

# A SYSTEM THAT WORKS

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## Alternatives to incarceration

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In recent years, jurisdictions across the nation have made enormous advances in the way they handle drug cases. They have developed and implemented programs specifically designed to help first-time drug offenders and give them a chance to avoid incarceration. Based largely on the principles of demand reduction, the new approaches provide more opportunities for early intervention, allowing people with drug problems to get the help they need and reverse course before it's too late.

### “The Dell Dude”

Many judges today recognize that a second chance is sometimes all it takes to convince small-time marijuana users to change their ways. The story of the “Dell Dude” is a case in point. It illustrates not only how the system should work, but how it regularly does.

In February 2003, actor Benjamin Curtis, widely recognized for his role as a computer company’s “hip” television pitchman, was arrested in New York City for criminal possession of marijuana. The charge is defined by the amount possessed, which in this case was more than 25 grams but less than 57 grams (two ounces).<sup>59</sup>

Under New York State law, if the amount of marijuana is under 25 grams, offenders can be punished by a fine ranging from \$100 to \$250 and/or a sentence of up to 15 days in jail, depending on whether it is the first, second, or third offense.<sup>60</sup> Because the amounts in Curtis’s case fell into the higher category, the judge could have ordered a jail sentence of up to three months and imposed a fine of up to \$500. But because this

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was his first offense, Curtis got a break. Under the terms of New York’s “adjournment in contemplation for dismissal” (ACD) procedure, he did not have to plead guilty to anything. He merely had to promise to stay out of trouble for one year. If he managed that, the case against him would be dismissed.

Essentially a form of pretrial probation, ACD is typical of various alternative sentencing strategies that are designed to keep casual or small-time offenders out of the criminal justice system. At least 23 states offer similar plans offering deferred prosecution in exchange for a promise not to violate the terms of the probation. Some of these plans require that the defendant take anti-drug courses or sign up for drug treatment. But if the offender stays clean and commits no crimes for the prescribed time period, no further court appearance is necessary. The matter is settled, the police fingerprint file destroyed. No jail time, no criminal record—end of story.<sup>61</sup>

## **Drug Courts**

Another promising alternative-sentencing approach comes in the form of the nation’s growing network of drug courts. More than 1,000 of these innovative dockets are currently in operation around the country, and another 400 are in development.<sup>62</sup> Established specifically to handle the swelling caseload of low-level drug offenders, drug courts offer treatment and community service as alternatives to incarceration to those who cooperate.

Although the concept has taken shape only within the past two decades, drug courts already have demonstrated considerable success in helping people conquer their drug problems and get back on their feet. To date, more than 312,000 adults and juveniles have enrolled in drug court programs, and 70 percent of all participants stick with the program to completion. Drug courts have helped some 3,500 parents regain custody of their children, and almost three-quarters of all program participants have retained or found new employment.<sup>63</sup>

Many jurisdictions, encouraged by the success of adult drug courts, have launched similar programs offering hope, treatment, and rehabilitation as alternatives to incarceration for young drug offenders. As of July 2003, 275 juvenile drug courts were in operation in 45 states, the District of Columbia, and Guam, and another 120 were being planned.<sup>64</sup> In court systems that have juvenile drug court programs, young offenders who have been identified as having alcohol or drug problems and who have not been charged with violent or sex-related crimes are referred to a designated judge. The judge oversees each case through regular, often weekly, hearings with the defendant and a team that typically includes treatment professionals and vocational experts.

For offenders who play by the rules and follow the judge's orders, the rewards can be significant: They avoid time behind bars, their juvenile records are sealed or wiped clean, and, perhaps most significant, they emerge from the program drug free. In many cases, graduates step out into the world with healthier bodies and minds, improved coping skills, and a new, brighter outlook on life.

