

Political Notebook: Drug court faces battle for funding

The state's budget is probably not the best place for an important policy debate, but the budget is where the House of Delegates decided to discontinue funding Virginia's drug courts.

House budget committee legislators decided to strip \$5.9 million in funding from 14 of Virginia's 29 drug courts on the theory that the money could best be used elsewhere in the 2008-2010 budget set to take effect July 1.

"All federal money for it has been cut off," said Del. Watkins M. Abbitt Jr., I-Appomattox, a House Appropriations Committee member who does not want the state to pick up where the feds left off.

"It was one of the luxuries I don't think we can afford," said Abbitt, whose rural 59th House District includes Nelson, Buckingham and portions of southern Fluvanna and Albemarle counties.

Abbitt said judges could still order drug treatment for offenders and use probation through the regular court system in lieu of the special drug court dockets.

Albemarle Sheriff J.E. "Chip" Harding, a longtime former Charlottesville police drug detective, is sticking up for the value of Virginia's drug courts.

"I was a narcotics investigator/supervisor for over 10 years," Harding wrote in a letter to Abbitt on Feb. 21. "I was also a founding member of the Albemarle/Charlottesville Drug Court.

"Our original group spent many hours putting together a Drug Court that has proven to be highly successful," Harding wrote in the letter he copied to Sen. R. Edward Houck, D-Spot-sylvania, and Sen. Kenneth Stolle, R-Virginia Beach.

"I am told that it is one of the most conservative courts in the country with its graduated system of sanctions and require-ments to be drug free for 12 months prior to graduation," Harding wrote.

"Our Drug Court appears to save taxpayers money while at the same time it is more demanding of a user than simply going to jail and sitting around watching television until they are released with their addictions intact," according to Harding. "Obviously if an offender can overcome their addiction they are much less likely to commit not only a drug offense but other offenses that are typical of an offender trying to support a habit."

Harding's argument that wiping out money for drug courts may be penny wise but pound foolish, is shared by Del. David J. Toscano, D-Charlottesville, and Del. Terry G. Kilgore, R-Gate City.

"I hope we'll be able to get it back in conference," Kilgore said. "There are some people who don't think that drug courts serve a good purpose, but I'm not one of those."

Toscano said, "We have a lot of experience with drugcourts. Law enforcement personnel, prosecutors and the judiciary believe they work. The alternative is to incarcerate more people and ironically increase the cost to the commonwealth, so I don't support taking the money out of the budget for drug courts."

Abbitt's argument is a sound one in that budgets are tighter this year.

He responded to Harding on Feb. 22: "As I agree with you that the Drug Court is a very needed and useful program in our district the fact still remains that the funds were simply not available in this year's budget. Funding was short in so many good programs."

Harding wrote back to Abbitt the same day: "Thank you for timely response. I am glad that you are in agreement that it is a worthy program. Luckily, I am not in your position and having to make the hard fiscal decisions that this year's economic climate brings. I have no way of comparing what programs are being protected and what are being cut so I am not in a position to argue your decision. I do however believe cutting our Drug Court will actually cost the taxpayer more money at the end of the day. Thanks for your service to Virginia."

The policy debate that probably should be held in the House and Senate courts committees has been shifted into the budget process, so for the next two weeks the fate of drug courts across Virginia will rest with senior money committee legislators from both chambers.

"It's going to really be tough if they get to the point they have to discontinue the drug court," Harding said. He forwarded a copy of his e-mailed Abbitt letter to Del. Rob Bell, R-Albemarle County, in the hopes that Bell might have some influence in restoring funding to drug courts.

Bell, a longtime critic of drug courts, said earlier last week that drug court funding should be cut in the current tight budget times. He said the courts have expanded their mission far beyond drug offenses, covering cases such as larceny committed by addicted individuals.

Harding said he wants the chance to persuade Bell that the drug courts work and save the state money. He said he supported allowing drug-addicted individuals in the program for property crimes.

"I was all for expanding it if part of that was paying the victims back," the sheriff said. He said it's more expensive and less effective to send those individuals to jail.

"I don't think jail is a deterrent for the majority of people who go to jail," Harding said.

That is another debate for another day.

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