

Drug courts uncertain in Merrimack County

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As lawmakers consider a proposal to fund drug courts across New Hampshire, one of the state's most populous counties, Merrimack, still has yet to commit to the program – though preparations are under way here just the same.

Superior Court Chief Justice Tina Nadeau said a federal training grant was approved in December, and that Judge Diane Nicolosi of Merrimack County Superior Court has begun meeting with attorneys and other potential county stakeholders.

Nicolosi runs a similar alternative sentencing program now, called New Hope, which she inherited from her predecessor, Judge Larry Smukler, when he retired last summer. Drug court is more rigorous, requiring intensive community treatment and weekly check-ins with the court and drug counselors.

It's also more costly, a point of concern for many county and state officials.

"We need alternatives, and from what I hear it's an excellent alternative," said Scott Murray, the Merrimack county attorney. "But it's not cheap, and it can't take on that many people."

Six counties have already created drug courts, all with help from federal grants, and Nadeau has been pushing aggressively to establish them in the remaining four counties, as well as in Manchester's superior court. She and other proponents point to statistics that suggest drug court participants are much less likely to reoffend than addicts who are incarcerated instead.

In October, Republican lawmakers introduced legislation that would allocate \$2.5 million over two years from the state's general fund for matching grants to counties that decide to start a drug court, or that already have them in place and are no longer receiving federal assistance. The grants would match up to 50 percent of the counties' annual operating costs, determined by size. The smallest counties would be eligible for up to \$100,000, and the largest, including Merrimack, for up to \$245,000.

The measure would also create an office to coordinate drug courts statewide, at a cost of about \$500,000.

Sponsors had hoped the bill would get widespread support and be fast-tracked to the governor's office by February, but Sen. Jerry Little, vice chair of the Senate Finance Committee, said it's been delayed by budget uncertainties.

"We don't know what the available funding is, so before we can do an awful lot about bills that need appropriations, we're going to need to know what the balance is in the checkbook," he said.

Little, a first-term Republican from Weare, said he likes the drug court model and has no question about its success here and in other states. But he noted that many counties have created drug courts without state money, and others like Sullivan and Merrimack have alternatives in place. Little wondered if block grants, in which counties apply for funding to address an issue in their own way, would be more appropriate.

"I'm concerned that we're keyholing ourselves to this nationally accredited drug court program when there are cheaper alternatives than what we're being steered toward," Little said.

Merrimack County currently spends about \$900,000 annually on diversion and pretrial services, which includes New Hope and other programs such as SOAR, which operates out of the county jail. The jail's new superintendent, Ross Cunningham, is working to overhaul SOAR with a community corrections program that includes 60 days of inpatient treatment and up to a year of aftercare in the community. That proposal has received initial support from the county commission.

Both Cunningham and Nadeau said a drug court would work in concert with the community corrections program, serving as a first step for offenders.

Nadeau hopes to push forward in the county regardless of the state legislation, and she said the training, slated for the fall, is the first step. Her goal is to persuade the county to apply for additional federal funding, which would get the program off the ground and running for about three years. The county would have to foot the bill from there.

Peter Spaulding, chairman of the county commission, said he has some initial reservations.

"I'm not against drug court, because I agree that something needs to be done," he said. But he warned that the program would inevitably drive up taxes.

Proponents counter that drug courts result in a cost savings over time. The price of sending offenders through a drug court is typically \$8,000 a year, roughly one-third of the cost of incarcerating them.

Drug courts in New Hampshire typically serve up to about 70 people at a time, Nadeau said, though that includes people who are in later, less-intensive stages of the program. Completion takes between 12 and 18 months.

Murray said the program would present a staffing challenge for his office, which has just two attorneys currently assigned to drug cases. Drug indictments have skyrocketed in recent years;

there were 528 last year, up from 345 in 2014, Murray said. And that could increase next year as felonies begin heading directly to superior court, as opposed to moving through district court first.

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