The instance concerning the drug addiction is considered the most important initiative of the criminal justice from the last period of time. Therefore, we consider of great importance the debate about the benefits of the instance's programs as concerning drugs.

1. The instances concerning the drugs reduce recurrence

According to the Justice's National Institute study (NIJ), in 2003, by interviewing 17.000 people that got to an end a rehabilitation and recovery program inside these instances/institutions, a year distance since the program ended only 16,4% of the subjects were yet arrested and charged with a great offence (Roman, Townsend & Bhati, 2003)¹. So, there was caught the conclusion that *"the recidivism literature's essence is sufficiently strong now in spite of the continuous methodological deficiencies just to conclude that to follow a program of an instance concerning drug addiction reduces the possibility of a future arrest."* (Fluellen and Trone, 2000)².

The most complex studies concerning the drugs were made up in 2003 by The Centre for the Instance Innovation (CCI). The study analyses the impact that the field policies adopted by the New York state holds inside the system of these instances. It was concluded that the relapse rate among 2.135 delinquents that took part in the recovering program which was suggested by six of the instances concerning drugs was around 29% lower (from 13% to 47%) for the subscribed that followed the three years program, than the rate registered among the delinquents that didn't take part to this (Rempel and colab. 2003)³.

On the other hand, the cases of these instances get to the initial stipulation quickly than the conventional cases and the recurrence rate concerning the drug instances at state level situated under the national rate level (of approximately 60%).

¹ Roman, J.; Townsend, W. Bati, A. (2003), *National estimates of drug court recidivism rates*, Washington, DC, National institute of justice, U.S. Department of Justice.

² Fluellen, R.; Trone, J. (2000), *Issues in brief: Do drug courts save jail and prison beds?* New York, Ny, Vera Institute of Justice.

³ Rempel, M. and colab. (2003), *The New York State adult drug court evaluation: policies, participants and impact*, New York, NY, Center of Court Innovation.

A considerable number of evaluations were oriented towards the instances' drug programs with the local level, being underlined important cuts of recurrences. In Chester district, Pennsylvania, the people that ended these programs have a rate of arresting of 5,4% comparing with the arresting rate of 21,5% encountered in the control group (Brewester, 2001)¹; a re-arresting rate of 33% among the ones that ended the programs concerning the drug addiction in the Dade district, Florida comparing with an arresting rate of 48% inside the control group; and also a re-arresting rate among the ones that followed an instance's drug program from Dallas, Texas, of 15,6% comparing with a re-arresting rate of 48,7% inside the control group (Turley & Sibley, 2001)².

2. The instances concerning drug addiction save money

The authorities' and local communities' benefits from the investment made at the beginning in the instances about drugs are essential. A study about six of the drug instances from Washington State report that the investment made by a district in a drug instance is rewarded by the low rate of delinquency of the participants to the program, and also of the ones that finish them entirely (The Institute for Public Policy of Washington State, 2003). So, it is estimated that, overall, the participant to this programme produces benefits of 6.779\$ estimating the lowering of recurrence with 13%. These benefits are completed with 3.759\$ by avoiding the costs of the criminal court paid by the tax payers and with 3.020 USD by avoiding the costs concerning the offences' victims (The Institute for Public Policies of Washington State, 2003). It was practically obtained a total of 1, 7 USD as benefit for each dollar spent inside the drug instance (The Institute for Public Policies of Washington State, 2003).

In a study about the drug instances from New York of The Centre for the Instance's Innovation, it is estimated that there were saved 254 million dollars with the detention costs by introducing inside the treatment of 18.000 nonviolent delinquents that consumed drugs (Rempel and colab. 2003)³.

The researchers accomplished recently two studies in California which prove why the costs are so low and the savings that come from the implementation of such programmes. Both studies prove the obtaining of some 18 million dollars savings a year by means of the instance concerning the drugs in California. Actually, the studies got to the conclusion that the 14 million dollars investments inside this

¹ Rempel, L. and colab. (2003), *The New York State adult drug court evaluation: Policies, Participants and impact*, New York, NY, Center for Court Innovation.

² Turley, M.; Sibley, A. (2001), *Dallas County Divert Court outcome evaluation*, Report to the Dallas County Divert Court.

³ Rempel, M. and colab. (2003), *The New York State adult drug court evaluation: Policies, participants and impact*, New York, NY, Center for Court Innovation.

country combined with some other funds led to a monetary saving of 43, 4 million dollars in a period of two years¹. The two studies look into the effective costs of the instance concerning the drugs from the point of avoiding costs with detention and of the compensatory ones by charging the participants for some taxes and fines. This way, there was noticed the canceling of a number of 425.014 days of detention also avoiding a cost around 26 million dollars (The California Judiciary Council & and The California Drug and Alcohol Programmes Department, 2002). The participants that ended an instance drugs programme paid almost a million dollars as taxes, fines and duties.

The other study about three instances concerning drugs for adults from California, confirmed the avoiding of costs with approximately 200.000 dollars per instance for 100 subscribers (The NPR Research, Inc. & and The California Judiciary Council, 2002). When these savings of a value of 18 million dollars were screened at the state level, which were obtained by avoiding the early detention spending there was supposed that 90 instances concerning the adults' drugs operate each with 90 clients a year. Because of these studies and of the imprisonment days' analysis that were avoided because of the instances concerning drugs, 58% of the funds of these Californian instances are provided by direct funds transfer from the Correction Department budget.

In the District Multnomah, Oregon, a study at a district level estimated that for each dollar spent per instance concerning drugs, the tax payers save 10 dollars. A study that followed to this one in the same community, and was coordinate by The National Institute of Justice, showed that then, when the costs were compared between "acting as usual" and the instance's pattern concerning the drugs, by applying the innovating system, there were saved approximately 2,328.89 dollars a year for each participant (Carey and Finigan, 2003)².

One of the components of the benefits analysis research is represented by the value of the costs associated with victimization. If the offence isn't that hard then, the spending that the victim needs also known as "victimization spending" is not that big. Then when the victimization spending was encountered just to be useful for this study from Multnomah District, the medium savings raised to 3.596,92 USD per client (Carey and Finigan, 2003)³. The total savings that were obtained by the local

¹ The California Judicial Council and The California Programmes for Drugs and Alcohol Department (2002); The NPC Research, Inc. and The California Judiciary Council.

² Carey, S.; Finigan, M. (2003), *A detailed cost analysis in a mature drug court setting: A cost-benefit evaluation of Multnomah County drug court*, Portland, OR, NPC Research, Inc.

³ Carey, S.; Finigan, M. (2003), *A entailed costs analysis in a mature drug court setting: A cost-benefit evaluation of Multnomah County drug court*, Portland, OR, NPC Research, Inc.

contributors in a period of thirty months were of 5.071,57 USD per participant or savings of 1.521.471 USD a year.

A study of the Political Economy Department of the Southern Methodist Church reported that for each dollar spent for an instance concerning the drugs from Dallas, Texas, there were obtained savings of 9.43 dollars in a period of forty months (Fomby and Rangaprasad, 2002)¹.

Eventually, a study about an instance's efficiency concerning the drugs that existed in Saint Louis, Missouri for seven years proved that the benefits of the programme go more over the spending. The results of this study show that the non violent delinquents that used drugs and were introduced into the programme instead of prison, generally earned more money and solicited the social help system less comparing with the ones that went to an end with their temporary parole. The study compared in the same period of time 219 persons that ended the programme for the first time in 2001 with 219 people that pledged guilty for the charges of using drugs and who were liberated on parole. For each person that ended the program of the specialized instance, the tax payers' spending were of 7.793 dollars which meant a higher sum of 1.449 dollars than those liberated on parole (The Applied Research Institute, 2004). In any case, during the two years that followed the ending of the programme, the costs for each person that ended it successfully were 2.615 dollars less than of the persons liberated on parole. The savings were made by bigger paying and taxes and by smaller costs for services for health care, including the mental health ones.

We may conclude that the instances concerning drugs that involve treatment for all the persons and also real support, associated with gradual penalties when they fail, is a cheap and efficient method for solving the problems concerning the drugs comparing with some other traditional methods such as parole liberation and imprisonment.

3. The instances concerning drugs avoid relapses and assure the maintaining into the treatment

The coercive power of an instance concerning drugs is the quick key of admittance inside the treatment of the offenders that are drug addicted for a period of time that is sufficient for them to make a change. This idea is supported undoubtedly by the empirical data about the treatment programmes for substances' abuse. The data show that then, when the treatment is finished it is also efficient. Anyways, most part of drug addicted and alcoholics that are put into the situation of choosing do not enter

¹ Fomby, T.B.; Rangaprasad, V. (2002), *Divert Court of Dallas County: Cost-benefit analysis*, Report to the Dallas Divert Court.

the treatment voluntarily. Those who anyway enter the programme rarely carry it to an end; among these rebels, the period necessary for starting using again those substances is of about a year.

So, if the treatment has as purpose the accomplishment of its considerable promises, respectively the giving up to the addicted behaviour, the delinquents involved in drug abuse have not only to subscribe to the treatment but also to stay and end the programme. If they do the other way round, they will need incentives that can be characterized as “coercive”. From the point of view of the treatment, the term coercive – that is more or less used by replacing with terms as “mandatory treatment”, “mandate treatment”, “involuntary treatment”, “and legal pressure inside the treatment” – it refers to a number of strategies that changes the behaviour by the given answer to specific actions that go on external pressure and predictable consequences. Moreover, there was also noticed that the persons that took abuse of these substances and got the permission to follow the treatment by juridical order or by engagement mandates, benefit of it more or even more than the ones that subscribe to it voluntarily (Satel, 1999; Hundleston, 2000)¹.

Four studies that began in 1968 and ended in 1995, studied approximately 70.000 patients from which 40-50% were bound or mandated by the instance to subscribe to treatment programmes at home or ambulatory (Hubbard and colab., 1989)².

There were obtained two important results:

- The first result refers to the fact that the first period of time that the patient spent inside the treatment was a sign of trust of the treatment’s performance. After the limit of ninety days, the treatment’s results got better in accordance with a longer period of time spent inside it, concluding that, a year period represents the minimum of the efficient time needed.
- The second result refers to the fact that the patients obliged to stay into the treatment have the tendency to stay inside it a longer period of time than the ones that subscribe voluntarily. In all, the more a patient stays inside the treatment, the better the results are.

Unfortunately, few clients of this treatment get to these critical limits. Between 40% and 80% among the drug addicted persons give up to this treatment before they get to the ninety days limit for an efficient treatment and 80% to 90% give up in the first twelve months (Marlowe, DeMatteo, Festinger, 2003). Anyways, over two thirds of

¹ Hundleston, C.W. (2000), *The premise of drug court. National Drug Court Institute Trening Presentation*, Published Presentation.

² Hubbard, R.L. and colab. (1989), *Drug Abuse Treatment: A National Study of Effectiveness*, Chapel Hill, N.C., University of North Carolina Press.

the subscribers that started a treatment by means of a specialized instance finish it after a year or more.

The instance concerning the drugs represent the best way of the criminal justice system for hurrying the time interval that there is between the arresting and treatment entry and also offers the necessary structure just to be noticed if a delinquent stays inside it long enough to get the benefits of it.

4. The instances concerning drugs offer an adequate treatment for drug addicted persons

The analyses realized by the treatment providers underline the fact that the annual spending of the social services, medical and psychological for the subscribed persons from the instances programme concerning drugs are different from many other factors. These factors include the target population that is treated by means of the programme itself and the type of services that are offered (with action parameters big enough as concerning the usefulness, the costs and the appliance; such as intensive ambulatory treatment, hospital medical monitoring, the use of methadone, the therapeutically communities, etc.). More, the annual costs for the treatment may offer auxiliary services (such as professional training, counseling for the management of aggressiveness etc.), antidrug testing and the management of the case itself.

Offering these possibilities inside these services, 61% of the treatment providers from the instance's programme concerning the drugs report yearly spending for the treatment services per client that are situated between 900 and 3.500 dollars (The American University, 2000)

The instances that work with drug addiction have made major progresses concerning the estimation programme and most of these instances have monitoring / or estimation component. The estimation is an instrument by means of which these instances conclude what works properly and what needs to be enriched for better performances in the future. Finally, the results of the evaluation are reported to the persons that chose the policies and also to the financings that use these result with the purpose of concluding whether they go on to support the programmes concerning drug addiction instances. The individual programmes and the represented approach by the instances for drugs are depending on the quality of the evaluation programmes.

National Drug Courts Institute received plenty of suggestions to offer assistance to the field represented by the drug instances' rating as well as to assign about the adopting of some evaluation standards. National Drug Courts Institute is still in an evolving process of these standards, also for defining some due date concerning the

evaluation. In the same time, this institute offers some pieces of advice for the way in which an instances' evaluation should be and it leans on the existent literature:

- To assure of the fact that the evaluation corresponds to all providers' questions;
- To offer a large description of the programme concerning the drug instances including the exact date when the programme begins, the policies and the procedures and a short description of the way in which the civil defense from the drug field acted previously inside the justice administration system. Moreover, there should be included the description of the changes made during the evaluation period;
- To define clearly the objectives and purposes of the evaluation and to ensure the fact that these are measurable;
- TO plan both the evaluation process and the future results. The evaluation of the process contributes to the early improvement of the programme. The data concerning the evaluation's results should be gathered at the beginning of the programme as being a god help for coordinating and evolving of the process itself;
- The evolving and implementation of a exhaustive data collection that contains definitions for each possible context (i.e. subscriber, advancement, final, treatment, relapse, etc) to identify the definitions' limits, the data sources, the frequency of collecting them and to evolve a universal system for identification;
- To include global data amount about the persons that are drug addicted, such as: demographical and economical characteristics, of the social status, the record of the drug abuse and treatment, of the delinquency and also the status of the mental health (Peters, 1996)¹;
- To include all the obtained results about the subscribers to the program not only for those who ended it. Taking into account only the successful treatment cases, it will lead to an underestimation of the programs' progress. If there are taken into account all the obtained results, then will be established a more real image of the program's efficiency (Belenko, 1999)²;
- To stipulate the data and the periods of time necessary for collecting the information and to draft the evaluation. This aspect is very important in the program's reviewing (i.e. recurrence);

¹ Peters, R. (1996), *Evaluating Drug Court Programs: An Overview of Issues and Alternative Strategies*, Washington, DC, U.S. Department of Justice.

² Belenko, S. (1999), *Research on Drug Courts: A Critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

- It is very important for the evaluation to offer valuable information to the subscribers not only at the end of the program but also during its evolution. This is an important aspect because the drug instances proved that they are more efficient by correlating the monitoring offered by the community in comparison with the traditional treatment programs;
- For encountering the recurrence rate, the favorite method is represented by “the chosen of a group of subscribers that are inside the program for a long enough period of time, lets say for about six months or a year, and their surveillance for a long enough period, time to which they could have finished the program successfully or not (Belenko, 1999)¹;
- To check the evolution of the participants along more years and also to gather more measurable results. Finally, it is recommended the gathering of more results for the individual evolution, such as to collect the data that refer to the re-arrestment and recommendation, just to determine the relapse level;
- To collect information for at least six months after the subscribers got out of the program. These data have to include; behaviour / delinquent action, the number of days spent in preventive arrest, the quantity of drugs consumed beginning with the exit moment from the program, changing of the work place and the professional knowledge evolving, changing concerning their education, the mental and physical state, changing through family relations, to invoke the social medical services or some other kinds (DCPO, 1997)²;
- To select a comparison group. This thing may be difficult because there may appear differences concerning the motivation reasons, commitment, delinquency past, the record of the drug abuses etc. (Belenko, 1999)³;
- To use the evaluation results to improve and modify the program, to enlarge the funds and to get the support of the ones that set the policies and also from the community and press (NDCI, 1999)⁴;
- To take into account of a costs and benefits analyze including a report concerning: reducing the instance’s costs (judiciary, of guidance, of investigation),

¹ Belenko, S. (1999), *Research on Drug Courts: A Critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

² Drug Courts Program Office (1997), *Defining Drug Courts: The key Components*, Washington D. C., U.S. Department of Justice.

³ Belenko, S. (1999), *Research on Drug Courts: A critical Review 1999 Update*, National Drug Court Institute Review, No. II (2), p. 1 – 57.

⁴ National Drug Court Institute: www.ndci.org

lowering of costs concerning the administration of law, medical care, and also evolutions of the economy (DPCO, 1997)¹.

The success of the instances concerning the drugs was built on three pillars that draw in a very close partnership between the justice systems and the treatment (UNODC, 2004²:

- Adequate treatment;
- The monitoring by the court of the progress registered in the program's implementation by means of the continuous case management, regular presences into the court, subscriber's support and penalties for correcting the complaining;
- Mandatory antidrug tests just to strengthen the monitoring and participants' actions.

The UNODC experts group (United Nations Office on Drugs and Crime) inside the instances concerning drugs took into consideration the experience and the impact of these structures identifying the factors that lead to efficiency and success, describing what exactly is necessary to be changed just to get success and to create practical pieces of advice concerning the creation and implementation of these instances. The experts group identified 12 success factors of the drug instances:

1. The efficient leading of the multidisciplinary team from inside the drug instances program.
2. Strong interdisciplinary cooperation between the judge and the team members in line with the keeping the professional independence.
3. A good knowledge and understanding of the addictive behaviour and of the recovery of the instance's members that are not professionals in the medical field.
4. To apply a professional guide to ensure the reliability of approach and the efficiency of the continuous program.
5. Clear eligibility criteria and the objective identification of the potential participants.
6. The detailed study of each possible future subscriber.
7. Well documented and informed consent from each participant's part after he received juridical counseling) before taking part to the program.

¹ Drug Courts Program Office (1997), *Defining Drug Courts: The Key Components*, Washington DC, U.S. Department of Justice.

² United Nations Office on Drugs and Crime (2004), *Drug Treatment Courts*.

8. Quick reference of the subscriber to the treatment and rehabilitation.
9. Quick penalties, certain and consequent for not following the program correctly and respectively rewards for observing it.
10. The continuous appreciation of the program and the possibility to change its structure from the point of coming over the barriers.
11. Sustained and sufficient financing of the program.
12. Changing of the procedural and fundamental rights (if there is necessary).

The UNODC mentioned factors represent the organizational vectors through which there are matched the parts and the duties of the different organizations such as public health, the justice's administration system, social services, mental health and some other relevant agencies.

The drugs instances manage to get to a common level the conceptualized model of drug addiction through the nonsocial behaviours manifested by the delinquents and also the conceptualized model of addiction as a chronically and relapsing illness.

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