

NATIONAL ASSOCIATION OF
DRUG COURT PROFESSIONALS

NADCP

4900 Seminary Road, Suite 320
Alexandria, VA 22311
Phone: 703 575.9400
Fax: 703 575.9402
www.nadcp.org



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To: NADCP Board of Directors
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From: Judge Karen Freeman-Wilson (ret.), Chief Executive Officer,
National Association of Drug Court Professionals

Date: February 24, 2005

Re: President's Fiscal Year 2006 Budget

President Bush submitted his FY2006 budget request to the Congress on Monday, February 7, 2005. Attached is a summary chart. As promised during his State of the Union Address, the budget includes a number of dramatic cuts and changes, reflecting marked shifts in policies and priorities for the coming year. Across the board, the Administration recommended cuts in discretionary non-defense programs. Additionally, the Administration recommended zero funding for the following programs:

- Byrne Justice Assistance Grants – the merger of the former Local Law Enforcement Block Grant Program and the Byrne Formula Grant Program.
- Juvenile Justice Accountability Block Grant Program.
- Community Policing Hiring Grants
- Drug-Free Schools and Communities
- Byrne Discretionary Grant Program
- DEA Demand Reduction Program

Despite severe cuts in justice related programs and minor growth in substance abuse related programs, the Administration is requesting \$70 million (a 43% increase) for the Drug Court Discretionary Grant Program. The magnitude of this increase is unprecedented and surpasses other drug control budget line items.

On Friday February 10, 2005, Office of National Drug Control Policy (ONDCP) Director, John Walters testified on Capitol Hill before the House Subcommittee on Criminal Justice, Drug Policy and

Human Resources on the fiscal year 2006 Drug Control Budget. The National Drug Control Budget was no exception to the shifts in policies: while overall funding remained relatively stable, rising from \$12.2 billion to \$12.4 billion, the manner in which those funds are allocated paints a very exception to the shifts in policies: while overall funding remained relatively stable, rising from \$12.2 billion to \$12.4 billion, the manner in which those funds are allocated paints a very different picture from years past. Overall the budget reduces the percentage of funds allocated to demand reduction from 45% in FY2005 to 39% in FY2006.

Rep. Mark Souder (R-IN), Chairman of the Subcommittee, and Rep. Elijah Cummings, (D-MD), ranking minority member, led the questioning of Director Walters. Both members expressed disappointment over the cuts to Drug-Free Schools and Communities and High Intensity Drug Trafficking Area (HIDTA) program, which were cut from \$226.5 million to \$100 million. Director Walters countered that the programs had not demonstrated adequate results, and that the budget emphasized programs with proven effectiveness. Chairman Souder noted the need to emphasize programs that have proven effectiveness and commented positively on the increase for the Drug Court Discretionary Grant Program.

Director Walter's written testimony included the following information about drug courts:

“Drug courts use the authority of a judge to coerce abstinence through a combination of clear expectations and careful supervision—a remarkable example of a public health approach linked to a public safety strategy. The good news for the individual who is arrested and referred to a drug court is the possibility of avoiding prison entirely, and possibly having his or her arrest record expunged after the fact. The bad news, from the perspective of a long-time drug user, is that the best drug courts are more demanding than prison, with intensive requirements including frequent treatment sessions, regular public hearings, and of course frequent mandatory drug tests.

Drug court programs have a real effect on criminal recidivism. A National Institute of Justice study compared re-arrest rates for drug court graduates with individuals who were imprisoned for drug offenses, and found significant differences. The likelihood that a drug court graduate would be rearrested and charged for a serious offense in the first year after graduation was 16.4 percent, compared with 43.5 percent for non-drug court graduates. By the two-year mark, the recidivism rate had grown to 27.5 percent, compared to 58.6 percent for non-graduates.

The drug court movement continues to grow rapidly. There were just a handful of courts operating in 1991, when the President's National Drug Control Strategy first called attention to the idea. Today there are 1,621 courts currently in operation in all 50 states—an increase of more than 400 courts just in the past year. To support and broaden this promising trend, the Administration recommends a funding level of \$70.1 million for the drug court program in fiscal year 2006. This represents an increase of

\$30.6 million over the 2005 enacted level. This enhancement will increase the scope and quality of drug court services.”

As in previous years, ONDCP will take an active role in advancing the drug court movement. On February 22, 2005, Addison “Tad” Davis, Acting Director for Demand Reduction, ONDCP, and I escorted a group of Congressional Staff Members to the D.C. Superior Court’s Family Treatment Court. During this session, staffer heard presentations addressing the efficacy of drug courts and the importance of funding from Acting Director Davis, Acting Assistant Attorney General Tracy Henke, Office of Justice Programs and J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention. Thanks to the gracious support of Chief Judge Rufus King III, Judge Lee Satterfield, and Judge Anita Josey-Herring of the D.C. Superior Court, the Congressional staff received excellent training on the drug court movement and were able to witness first-hand the positive impact the D.C. Family Treatment Court is having in the community. As a result of this briefing we will be reach out to several states to assist with follow-up to keep the momentum going.

The next day I was privileged to join Director Walters and Judge Jeff Rosinek for the release of the President’s 2005 National Drug Control Strategy at the Miami Dade County Court. Director John Walters described drug courts as “[m]ost significant criminal justice initiative in the last 20 years.” A key component of the 2005 Strategy calls for an increase of \$30.5 million to increase the number of drug treatment courts nationwide. Today, there are over 1,621 across the U.S. Director Walters said, “Drug treatment courts are now a national phenomenon. They are an effective way of reducing the drug problem in America. By giving judges the power to refer people to treatment we reduce criminal recidivism, save taxpayer money, and heal those who have become enslaved by drug addiction.”

Unfortunately, the support of President Bush and the Director Walters alone will not result in an increase in the drug court appropriation. It is also important that we not become myopic and that we communicate concern about the reduction in programs such as the Byrne Justice Assistance Grant Program and the Demand Reduction Program that we have been able to leverage in support of our work. Our collective voices will make the difference.

In the next few weeks, NADCP will be launching a new web-based advocacy campaign. The system will allow NADCP to send legislative alerts to all those that are registered in the new database. Recipients of the alerts will be able to send letters to their representatives in Washington, D.C. with just a few simple clicks of the mouse. Please watch for the e-mail announcing the new system and join up to support NADCP in achieving full funding for the drug court grant program and related partners. This is the year that we can make it happen. **We have the spirit, the belief, the data, and the energy to achieve great things for those who cannot do it for themselves.**

Attachment

Program	FY 2005 Funding Level	FY 2006 Budget Request
Drug Court Discretionary Grant Program	\$40 million	\$70.06 million
Edward Byrne Memorial Justice Assistance Grant Program	\$634 million	\$0
Weed & Seed Program	\$62 million	\$59.6 million
Substance Abuse Prevention and Treatment Block Grant	\$1.789 billion	\$1.789 billion
Center for Substance Abuse Prevention (CSAP)	\$200.4 million	\$184 million
Center for Substance Abuse Treatment (CSAT)	\$426 million (\$100 million for Access to Recovery Grant program)	\$447 million (\$150 million for Access to Recovery Grant program)
National Institute on Drug Abuse (NIDA)	\$1.014 billion	\$1.010 billion
National Institute Alcohol Abuse and Alcoholism (NIAAA)	\$442 million	\$440 million
Safe and Drug Free Schools and Communities: State Grants Program	\$441 million	\$0
Residential Substance Abuse Treatment (RSAT)	\$25 million	\$44.119 million
Juvenile Accountability Block Grant Program	\$55 million	\$0