

For Drug Users, a Swift Response Is the Best Medicine

Ben W. Joseph was a trial judge in the Chittenden County Criminal Court, in Vermont, and he had a problem — one shared by judges across the country that results in billions of dollars of wasteful spending by governments every year. It was 2008, and substance abuse was [soaring](#), particularly among young people whose drugs of choice were pharmaceuticals like OxyContin, a highly addictive pain killer that has an effect [similar to heroin](#) but is much easier to obtain. Each month in his Burlington courtroom, Joseph saw defendants who'd been arrested for drug-related offenses — from driving while heavily intoxicated to stealing to feed an OxyContin habit (an 80-milligram pill can cost \$100 on the street).

Joseph saw how their lives spiraled out of control and created havoc for others. “I was seeing people who had drug and alcohol related charges come back over and over again,” he recalled. As the drug use intensified, so did criminality. “When people have serious alcohol and drug problems, it won't take long before they're stealing from their grandparents.” And when the pill market got tight, drug dealers pushed out more heroin.

What the defendants needed more than punishment was treatment. But delays in the justice system and lack of coordination with social service agencies meant that opportunities to intervene were regularly missed. Between a defendant's arrest and trial, a case can drag on for a year or more.

One of the dawning recognitions in law enforcement and substance abuse intervention is that time is of the essence. The [swiftness of a consequence](#) is often more important than its severity. But while the mills of justice grind away, the immediacy is lost: feelings of shame, guilt and worry that can motivate change get buried and forgotten.

In the fall of 2008, through a chance phone call, Joseph was put in touch with Annie Ramniceanu, associate executive director of clinical programs for Spectrum Youth & Family Services, an organization in Burlington with a reputation for high-quality, substance abuse treatment and counseling. Ramniceanu knew that one of the critical factors in rehabilitation was “time to treatment.” “If people are given access to a solution quickly — ideally within 72 hours — the outcomes change pretty dramatically towards the positive,” she explained.

Together, she and Joseph devised an approach called [Rapid Referral](#). Under Vermont bail laws, judges have the power, at the time of arraignment, to require defendants to participate in treatment programs if it's necessary to protect the public or ensure that defendants appear at future court proceedings. Judges rarely take advantage of these laws early on, however; they usually wait for trial.

Joseph and his law clerk, Naomi Almeleh, drafted an order that would require select defendants in low-level, drug-related cases to undergo an evaluation to determine if treatment was appropriate. If it came back affirmative, treatment would be required for release. This kind of “bench referral” early in a person's engagement with the justice system

is unusual. The order guaranteed confidentiality and prohibited the use of information gathered during evaluations to be used against defendants. Those who completed treatment could expect reduced sentences; those charged with driving while intoxicated could use the counseling to satisfy requirements to get their driver's license reinstated.

Ramniceanu worked closely with the court to implement the program, reserving slots at Spectrum, which serves youths up to age 23, to ensure immediate intake. (Older defendants were referred to Howard Centre, another program that provides substance abuse and mental health treatment.) "The key was offering sticks and carrots and compressing everything to provide a compact experience and rapid response," explained Ramnieceanu. "If the judge got the defendant to agree to treatment, they were given a map with little footprints leading them right to our door." At both Spectrum and Howard, 95 percent of defendants showed up.

Rapid Referral doesn't involve bureaucracy or additional costs. The treatment is covered by Medicaid, private insurance or, in a minority of cases, by a federal grant (which is now in danger of being a casualty of budget cuts). Spectrum employs a well-tested protocol called [MET/CBT5](#) (Motivational Enhancement Therapy and Cognitive Behavioral Therapy). The treatment is concentrated; many youths respond to six weekly sessions; others need 12 or more. For homework, they're asked to write about their substance use. They have to undergo weekly urinalysis and continue counseling until they "sample sobriety."

"We try to open up some discrepancy between the ironclad story they're telling about their life and have them consider the possibility of something different," explains Ramnieceanu.

In retrospect, it seems merely logical: where drugs are the problem, why not expedite treatment rather than waiting a year? It's the sort of instant referral that companies like Amazon.com do a million times a day. (If you're charged with this crime, then click on this program...)

"Lots of people who show up in court are not even thinking of taking steps to change," explained Bob Wolford, Coordinator of Criminal Justice Programs at HowardCenter. "What the judge does by offering them an assessment appointment right from the bench often gets them in motion."

This June, researchers from the Vermont Center for Justice Research published an evaluation of Rapid Referral. Of 171 participants who went through Spectrum's program since early 2009, the recidivism rate was just 18.7 percent. For a [follow-up evaluation](#) published this October, researchers generated a test control group of 394 people (selected from 14,000 whose criminal records closely matched those of program participants). They found that the recidivism rate among the control group was 84.3 percent. Many people were amazed.

People who know about treatment, including Joseph, were less surprised. Indeed, one of the hidden stories about substance abuse treatments was how effective, and cost-effective, it can be for reducing crime ([pdf](#)). Investments in evidence-based programs pay off in savings

on things like police and court costs, emergency room visits and foster care expenses (to say nothing of easing the emotional pain of families and victims).

But treatment is the exception. According to the National Institute on Drug Abuse, between a [half and two-thirds](#) of inmates in prisons or jails have an alcohol or drug dependence, yet only 7 to 17 percent receive treatment while imprisoned. Each year, some 650,000 inmates are released; many will relapse. When you consider the costs of probation or incarceration — \$50,000 or \$60,000 a year per inmate in Vermont — it's hard to justify.

One of the program's supporters is Michael Schirling, who has been Burlington's police chief for five years. "What frustrates police officers most is having to go out and deal with the same thing over and over," he explained. "They're interested in a meaningful intervention that can stop the cycle of deterioration that somebody may be experiencing." Rapid Referral is ideal for low-level offenders, he said. The key, he added, is selecting the right cases for intervention.

Despite its effectiveness, the program does have detractors. Some attorneys see it as an infringement on their clients' rights, but the tougher obstacle is institutional inertia. In 2010, Joseph retired after 12 years on the bench. Since then, Schirling has observed that fewer defendants are being sent through the program. "What we had with Judge Joseph was a person who had institutionalized the process but it wasn't yet part of the fabric of how the system worked everyday. That's what the folks at the state level are trying to do now — get it replicated on an ongoing basis." Schirling is hopeful that the recent evaluation will galvanize this process.

"If the judiciary can make referrals early, rather than waiting for cases to be fully adjudicated before someone gets assistance," he says, "you will create outcomes that are better for individuals, the legal system and the community." Joseph adds: "Treatment works to prevent crimes. Today, the costs are just staggering and this is something the judiciary can do to help."

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