

Legislative Testimony

Drug Courts: CJC & OJD

March 6, 2013

Good Afternoon,

My name is Darryl Larson. I am the current Chair of the Oregon Criminal Justice Commission and appear here today on behalf of the Criminal Justice Commission. My working experience includes nearly 19 years as a prosecutor in the Lane County District Attorney's office and for nearly 18 years as a Circuit Court Judge. I am now retired.

I presided over the Drug Court and Mental Health Courts in Lane County for many years and have been engaged in helping oversee some of the funding of Drug Courts as a member of the Criminal Justice Commission.

It is my pleasure to talk with you today about Oregon's Drug Courts. I was fortunate to be an invited attendee at the First National Drug Courts Conference in Miami in December of 1992 where the world's first Drug Court was created in 1989. It was there that I discovered that the 2nd Drug Court in America had already been started by Judge Harl Haas in Portland, Oregon. Upon my return, I met with Judge Haas and their Drug Court partners who helped me create a Drug Court in Lane County, one of the first 10 in the U.S. Today, there are nearly 3,000 Drug Courts in the U.S. and in countries around the world. A number of Federal Judges are starting Drug Courts at the Federal level as a means to getting better outcomes, increased public safety and savings to the public's coffers.

What, exactly, exactly IS a "Drug Court." The Oregon statutory definition can be found in ORS 3.450. The definition is suitably broad and authorizes fees and governs access to treatment records. Oregon's Drug Courts comply with the "10 Key Components" developed by the first Miami Drug Court. Put simply, Drug Courts are merely a different way to process Drug Addicted offenders through the criminal justice system. However, unlike the traditional case processing system, Drug Courts focus on creative, cooperative partnerships with any and all persons or agencies capable of improving participants' outcomes and require frequent, regular court appearances to monitor compliance.

Drug Courts measure what they do, how well they do it and what affects they are having on participants' outcomes. The Drug Court model has been the focus of a massive amount of research. Ms. Macklin from NPC Research will address that following our presentations. The model has proven so effective that it is now being applied to problem Families, Juveniles, Repeat

Drunk Drivers, Persons with serious Mental Health problems, Domestic Violence offenders and recently to Veterans facing criminal charges. The model is often now referred to as "Problem Solving Courts." I am proud to say that Lane County had one of the first five Mental Health Courts in the country.

Drug Courts utilize the services of the Court, prosecutor and defense counsel, as does the regular court system. However, the model largely removes the adversarial approach in favor of one in which each of the court's actors are focused on obtaining maximum participant engagement in treatment and program compliance while maintaining close oversight and the rapid application of positive and/or negative responses to compliance behaviors. The primary costs of the Drug Courts over the regular case processing system are Treatment and Drug Court Coordinators. One should remember that there are often treatment costs due to participants coming from the regular processing system as well but getting effective compliance and quality outcomes has always been a major challenge. Drug Courts help maximize good public outcomes from the money spent prosecuting and case processing Drug Addicted offenders. Ms. Macklin will, no doubt, be addressing the outcomes and pay-offs associated with Drug Courts.

The prosecution and sentencing of criminal cases certainly is a critical part of the court system's primary mission. A substantial portion of those criminal cases involve drug affected persons. The regular court system can and has, for decades, "due processed" these offenders in one end and out the other with precious little impact on the offender or their future behavior. The result has been that they regularly reoffend and are otherwise generally dysfunctional – often raising problem children who also then become problems for the courts. This is a lousy investment of the public's money. Getting a better outcome and some real pay-offs for the time and effort spent by the Court System IS, I would suggest, mission critical. Does it have some costs? Yes. Does it pay off far beyond the public investment? Research in Oregon and elsewhere proves, overwhelmingly, that it does.

Some funding has to be available to make the Drug Courts both possible and effective. The two biggest costs are the Drug Court Coordinators (the managers of the programs) and treatment for participants.

While it is undoubtedly true that there are considerable public "savings" generated by the outcomes associated with Drug Courts, it is important to understand what is meant by the term "savings." We are more often talking about present or future "avoided costs." Some of the savings are direct such as the dramatic reduction in Jail Bed use by participants. The positive outcomes created by Drug Courts reduce future costs that are not experienced due to reduced

recidivism/victimization. This makes the funds in other public agencies stretch much further. We are also talking about future productivity increases including payment, not use of, tax money and reduced utilization of high cost services like the health care system. It is true that you cannot always just move such “savings” to the public from one budget to the next but you can factor in the positive budgetary consequences of improved outcomes from the Drug Courts. Funding the necessary Court Coordinators and Treatment services for Drug Courts is an investment, and like all good investments, it pays off with improved productivity and positive monetary and societal consequences. I urge you to continue Oregon’s ground-breaking efforts to make evidence-based practices effective norm by supporting funding for Drug Court Coordinators and Treatment services for Oregon’s Drug Courts.

I would be happy to respond to any questions you may have as a result of our joint presentations.