

This American Life
Episode 430
"Very Tough Love"
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*This transcript contains material from the podcast/online version of the story
which was not part of the broadcast version due to time constraints.*

Lindsey Dills is 24. She's from a place in Southern Georgia called Glynn County, right on the coast. Nearest big town is a partly gentrified, mostly impoverished city called Brunswick, population 16-thousand.

Though I interviewed her in a prison way upstate.

Lindsey: Okay, I'm Lindsey Dills. This is Lee Arrendale State Prison. Before all this, I was – I was all state for soccer five years in a row. I was expected to have a scholarship to college. A couple scouts had contacted my dad, my coach at my school.

But in her sophomore year of high school, Lindsey started smoking pot. She began working at this bar and restaurant, Spanky's, as a waitress, ran with an older crowd she met at the restaurant. By senior year she was doing coke in a pretty serious way, she had a 21-year-old boyfriend, which at the time she thought was the coolest thing ever, though now she sees that differently.

And finally senior year, she quit soccer. Which of course her dad and every other adult tried to talk her out of.

Lindsey: The coaches were calling the house, telling my dad to 'talk to her.' And part of it was the drugs, part of it was I'd done it so long. And I wanted to be a teenager. I wanted to do stuff on weekends and I wanted not to have to practice at 5 in the morning and I didn't want to have to run 3 miles every other day.

In retrospect, Lindsey says, she sees she wasn't coping well – her home life had been pretty rough when she was little, before and after her parents split up, and now she was self-mutilating—cutting herself with a razor – smoking a lot of pot. And her parents tried to do the right thing and get her treatment for all that. She went into a program for a week or so, more than once.

But here's where things took a very unusual turn for Lindsey. October 2004: she was 17, her dad was out of town, and she forged two checks, one for 40 dollars and one for 60, on her dad's checking account. Cashed them at her job. Spent the money on drugs.

Lindsey: Well he comes back home and he balances his checkbook, he's a CPA, so he's on it. Soon as he's home he knows something's not adding up.

And I don't in a million years blame my dad for what he did. He was terrified. All he heard was horror stories about what happens if you do drugs. He doesn't mess with drinking or drugs. Never in 24 years have I seen my dad drink, I've never heard him curse. So all this was really hard for him, he didn't know what to do.

She says he started randomly taking her to be drug tested, and told her that if she failed a drug test, then he'd go to the police about the two forged checks. Lindsey figured out ways to pass the tests – get someone else's pee or dilute her own. But finally she failed a test, and her dad followed through on his threat.

Lindsey: Two police officers come into my job and they're like, 'we're looking for Lindsey Dills,' and I'm like, 'let me get her for you,' and I'm about to just, like, leave. So I know exactly what's going on at this point, when they say 'we're looking for Lindsey Dills,' I'm like 'oh my God, he actually did it. I never thought he would do it.'

So I'm arrested at this point. They slam me over the hostess stand in front of the restaurant. People are turning around, I'm mortified. I'm like, 18. Everybody's just like, 'oh shit' cause they know how my dad is. My dad used to call Spanky's to see if I left work. 'Is Lindsey there?' cause I'd be like, 'I'm working late.'

The sheriff's in there, he's one of the regulars at the bar, and the sheriff's standing there like, 'oh my God.'

Ira: Cause you know the Sheriff. You've waited on him.

Lindsey: Right. I know the sheriff. And then there's a bonds salesman there, who's a regular. Him and the sheriff are real good friends. And so he finds out what my bond is and he's going to bond me out, cause he's familiar with me. My dad calls him, cause my dad's like 'I'm not going to bond you out,' and I'm like 'well, I don't need you to bond me out, so and so's going to bond me out.' It's the worst thing I could have said. So my dad calls this man, and begs him not to bond me out. He's like 'please, don't. I'm trying to save her life.'

Her dad declined to be interviewed on the radio. But Lindsey's mom, Vikki Woodard, confirmed that he was hoping that this would be the intervention that would change everything. She had moved from Georgia to South Carolina a month before Lindsey forged the two checks and kept in touch by phone with what was happening. She says their thinking was, Lindsey had just turned 18, it was their last chance.

Vikki: she could do whatever she wanted. She could drop out of school. She could move out, we would have no influence over her whatsoever. And she was in a fast spiral down at that point. She was not going to school. Her father would call me and say 'I can't get her out of the bed in the mornings. She just won't get up.' And so, he rolled the dice.

Roll the dice hoping that she'd agree to go to a drug treatment program he'd found. Out of town. Away from her friends and everyone who was influencing her to do drugs. And that she'd go there in exchange for dropping the charges.

But Lindsey didn't want to go out of town to some drug treatment program her daddy picked. Though she's sitting in jail for eight days and it's having the effect on her it's supposed to have on a high school senior, former soccer star: it's freaking her out.

Then the prosecutor put another option on the table: drug court.

Drug courts are all over the country. You've probably heard of them—they've been around since 1989, and are a huge, national success story. The idea is to take non-violent offenders whose crimes are caused by their drug addiction, and instead of prison time, give them court supervised drug treatment. This accomplishes two things: it saves lots of money because fewer people are incarcerated, and, studies show, it actually helps people, gets them off drugs. Which means fewer repeat offenders.

But if you enter a drug court program it's serious business, especially the drug court that happened to be in Lindsey's small town, which is run by a judge that many people truly fear: the chief judge of the Glynn County Superior Court, Amanda Williams.

The basics of the Glynn County drug court are as tough as they get: it takes two years to complete, and at the beginning, you're going to five meetings a week with drug court counselors, plus 4 AA or NA meetings a week, plus curfews, and drug tests every week. If you finish the whole program your record is wiped clean. But if you mess up and flunk out, you have a felony conviction on the original charge on your record and you serve the time for that conviction. So there's a real threat hanging over your head.

Lindsey: So Jason Clarke is my public defender at the time and he's warning me, he's saying 'Lindsey, don't take drug court, you won't make it.' He's telling me 3 or 4 times. I'm adamant. I'm saying 'I'm taking drug court. Cause all I know is I get to get out of jail. That's all I know. I don't know anything else about it.'¹

So I go to plead into drug court. Judge Barton was on the bench that day. Instead of Judge Williams, she was gone. My dad's done judge Barton's accounting for maybe 15 years and they're very good friends. So he sees me come in and he pulls me up to the bench, and he's like, 'Don't do this. You don't want to do this. Don't take drug court. Are you sure you want to do this?' He tells me 3 or 4 times.

Ira: Judge Barton says this?

Lindsey: Judge Barton does this. Judge Barton's trying to talk me out of drug court. That I wouldn't do well. That I wouldn't make it. He didn't think it's what I should do.

Vikki: And she was spiteful that day.

Again, Lindsey's mom, Vikki.

And Lindsey's got a little too much of her dad and I in her. She's very independent. She's like 'You're not going to tell me what to do. You want me to do this, I'm doing this other thing.' She clearly looked at her dad, he said, 'Vikki, she looked at me with the most spite and hate in her face that he'd ever seen.' And she was like, 'I choose drug court.' And he could not believe it. He said his heart fell into his stomach and he was just sick.

Lindsey: And he told me just the other day on the phone, his voice was breaking, he said, 'I wish... I think about it over and over again.... He regrets more that day than I do, I think.

That's because Lindsey happened to be at a very unusual drug court. Most drug courts you're in and out in a year or two. The average is a year and three months. Occasionally – very, very rarely - someone's stuck in drug court for three years. But the drug court run by Judge Amanda Williams operates so differently from others that Lindsey will spend 5 ½ years in drug court, including 14 months behind bars, and then another five years after that – six months behind bars – she's in the middle of that now - and 4 ½ years probation. By the time she's done, it'll be 10 ½ years of her life.

Now that seemed like a lot to me - Remember, the original crime here is forged two checks totaling a hundred dollars. First offense.

But I thought 'hey, maybe that's how they do it in Georgia.' So I ran it by two lawyers who handle drug cases around the state.

¹ Reporter's note: Lindsey's public defender believed there was a decent chance that if Lindsey acted like she was willing to go to trial that the prosecutor might've dropped the charges as not worth pursuing or – even more likely – that her dad would've withdrawn his complaint as a trial neared. But taking that road would've required Lindsey to sit in jail for weeks or months waiting for the case to move ahead. And jail was having its intended effect on the high school senior, former soccer star: it was freaking her out. Because of overcrowding, her bunk was under a stairway and her bunkmate was a prostitute/crackhead "who didn't weigh 80 pounds soaking wet." Her public defender said people take terrible deals all the time, on charges they could beat, just to get out of jail.

Harvey: That's insane. That's complete insanity.

This would be Bruce Harvey, a defense attorney who's handled felony drug cases for 33 years all over Georgia. Here's Parag Shah, who was a public defender in Atlanta, author of a guidebook to Georgia criminal law called *The Code*.

Shah: wow. Wow. That is...My opinion is that would be egregious in probably 90% of the counties in Georgia.

Ira: That seems like a lot?

Shah: Extremely.

Both attorneys said that typically, two forged checks for \$100, first offense, at most would get you probation ... and you'd probably get some sort of alternative program – like a 16-week drug class or life skills class – without ever going to trial.

Of course, these were defense attorneys. Maybe prosecutors would see it differently. So I ran the facts of Lindsey's case by the district attorney for Forsyth County, Penny Penn - who handles the drug court cases there.

Penn: It certainly sounds rather Kafkaesque, doesn't it? I don't that it's a very good use of resources. And that's separate of the part of fundamental fairness.

Ira: What's the fairness issue?

Penn: That it has gone on for so long. And the point of the drug court program is to get people help.

Well from WBEZ Chicago, it's This American Life, distributed by Public Radio International, I'm Ira Glass. Today on our show, we have a story about the kinds of court cases that almost never make the news because the offenses are so small: two checks forged by a teenager, tiny instances of drug possession or attempts to purchase.

But these cases have life-changing consequences, because they're being adjudicated in what is possibly the toughest drug court in the country.

There are over 2400 drug courts, all over the United States. They give enormous powers to judges. You sign away all sorts of rights when you enter the programs.

This is the story of what happens when a judge takes that power and starts doing things other drug courts don't. Things that violate the basic philosophy of all drug courts. After months of investigation, I believe it's likely that no other drug court judge in the country running a program like Judge Amanda Williams'.

Stay with us.

[music]

Before we go any further: something that's going to affect what you hear this hour, is that it was unusually hard to get people to talk to me for this story.

Over and over I'd learn about something Judge Williams had supposedly said or done and I'd go to the lawyers or litigants involved and they'd refuse to speak to me. Saying they were scared of retaliation.

Which, to be fair, would probably happen around lots of judges, all over the country. In Glynn County, though, it was widespread: ex employees of the court, people who'd come up before the judge on divorce proceedings or other business years ago, parents and family members of people who went before Judge Williams. Nobody wanted to cross her.

I was able to get Judge Williams to sit down for an interview this fall. She was up for re-election and a small group of lawyers organized against her and tried to get her voted off the bench. It became a very contentious, bitter race.

Even in an interview setting, she's imposing. Forceful. Very quick. Very smart.

And she's idealistic. She told me her interest in starting a drug court in Glynn County wasn't just to make the courts run more efficiently. It was personal.

Judge Williams: there's some addiction in my family. My husband has been in recovery for over 15 years. And about the time I started looking to start a drug court about 1996, he had gotten into recovery. So we've lived it as a family. Because all the family members are touched by it.

To nobody's surprise, Judge Williams won re-election this fall. It's notoriously difficult to unseat a sitting judge, she had massive name recognition after 20 years on the bench, and she outspent the other candidate three to one.

But by this winter, Judge Williams' opponents were still digging around for dirt. Things were still incredibly divisive in town, and everyone was sure more challenges for the judge were still on the way. And I assume because they felt so embattled, so unfairly attacked, drug court staff, counselors and lawyers declined my repeated requests for interviews. They acted like people under siege. The head of the counseling program, Steve Mansfield, after not returning my calls or emails, finally told me in the reception area of his office that he wouldn't take part in the story. I asked him why and he repeated "I won't take part in your story." I asked "Do you first want me to explain what the story's about?" and he said, "if you try, I'll call an officer and have you removed from the building."

Unfortunately when I interviewed Judge Williams this fall, I only ran through the issues that'd come up in the judicial election campaign. Since then I've sent her my tentative conclusions about what I see in her drug court, I listed the ways in which it seems unlike other drug courts, and asked for an interview – but after I phoned, faxed, emailed and simply sat in her office day after day hoping to catch her – she had her secretary turn me down.

[music]

The main way Judge Williams's drug court is different from other ones is that it's simply more punitive.

Take what happened to Lindsey. The week after she signed up for drug court, she was caught violating the drug court's 9:00 curfew on a Friday night. She also failed a drug screen.

This is not unusual. Most people entering any drug court program relapse in the first few months. It's expected and built into the programs.

Lindsey ended up in front of Judge Williams the following Wednesday.

Lindsey: So she's telling me she thinks I'm still smoking pot. Which I probably was. And so I had – she like reams me out, tells me that I'm like – I just remember being in drug court, my face turned blood red. She was screaming at me. I started crying. I had to go do seven days.

Seven days in jail, that is.

Lindsey: From then on the only other time I interacted with Judge Williams is when I was in trouble. She would flip out every time I went before her. She was just – she's screaming at you in court. She's standing behind the bench, with a microphone and screaming at you.

Judge Williams has a reputation for yelling from the bench. When the new district attorney Jackie Johnson was sworn into office by the judge this August, she joked "Judge Williams heard my first trial and, of course, she yelled at me."

I talked to one former drug court counselor who told me he actually quit over this. He'd see the judge lash out at the clients, embarrass them and scold them. He came to feel it was counterproductive, that what the addicts heard was the old punitive message that they were failures and worthless. It set them back, and he eventually felt he couldn't in good conscience be part of it.

In the court transcript the day Lindsey's talking about, March 30th, 2005, Judge Williams says: "Don't come up here and tell me you're not drinking. I will put you in jail for another twenty-four hours every time you tell me you're not drinking. I know you're drinking."

Lindsey says something that's inaudible to the court reporter.

Judge Williams replies: "You're drinking. You're drinking. Do you understand that you cannot drink?"

Lindsey says "yes ma'am."

Judge Williams says: "Okay. You're drinking and I personally think you're using marijuana." This goes on a while and finally she says, "Now, you give me seven days." Before Lindsey goes, the judge warns her, "Don't come in here and pull this addiction mess with this Court."

Though Lindsey gets seven days for her first relapse, the standard penalty in Judge Williams' court is less. If you fail a drug screen and don't admit you're using drugs, it's 3 days the first time you relapse, 7 days the second time, 28 days for the third time.

Huddleston: Any drug court that relies primarily on jail, or punishment generally, is operating way outside our philosophy and just does not understand addiction.

This is West Huddleston, who runs the National Association of Drug Court Professionals – the main organization for 25,000 judges, lawyers and counselors in the nation's 2400-plus drug courts. He's been working with drug courts since the mid-90's, used to be a counselor and coordinator for one. He says the problem with jail time is that decades of experience shows it doesn't work with addicts. Addicts keep using no matter what terrible things happen to them as a result. That's practically the definition of an addict.

Huddleston: They've lost their jobs, their income, they've lost their loved ones. I mean, all of those natural consequences which are much more severe than a day or two or three in jail have not stopped them from using drugs and alcohol. Why would we think putting them in jail would do so?

And so when drug courts use jail time – and the majority do – he says its very sparingly.

Huddleston: 12 hours, 24 hours.

And only after other sanctions have failed. The official National Association of Drug Court Professionals' guidelines list seven other possible things courts can do before they resort to jail, including: warnings, increased treatment or monitoring, fines, community service, having to watch a whole day of drug court proceedings. The whole point of drug court was to be an alternative to what they call "the punitive approach" taken by the rest of the criminal justice system, and to replace that with treating and curing the addicts.

To be fair to Judge Williams and her drug court, I should point out that while jail time for first relapses might be unusual in most drug courts around the country, it's not unusual in Georgia. Calling around we found that these counties and judicial circuits all do it: Gwinnett, Dublin, Atlantic, Eastern, Forsyth, Cherokee, Enola, Dekalb, Waycross, and Hall. In most of these counties, it's just a day or two in jail on first relapse, and none of them came close to the amount of jail time Judge Williams prescribes for later relapses and broken rules. Lindsey does jail stays of 51 days, 90 days, 104 days – unheard of at most drug courts.

And Judge Williams takes people who relapse four times and sends them away on what she calls "indefinite sentences." I could find no other drug court in Georgia that does this, and none of the national experts I talked to had ever heard of such a practice.

I learned details of how it works through interviews, court documents and depositions.

An indefinite sentence is just what it sounds like - Judge Williams sends you to jail, but doesn't specify how long it'll be. Often that's because she hasn't decided. I was told that Judge Williams will declare things like "they're going to sit their ass over there till they get a better attitude" or "take them away. You'll come back when I'm ready for you." So you sit in jail and wait, not sure what'll happen to you next. Usually it's two or three months, but it can be more.

At the end of all this, some people are kicked out of the drug court program, some are allowed back in. Some are sent to in-patient rehab facilities, though the problem here I was told by a drug court insider, was that – in contradiction to national drug court guidelines – Judge Williams first punishes the person for at least 28 days in jail – and usually it's months – before they're sent anywhere for more treatment.

[music]

Lindsey Dills got sent away to indefinite detention on October 8, 2008. She'd been in the program for 3 ½ years at that point, had relapsed a couple times and done all sorts of things where you can understand why they'd be kind of fed up with her. There's no court transcript of what the judge said, because rather than sentence Lindsey in open court like usual, for reasons that aren't clear ...

Lindsey: She doesn't do me in front of everyone else. She has me go back in her chambers with her and the drug court staff. So we're in private now, nobody else can hear what's being said. And she's telling me how she thinks she should terminate me.

Terminate her - kick her out of the program, which would mean serving the full sentence on the original forgery charges, which was 20-24 months.

Lindsey: I was hysterically crying this whole time. I'm like 'oh my God, she's going off.' And I'm back in the chambers by myself. I have no idea what's about to happen. She's telling me how she's been thinking about terminating me, she doesn't know if I can get this, maybe I just need to go to jail and I'll get it somewhere later in my life. They have other people to deal with. So she says, 'you're going to give me 28 days.' So I get to the jailhouse, and I call my dad immediately from the pay phone that's in the booking area. And I hear the phone ring where the booking area is and they answer it and I heard them say 'Dills.' They were talking to someone and they say 'Dills.' So I'm on the phone and they 'Dills, hang that phone up.' And I'm like, OK. So I turn around and they say Judge Williams has now called and ordered me to have no further contact. No phone, no visitation, and no mail. And that I'd be put in their isolation cell. And I'm like 'how long?' They're like, 'we don't know.' I'm like, 'for the whole 28 days I'm here?' And they said, 'well, your order is now indefinite.'

[music]

Lindsey: So I don't know what to do. I'm thinking she's just going to leave me there for 28 days like this and to really just going to scare the crap out of me and then she's going to let me out. Well 28 days comes and goes and I'm still just sitting there. No one's come and seen me, no one's told me what's happening. Um, and I'm also on anti-depressants at this point, prescribed by the drug court doctor, Dr. Cox, that I've run out of 28 days into my visit. And I'm not allowed to talk to any one and tell them I'm out of medication. So now I'm coming off anti-depressants. I'm taking Cymbalta and Seroquel. And I'm detoxing from both that I've been on for over a year. I have no way to fill a new scrip or tell anyone I need any more meds. And –

Ira: You can tell the guards, right?

Lindsey: Yeah, I did tell the guards. I told medical. But they can't do anything, they can't fill the scrip within the jail.

Her isolation cell was just a regular in the middle of a normal cellblock, four walls and a door, and sometimes other participants from the drug court would relapse and wind up in the cellblock.

Lindsey: I'm screaming through the door that I'm behind. Like someone from drug court will holler up at me. And I tell people leaving that were going to drug court to tell drug court, please just let me get my medications back. And no one ever comes and sees me.

Brandi: I was in the same dorm as her, but I wasn't in lockdown

Brandi Byrd was another drug court participant, in the Glynn County jail at the same time. She'd also worked at Spanky's, though not at the same time as Lindsey.

Brandi: the cell next to hers, me and some of the other girls would go in there and talk to her through the wall, through the air vents.

Ira: How do you do that?

Brandi: You just stand up on the toilet or the sink and get to the air vent and talk through it and they can hear you. You know... ask if she's okay.

Lindsey: they're not even allowed, they're not supposed to talk to me, these inmates aren't. I'm telling them, 'hey, will you tell Gail to come see me, to tell me what's going on – my counselor?' They're going back to drug court. Drug court is telling them don't worry about me, they know where I am.

Brandi: You know I just check on her. You okay? Do you want my grandma to call anyone for you? Do you want anything to eat? All she got to eat was the regular jail food, which is awful. So we'd slide her some ramen noodles. Or some Kool-Aid or something under the door. Try not to get caught.

[music]

Ira: How'd she seem?

Brandi: She was really depressed. That's why we kept checking on her. She was depressed.

Lindsey: Um I cried a lot. Pretty much all the time I was crying. I was like, 'how is this happening, how is this ethical. Where am I? Like, am I in a foreign country? Have I killed someone that I don't know about? How is what I did merit that type of treatment?' But there's nothing I can do about it. Cause I can't even use the phone. I can't even send a letter.

Weeks went by. Lindsey had no idea what was going to happen or when it would happen. Her public defender, Jason Clark, was no longer with the drug court and no other public defender came to check on her, she says. She also says no doctor and no counselor from drug court checked on her.

Lindsey: I'm like 'where do they do this? Like, I've never heard of it. And if it's even legal. And why isn't my family doing anything?'

The family, without Lindsey knowing, was trying to get answers from the drug court counselors—about when she'd be coming out, what the plan was, what was happening. Nobody tells them anything, they say.

Lindsey's mom, Vikki, up in South Carolina, says as soon as Lindsey went into detention, they were told the judge put her in isolation and couldn't have contact with anyone, including her family.

Vikki: At that point in time, I said something to Johnny, I said I have a good mind to go to the newspaper and tell them what they're doing to our child. He said, 'Oh Vikki, you cannot do that. You do not know the power that Amanda Williams has down here, and it's gotten worse since you left. You cannot do that.'

Ira: Because why? How could it be worse than your kid locked up indefinitely without contact from the outside world?

Vikki: That it could be indefinitely longer. That she could make things really difficult for Lindsey.

Lindsey: I kept thinking there was no way she'll leave me here on Christmas. Typically, when she leaves you indefinite, she leaves you 90 days, is what usually you'll see. So I'm thinking there's no way she'll leave me here like this through Christmas. So December 8th, someone came to jail from drug court on a sanction and they said 'Oh well, Judge Williams isn't having court again till January. She was gone. She'd gone out of town. She does it every December. She won't be back till like January the 6th. So this is the 9th, and so I'm just like, I can't do it anymore. I'm completely a wreck. I have seen any other human except the people who bring me food. And I'm not, not that stable anyway. (laughs) And I can't figure out how this is helping me. So I just figure she's going to send me to prison and I can't do prison.

So that night, I'm like, 'I can't do this anymore.' We had a new officer on duty that doesn't know when you get your razor, you're supposed to give it back.

Ira: You mean like a little Bic razor? That kind?

Lindsey: Um-hmm. The one-blade in 'em like you buy, disposable razors. But I broke it and took the blade out. 15, I have 15 minutes to use the razor. And they came around and served dinner. When she still didn't ask for it back I realized at that point she wasn't going to. I slit my wrists and sat on the floor by the door. They did a round 20 minutes later, which is earlier than they normally would have done it. Um. But she was changing shifts. And then that was when they found me and then –

Ira: Was your thought, I'm going to do this in a way that I get out of here, or I'm going to do this in a way that I'm dead?

Lindsey: I'd actually hoped that I would die. At the point I figured then, 'well, if I die, great, if I don't, at least someone will freaking hear me. They'll have to send me somewhere, they'll have to get me some sort of help.'

[music]

Lindsey: And the doctor that came in to do the stitches, was like 'I can't believe you gave this girl a razor in the first place. How would think someone would feel staying in there like that? Like they're animals.' And he was like, 'Who ordered this?' They said, 'Judge Williams.' And he, I remember him cussing her up and down in the room. He was like 'I'm calling her myself.' He's like 'I can't believe you would do that.' He's like 'what are you here for?' I said, 'Drug court.' And he's like 'did you get in a fight or anything?' I was like, 'no sir.' He's like 'what the hell y'all? Why didn't anyone tell any type of psychiatric... have you been seeing anyone?' I'm like 'no, sir.' And this is all, I'm under anesthesia at this point talking to this guy. His name is Dr. Gunderson. He was really, really nice to me. But nobody can believe, it's just like, 'This is what Judge Williams told us to do.' The officers are feeling guilty. They're like 'We don't know, that's just what the order said.'

There are some things in this story I cannot confirm. Dr Jeff Gunderson declined my request to check the facts of what Lindsey said about him, and what he said. I can't confirm that her medication ran out and that it was impossible for her to get a refill. I can't confirm that Lindsey's drug court counselors did not visit her in jail. Though I was told it's standard operating procedure in Judge Williams drug court not to provide any treatment or counseling or even AA or NA meetings in jail – even though the National Association of Drug Court Professionals guidelines say they should.

In files at the jail and at the courthouse I did find Judge Williams' order sending Lindsey into indefinite detention – quote – "until further order of the court" - but nothing specifying solitary confinement. A jail official told me it would be unusual but not unheard of for the judge to order that sort of thing. If Judge Williams hadn't ordered Lindsey into solitary, the only other way she could've ended up in there is if the jail's disciplinary committee held a hearing and put her there. I asked the jail to check and see if she'd come before the disciplinary committee in October 2008. They told me this raised privacy issues and that I needed to get Lindsey to sign a notarized document giving them permission to release this information. Lindsey's currently in a prison halfway across the state so it took some doing to get a document to her, and signed and notarized from behind bars, but I managed it. When I presented this document to the Sheriff's office, which runs the jail, I was told that Sheriff Wayne Bennett had decided that although the notarized document from Lindsey would allow him to give me the information I wanted, it did not mandate that he give it to me. So he did not.

Lindsey's family did confirm that she tried to kill herself, that they got called with this news when it happened.

Two and a half years later, Lindsey still has scars.

Lindsey: Um. Those two are there.

Ira: The right one looks OK. The left one you can still see two big...

Lindsey: They're better today than they were. My hand shook really bad from where I guess I nicked some kind of nerve. I don't do it real bad anymore, just barely.

Ira: I don't know, they're shaking.

Lindsey: Yeah. They shake, my wrists do, but –

Ira: And did the counselors know you had a history of cutting.

Lindsey: Yes. They did.

Ira: And did judge Williams know?

Lindsey: Yeah.

If they didn't know, they were missing some crucial information about her.

The counselors and Judge Williams also had to know about any anti-depressants Lindsey was on, because the drug court contract specifies that they had to approve any medications she used.

And according to court records, Lindsey had been on suicide watch two years before – on August 15, 2006.

Yet despite all this, somebody ordered her into a cell for months, in isolation.

[music]

Coming up: Brandi, the girl who slipped ramen noodles to Lindsey – she's got quite a story too. That's in a minute, from Chicago Public Radio and Public Radio International, when our program continues.

[break for local station messages]

It's This American Life, I'm Ira Glass. Today we're devoting our entire show to the story of one judge and one drug court. The Judge is Amanda Williams, chief judge of the superior court of Glynn County, Georgia. She runs the drug court programs in Glynn, Camden and Wayne counties. And she runs them very differently than other drug court programs around the country.

One big way they're different: they pull in way more offenders than other drug courts. In 2009, according to the Georgia Department of Audits and Accounts, the Glynn and Camden County drug courts run by Amanda Williams were the biggest drug court operation in the state of Georgia, with 378 participants. That's 48 more participants than drug court in Fulton County, which contains the city of Atlanta. Fulton County has ten times the population of Glynn and Camden counties combined, and yet its drug court was smaller.

So what's Judge Williams doing, to nudge so many people – such a remarkably high number of offenders – into drug court?

Brandi: this was back in December 2005

You may remember Brandi Byrd, the young woman who stood on the toilet and had shouted conversations with Lindsey Dills in the Glynn County jail. How she ended up in drug court is a story that begins one night when she was out with friends.

Brandi: and my friend got pulled over for DUI. He was driving. They asked to search the car and my belongings. I told them they could. I told them I didn't have anything. Well, when they searched my purse they found two Darvosets, which were my mothers

Here's how they got there: Brandi and her family all say that a few months before, Brandi had an operation to remove some pre-cancerous cells that could develop into cervical cancer.

Brandi: and I didn't have health insurance, so my mom had given me a couple of pills to take instead of me filling my script for my own pain medicine. I never took them. So they were still in there and I meant to give them back to her. But it just slipped my mind, I had them in an Altoids mint thing in my pocket book. So when they found them they asked what they were. I told them they were Darvosets and they belonged to my mom. I didn't realize they were in there. They told me, 'well you know this is a felony drug charge?' I said 'No, I didn't.' Well, they arrested me.

And I called my grandma because I wanted to be bonded out. Well then they told me, 'you do not have a bond until you see Amanda Williams.' If you're arrested for a felony drug charge, you don't have a bond until you go before the judge. Most places it's, if you get arrested, you have a bond immediately. Unless you have a probation violation. You know, or of course it were murder or something like that. You would have to wait to go to court.

That's actually a pretty good summary of the way it works in most courts in Georgia. Brandi's someone who wishes she could be a lawyer, she's got a head for it, too.

Brandi: so I freaked out about that. Just the fact of I was stuck in jail and couldn't bond out.

In Glynn County you wait in jail on any drug charge till the next day drug court cases come around and it's just once a week so Brandi sits in jail for six days, before she's in front of Judge Williams. She was charged with two felony counts – one for each pill. Darvoset is a schedule four drug under Georgia law. It's her first offense. She's 22.

Quick reality check: what would she get elsewhere in the state? Again here's Parag Shah, criminal defense attorney in Atlanta:

Shah: and she has no record?

Ira: No. No record.

Shah: I would say in most courtrooms that that would be dismissed either through an affidavit or testimony of the mother saying she gave it to the daughter.

Worst case, he says, she'd be found guilty, and get probation and at the end of it have her record wiped clean. Bruce Harvey, who does drug cases around the state, agreed.

Harvey: what for having two pills?

Ira: Yeah.

Harvey: Are you kidding me? I can't imagine they would get anything other than first offender probation.

Some counties, he said, might do a pre-trial diversion – send you to a drug class for 16 weeks.

Penny Penn, the district attorney from Forsyth County, says in her county they'd consider someone like Brandi for pre-trial diversion, or for their drug court

Penn: and if the person didn't go into drug court, then it would probably be a probation case. It's hard when you're dealing with such a small amount.

Okay, that's most places in Georgia. Here's what happened in Judge Williams courtroom. After six days in jail, no bond permitted, Brandi goes before the judge. Brandi's grandmother Ann Harris, who raised her, came to court. She told me she knew Judge Williams before all this.

Ann: She was the judge in Brandi's adoption. I always thought of her very highly at the time.

But once they got to court, the message from everyone was the same. The public defender told Brandi. A drug court official told Mrs. Harris.

Ann: that if Brandi didn't go into drug court, she would to prison. Because that was two felonies.

Brandi: And the drug court counselors were there and they're telling me, 'you're going to go to prison for 1 to 5 years if you don't do this program.' Well that scared me because first of all, I've never been in trouble. And the thought of me going to prison...

Ann: We were more or less... We were threatened. We were scared of what would happen.

From the bench, according to the court transcript, Judge Williams tells Brandi that her options are to go to trial, and if she's found guilty she'll get a year in detention plus four years probation. Judge Williams tells her that's the minimum sentence her court gives on any drug charge.

"In a detention center?" Brandi asks.

"Yeah," Judge Williams says. "In a lock down detention, it's called a boot camp or –"

Then the assistant district attorney jumps in – quote – “where you pick strawberries all day. I mean, if you eat one, you get in trouble.”

Elsewhere in the state, as you've heard, Brandi would get probation for this offense. But Judge Williams tells Brandi she doesn't give straight probation in her court – quote – "There is no such thing as putting you on probation. If you don't beat the rap, there is no street probation for charges in this county and hasn't been for seven years, since I've had drug court."

She tells Brandi that if she doesn't choose drug court and wants to go to trial instead, it's a \$15,000 bond to get out of jail. That's the standard bond she gives everyone. A former public defender in Glynn County told me, it's high enough that most drug court defendants can't afford it.

Moses: I think people are being coerced into going to drug court.

This is attorney Mary Helen Moses, one of the team of lawyers in Glynn County trying to unseat Judge Williams. She was the candidate who ran against the judge in the fall election.

Moses: a first time drug offense in Glynn County carries with it a 15,000 dollar minimum bond. That's incredibly high.

Ira: Why? What's that compared to elsewhere?

Moses: Oh, I'd say first time offenses, maybe 3,000, maybe 3,500. But I think what ends up happening is, you've got a judge saying here, you can post a 15,000 dollar bond, or you can go into drug court and be released on your own recognizance. You can come before me in a trial on your drug charge. And it looks pretty bad to me. If I find you guilty, you're going to have a minimum sentence. You know. That's an awfully hard thing not to accept drug court under those circumstances.

So in Judge Williams' court there's no probation for anyone, even first offenders, no bond before you come in front of her, then a \$15,000 bond after you see her, a minimum sentence of 20-24 months in detention for most offenses – we couldn't find any drug court in Georgia that does anything like it to prod people into their programs.

Because drug court is supposed to be voluntary. If you push the wrong people in, you'll doom them to failure.

And even though most drug courts create incentives to lure reluctant addicts into their programs, it's important that the defendants feel they have a free choice, to enter or not.

Brandi: I really didn't know what else to do. Didn't want to stay locked up. And I felt like if I did not get into drug court then I would be sent to prison.

Again, Brandi Byrd.

Brandi: And they told me you know, that if I did not admit to using drugs and having a problem then I would not get into drug court. So basically I told them what they wanted to hear. There was a counselor from drug court that came in and gave me a test and asked me about my drug use. Of course I told them I've done this and I've done that. But once I got into drug court I explained to them, 'look, I did this so I wouldn't go to prison.'

As you'd expect, that didn't go down so well. Take Brandi's very first counseling session – a group session with about 20 other women.

Brandi: You're supposed to introduce yourself, what your charges are and what your drug of choice is. I introduced myself, I told them what my charges was. I said my drug of choice, I smoke marijuana. I said but I'm charged with these pills and I'm not guilty of it. They were my mom's. You know, I'm not a drug addict. And they just laughed about it and said I was in denial.

Ira: But you could see why they'd laugh, because everybody that comes into...

Brandi: Right, and I understand that. I still didn't have the same characteristics. I didn't fit in with the people that were there. The stories you hear of people giving their testimonies and things they've done and how for along they were in their addiction, shooting up, selling their bodies for drugs, stealing from their families. I've never stolen from my family. They said my addiction just hadn't advanced that much because I hadn't sold my body for crack or drugs. I'd never done crack. I'd never done any kind of heavy drug.

Which brings up another question: Should a first time offender like Brandi ... or like Lindsey for that matter ... be in a drug court program at all?

Huddleston: well we certainly know drug court works best for the most seriously addicted and most criminally involved offenders.

Again, West Huddleston, former drug court counselor and coordinator, now the head of the National Association of Drug Court Professionals. When he describes the target population for drug court, note how different it sounds from Brandi, who only signed up because Judge Williams, her drug court employees and the public defender, made her feel she had no choice.

Huddleston: Those individuals that drug court works best for have long histories of addiction. Have multiple treatment failures, have been on probation multiple times, have probably served previous jail or prison sentences. But have all been driven by their addiction. If that's not the population that a drug court is seeing, they are not going to have as good an outcome.

And when people who don't have long histories of addiction and criminality are thrown into a program that's designed for people who do,² these intensive treatment programs with all their monitoring and curfews and consequences ...

² Reporter's note: Nationally, there's anecdotal evidence that *lots* of non-addicts are ending up in drug court programs. Some programs simply don't screen out the non-addicts very well. The only hard data we could find on this was an oft-cited 2003 University of Pennsylvania study that discovered that 35% of participants were not addicts in the drug court programs it examined.

When low-level offenders get swept into drug court it also raises questions about cost efficiency. The biggest selling point for drug court is that it saves money, by incarcerating fewer people. But then low-level offenders like Brandi and Lindsey wind up in drug court who might've simply gotten probation – at very little cost to the state – back in the old days. Instead of that, Brandi and Lindsey went into Glynn County's drug court at a cost to taxpayers of \$350 a month (my source on that figure is Judge Williams herself, who told Georgia Public Broadcasting in February that this is the

Huddleston: What happens is, they can become very defiant because it's too punitive. It's like if you're too punitive with their child, they will become defiant.

I have no way to judge whether or not Brandi Byrd was truly an addict. But she was a low level offender. And she absolutely became defiant. She didn't obey the terms of her drug court contract. Never bought in. Continued to drink, got picked up on a DUI, got sent to an inpatient treatment, fled it, vanished from the program for 11 months, and eventually was kicked out ... and then served time for the two felony charges on the two Darvoset - which was 20 months in detention. She just got out this December. She still has three years of probation, including regular drug tests. She's not allowed to drink either.

Brandi: You know, I could admit I made a mistake and that I violated the terms. But that much time? For two pills? And I just felt like my whole life had been snatched out from under me.

[Music]

It's important to note here that many people get through Judge Williams' drug court just fine. When I visited the court one day this fall, she didn't yell at anyone. If anything, she was encouraging, like an unusually maternal high school coach. Wandering up to people during a break, I met a guy named Perry Burton who's been in and out of the drug court program for four years – who told me that when he first started – quote - "I hated that lady, I hated that lady from bottom of my heart, but she got me off drugs - she's helped me more than anyone, she's got a heart, she brought me close to my kids."

Even Judge Williams' opponents say she's doing what she thinks is best for her drug court participants. She believes in tough love. That people need to be woken up.

And when I spoke with Judge Williams this fall, she also made it clear that she thought her drug court was no different than any other.

Judge Williams: All drug courts function just like this. My drug court is based on, you know, national drug courts. All the forms I use come from national drug courts. All the methods we use come from national drug courts. And what I do is exactly what other people in other drug courts have done for years and still continue to do.

My best guess is that this was completely sincere. At the time, she probably believed that. When I later learned otherwise, and sent her details about how her court was different, and asked for an interview about the differences, by then she'd stopped answering my calls.

As for their success rate: this fall the drug court's clinical director Steven Mansfield provided me with numbers showing that the graduation rate for the Glynn Camden drug courts was 48%. Below the national average and way lower than successful programs. Low enough, one expert said, that it showed something was wrong.

When I shared that information with the National Association of Drug Court Professionals, and they approached Judge Williams about it, she provided them different numbers, showing a 54% graduation rate – which is still not as good as the best programs, but on par with the national average.

[music]

cost of her program). Plus, half the people in Judge William's program don't complete it, and end up incarcerated, serving the sentences on their original crimes. These are usually 20-24 months. Brandi spent two years in detention, at a cost of \$17,000 per year.

There's one more case I want to share with you, and it's someone who – unlike Brandi or Lindsey – went into drug court willingly.

Charlie: I was 19. I was just before turning twenty. And, uh, into things I shouldn't have been into.

In May of 2001, Charlie McCullough went with some friends to a motel room to buy drugs, in Charlie's case, LSD, and were caught in a police sting. He got the same treatment you've heard about: was told he'll need a \$15,000 bond to get out of jail, or he can do drug court and be released right away. Drug court seemed like a good deal.

Charlie: I remember desperately wanting to get out of jail. You know, it seemed like a good thing. I get to go, you know, go to this counseling. And then, I did want to do better, you know? And I figured with something like that, I was pretty much going to be monitored 24/7. It'd be more of an incentive to do the right thing.

So Charlie enters the drug program, quits drugs – he'd been smoking pot every day he says. And he liked Judge Williams.

Charlie: I guess it was all in all a good experience. And going to court, she sees this in you. She compliments on it. First impression, a great person, a really nice lady. I mean, my first two years, I was an advocate for the program. I was all for it. Felt like I turned a new leaf, you know. And I did. I changed a lot about myself. And I was happy the way things were going.

Jenkins: Drug court is set up with four separate phases.

This is Charlie's lawyer Jim Jenkins. He was one of the few lawyers who's ever come before Judge Williams who'd talk to me on tape, and the reason he did it is that he's a private attorney who doesn't live in Glynn county. Most of his practice is elsewhere. He said Charlie did great in the program.

Jenkins: He was in the final phase of the program. He was just three months short of graduation. And he was called in for a random urine screening, which they do regularly in the program.

Charlie: I went in there. I took the drug test. She said that it came up positive for methamphetamine.

She, the drug counselor, not Judge Williams.

Charlie: I knew I wasn't messing around. So I told her it wasn't right. They let me take another drug test.

Jenkins: So she took another sample and gave him another test.

Ira: Right. And we should say this was just twenty minutes after the first test.

Jenkins: Within twenty minutes, exactly. And it came out negative.

They took a third test. Same result.

Charlie: I passed it. I was under the impression when I left last night, that, no big deal.

Ira: like, sometimes there's a false positive. Just some little mistake.

Charlie: Right.

Jenkins: And he talked with the drug counselors about this. And they were, they were really on his side. Because Charlie had done absolutely perfectly for 22 months in the program, and never had a bad screen, had never missed a meeting. In fact, he was such a good student that he mentored other participants. And he had actually appeared in front of the county commissioners, asking them to allocate more money for the drug court program because it was such a great program.

The next week, there was a day when phase four participants all attended drug court.

Charlie: and they said I got to go in front of the judge for the drug test I failed. And that was like a big, you know, shock to me. I told her I didn't fail the drug test. I passed the second one. She said she was going to use the first one. The second one didn't count.

Jenkins: And he tried to explain to her, and goes back and forth with that. And Charlie finally says, 'Your honor, may I speak please?'

Ira: Actually, do you want to read what he says there?

Jenkins: Sure, umm...

Ira: It's page two of this transcript from March 11, 2003.

Jenkins: Charlie says, finally says, "May I speak?" Court says, "Yeah."

Charlie says, "I have no explanation for that at all. I don't. Twenty minutes later, I took another test. It was tested three times. I passed that, okay? I can't explain to you why. All I know is what I've done and what I haven't done, your honor."

And her response to that is, "Well, you know, I don't believe you." And then it goes back and forth. And they talk about the tests.

Ira: Right. Apparently, one of the workers there named Alicia grabbed the cap for the little vial of pee from the trash. And Judge Williams says, "Now, I don't believe that in a heartbeat." And Charlie says, "Ask Alicia. She will tell you. She will not lie to you in court. She grabbed it out of the trash can."

Jenkins: And then Charlie says, "I'm not going to go 22 months with clean time and then three months from my graduation to use."

And Judge Williams' response, "Well, people have done it."

Judge Williams asks Charlie to take a polygraph and Charlie says sure and then she doesn't give him a polygraph. Alicia is not called as a witness to settle this question about the lid. Judge Williams sentences Charlie to 17 days. In Charlie's treatment file, it explains that the 17 days is comprised of two things:

Jenkins: It was comprised of three days for having a bad drug test result. And it was 14 days for questioning the result.

Ira: Wait, he got 14 days simply for saying, 'I don't know if this is right?'

Jenkins: Because he questioned the result.

Ira: Wait, but what law is he violating there? Isn't that what court is for? Isn't this the place where he's supposed to say, 'Let me tell you my side. Now you decide?'

Jenkins: Not this court. Not this court. If you question this court, you get punished for it. And in this situation, because he questioned what was going on, he got fourteen days extra in jail.

In any drug court, that would be an unusually long penalty – 17 days for a first bad drug screen – but Charlie was also sent back to phase two of the program – which meant he'd be spending an extra year and a half in Judge Williams drug court – his time in drug court suddenly jumped from 2 years to 3 ½.

Judge Williams freely admits that she gives harsher sentences to anyone who denies doing drugs when a drug test says they have, and in fact most drug courts do that, but we couldn't find one that would levy so harsh a penalty on a first failed screen.

And the question it raises is the most uncomfortable question people raise about Judge Williams. Is she just a hothead? Someone who can't stand to be contradicted? Someone who overreacts when argued with? And is that affecting her rulings?

This was an issue in the fall elections. One lawyer, the campaign chairman for Judge Williams' opponent, sent a letter to every member of the local bar talking about what he called the judge's – quote – "courtroom antics. Meltdowns and temper tantrums."

Jim Jenkins says what is clear is that any drug court judge has unusual powers – powers most judges do not have – and needs to wield them fairly.

Ira: Now, now if somebody was unhappy with their treatment in drug court, can they just appeal it? I mean, usually—

Jenkins: No.

Ira: No, why not?

Jenkins: There is no provision at all for any kind of appeal. And that's one of the other real problems with the procedures of this particular drug court. If Judge Williams sentences you to 30 days or an indeterminate sentence, there is nothing that can be done. Period. You can't appeal. There's nobody to go to.³

Ira: Is the reason that there's no right to appeal that basically I've already pled guilty to my charge, and so?

³ To clarify what he's saying: he's saying there's no procedure to contest any particular sanction. You can't compel Judge Williams or another judge to review your 30 day sentence for relapsing, or your indeterminate sentence. A public defender who worked in the drug court confirmed this. As far as I can tell, that's completely accurate.

But to be clear: He is NOT saying that a defendant in this situation has no legal recourse. There aren't great options, but there are options. A defendant who's unhappy with one of Judge Williams' sanctions can ask to be terminated from drug court. If they do that, they'll serve the time for the original crime that got them into drug court in the first place.

And there's something called a habeas petition - where a defendant can attempt to withdraw his original guilty plea (which was a prerequisite to enter drug court) and be retried on the original charge. In a 2004 case called *State v Stinson*, the Georgia Supreme Court (affirming a decision by Judge Williams) declared that a drug court defendant can't withdraw his original guilty plea and be retried, if there's no mistake or irregularity in the original plea. So you can get a new trial only in very specialized circumstances. Something had to be wrong with your original plea. For instance, Charlie McCullough eventually was released on a habeas petition. As his lawyer explained to me, this was possible because Charlie's original guilty charge and plea were for the crime of trying to purchase ecstasy, but in fact he'd tried to purchase LSD, not ecstasy.

You can also file a habeas on a Constitutional defect. The most common is ineffective assistance of counsel. Charlie relied on that in his habeas petition as well.

Other longshot appeals? If Judge Williams terminates you, you can ask a court of appeals to consider the case for possible appeal. If she terminated you improperly or if there was a clear error in law, they should let you appeal.

Jenkins: That's basically it. And you are in a treatment program. And these sanctions that are supposedly designed to foster your treatment.

In fact, I've seen orders Judge Williams has issued where she instructs a 22-year-old woman to move in with her grandmother and grandfather – the people who apparently turned her in to the authorities in the first place – and – quote – “follow any rules of their household.” She ordered this same woman, Alisa Branch, to go to a doctor and quote, "Upon attending her medical appointment, defendant shall comply with all recommendations of Dr. Gowen. Should further medical procedures become necessary, defendant shall undergo said medical procedures."

And on June 9, 2010, she's ordered to inpatient treatment for a year at a place called Bridges of Hope, with – quote – "no outside visitation passes, no visitation at the facility from any outside persons, and no contact with any outside persons." If this woman wished to contest any of these judge's orders, Jim Jenkins believes, she has no recourse.

[music]

Here's something else. When you enter Judge Williams' drug court, she requires you sign a piece of paper saying that no matter what happens, you won't go to any other judge than her. You won't recuse her. This also goes against the guidelines of the National Association of Drug Court Professionals (I know I've said that a lot this hour). If a person is in danger of being terminated from drug court, and wants another judge to take the case at that point, they're supposed to get it. Because at that point, the drug court judge knows too much personal information about the client to be an unbiased and impartial judge.

And so in cases like Brandi Byrd's, when she was terminated from drug court, another judge might've looked at the facts – the two pills, all that - and waived some of the 20-24 month sentence Brandi agreed to as a condition of entering drug court. Brandi's lawyer tried to get Judge Williams to at least give Brandi credit for the 4 1/2 months she served in jail, waiting for her termination hearing. Sometimes Judge Williams chooses to do that. Here she doesn't even consider the possibility. In the court transcript, Brandi's attorney says "can she get credit for time" – he doesn't finish the sentence, doesn't get out the word "served." The judge says "No sir. She does not. Let's go to the next case."

[music]

In Charlie's case, being told that now he'd be spending 3 ½ years in the program instead of just 2, when he was so close to finishing and had never missed a meeting or failed a previous drug screen—it had exactly the result that research studies show is the problem with an overly punitive approach: it made him rebel. It made him give up. The harshness of Judge William's sentence took a model participant and turned him into a failure.

Charlie: once that day came it was a big, it was like a big slap in the face. You know, everything I'd pretty much put my trust into had turned its back on me. I'd sat here and dedicated 22 months of my life to changing it. I felt like everything I'd done was for nothing.

Ira: And then December of that year you screen positive for marijuana.

Charlie: Yeah. Yeah, I smoked some pot. At that time, I was over it. I was just disappointed, extremely disappointed.

A month later he missed his first group meeting and a warrant was issued for his arrest. It took him four years to get out of the program. He's clean now, and doing great. Has a wife and two kids, lives in Virginia, builds bridges for a living.

As for the other two – Brandi's still adjusting after two years in detention, working at a restaurant, trying to earn some money, get her life together.

Lindsey gets out of detention this May, and she'll finally be through with the drug court program, though she has 4 ½ years of probation still. She's been planning to do it in South Carolina near her mom – she has a job lined up and a fiancé and they're going to try to have a baby – for the first time in years she has something she's looking forward to. Her one fear is that Judge Williams will hear that she talked to me for the radio and do something punitive like tell her to do her probation back home in Glynn County. In Glynn County, she says, so many people she used to do drugs with are still there, it's always been harder for her to stay clean. If the judge were to force her to stay there, she'd be setting her up for failure.

[music]

In his inaugural address this January, Georgia's new governor, Nathan Deal, made a big point of calling for more drug courts as a way to reduce the number of people behind bars and save money. His son, Judge Jason Deal, runs the drug court in Hall County. Drug courts have become one of those non-partisan solutions that everyone from the Republican governor of Georgia to the Democratic President of the United States says they love.

But as drug courts expand into more places, and become more of a standard part of the criminal justice system, it's possible that they're changing. One of the leading researchers on drug courts, Steven Belenko - he's been doing studies on them for 20 years – he's a professor of criminal justice at Temple University, told me there are no studies on this, but anecdotally, he's noticing drug courts are becoming more punitive, and more controlling.

Belenko: Over time what's happened, drug courts became routinized. So you have judges who are put into drug court who have no interest or knowledge about addiction and treatment. Not to criticize them at all. They're just not trained or invested in this model. So I think they take with them the more typical judicial responses of "if you violate this judicial order, you'll be punished."

According to the National Association of Drug Court Professionals, about 150 of the nation's drug courts do not apply the principles of the drug court model correctly, and are not having good outcomes as a result.

[music]

Eric Mennel helped me with the reporting for today's show.

Thanks today to Al Letson, Patrick Barry, Sam Greenspan, Andrew Cummings, Roy Sobelson, Chris Deutsch, and the many people who talked to me on the condition they wouldn't be named

Special thanks to Nancy Updike for taking over as host of the radio show while I finished the reporting for today's program, and to our show's Senior Producer Julie Snyder for running the show so beautifully when I was gone.

Our other producers: Alex Blumberg, Ben Calhoun, Jane Feltes, Sarah Koenig, Jonathan Menjivar, Lisa Pollak, Robyn Semien, and Alissa Shipp. Seth Lind is our production manager. Emily Condon's our office manager. Jen Berman's filling in as our west coast producer.

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WBEZ management oversight for our show by our boss Torey Malatia. Before he got a job in radio, he had a show he did for his family, transmitted only in his own house – which isn't hard:

Clip of Brandi from story: You just stand up on the toilet or the sink and get to the air vent and talk through it and they can hear you.

I'm Ira Glass. Back next week with more stories of This American Life.

Footnotes for this transcript revised 4.12.11.