

## New Jersey poised to expand drug court programming

Written by Australian Business

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September 27, 2013 /**24-7PressRelease**/ -- The truth of our criminal justice system -- both in New Jersey and throughout the United States -- is that most people who commit nonviolent crimes are not hardened criminals. Many end up turning to crime to survive after an addiction to alcohol or drugs grows out of control.

Too often, these individuals are sentenced to long terms of incarceration when what they really need is access to treatment and rehabilitation. Starting with the so-called "crack epidemic" of the 1980s, both federal and state lawmakers took an increasingly punitive approach toward [drug crimes](#)

. The most notable of these approaches were "mandatory minimum" sentencing schemes and "three-strikes" laws that mandated life sentences after a third felony conviction.

In the mid-90s, though, some New Jersey communities began taking a different approach. New Jersey was the second state (after Florida) to begin piloting drug court programs that provide rehabilitation, oversight and support as an alternative to incarceration. Now, the state is seeking to expand the program significantly.

The changes are expected to be rolled out over the next five years. As part of the initiative, New Jersey will require all eligible defendants to participate in drug court programming. The state will also expand the pool of offenses that qualify a defendant for participation.

### How the drug court program works

New Jersey drug courts are available to criminal defendants whose offenses are somehow related to addiction or substance abuse. Potential participants are screened by staff members to ensure they meet the legal and clinical criteria for enrollment. Any defendant who has a past conviction or pending charge for a [violent crime](#) is prohibited from participating in drug court.

The average drug court enrollee will participate in the program for three to five years. In many cases, this is much longer than the sentence that would have been imposed had the person been incarcerated. But, in exchange for this longer commitment, participants get a much better chance at avoiding future criminal charges. According to a 2010 report from the New Jersey Administrative Office of the Courts, approximately 16 percent of drug court graduates had been rearrested on an indictable offense. By contrast, the rearrest rate for previously-incarcerated drug offenders was 54 percent.

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But, graduation from drug court isn't easy. Participants must abstain from alcohol and drugs and submit to frequent random screenings. They must also participate in intensive outpatient treatment, attend 12-step meetings, make regular appearances in court and perform community service. Those who fail to meet the program's requirements can be sent to jail.

### **Working with a criminal defense attorney**

The drug court expansion was implemented, in part, because officials worried that defendants who didn't have access to experienced criminal defense attorneys would be informed of their option to enroll in the program. While this may no longer be an issue, the principle holds true -- an experienced attorney will have the skills and resources necessary to ensure that every client is fully informed of all options for resolving his or her case.

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