

Concord Monitor August 19, 2017 Merrimack county to launch drug court in Sept.

With drug courts up and running in six New Hampshire counties, Merrimack County will soon be the latest to jump on board.

Officials are planning to launch the court diversion program for high-risk, non-violent offenders in early September, and have started selecting possible candidates. Superior Court Chief Justice Tina Nadeau said those in the criminal justice and treatment communities work together to identify repeat offenders who have been “recycled through the system three, four, or more times with tougher sanctions imposed each time, but no changes in their behavior.”

Nadeau and others said drug court is an alternative sentencing model aimed at reaching people with longstanding substance abuse issues who aren't benefiting from old-school practices that favor incarceration. Those selected for drug court stay out of prison, but don't get a free ride; rather, they're under constant supervision, to include random drug testing, counseling, weekly court sessions and community service.

While officials acknowledge that the diversion program is not the magic solution to the state's drug epidemic, they say it is something Merrimack County must take a chance on as more traditional methods aren't working. “At the end of the day, it's something we have to try whether people agree with the philosophy or not,” said Deputy County Attorney Catherine Ruffle, who is a member of the Merrimack County's drug court team. “The drug situation is something that's increasing, not decreasing. We have not been successful in the war on drugs, and we have to change things to get ahead of it.”

New Hampshire's first drug court began in Strafford County more than a decade ago. It launched with a pilot program in 2004, and became fully operational two years later, thanks to federal grant funding. As the first adult drug court, it has graduated more than 100 participants.

The program is a model other counties hope to emulate in an effort to reduce recidivism rates in their communities. A 10-year study found that drug court graduates have a 22 percent chance of re-offending, whereas those in the general population are at a 40 to 60 percent risk, said Alex Casale, the statewide drug court coordinator.

The state pays three times more to incarcerate someone than it does to fund that person's participation and treatment in drug court, Casale said. In addition, he said, people who graduate from the program are reintegrating back into the communities, where they have the tools to lead successful and productive lives.

In addition to Strafford County, drug courts are operating in the counties of Belknap, Cheshire, Grafton, Hillsborough and Rockingham. At the same time Merrimack County is working to get its going, Nadeau and Casale are working with officials in Carroll and Coos counties to install programs there. The 10th and final county will be Sullivan. All counties are expected to have drug courts by fiscal year 2019.

A bill signed into law last year provides state funding for counties to launch these programs; however, that funding is reviewed by the Legislature on an annual basis. The state allocated just shy of \$3 million in the judicial budget for drug courts this fiscal year, although Casale said it's likely a portion of those dollars will be returned to the general fund.

The statewide drug court initiative was considered during a special session of the Legislature and received strong bi-partisan support. The bill was one of several considered in the context of the drug crisis. Others aimed to expand treatment and institute harsher penalties for drug dealers.

Merrimack County Attorney Scott Murray called the drug court legislation a game changer because it opens the door to counties long interested in the program but deterred by financial challenges. The law provides all counties an equal opportunity, he said.

The legislation also seeks to hold all drug courts to the same research-based and practitioner-focused standards published by the National Association of Drug Court Professionals. That compliance ensures consistency across counties and allows state officials to track the programs' successes, officials said.

The rollout of a drug court in Merrimack County comes at a time when county prosecutors say their office is "flooded with drug cases." About 40 to 42 percent of the office's case load stems from drug arrests, and that number is magnified when drug-related robberies, burglaries, thefts and other crimes are factored in, Murray said. In the first six months of this year, a grand jury handed up 1,054 total indictments, with 431 of those being for drug offenses alone, Murray said. While a portion of that increase is due to the implementation of another statewide program, Felonies First, the number of drug cases have been trending upward for some time, he noted.

Under the Felonies First program, more serious criminal cases are funneled right to the superior court level, skipping lower courts entirely. Those cases were traditionally filed in circuit courts and then forwarded to the superior courts, which has the authority to resolve felony cases.

Officials say they're hopeful the drug court will complement existing diversion initiatives, including the jail's Successful Offender Adjustment and Re-entry (SOAR) program. That program is rolled into the community corrections model and offers intensive inpatient treatment to nonviolent offenders with histories of addiction. The county also has a pre-trial services program for defendants who may not warrant pre-trial detention, but cannot be safely released into the community without monitoring and supervision.

"All of this really needs to be meshed and be coordinated so it can be applied in the best possible way to people who suffer from addiction," Ruffle said. "Everyone has been mobilized to deal with this crisis, and we really need to take a look at each case and try to figure out what the best course of action is to prevent people from committing new crimes."

Once the Merrimack County drug court is fully operational, officials say they will be able to enroll a maximum of 75 people. The county is partnering with Riverbend Community Mental Health and Concord Hospital to provide treatment. Riverbend CEO Peter Evers, who is also the vice president of behavioral health at the hospital, said 80 percent of all incarcerated people have behavioral health disorders, and it is in the community's best interest to get those individuals help. He said a total of eight new staff members will be hired to meet the need at both locations.

Men and women enrolled in drug court will receive gender-specific treatment at separate sites; the men will be referred to Riverbend and the women to Concord Hospital's Fresh Start Program. Both will receive intensive inpatient treatment. "There's a lot of evidence to suggest that treatment is more successful when you separate genders," Evers said. For example, he noted that 90 percent of females who struggle with addiction have histories of trauma to include sexual and domestic violence. Evers said it is important that those underlying issues be addressed as part of the broader treatment strategy.

Professionals agreed that there will be successes and failures along the way, but that they're optimistic a drug court will be an overall positive gain for the county.

"It's a new tool, a great tool to deal with people with intractable problems," Murray said. "The key is applying to right people."

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