

No dedicated funding for drug courts, but budget might offer alternative money source

A beleaguered program that aims to help addicts get sober and stay out of the court system may see some relief in a provision of the new state budget.

In 2011, the General Assembly cut funding for the state's 21 Drug Treatment Courts, which first took root in the state in the mid-1990s. Most of the jurisdictions that had Drug Treatment Courts continued to operate after scrounging up operating expenses, but supporters say piecemeal budgets are not a viable long-term strategy for keeping the programs alive.

Hopes were up for a return of dedicated funding after Gov. Pat McCrory included \$3.3 million for 2013-2014 and \$3.6 for 2014-2015 for the program in his proposed budget but nothing showed up in the budget agreement approved by the House and Senate last week. The Broaden Access to Community Treatment program, which the legislature funded at \$2 million per fiscal year, could be a new source for drug court advocates to tap. The allocation is included in the Department of Public Safety budget.

Lao Rubert, director of the Durham-based Carolina Justice Policy Center, said she is hopeful about the possibilities of the Broaden Access allocation. Her center advocates for the drug courts.

"It's a little too soon to know," she said. "Drug Treatment Courts will have to apply for that money and see if they will get it. It's going to have to be a process. It's not designated at all for Drug Treatment Courts."

The language in the budget report dictates that the Broaden Access money go to "substance abuse treatment services for offenders assessed as moderate to high-risk for recidivism and high need for substance abuse services." It also requires the agencies that win the contracts to be "evidence-based" and supported by "local stakeholders," including judges, probation and parole officers, and district attorneys' offices.

The revolving door

Drug courts supporters say both the addicts and the overburdened court system benefit from the program. It is intensive and targeted, so it reaches a small segment of felony offenders in each jurisdiction, but the recidivism rate among drug court participants is lower than that of offenders in other courts.

Judge Mark Galloway has presided over a drug court for about 12 years in District 9A, in Person and Caswell counties, and sought help from the county commissions to keep the program going after the state cut funding. He's a believer in the drug courts because they target repeat offenders who are just barely within reach of help.

"The people that are in the program, if we are doing it correctly, they are the ones that are absolutely going to jail," he said. "They're the folks who keep the revolving door going around."

Charlotte Mecklenburg's program, among the state's first Drug Treatment Courts, was established in 1995. The Charlotte Mecklenburg program, like others around the state, targets level G, H and I felons who are at high risk for re-offending and likely to be helped by rehab. Attorneys and sentencing judges recommend participants to the drug court, and a case coordinator is assigned to each participant accepted into the program. A drug court judge oversees the cases, which creates continuity within the system. Participants are closely supervised, submit to testing, take part in treatment programs and work with case coordinators to get help with employment, housing and medical treatment. If the defendant remains sober for the duration of the drug court treatment program, the state drops the charges against him or her. If not, the defendant goes to jail.

During 2009-2010, 1,881 people participated in Drug Treatment Courts in North Carolina, according to the 2011 annual report on the program.

Attorney Keith Merritt is a commercial litigator with Hamilton Stephens Steele & Martin in Charlotte and a member of the advocacy group Justice Initiatives. Merritt estimated the cost of sending an individual through the Drug Court Program at about \$3,500. Galloway put it at about \$2,500 per person. Justice Initiatives, puts the cost of incarcerating drug-using offenders at between \$23,000 and \$50,000 per person, per year.

Merritt said the recidivism rate for someone who completes Drug Treatment Court is about 11 percent, compared to the recidivism rate of about 40 percent for the mainstream prison population.

On their own

Janeanne Tourtellott, program manager of the Mecklenburg County Drug Treatment Courts led a statewide conference for Drug Treatment Court professionals in March. She says some attorneys assumed the state budget cuts killed the program.

"One of our biggest challenges is to let people know we're still operating," she said. "I run into attorneys who say 'What are you doing these days?' and I say, 'We're still here.' "

Charlotte-Mecklenburg's drug court started with no state or local money but soon found funding from both. The Mecklenburg County Board of Commissioners now funds the drug courts. But smaller, rural jurisdictions cannot absorb the costs of the program as easily as larger metros. When the legislative funding was cut, the drug courts also lost the practical support of the Administrative Office of the Courts. Local administrators had to take on that work.

Galloway said his office has assumed the duties of the lost administrator position between team members and a part-time grant employee. He had to get creative, he said.

"The best sleepless night I ever had was the night I realized I could rearrange my schedule and rearrange the schedules of a grant recipient," Galloway said.

He and his judicial assistant took over the responsibility of keeping track of the statistics and reporting the numbers to Raleigh, while a grant-funded employee managed the cases.

Galloway says training drug court officers will require more money than he can find in his local jurisdiction. With the demise of state funding, the AOC no longer provides a statewide clearinghouse for information and support. Tourtellott organized a conference for Drug Treatment Court officials in March where funding and budget concerns were among the topics of discussion.

She said that coordinating funds to cover the treatment programs associated with drug courts became harder when the state stopped funding the program because the legislature eliminated money that had been available for those programs via the Department of Health and Human Services as well. The drug court program now works with various agencies to find funding streams for indigent offenders who need to access treatment, she said.

"It makes it a little more difficult to put a comprehensive program together when you're trying to juggle costs," Tourtellott said.

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