

State panel says drug courts work

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RECORD COLUMNIST

NEW JERSEY'S prison population has declined by thousands in the past few years, a good sign that court-managed drug diversion programs are paying off. They have been so effective that the state's Commission to Review Criminal Sentencing wants to see them expanded.



The drug court's diversion programs has kept 6,700 non-violent offenders from having to serve time behind bars since the mid-Nineties. Were it not for the hands-on approach of teams of probation officers, counselors and judges, most of them would be added to the present population of 23,000 inmates being held in the Department of Corrections prison facilities. The strict court-managed monitoring regulates every aspect of the participant's daily life -- down to his curfew. Only 14 percent get rearrested for new offenses, recent drug court figures show.

In a report issued Friday, the New Jersey Commission to Review Criminal Sentencing recommends reshaping the statutory foundation so that more defendants get access to drug courts. The recommendation would allow defendants with two or more prior third-degree convictions to be eligible for the special probation status that determines who can join the diversion program.

Most often prison-reform advocates push cost savings as a rationale for diversion programs like drug courts. But you can't ignore the blossoming of human potential: That's priceless. Chronic alcohol and drug abusers get sober, begin working steadily and connect with society. Lives are salvaged and the cost of running state prisons is reduced.

The Department of Corrections' new budget estimates spending \$34,600 per inmate. The savings potential could be significant: Theoretically every 50 inmates kept out of jail for the next year would represent a savings of about \$1.7 million.

State court administrators say more than 6,700 non-violent drug-addicted adult offenders were sentenced to drug court rather than being incarcerated since 1996, when New Jersey started its pilot program. Passaic was among the first. Bergen's started in 2002. Now all counties have access to drug courts.

"Right now it is a very restrictive statute," said Ben Barlyn, the sentencing review commission's executive director. "One of our proposals is to expand eligibility for certain defendants whose backgrounds would make them [suitable] for treatment."

By proposing to expand eligibility, the commission fulfills its mission to examine the fairness of sentencing guidelines that contribute to runaway prison population growth.

In spite of the best efforts of many states to reduce inmate populations through more enlightened sentencing, reentry and diversion programs, the criminal justice system has been unable to stem the tide of incarceration.

In a review of programs nationwide, the prison reform advocacy group, The Sentencing Project, reported that in

spite of diversion programs being adopted in 22 states the nation's prison population overall continued growing by 7 percent from 2000 to 2005. The group recommends a multifaceted approach that includes sentencing alternatives to incarceration -- alternatives like New Jersey drug courts -- and expanded drug and alcohol treatment programs.

The organization also recommends better funding for social services to help ex-offenders with day-to-day living and mental health issues that trap them in prison's revolving door.

The drug court diversions seem to be paying off in New Jersey, where the population of men and women behind bars dropped by 4,000 inmates in DOC institutions since 2004. So far so good, but many other sentencing issues must be reformed.

For New Jersey to stay on course, the Commission to Review Criminal Sentencing needs more staff and increased funding so that whatever legislation is needed to implement reforms gets in the legislative pipeline quickly.

The commission's only other recommendation in its three-and-a-half-year existence was a proposal to reduce the size of school drug zones because in urbanized New Jersey they are overly punitive. The commission's good intentions lose value if reforms come at the present snail's pace of only once a year. Instead the staff should be equipped to hand over a packet of reforms for the Legislature to work on in every legislative session.

That's the only way to make a permanent difference in the epidemic rate of incarceration.

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