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*The Power of Connection: Fuel for Drug Courts*  
by Senior Judge Herbert Klein<sup>1</sup>

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On Monday of this week, after I had pretty much prepared my talk, I reviewed the agenda for the conference and noted that my topic was "The Power of Connection: Fuel For Drug Courts - Senior Judge Herbert Klein." This double whammy of not being able to interpret what my topic means and being reminded that I was old enough to be called a Senior Judge threw me into a state of depression from which I have not yet fully recovered. Having now acknowledged the agenda title I will proceed to tell you what I was going to in the first place.

When our friend, Jennifer Wells, first contacted me about coming here to speak, two thoughts arose. First: How did all of this get started? Second: What message could I give to a group who was at least as knowledgeable as I am on the subject of drug abuse and the Drug Court?

Since lawyers' and judges' minds operate logically, or so I'm told, I will start with my first thought first. One day in the Fall of 1988 I was looking out my window in the courthouse, admiring the view. I was a circuit judge in the civil division at that time when our Chief Judge, Gerald Wetherington, walked in to talk to me about an idea that he had. He felt that the problems created by drug abuse, both in our courts and in our community, should be addressed by a dedicated person assuming a leadership role in coordinating the public sector's efforts in coping with drug abuse, and to formulate and implement a comprehensive plan to combat drug abuse in Dade County with special emphasis on the criminal justice system. He told me that the Chief Justice of our Supreme Court and the County Manager of Dade County both agreed to this and since he was also my best friend he advised me that he had already volunteered me to be that "dedicated person."

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<sup>1</sup> Judge Klein is a senior judge for the Eleventh Judicial Circuit, Dade County, and is credited with creating the drug court concept. This portion of the manual is an edited version of Judge Klein's keynote speech during the 1996 Florida Drug Court Conference.

At that time Dade County:

- ✧ had a population of two million residents and six million transients
- ✧ was the drug import capital of the United States
- ✧ was used as a personal killing field of the drug cartels
- ✧ was seeing the rapid spread of crack cocaine
- ✧ had 4,500 beds and 5,500 inmates
- ✧ had 56,000 felony filings
- ✧ had 80 percent of persons arrested on felony charges testing positive for drugs other than alcohol
- ✧ had her courts inundated with drug and drug-related crimes, **and** seemed to have a failed national policy on drug abuse

My best friend Gerry asked how I felt about taking this on. I told him I felt like the long distance truck driver who was being interviewed for a job.

The interviewer said to him, *"You're driving a sixteen wheeler down a winding, two lane mountain road when you suddenly spot another tractor trailer stalled in your lane – What do you do?"*

I respond, *"I'd step on the brakes."*

The interviewer snaps back, *"The brakes don't work – what do you do now?"*

*"Well, I'd apply the emergency brakes,"* I spurt out.

The interviewer snaps again, *"They don't work either – what would you do?"*

*"Well, you said this was a two lane road, so I'd pull over to the other lane and sneak by,"* I remark cautiously.

*"Well, just as you do this you see another tractor trailer in that lane heading straight for you – what do you do now?"* the interviewer challenges.

*"Well, you know when I'm on these long distance hauls, I usually take my brother-in-law, Bill, with me to help. And when he's driving I sleep and when I'm driving, he sleeps. So let's see, I'd be driving, so Bill would be sleeping – I'd wake Bill up."*

*"Why in the world would you do that?"* the perplexed interviewer asks.

I remark, *"'Cause Bill ain't never seen a wreck like the one that's about to happen!"*

In any event, I then went about trying to educate myself as to what drug abuse was all about and what was going on throughout the country to respond to the drug problem. Except for a few isolated spots (Lincoln Hospital, one of them) very little was being done; and I learned all the things you know and which led all of us to be here today:

1. I learned that the traditional response of building more jails, appointing more prosecutors and judges, hiring more police and using more sophisticated equipment was a failure. Law enforcement **alone** was not working.
2. I found that our courts and prison systems throughout the United States were becoming inundated even though we kept coming up with more inventive ways to handle the increasing caseload. **What we really needed was not better ways to handle larger numbers, but better ways to handle the problem creating the larger numbers.** With 80 percent of all arrestees testing positive you do not need to be mathematician to see the relationship.
3. I learned that addiction is not simply a criminal justice problem, and treating it simply as a criminal justice problem was a recipe for failure.
4. I learned that addiction is a disease and could be treated **and that treatment works** — that it takes a large commitment on part of society and an even larger commitment on the part of the addict.
5. I found that you must learn to separate the addict from his or her addictive behavior.
6. It became clear to me that most people would prefer not to be addicts and will accept help. No one can convince me that a man would like to give up his job, his family, and his home and be sleeping on the street somewhere and that women prefer prostituting themselves in order to get drugs.
7. Finally, it became crystal clear, at least to me, that **demand reduction was the best hope for a long term solution.** That is, treatment and rehabilitation for the addict and education and prevention for those not yet addicted.

I also learned that for all practical purposes there was very little treatment except for those who could afford \$40 - \$50,000 a year in treatment costs. For most of the addicts entering the criminal justice system there was no treatment, and they were just written off. We warehouse them, then send them out and say, "See you later." And we always do. It is these people that our program mainly touches.

When we first started this effort most Americans did not understand any of this. They were "educated" by those in charge of a national policy that seemed to put good headlines ahead of good sense, that all addicts were bad persons, could not and did not want to be treated and deserved to be warehoused in jail or whatever else happens to them.

A personal note before I go on – there are two people I want to publicly acknowledge. The first is a person who never is acknowledged, but who worked with me from the very beginning, brainstorming and creating most of the documents and working as my partner in this effort. A person of immense talent who certainly deserves recognition for making the first drug court a reality – my friend Dorothy Fletcher.

Another is one who has been publicly acknowledged, but who I want to say "thank you" to and tell him how proud I am of him; the perfect person to be the Judge of the first Drug Court who helped make drug court successful through the force of his personality and is a major reason why there are more drug courts and the reason why there are now Drug Court Conferences such as this – my friend Stanley Goldstein.

And so the idea of a Drug Court was born based on the beliefs we have just gone over; not an adversary court, but part of a treatment-directed system that reaches out to people to offer help to those who want help, and appropriately rewards good behavior and punishes bad behavior. I know that I need not tell you that every part of the system must cooperate or the concept is doomed to fail and that the culture of community will dictate how each component operates.

How we managed to convince the necessary people that this was worth trying and how we obtained funding for the Court, two treatment centers and an aftercare program at our Community College as well as gaining acceptance of acupuncture in treatment in the face of some very adverse reaction to what was considered a radical departure from long term policy is a story best left for another day – although we learned some great lessons along the way.

And now, finally, to Part Two – what do I say to you – my message to you is about a major accomplishment, a major change brought about by this effort to save lives in which we are engaged, and which we should not overlook.

Let's look at what we are doing.

First of all – **What we are doing is a statement of our belief in the redemption of human beings.** It is a pronouncement from those in authority to some of our least powerful and most ignored citizens that we care about you and want to reach out and help you: your lives and well-being are important to us. The truth of the matter is that this may be the first time in the lives of many of these people that someone is actually listening to them – hearing what they are saying and telling them that they care about them and what happens to them is important. You know, there is a mathematical equation that for every action there is an opposite and equal reaction. I believe this is also true in human affairs. We tell them we care about them and they begin to feel worthwhile. Some pretty important people (judges, lawyers, and others in authority) are telling them we don't want them to fail – they begin to believe they can transcend.

It tells the addict we want you to regain the autonomy and freedom that is denied you when you are on drugs. It shows that we are committed to offer meaningful treatment, rehabilitation and support, and that we will do everything possible to stop them from failing...that we are keeping a continuing dialogue on the problem of drug use in America.

By showing people we care and are not going to allow large segments of our population to be written off, we took the first step to healing rather than the continuing divisive process that was going on. We have taken the risk of doing what is right, but not always popular. We have taken the option of trying to save lives, rather than just sitting by and watching them be destroyed.

We are reminding Americans that we have the ingenuity and the will to solve this problem, as we have solved other threats throughout our history as a great nation and people. Americans are people of immense good will and we are calling upon that good will. America is a noble country. It is a country that has always been productive, has had an extraordinary cohesiveness among people from widely diverse backgrounds and, most important, has always had a national purpose. Since starting in this work it had always seemed to me that one of our major concerns should be why, in our great country, so many people are taking drugs and are so willing to be non-productive and destructive of both themselves and their families. What is there about our values – our national consciousness – that has made so many people so alienated that they don't care about themselves, their neighbors, their country? And this leads me finally to my message to you about a most significant, long-lasting and possibly far-reaching accomplishment.

There is a need for a change of attitude and consciousness and our efforts are changing levels of consciousness which can help bring about a renaissance in America. We are changing attitudes and consciousness in ourselves, in the addict, in our community, our state, and hopefully our nation. We are opening the eyes of the addict to the beauty within her and that surrounds her and in the process catching glimpses of that beauty in ourselves. And we are inviting everyone, even the most troubled and least powerful to come to the table and share the fruits of our society.

We are doing what we can to make a reality of the promise of America. In the words of Thomas Wolfe:

To every person, their chance. To every person their golden opportunity to become the best that their talent and vision can combine to make them.

Thank you and God Bless You.

