

Drug courts offer a viable alternative

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RECORD COLUMNIST

THE FIRST THING that strikes you in Judge Lois Lipton's court is the mood. It's not at all tense. Defendants are relaxed but not too casual. They have a dress code, they have rituals, but most of all they have purpose.

This is Bergen County's drug court, where the goal is not only staying out of jail, but also improving life skills. Drug courts have been endorsed as a legitimate alternative to incarceration.



Nearly all the 4,500 defendants accepted since the inception of New Jersey's drug courts would otherwise have been sent to prison. That possibility is always looming if they fail the program.

A team of social workers, counselors, probation officers, and prosecutors help each judge monitor every aspect of participants' lives that might cause them to fail -- housing, family life, jobs, health care. Regularly tested for drugs in their system, they also get heavy doses of encouragement and positive reinforcement to keep them on track.

About an hour into the session, Lipton got up from her seat, approached a defendant and shook his hand to congratulate him. He'd done well and was progressing to the next phase of his five-year court-supervised treatment regimen.

Not everything here is touchy-feely, but simply less stern, an approach that distinguishes it from other criminal courts. Some 67 percent of those accepted are successful. Only 14 percent of them get rearrested for new offenses, recent state drug court figures show. Only in operation for five years, drug courts have graduated 790 participants.

At a budget hearing Wednesday, state judiciary director Philip Carchman said that within the next four years, the state could save more than \$80 million in expenses directly related to incarcerating the drug court participants.

The court establishes and monitors programs for each individual. To be accepted, defendants plead guilty and are sentenced, but serve jail time only if they fail. Most have prior records for drug offenses.

"What's good today?" Judge Lipton asks, signaling the start of the day's drug court session for 75 or so defendants. They look around the courtroom to see who would speak first, and one guy up front raises his hand: "I just paid my taxes."

More "good news" ricochets around the courtroom as others -- some embarrassed, some reserved, but all proud -- announce simple but meaningful accomplishments.

Got a job.

Got a place to live.

Closed on a house.

Got my GED.

Finished a drug treatment program.

Even drug court critics can appreciate the "good news": participants pay taxes. Each one saves New Jersey approximately \$28,000, the annual cost of keeping an inmate locked up.

There is as much tough love as there is human interaction. And Lipton exploits both.

She issued stern warnings and ordered jail time for a 28-year-old Elmwood Park man. "No community service," she said. "You can't just blow off something you've been told to do in drug court." He'll serve weekends, continuing in an educational program and job.

Another one stayed in Manhattan beyond his 11 o'clock curfew.

"You chose Wrestlemania over your freedom?" she asked in amazement, before ordering him to be fitted with ankle bracelet. Jail could be next.

But reviewing the folder on Craig Rosen, 23, she congratulated him on his new baby and his job success. "One day you'll be running your own car dealerships," she said encouragingly.

Later Rosen told me about turning his life around. "If it wasn't for drug court, I'd be in jail and couldn't see my son. It's all good for me now."

The regular monitoring of individuals takes place in a climate that lets defendants know that one slip is the first step toward having to complete a jail sentence.

Judge George Rohde sits in the Passaic County drug court, one of the state's first. As each defendant appears before him, Rhode announces the person's sobriety record. At Tuesday's session one woman was drug- and alcohol-free 1,035 days.

Diversion is only one of the keys to stemming the influx of inmates into state prisons. Drug courts increase personal motivation, also a major challenge for defendants who need the extra push.

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