
May 3, 2007

Expansion of New Jersey's Drug Treatment Courts Is Encouraged

By [RONALD SMOTHERS](#)

TRENTON, May 2 — A state commission plans to recommend on Friday that [New Jersey](#)'s therapeutic drug courts, which allow offenders to avoid jail by getting treatment, be expanded to include people with more than two previous offenses.

A report by the New Jersey Commission to Review Criminal Sentencing said that 68 percent of offenders remained in their treatment programs in state drug court cases since 2002.

The report also calls on the State Legislature to give drug court judges more discretion in dealing with those who relapse, and for the courts to provide incentives and rewards like shortened probation and decreased court fees.

“Our prisons are burgeoning with a population that cannot be helped or prevented from reoffending if substance abuse is not addressed in a comprehensive, community-based manner,” the report said.

After a pilot program started in 1997, New Jersey has had drug courts in each of its 21 counties since 2004. The courts have handled 4,390 cases since 2002. In the commission's report, while 68 percent of offenders stayed in their treatment programs, a study of a sampling of drug court graduates was cited from the pilot program, in which 9 percent were arrested again after about five years.

The Monmouth County drug court sessions on Tuesday morning, in State Superior Court in Freehold, seemed more like a 12-step meeting than a criminal justice proceeding. A familiar group of a dozen offenders, who must appear weekly, gave progress reports on their treatment to Judge Thomas F. Scully.

John W., a 43-year-old owner of a landscape business identified in court by only first name and last initial, sprang from his seat and announced, “Good morning, drug court,” then proceeded to talk to the judge about how he was working to emerge from his heroin addiction and alcohol abuse.

“I'm not proud that I am here, but in another sense I am proud to be here,” he told the court. “Being here is doing for me what I couldn't do for myself. I'm still scared and my mind still wanders. But by being

here instead of jail I will not lose my house, my business or my family.”

Judge Scully, knowing that John W.'s father had died when he was a child and that he especially feared being sent to prison and leaving his children, smiled and nodded. “I recognize your concern because I know your background,” the judge said, as the entire courtroom applauded John W.'s willingness to share his story.

In addition to weekly updates before Judge Scully and the lawyers, probation officers and treatment professionals who make up the drug court team, participants in the program have weekly urine tests and can expect visits from the court team at their treatment programs.

“From my standpoint it is more valuable for me to see an individual at the roughest time of their struggle and see how they are doing,” Judge Scully said of the regular trips that he and the team make by bus to see offenders in both inpatient and outpatient programs. “And when they see me there, it shows them that I respect what they are going through.”

Under the current system, anyone with one or two convictions for nonviolent crimes up to third-degree felonies is eligible for drug court. Bennett A. Barlyn, a deputy state attorney general who is executive director of the review commission, said he had not calculated how an expansion of eligibility would increase the courts' caseloads.

But Mr. Barlyn said any such increase would be offset by benefits like reduced prison costs and declines in recidivism that have been documented in state and national studies of such courts. The report compares the cost of a year's imprisonment followed by parole supervision, \$44,000, to the cost of treatment through drug court, \$30,000.

Drug treatment courts, which handle offenders more like people suffering from an illness than criminals in need of punishment, started in Miami in 1989 and have spread to 2,000 courtrooms in all 50 states, said Carson Fox, director of operations for the National Association of Drug Court Professionals. Similar courts have also started for other problems like domestic violence, drunken driving and gambling addiction.

In New York, drug courts began in 2000 and are now in all 64 counties. In some cases, communities were slow to embrace the suggestions of the state's court administrators on establishing the courts, said Valerie Raine, the director of drug treatment programs for the Center for Court Innovation in New York, because of differences in how they viewed drug addiction and related crime. They were not compelled by law, she said, because “in order to be successful the drug courts have to adapt to local needs and preferences.”

In New Jersey, State Senator John H. Adler, a Democrat from Cherry Hill who is chairman of the Senate Judiciary Committee, said that “across the New Jersey ideological spectrum” there has been great appreciation for the success of the drug courts. He said that he expected that the recommendations would

get serious consideration by lawmakers.

Mr. Barlyn said the three-year-old commission considered its recommendations to expand eligibility critical for the state, but had nevertheless moderated them. He said that the model amendment the commission members were seeking would allow a county prosecutor to veto admission to the drug courts for any offender with more than three previous nonviolent crimes.

“We haven’t seen any real opposition to the drug courts and we are not worried about prosecutors reflexively vetoing suggestions of the rest of the team in drug court,” Mr. Barlyn said.

In a separate report, also to be released on Friday, the 15-member commission on criminal sentencing will recommend that the boundaries around schools, where there are mandatory penalties in New Jersey on convictions for drug possession or sales, be reduced to 200 feet from 1,000 feet.

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