
Institutionalizing Innovation: The New York Drug Court Story
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by John Feinblatt, Greg Berman, and Aubrey Fox

Abstract:

This essay looks at both the opportunities and the challenges of New York State's new statewide drug treatment initiative. It outlines the possible results that this reform might achieve, including both the obvious (e.g., reduced drug use and recidivism) and the not-so-obvious (e.g., expedited permanency decisions in cases involving substance-abusing parents and reductions in the length of time that children spend in foster care). In addition, it poses some of the tough questions that must be confronted as drug courts attempt to "go to scale": To what extent do drug courts require system players - judges, prosecutors, defenders - to alter their traditional roles? How willing are they to become active problem-solvers? Can any judge be a drug court judge? Are specialized courtrooms necessary, or can the tools developed in drug courts - judicial monitoring, early assessment of offenders, links to treatment - become part of the standard judicial approach? Is it desirable - and politically feasible - to extend the drug court approach to some offenders who have committed violent offenses in the past? How about property offenders? What about the up-front investment that any large reform effort requires? Do the resources exist to assess thousands of additional defendants, place them in treatment slots, and pay for their care? Finally, how important to the success of drug courts has their small size been? Will going to scale have the ironic result of undermining drug courts' effectiveness? Will drug courts become a victim of their own success?

These are questions with profound implications not only for New York but for court reform efforts across the country. Given the kinds of results that drug courts have achieved, it surely will not be the last. Any effort to follow New York's lead inevitably will have to address both the possibilities and the challenges of institutionalization. The authors conclude that by placing greater emphasis on achieving meaningful case outcomes, by encouraging judges and attorneys to play new roles, and by working to solve problems rather than simply process cases, the New York drug treatment initiative seeks to change how courts work and what the public should expect of them.