

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/are-drug-court-participants-getting-the-treatment-they-need>**

### Public Facing Advocacy Writing

In a recent [New York Times op-ed](#), Maia Szalavitz calls for the governors of New York and New Jersey to sign legislation guaranteeing that participants in drug court and other forms of mandated substance use treatment are able to access medication assisted treatment (MAT). An extensive literature supports the effectiveness of drugs like methadone and buprenorphine to treat opiate addiction and their use has been shown to help break the cycle of reoffending and rearrest. However, many drug courts in New York and New Jersey currently deny participants access to these treatments. And these two states are far from unique. Despite overwhelming scientific evidence and support from the [federal government](#) and a long list of medical authorities including the [World Health Organization](#), the [Institute of Medicine](#), [National Institutes of Health](#) and the [National Association of Drug Court Professionals](#), courts around the country are preventing people from accessing this potentially life-saving treatment.

Action is urgently needed to ensure that drug court participants are able to access effective treatment, but it is also important to address the root cause of the problem. Namely, while there is increasing acknowledgement that many people in the criminal justice system have complex health needs, criminal justice professionals often do not have the skills or training required to respond. Courts are primarily motivated by the need to ensure public safety and, while providing access to effective drug treatment has been shown to reduce reoffending, for many judges and prosecutors the use of mandated treatment is a relatively recent addition to their professional toolkit. Furthermore, as Szalavitz states in her article, many courts operate on an abstinence-based treatment model requiring participants to refrain from using all drugs, including those designed to treat addiction. These approaches are not based on clinical best practices and can stymie the effectiveness of treatment designed to promote recovery and reduce reoffending.

As part of [Vera's study of recent drug law reforms](#) in New York City conducted with John Jay College and Rutgers University we found that most participants in court mandated treatment in the city were required to attend residential treatment services, often for long periods. Because residential treatment is expensive, the research found that diversion to drug treatment was more costly than the equivalent jail or prison sentence.

In some cases, the high cost of residential treatment may be a justified investment in improving rates of recovery and reducing crime (we found that participating in a court mandated treatment program reduced reoffending by about a third). However, it is also important to ensure that public dollars are used appropriately and that our investments in drug courts and other forms of treatment are having the greatest possible impact. The decision to mandate residential treatment may be influenced by a number of non-clinical factors including the desire to provide the level of supervision and oversight that a residential setting affords. This is supported by the finding that the use of residential treatment varied significantly by borough. It is essential that decisions about appropriate treatment are based solely on the recommendations of clinicians whether this involves MAT, residential rehabilitation, or treatment in a less restrictive, community setting.

The criminal justice system has become the treatment provider of last resort for many people who do not have the means to access behavioral health services elsewhere. The ultimate goal should be to build accessible services in the community that are equipped to intervene before people with untreated behavioral health needs are arrested and end up in drug court. In the meantime, we must ensure that people who are being treated under the purview of the justice system are not denied the services that are best placed to help them overcome their addiction.

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