

# **The Texas Probation Executive Development Program**

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## **DRUG COURTS IN RURAL COMMUNITIES**

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**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for the Texas Probation Executive Development Program**

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**By  
Julie Miller**

**Dawson County Community Supervision Department  
Lamesa, Texas  
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## ABSTRACT

Criminal Courts in rural communities in Texas seem to provide little to no assistance for the real problems drug offenders are faced with. Many are charged and incarcerated, while the disease itself goes unaddressed. There is a desperate need for provision. It is apparent that the system currently set in place is failing these individuals. The relevancy has much to do with the community. If offenders can get the proper help that they need, the community will undergo a substantial change for the better. The adults that indulge in substance abuse will begin to be better examples for the impressionable youth in the respective counties. Environments and lifestyles within families stricken by drug abuse will heal and prosper. (THESIS) Although implementing a drug court in a rural community means extending the counties budget, resources, and time, it is a necessity to enforce this system in rural communities because misdemeanor and felony narcotic related offenses have consumed the county's court dockets for years now when other violent transgressions should be a top priority, many offenders get put into a system without their drug dependency issues being addressed appropriately, and the repercussions of non-violent charges from a criminal court case have long term consequences on an individual for the rest of their life. This proposition can be achieved in a multitude of ways. I suggest appointing a team of acclaimed professionals that acknowledge and study addiction as a disease, drug patches or frequent ua's, NA/AA meetings, involvement of the offender's family or support system to prompt change as a group, utilize the materials we do have and provide the current probation officers curriculum to better understand substance abuse. Through this and drug courts, rural communities will begin to see a reduction in the recidivism rate and new offenses. It can be concluded that change is necessary, and support can be adequately provided in the areas that are needed (funds, resources, time).

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## INTRODUCTION

It is undeniable that one of Texas's greatest contentions is substance abuse and drug offenses. This piece of information may stray our minds to denounce the infrastructures that constitute the state's larger cities, hubs, or even proximity to the Mexican border, but to fully grasp how immense this issue is in Texas it is imperative to recognize its existence at home. Turning a blind eye and believing that the small community we grew up in is a safe haven, may come with great ease; although not completely oblivious to the grapevine of substances ravaging through the community's streets, but essentially in denial of its true destructive impact on both adolescent and adult citizens. As a community supervision officer in Dawson County, I am faced with the undoubtable reality of what most tend to deny. Substance abuse in rural communities is at an all-time high.

The situation's severity puts emphasis on the desperate need for provisions to local criminal justice systems. It is time for drug offenders to be viewed as individuals in need of treatment and accountability rather than another statistical case number in the criminal court system. "Drug addiction is a medical condition, a chronic relapsing disease. As in other domains of experimental medicine, appropriate experimental investigations are needed in order to better understand the disease." (*Le Moal, M., & Koob, G. F., 2006*) This is why I am proposing the implementation of an adult drug court in Dawson County, in order to form a team of professionals who are well equipped to assess this area of concern. The drug abusers that are placed on the county's dockets are typically non-violent offenders and their rooted dependency issues unintentionally go unaddressed in the traditional outpatient treatments. "Many also experience difficulties in returning to a problematic family and social environment, unresolved substance abuse and mental health problems, and numerous other challenges in establishing a

conventional prosocial lifestyle.” (Stahler, G. J., Mennis, J., Belenko, S., Welsh, W. N., Hiller, M. L., & Zajac, G., 2013)

Although there’s a strive for a reduction in the recidivism rate among convicted offenders, the system currently set in place is proven both locally and statewide to fail. “Research has shown that offenders who are released from prison re-enter their communities with a considerable likelihood of reoffending and eventual reincarceration.” (Langan & Levin, 2002) The proof is in the research, and its existence dwells in our jurisdiction, where I meet with a vast majority of reoffenders. Although implementing a drug court in a rural community means extending the counties budget, resources, and time, it is a necessity to enforce this system in our district because misdemeanor and felony narcotic related offenses have consumed the county’s court dockets for years now when other violent transgressions should be a top priority, many offenders get put into a harsh system without their drug dependency issues ever being addressed, and the repercussions of non-violent charges from a criminal court case have long term consequences on an individual for the rest of their life.

## **POSITION**

I stand firm in my support of forming a drug court in Dawson County because of two factors: reduction of the recidivism rate and the amount of money that could be saved by taxpayers. Both of which have been proven. In this next section, it will become clear that the current justice system (regarding drug offenders) is hindering an individual’s life and costing the community thousands of tax dollars.

A drug offender may find themselves going back to their old lifestyle and habits quickly after being released from jail or prison, which may lead to rearrests. This is because of a variety

of external and internal attributes, such as lack of employment, lack of efficient rehabilitation while being incarcerated, mental issues, emergence back into society can be overwhelming, and the environment they are thrown back into hasn't changed. According to research, "When someone finally gets released from prison, even if they want to live a normal life and be a productive member of society, their employment options are severely limited.", "Two-million people every year who have a mental illness are added to the jail system.", "Lack of support upon release can put inmates into a deeper state of depression and lead to desperate attempts to get the things that they want such as drugs or finances.", "They have much more freedom and this can lead to them feeling overwhelmed and full of anxiety, which sometimes leads to substance abuse to cope with the issues.", and "Many times, former inmates will go back to the same crowd of people they used to associate with because finding a new group isn't easy to do." (*Stefanski R., 2019*). So, what can be done to promote a more preferred transition and arrange proper treatment? A solution that is proven to work: enforcing a drug court and providing programs that focus on accountability. Drug courts are known to locally reduce a cities recidivism rate and contribute to other facets of treatments. A group of researchers conducted a meta-analytic review on drug courts and found: "The vast majority of adult drug court evaluations, even the most rigorous evaluations, find that participants have lower recidivism than non-participants. The average effect of participation is analogous to a drop-in recidivism from 50% to 38%; and, these effects last up to three years." (*Mitchell, O., Wilson, D. B., Eggers, A., & MacKenzie, D. L. (2012)*). Achieving this and living up to the statistics can be done through utilizing the National Drug Court Institute. The NDCI, which was established by the White House Office of National Drug Control Policy, has twenty years of leadership and a success rate of 89%. This organization can provide valuable training, new curriculum, reading material, and

access to additional funding for Dawson County. The expansion and guide of initiating a drug court is also outline in *Development and Implementation of Drug Court Systems*, which was prepared by the National Drug Court Institute Directors, Judge Jeff Tauber and C. West Huddleston. “To develop a viable drug court system, planners must first identify and tap community resources. It is critical to develop a long-term, systemic strategy, and to create partnerships that will generate ongoing support. Media coverage can be helpful in this process, and court leadership is essential. The ability of proactive judges to create a high profile for the drug court program should not be underestimated” (*Tauber & Huddleston, 1999*). Other listed ideas include: “using existing resources and identifying new sources of financial support” and “substance abuse prevention programs are financed in part by DUI fines or a percentage of the local sales tax” (*Tauber & Huddleston, 1999*).

This leads me to my final point of position. Forming a drug court and initiating programs, will benefit taxpayers and essentially save money. It is no secret that incarceration and the excessive overflow in the jail system can be costly. This money comes straight out of the pockets of hardworking citizens. “And, as our overcrowded jails become more so, taxpayers fork over between \$40,000 and \$60,000 a year to keep each inmate” (Laframboise, 1993). This is just an estimate, and the simple facts are: “Prisons cost Texas taxpayers \$50.79 per inmate per day, amounting to \$18,538 per year”, which is below the national average, “Each new state prison bed costs more than \$60,000 to build”, “Probation costs \$2.92 per day, of which the offenders pay \$1.62 of that in fees, resulting in a taxpayer cost of \$1.30 per day”, and “TDCJ’s budget increased from \$793 million in 1990 to more than \$3 billion in 2012” (*Texas Public Policy Foundation, 2012*). Without proper assistance and rehabilitation, offenders have the potential to reoffend and continue to raise this price tag. Incarceration of non-violent drug offenses without

any change to the system is doing more harm than good to not only that individual, but also to the taxpayers. In a sense, the current justice system in our jurisdiction is punishing both parties for new and re-offenses. Drug courts can take the place of this burden and slowly pay for itself. Although a taxpayer may still be charged a taxing on this implementation, they will be saving money in the long run when comparing it to the previous system. According to (*Tomo Drug Testing*, 2016), “In the United States, for every \$1.00 invested in drug courts, taxpayers save as much as \$3.36 in criminal justice costs alone” and “Other savings occur due to reduced victimization and reduced healthcare costs. In 2007, for every \$1.00 invested in a drug court by the federal government, about \$9.00 was leveraged in state funding”. Through grants, local, statewide, and national assistance, money can also be saved. For the sake of bettering the community, programs for additional funding are set up for this very reason. The enactment of Senate Bill 1055 in 2011 “Provides that counties can use the share of the state’s savings that they receive for community-based programs, which include drug courts” (*Levin*, 2013). This of course comes with an incentive to ensure a strive for success. “This measure authorizes counties to voluntarily enter into an agreement with the state to reduce prison commitments of low-level offenders whereby the community receives a share of the state’s savings on lower prison costs, partly based on the county’s performance in reducing probationers’ recidivism rate and increasing the share of probationers who are current on their victim restitution” (*Levin*, 2013). Overall, the implementation of this proposition and acquiring outside resources will save the community tax dollars.



## COUNTER ARGUMENTS

When it comes to materializing an actual drug court in our state, two arguments can be made. The first argument is that a drug court can be seen as a way for the justice system to “pick and choose” who is worthy of being awarded treatment rather than jail time. What factors determine if an offense can undergo sentencing in a drug court? The criteria and requirements can vary across states and local laws. This can develop a “grey area” in the system. Among offenders, who do not meet the criteria and are then not granted the opportunity to be a participant in a drug court, there is a sense of discrimination. According to research done by the *Drug Policy Alliance*, “eligibility is limited to people arrested on a petty drug law violation or property offense”, “many of these appear to be marijuana violations”, and “the prosecutor exercises wide discretion in determining who is actually referred to drug court”. Some argue that this is unfair. These terms and conditions established by the court can hinder many from receiving treatment. Also, through the research conducted by DPA there has been an establishment of statistics that support the unfairness posed by these types of courts. For example, “Even if drug courts were dramatically expanded to scale to cover all people arrested for drug possession, between 500,000 and 1 million people would still be ejected from a drug court and sentenced conventionally every year” (*Drug Policy Alliance*, 2011). With this information, there is increasing weariness that surrounds the idea of implementing a court solely dedicated to drug offenses. The ultimate source of this is because a system such as this is likely to reach capacity quickly and resources will eventually be exhausted.

Although this argument can be made and holds value based of research along with statistics, it is important to note that no system will ever be perfect. There will be requirements

that will be deemed “unfair” in any legal setting. This may be discouraging, but a drug court will set its own boundary apart from the unfairness already perceived in the broader justice system. A specific docket set aside, rooted solely in drug violations and particular offenders, will aid us in the evaluation of who needs proper treatment and what can be done for the individual as a human being. Practices and eligibility requirements can be set in place by Dawson County that will assist the community’s needs. Attributes of these requirements can be formatted to fit what is right for the county. Because these courts fall under county jurisdiction, rural communities can implement a system that stays within adjusted resources and eligibility based on commonality among offenders in the county. There are many recommendations made by *Fair and Just Prosecution* that can help a drug court maintain fairness. One of these is to implement “Evidence-based eligibility guidelines for the drug court that prioritize serious cases” (*Harm Reduction Responses to Drug Use*, pg. 12) This is great place to start. Under this recommendation, FJP harps on the importance of keeping eligibility on a strict protocol to avoid the exploitation of the court while enhancing lower recidivism in the county. FPJ also states, “Use the drug court to resolve cases, including non-drug offenses that are rooted in a SUD, where the defendant would otherwise face significant jail time and their drug use places them at a high risk of recidivism. If possible, include cases involving violence and drug trafficking where a SUD is present” (*Harm Reduction Responses to Drug Use*, pg. 12). The main goal is to provide help to those who would eventually relapse and find their way into the system time after time. At the initial startup, drug court resources for rural communities will be limited, so it is vital that there is a prioritization on serious drug offenses. As funds for treatment and other resources come in the long run, the requirements can be adjusted to fit petty cases as well. Fairness will be

strengthened in following specific guidelines. Through this, capacity of resources will not be exhausted and can instead be managed properly.

The second counter argument perspective sheds light on the harsh reality of individuals having a lack of quality care while participating in a drug court. This claim amongst rural communities can go on to blame underfunding and understaffing in the county. According to *Drug Policy Alliance*, “Drug courts often inadequately assess people’s needs and, as a result, place them in inappropriate treatment.” This is in part because of overcrowding that often judges between a rock and a hard place. The judge is essentially unable to have complete control over the management of many participant’s cases. Although unintentional, insufficient management places these cases into the hands of staff that tend to place drug court participants in treatment programs that do not service their needs or problem areas. Because of the influx of participants, lack of available resources, and absence of proper leadership, many of these cases result in referrals to programs as a last resort. These programs are not designated for the participant’s particular needs, but instead it is typically just a program that had availability at that point in time. Because it is a treatment that is “drug-court approved”, it is adequate to give credit to the offender in the drug court program. Although not completely the judges or court staff’s fault, the offender seems to get a poor version of aid and their issues are not treated properly.

There may be some truth to this argument when a drug court is not properly managed and resources become overflowed; however, when in proper action, the treatments provided by the drug courts are proven to be effective in reducing recidivism rates and establishing proper care for participants. “Treatment courts are the single most successful intervention in our nation’s history for leading people living with substance use and mental health disorders out of the justice

system and into lives of recovery and stability” (*National Association of Drug Court Professionals*, 2021). The topic of this argument can be promptly avoided through resource and funding management. New cases on the dockets need to be assessed and the proper treatment for that case must be assured to them. This can be managed through tracking staff, funding, and resource ratio before taking on new cases on the docket. This can be easily done through drug courts pairing up with treatment providers, administrators, TASC programs, or other third-party management. This will illicit growth in resources and support among local, state, and national levels. Working together as a close-knit team will eventually enhance drug court activities and strategically formulate them into the community with great management across the drug-court population. “This movement will provide the foundation for an effective, community-based strategy to reduce the drug use and criminal activity of the significant numbers of substance-involved offenders that are burdening our systems and our society” (*Peyton and Gossweiler*, 2001). Overall, proper treatment is possible and necessary care can be established for a participant when the court utilizes a team and delegates management responsibilities to a trusted partner. Collaboration among the court is the key to its success of treatment programs reaching the right individuals.

## **RECOMMENDATION**

The implementation of a drug court in rural communities requires factors such as budget, resources, and time to be addressed, but this new system and the proper management of it is necessary in these counties because of the overflow of narcotic offenses have caused a backup in the dockets, the offenders of these transgressions are hindered from getting proper treatment from a general court, and the lack of suitable remedial programs have a wide range of effects on

that offender for the rest of their lives. I have taken this position because of the following points: reduction of the recidivism rate and the amount of money that could be saved by taxpayers. As far as a reduction in recidivism rate, “The vast majority of adult drug court evaluations, even the most rigorous evaluations, find that participants have lower recidivism than non-participants. The average effect of participation is analogous to a drop in recidivism from 50% to 38%; and, these effects last up to three years” (*Mitchell, O., Wilson, D. B., Eggers, A., & MacKenzie, D. L. (2012)*). The second point that pushed me to align myself with this position may seem like a bold statement, but it has been proven that taxpayers do in fact save money through executing a system such as a drug court rather than using incarceration as a solution. “In the United States, for every \$1.00 invested in drug courts, taxpayers save as much as \$3.36 in criminal justice costs alone” and “Other savings occur due to reduced victimization and reduced healthcare costs. In 2007, for every \$1.00 invested in a drug court by the federal government, about \$9.00 was leveraged in state funding” (*Tomo Drug Testing, 2016*). Through research, these points have been imperative in many communities. It’s time that this change, seen in other cities, is brought to rural communities not only for offenders, but also for the community. Two arguments that oppose this position are the eligibility requirements that may seem as a way to “pick and choose” offender’s worthiness of drug court programs or incarceration and lack of quality care while participating in a drug court. Although these are valid arguments that could be made, it all boils down to solving these issues through adjusting policies in each county that reflect fairness among common offenses in the county and managing the resources/funds to assure adequate care for all participants. Modifying budget plans, resources, income for the programs, and fair policies for a drug court, calls on the county to formulate a team. It is important to delegate responsibilities in an orderly manner for conflicts and exhausting sources to be avoided. A type of checks and

balances needs to be set in place among the court. Overall, a drug court will take work, but it is necessary for the county. Through a drug court, rural communities will be able to provide its citizens with a safer community in the long run. In forming a drug court, I recommend establishing a committee, sourcing the funds and resources needed, and defining eligibility among participants promptly. The team also need to ensure that each participant's rights are protected, and evaluation terms are established prior to a participant entering a program.

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