

# ARE YOU ELIGIBLE FOR DRUG COURT IN NEW YORK?

*“If you have been arrested and charged with a criminal offense in the State of New York you may be facing serious judicial and non-judicial penalties”*



Adam M. Thompson



If you have been arrested and charged with a criminal offense in the State of New York you may be facing serious judicial and non-judicial penalties. On the judicial side you may be facing a lengthy term of incarceration and/or probation along with hefty fines and costs. Non-judicial penalties may include things such as lost employment opportunities, disciplinary action if you hold a professional license, and disqualification for federal and state benefit programs. Like many offenders, your crime may have been motivated by an underlying drug problem.

If that is the case, there may be an alternative to simply entering into a guilty plea and accepting your punishment. If you are eligible, Drug Court may offer a better long-term solution, both for you and for the general public. Because of the complex eligibility guidelines and acceptance procedures it is always best to consult with an experienced New York criminal defense attorney if you think Drug Court might be a viable option for you; however, a broad overview of New York's Drug Courts is a good place to start.

## THE CORRELATION BETWEEN DRUGS AND CRIME



Although most people realize that there is a correlation between drug usage and criminal behavior, the extent of the relationship is unknown to the average person. The simple fact is that illegal drugs cost money – lots of money for someone with a serious addiction. At some point, legitimate sources of money run out for a drug addict, causing the addict to consider other avenues for obtaining the money needed to purchase drugs. Clearly, not all people with a drug problem turn to crime as a way to support their habit. Conversely, not all crimes are motivated by a drug addiction. There is, however, a significant correlation.

Consider some startling facts and figures published by the Bureau of Justice Statistics, or BJS:

- 30% of property offenders and 26% of drug offenders in local jails committed their crimes to get money for drugs.
- Only 5% of violent and public order offenders committed their crimes for drug money.
- Among probationers, 49% of the mentally ill and 46% of others reported alcohol or drug use at the time of the offense.
- About 74% of state prisoners who had a mental health problem and 56% of those without were dependent on or abused alcohol or drugs.
- A third of the parents in state prison reported committing their current offense while under the influence of drugs.
- 30% of non-mentally ill probationers reported using drugs in the month before their offense.

## **NEW YORK DRUG COURT – THE BASICS**

Drug Court offers an alternative to prosecuting a criminal case in a traditional court. In Drug Court, the focus is on intervention and rehabilitation. As of 2014, the State of New York has 146 Drug Courts operating throughout the state. Statistics have shown that recidivism rates are significantly lower for Drug Court graduates, meaning the program benefits both the participants and society as a whole. Drug Courts are a collaborative effort that involves courts, prosecutors, defense attorneys, law enforcement, and treatment providers. Though all Drug Courts operate under the same guiding principles, there are differences among

the courts with regard to eligibility and participation requirements. The benefit to offenders in all courts, however, is the same. Pending charges will be dismissed or reduced or you will receive a more favorable sentence for successfully completing Drug Court.

New York State Drug Courts have a proven track record of benefiting both offenders and society. A three year study concluded that \$254 million in incarceration costs were saved by diverting 18,000 drug offenders into Drug Courts throughout New York. Moreover, since Drug Courts have been in operation in the State of New York the state has seen a dramatic reduction in crime. Nationwide, 75 percent of Drug Court graduates remain arrest-free a year after completion. Over time, a Drug Court graduate is twice as likely to remain drug and arrest-free as a newly released inmate.



## IS ELIGIBLE FOR DRUG COURT IN NEW YORK?

Each Drug Court determines its own eligibility criteria; however, there are some commonalities with regard to eligibility and disqualifiers. Most courts, for example, will not accept a defendant who is currently charged with a violent offense or who has a previous conviction for a violent offense. Likewise, defendants facing serious



felonies (Class A or B) are typically not considered for Drug Court. Many Drug Courts are felony only courts, meaning they only accept defendants facing a felony charge. Others offer separate programs for misdemeanors and felonies. Many Drug Courts do not require your current charge to be a drug related offense; however, your underlying drug problem must be a contributing factor in the commission of the crime. In addition, *most* Drug Courts do not accept offenses involving the sale or trafficking of drugs. Finally, courts vary with regard to whether or not you may have a previous felony conviction on your record or not.

## WHAT DOES PARTICIPATION IN DRUG COURT ENTAIL?

Before being accepted into Drug Court you will go through some type of clinical assessment to determine if you have a drug problem and if so how severe the

problem is. In addition, the assessment will try to gauge your willingness to address the problem. Once accepted, the assessment will also be used to develop a treatment program for you.

Typically, it takes 18-36 months to successfully complete a Drug Court program. The amount of time it takes you will depend on the severity of your addiction and your how motivated you are to move through the treatment phases. Most Drug Courts require the following:

- Individual and/or group counseling
- Inpatient or outpatient treatment
- Regular appearance in court to let the judge know your progress
- You must remain drug-free
- Attend scheduled sessions with your counselor
- Keep appointment with probation officer if you are also on probation
- Submit to random drug and alcohol screens
- Complete a mental health evaluation/assessment
- Maintain employment or enrollment in school
- Pay all fines and costs

Depending on the terms of the contract you signed when you agreed to enter the Drug Court program, upon successful completion of Drug Court your charges may be dismissed or reduced.

If you believe that you, or a loved one, could benefit from a referral to one of New York's Drug Courts, consult with an experienced New York criminal defense attorney right away.

**Contact Us Today About Your Case**

If you would like to have Mr. Thompson personally review your case, please fill out our **free case review form**. Mr. Thompson will review your evaluation form and respond in writing to your request. If you would like to speak to Mr. Thompson immediately about your case, call for a free telephone consultation

**24 hours a day / seven days a week, at 855-497-2326**

**Law Offices Of Adam M. Thompson**

<i>New York Office</i> 48 Wall Street 11th Floor New York, N.Y. 10005 Phone: 855-497-2326 Fax: 888-279-7324	<i>New Jersey Office</i> 6 S Street Suite 201 Morristown NJ 07960 Phone: 855-497-2326 Fax: 888-279-7324
---	---

**Find Us:**

      **Adam Thompson Radio Show** 



## REFERENCES:

New York Court, [Drug Court](#)

New York City Criminal Courts, [Drug Court Initiative](#)

Las Angeles Daily Journal, [Drug Courts Are the Most Sensible and Proven Alternative to Incarceration: So What's the Problem?](#)

Center for Court Innovation, [Findings from the New York State Adult Drug Court Evaluation](#)

Plattsburgh City Court, [Drug Court Handbook](#)

Bureau of Justice Statistics, [Drugs and Crime Facts](#)

## About the Author



### Adam M. Thompson

Seasoned New York attorney Adam Thompson, the Law Offices of Adam M. Thompson's senior partner and owner, has over 25 years of courtroom and trial experience. He is a well-respected litigator who fights hard for every client, bringing enormous energy, unmatched determination, and contagious enthusiasm to each case.

This is reflected in his excellent results and reputation. He has successfully handled thousands of cases, obtained personal injury settlements worth millions of

dollars, and obtained not guilty verdicts in some of the most difficult high-profile criminal cases.

Mr. Thompson is often a featured legal expert and analyst for major television, cable, and radio news media sources, including CNN, HLN, FOX, ABC, NBC, WPIX, WOR, and more. [Click here](#) to see one of Mr. Thompson's dozens of media appearances.

His cases have been profiled in newspapers, magazines, TV, and radio programs worldwide. Please see the [representative cases page](#) to learn more about these victories.

The Law Offices of Adam M. Thompson  
[adamthompsonlaw.com](http://adamthompsonlaw.com)

New York Office  
48 Wall Street  
11th Floor  
New York, N.Y. 10005  
Phone:(855) 497-2326  
Fax:888-279-7324

New Jersey Office  
6 S Street Suite 201  
Morristown NJ 07960  
Phone:(855) 497-2326  
Fax:888-279-7324