A New Challenge: Ayahuasca & Drug Courts

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<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>II. Therapeutic Jurisprudence</td>
<td>3</td>
</tr>
<tr>
<td>III. Problem Solving Courts</td>
<td>5</td>
</tr>
<tr>
<td>IV. Time For a Change</td>
<td>10</td>
</tr>
<tr>
<td>V. Ayahuasca</td>
<td>14</td>
</tr>
<tr>
<td>VI. How Ayahuasca and Drug Courts Should Merge</td>
<td>25</td>
</tr>
<tr>
<td>VII. Conclusion</td>
<td>31</td>
</tr>
</tbody>
</table>
I. **INTRODUCTION**

What is ayahuasca and what does it have to do with problem solving courts? This paper will answer this question by looking at the history of problem solving courts, and the history of Ayahuasca, then meshing the two topics together to create a new plan of action for making changes within the U.S. judicial system. Although there is no present use of ayahuasca in problem solving courts, implementation of ayahuasca's therapeutic use in drug courts, may be a way of providing a more therapeutic approach to current drug court system. Ayahuasca is a tropical vine which is native to the Amazon and is often turned into a tea and consumed during ceremonies; it has a history of use in the Amazon where it is used for rituals for healing and divination, and now days it is often used for therapeutic or religious reasons. This paper is going to focus on how to use this tea, to better help the people going through the drug court system, which in turn will help the criminal justice system as a whole.

The U.S. judicial system is flooded with people who are convicted on drug and alcohol related charges, not just for the first time but multiple times. This paper will work to solve this problem by specifically focusing on drug courts. My proposal is to use the therapeutic properties of Ayahuasca, and implement the use of this substance into these courts to try and make a significant difference in a person’s life, so as to help them not become repeat offenders and users. Ayahuasca has been said to help people with a range of issues all from alcoholism, drug addiction, and coping with intense emotional and personal issues. If this tea has a way of helping people and keeping people from re-using drugs and alcohol, than it is a method we should certainly consider implementing into the judicial system, as an alternative way of helping people with serious issues involving drug use and in turn helping our flooded court rooms.
II. THERAPEUTIC JURISPRUDENCE

In order to understand where the topic of this paper first originated this paper must address therapeutic jurisprudence. Therapeutic jurisprudence in short is a more holistic\(^1\) and interdisciplinary perspective implemented into the field of law.\(^2\) This system of law was introduced in the 1980s by Professor David Wexler and Bruce Winick, as a new more academic approach to mental health law.\(^3\) Therapeutic Jurisprudence, also known as TJ, focuses specifically on the law’s power over emotional life, and a person’s psychological wellbeing.\(^3\) Bruce Winick, one of the founders of TJ has stated, “Legal rules and the way they are applied are social forces that produce inevitable, and sometimes negative, consequences for the psychological well-being of those affected.”\(^4\) The concept of TJ helps to address the very important fact that the law itself, which is comprised of rules, procedures, and roles of legal actors such as judges and lawyers, is actually a social force which has both therapeutic and antitherapeutic values.\(^5\)

Therapeutic jurisprudence really attempts to reform the law and the process in the legal field in order to help promote a better psychological well-being for the people that the law affects.\(^6\) “TJ has been applied to almost every area of law, including mental health law, family law, employment law, health law, elder law, appellate practice, criminal law, criminal

\(^1\) Merriam Webster defines holistic as, “relating to or concerned with wholes or with complete systems rather than with the analysis of, treatment of, or dissection into parts. http://www.merriam-webster.com/dictionary/holistic.


sentencing, litigation, and estate planning.”

Therapeutic jurisprudence really tries to focus on connecting the people who are involved in the legal profession, with different social behavioral methods to help them work with participants in the judicial system. This helps to foster better outcomes which allow for more respect of the justice system, help to deal with underlying issues in a legal disputes, offer better offender rehabilitation and help with overall offender wellbeing. In order to accomplish these goals the TJ method really tries to pair psychology with the behavioral sciences in order to critique legal practices, including judicial practices, in order to suggest how these practice can be reshaped to increase their therapeutic potential.

The basic idea behind therapeutic jurisprudence is that scholars should study the consequences that the law can have on a person’s psychological well-being and reshape the law in order to achieve to primary goals. These goals include: 1) minimize anti-therapeutic effects and 2) increase the law’s therapeutic potential. Therapeutic jurisprudence is part of a larger movement in the law which is called comprehensive law practice.

Comprehensive law practice has roughly nine different vectors within it. These vectors include: holistic justice, creative problem solving, therapeutic jurisprudence, preventative law, procedural justice, restorative justice, transformative mediation, collaborative law, and problem solving courts. Generally these vectors have overlap, so as to make it easier for legal

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7 Id.
8 Id.
9 Id.
10 Id. at 1063.
11 Id.
12 Daicoff, supra, note 7, at 33.
13 Id. at 52.
16 Id.
professionals to implement different vectors into their work.\textsuperscript{14} For this specific paper the focus will be on two main vectors; therapeutic jurisprudence and problem solving courts. Therapeutic jurisprudence because,

Therapeutic jurisprudence can be implemented on a continuum. First, therapeutic jurisprudence can be practiced by judges when interacting with the individuals involved in a particular case. Second, therapeutic jurisprudence may be practiced at the organizational level of the court by devising new procedures, information systems, and sentencing options and by establishing links to social service providers to promote therapeutic outcomes. Third, for some areas of law and court policy, the practice of therapeutic jurisprudence principles requires changes to State statutes or to court rules, policies, or procedures that apply across courts.\textsuperscript{15}

Therapeutic jurisprudence and problem solving courts have a high level of overlap, and they “both see the law as an instrument for helping people, particularly those with a variety of psychological and emotional problems.”\textsuperscript{16} The overlap between therapeutic jurisprudence and problem solving courts is central to the topic of this paper, and without both these vectors the proposed idea of adding ayahuasca into drug court programs for therapeutic purposes would never be able to come into fruition.

III. PROBLEM SOLVING COURTS

In order to understand even further where this paper is going, we must first look at what a problem solving court is, and what a drug court is. Problem solving courts are courts that aspire to provide new and different responses to criminal activity by trying to understand the behavior underlying a vast amount of criminal offenses.\textsuperscript{17} Problem solving courts in short were developed by judges who were looking for a practical, intuitive, and creative way of addressing the problem of the revolving door system of justice.\textsuperscript{21} Problem solving courts were really built because

\begin{itemize}
\item \textsuperscript{14} \textit{Id.} at 52-53.
\item \textsuperscript{15} \textbf{DAVID ROTTMAN & PAMELA CASEY}, \textsc{therapeutic jurisprudence and the emergence of problem-solving courts} 13, 14 (Nat’l Inst. of Justice Journal 1999). \url{http://ndcrc.org/content/therapeutic-jurisprudence-and-emergence-problemsolving-courts}(last visited Dec. 10, 2015).
\item \textsuperscript{16} \textit{WINICK}, supra, note 5, at 1066.
\item \textsuperscript{17} \url{http://www.lawfoundation.net.au/ljf/app&id=084a39b598cae7e8ca25718e000ab0d5}
\end{itemize}
traditional judicial approaches dealing in areas such as substance abuse, domestic violence, child abuse, neglect, mental illness, and other criminal acts were essentially failing. Some examples of problem solving courts that are very prevalent in the justice system today are: 1) drug courts, 2) mental health courts, 3) DUI courts, and 4) family violence courts.

As you may be able to tell by the names of the different problem solving courts, these courts are known to be specialized tribunals that have been established to deal with very specific problems. Problems such as social or mental health problems, substance abuse treatment, or help for family and domestic abuse problems. An overwhelming majority of these problems stem from criminal cases, which involve drug or alcohol problems. Overall problem solving courts are known more simply as specialty courts. The reasoning behind considering these courts specialty courts is the fact that these courts deal with offenders who have chosen to engage in certain forms of behavior or share certain specific characteristics, such as drug or alcohol abuse, therefore creating a common problem which needs to be resolved in order to lessen the chances of further similar criminal activity.

22. Winick, supra, note 5, at 1060.
23. Driving Under the Influence
24. A prime example of family violence courts are courts that have a strong emphasis on domestic violence.
27. Id.
28. Id.
Drug courts fall under the category of problem solving courts. Drug courts have, “a central goal to provide a safety valve for the cycle of incarceration-release-recidivism\(^{18}\) that filled prisons with low-level drug users…”\(^{19}\) Drug courts are used to intervene at the input end of the cycle of incarceration, in order to divert the offender to get treatment before they receive imprisonment.\(^{20}\) Drug courts through the vessel of problem solving courts really attempt to solve human problems that are responsible for a case being brought into the system, they in essence endeavor to understand and address the problems which are responsible for the actual dispute\(^{21}\)\(^{22}\). The importance of the concept behind drug courts and other problem solving courts is that, they are used to help the individual person with the underlying problem that is entangled in their current case in the system, in order to prevent recurring involvement in the judicial system.\(^{23}\) These types of courts are successful in achieving their underlying goal because they connect the person to community resources, motivate through the court, get the person the right treatment, provide services needed, and monitor progress to help confirm overall success in the program.\(^{24}\) It should be noted as well that drug courts, and other problem solving courts do not have a specific type of treatment they use on particular offenders, rather the court uses different treatments which are dependent on the person, and the case presented.\(^{25}\)

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\(^{18}\) Recidivism is a very fundamental concept in criminal justice, and is the essential force behind this paper. “The National Institute of Justice defines recidivism as a person’s relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.” [http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx](http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx)


\(^{20}\) Id.

\(^{21}\) With drug courts the disputes typically arise out of substance abuse issues or issues with excessive use of alcohol.

\(^{22}\) Winick, *supra*, note 5, at 1055.

\(^{23}\) Id.

\(^{24}\) Id. at 1061.

\(^{25}\) Bozza, *supra*, note 29 at 108.
In order to help understand drug courts more in depth a brief history on the emergence of drug courts is essential. The very first drug court was created in Miami, Florida in 1989.26 It was originally used as a response to the explosion of court caseloads and overcrowding in prison which was a direct result of the War on Drugs27.41 Due to the War on Drugs, by the end of the 1980’s, U.S. court systems were flooded with increased rates of arrest, conviction, and incarceration of Americans.28 Initially the drug courts were created as a means of changing and improving the impact of the War on Drugs on more vulnerable communities, which were suffering from a myriad of factors29 contributing to drug addictions.30 Soon after this style of drug court came into existence there was a movement into a more therapeutic model which competed with the more race and class conscious approach, discussed above, and emphasized a more race and class neutral approach, focusing on the individual’s responsibility rather than his or her social conditions.31 In order to provide a little more context as to why it was important to change drug courts from a race and class conscious approach to a more race and class neutral approach can be based off of this simple statistic: “Between 1986 and 1991, the number of white drug offenders in state prisons increased by 110 percent, but the number of Black drug offenders rose by 465 percent.”32 This statistic shows two things. It shows there was undoubtedly an issue with black individuals being arrested for drug use more often than white individuals; however it

26 WInick, supra, note 5, at 1056.
27 The War on Drugs was formerly declared by President Richard Nixon in 1971, and this War on Drugs was made to create more harsh penalties and laws on drugs, to try and curb the increase of drug use in the United States. However this “War on Drugs” had actually started years before, President Nixon just made it a formal initiative. http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/ 41
28 Id. at 420-21.
29 Some factors affecting these vulnerable communities included but were not limited to: factories closing which caused unemployment to go into a downward spiral, there was increased residential segregation, and underpolicing. Id.
30 Id.
31 Id. at 425.
to shows that there were still significant amounts of white individuals who were in prison for the same substance abuse reasons. This makes it clear that a more class and race neutral approach was needed because many of these prisoners had the same issues with drugs, as each other and these substance abuse issues were happening regardless of race or class.

Drug courts throughout the years have started popping up all over the country. Different jurisdictions were confronted with the task of handling a very large number of drug and alcohol offenders that were being shuffled through our criminal justice system; this issue is why many jurisdictions ended up turning to drug treatment courts, so as to be able to cope with the amplified workload dealing with drug and alcohol related offenses. In order to better deal with these issues drug courts took the approach of transforming the court into more of a diversion method; where they divert the offender from prison time into treatment. When the court decides to implement these programs, the main change is in the role of the judge. The role of the judge changes from the person choosing guilt or innocence, to the role of being a therapeutic aid, where he or she must have the most concern for recommending treatment and rehabilitation for the offender. This in turn really emphasizes the idea of self-knowledge, responsibility, and treatment of intrapersonal issues of the offenders.

Drug courts have really flourished in the United States. According to the National Institute of Justice, as of June 30, 2013 there are over 2,800 drug courts operating in the United States. 

34 MILLER, supra, note 32, at 422-23.
35 Id.
50 Id.
States. These drug courts have evolved over the years and each year they become more and more advanced and they allow for different varieties of treatment for offenders pushing through the system. According to the Department of Justice drug courts actually utilize more than twelve different treatment tools, which include the use of acupuncture, mental health referrals, and methadone maintenance. With these different treatments however it is important to remember that the underlying goal of these drug courts is to create a more therapeutic zone where an offender has his or her own freedom to participate in a program that should help them become productive members of society; in hopes to reduce the rate of recidivism among drug and alcohol abusers.

IV. TIME FOR A CHANGE

Although drug courts have aspired to be a great therapeutic tool to help an individual with substance abuse problems, and help curb recidivism rates and the constant flood of criminal drug cases in the court system; this is not the reality. The reality is there are high rates of recidivism in people who have gone through the drug court system. According to a study prepared by John Roman, Wendy Townsend, and Avinash Singh Bhati, Ph.D. on Recidivism Rates for Drug Court Graduates: Nationally Based Estimates; within one year after completing drug court treatment 16.4% of people who completed these programs had been arrested and

52 Bozza, supra, note 29, at 109-10. 53
Methadone maintenance treatment is essentially a treatment program that involves long term prescribing of methadone (a long-acting opioid agonist prescribed for treatment of opioid dependence) as a substitute to the opioid (heroin for example) that the person is dependent upon. These programs typically provide counseling and medical services as well. CAMH KNOWLEDGE EXCHANGE, https://knowledgecamh.net/amhspecialists/specialized_treatment/methadone_maintenance/Pages/default.aspx (last visited Dec. 9, 2014).
54 55 Bozza, supra, note 29, at 109-10.

This study was based on a sample of 2,020 graduates of drug courts from 1999 to 2000 from 95 drug courts in the U.S. These courts each: 1) received Federal funds from the National Drug Court Program Office (NDCPO) 2) were in operation for at least one year; and 3) had at the very least 40 graduates of the program. JOHN ROMAN, WENDY TOWNSEND & AVINASH SINGH BHATI, RECIDIVISM RATES FOR DRUG COURT GRADUATES: NATIONALLY BASED ESTIMATES, FINAL REPORT 1, https://www.ncjrs.gov/pdffiles1/201229.pdf. (last visited on Dec. 10, 2014).

charged with a serious crime.\textsuperscript{37} If one translates these figures into a more simplistic form, this study shows that 1 out of 6 drug court graduates would end up being re-arrested and charged after graduating from a drug court program.\textsuperscript{40}

These statistics paired with the fact that people are still choosing to participate in a lifestyle involving drugs is alarming. According to LEAP\textsuperscript{42} as every 19 seconds go by in the United States at least one drug arrest occurs.\textsuperscript{43} The United States government has estimated that more than 118 million Americans have admitted to using illegal substances, this is 47% of the U.S. population.\textsuperscript{44} As if these statistics are not disturbing enough it is said that 23.5 million Americans are in need of some sort of substance abuse treatment; yet only one out of ten actually receive the help that they need.\textsuperscript{45} On top of this, these drug issues are starting to reach the children of America. Around 48% of high school students in the U.S. have also stated they have used drugs before they graduate.\textsuperscript{46} Similarly teens have also commented that it is easier for them

\textsuperscript{37} A serious crime for this study included any crime punishable by a sentence of one or more year.
\textsuperscript{38} Id. at 2.
\textsuperscript{39} Id.
\textsuperscript{40} An interesting note, this same study provided a chart listing the primary drug used by drug court participants. The top five most used drugs are as follows: 1) severe cocaine/crack 81.2% 2) moderate alcohol use 64.4% 3) severe marijuana use 64.1% 4) severe heroin 51.6% 5) severe alcohol 51.6%. Id. at 26.
\textsuperscript{41} Id. at 2-3.
\textsuperscript{43} Id.
\textsuperscript{44} Id.
\textsuperscript{45} Id.
\textsuperscript{46} Id.
to buy illegal marijuana than it is for them to buy beer which is actually regulated by the state
government.\textsuperscript{47}

Between the statistics on recidivism in people who are being shuffled through drug court
programs, matched with the statistics about current drug use in the United States, one can reach
the conclusion that the War on Drugs is not working the way it was intended. In fact, “Three out
of four American voters say the “war on drugs” is a failure.”\textsuperscript{48} Even law enforcement here in the
United States, agree, 82\% of police chiefs and sheriffs say the “war on drugs” has not been
successful in reducing the drug use in this country.\textsuperscript{49} Another factor that shows the war on drugs
is not working and the drug court programs need help finding ways to be more successful is the
fact that, one out of every one-hundred adults is behind bars, the U.S houses nearly 25\% of the
worlds, yes worlds, prisoners; yet the U.S. has less than five percent of the whole world’s
population.\textsuperscript{50} These statistics are incredibly distressing, and clearly reveal that the way the U.S.
handles drug issues is not premiere and desperately needs a change.

One issue with the drug court system, which is making it difficult to curb recidivism, as
well as the drug issues this country is plagued with is the fact that there really is no one way
these drug courts operate. “…[T]here are considerable differences in the nuances of their
operations. Because they function as an entity of local court, subject to the limitations of local
financial and human resources, and because there is little, if any, regulatory oversight, each
problem-solving court has its own operational character.”\textsuperscript{51} Another problem with the courts is
the fact that problem solving courts are not in the industry of offering the people marching
through the system with some unique and unusually effective form of treatment. Rather the

\textsuperscript{47} Id.
\textsuperscript{48} Id.
\textsuperscript{49} Id.
\textsuperscript{50} Id.
\textsuperscript{51} Bozza, supra, note 29, at 100.
treatments these people are receiving are not any different than any other form of treatment
offered to any person of the general public.\textsuperscript{52} It is for these reasons why people may be
reoffending and ending up back in the system, to these individuals there is no specific regulation
of a drug court, they are all different, and there is nothing that is drawing the individual into the
treatment that they are put through because of the judicial system.

As previously mentioned drug courts were implemented into the U.S. judicial system as a
way of providing a more therapeutic way of dealing with drug cases which were and still are
saturating the courts. There are great things about drug courts, in fact the underlying goals are
rather astounding, and they try and use a system which has its tribulations to deal with human
conditions and issues, like drug use. However there are clearly holes in the system which need to
be fixed, so as to help achieve these original drug court goals\textsuperscript{53} in a more efficient and effective
way.

I am by no means suggesting that drug court systems do not work, rather I am stating the
mere fact that these systems are in desperate need of change, and change that will actually make
a difference in each goal the creators of these courts originally had. It has been said that, “Law is
both the boundary and the catalyst for challenges to the boundary of what a society will allow
individuals to change about their own consciousness.”\textsuperscript{54} It is with this statement where I am
going to suggest implementing a new and innovative form of treatment into the drug court
system. This idea will push the normal bounds of society, and the judicial system, to accept a

\textsuperscript{52} Essentially there is nothing that is drawing the people being charged with drug offenses, to want to get better.
In order to affect change new and different ideas should be considered in order to foster better participation and
success among the individuals working through drug court programs. \textsuperscript{73} \textit{Id.} at 107-08.

\textsuperscript{53} Some of the goals and characteristics include having the judge be directly involved in evaluating the
performance of offenders, putting in the effort to make treatment available to offenders, provide different ways of
treatment to actually help solve the offenders underlying problem behavior, and use rewards and punishment to
foster a better result in compliance with treatment. \textit{Id.} at 100.

\textsuperscript{54} Benton Brooks Bodamer, \textit{Psychoactive Substances, Dietary Supplements, and the War on "Drugs": Law, Myth,
form of treatment which has the ability to help individuals on many different levels; and has a considerable probability of effecting change in those individuals who are struggling with substance abuse, and returning to the assembly line court system. This notion of a new type of treatment too many is something that seems daunting, but if it is something that works, the benefits to the people struggling with substance abuse issues, and reoffending may actually have a chance of changing this pattern of behavior and criminal activity that many of them deal with on a daily basis. This new concept is using Ayahuasca in this very particular and innovative court system. Drug courts provide cosmic opportunities for new drug policies and new social norms that can in turn create a new and diverse community response to issues of addiction and incarceration which may ultimately help a person struggling with substance abuse problems.\textsuperscript{55}

The use of ayahuasca would be a very new and remarkable process for effecting these changes.

V. \textbf{AYAHUASCA}

What exactly is Ayahuasca\textsuperscript{56}? Thus far in the paper there has been brief discussion about how ayahuasca is a substance that should be implemented into the drug court system, yet you have no idea as to what it really is, or how it may help. This section is designed to go over the specifics of Ayahuasca, so as to inform you about this plant that is both interesting and advantageous for those who are willing to accept what it has to offer. This section will first look at what exactly ayahuasca is, what its background is, why people use it, what its legal status is, studies about it or substances similar to it, and last but not least how it can help in drug courts. Ayahuasca’s roots are in the jungles of the Amazon, particularly in the countries of Columbia,

\footnotesize
\begin{itemize}
\item\textsuperscript{55} Miller, supra, note 32, at 418.
\item\textsuperscript{56} [ah-yuh-wah-skuh] \url{http://dictionary.reference.com/browse/ayahuasca} (last visited Nov. 15, 2014).
\end{itemize}

Page 14 of 32
Ayahuasca is a beverage which is also known by other names including, caapi, yagé, natema, pindé, kahi, mihi, dápa, and bejuco de oro, most commonly however it is called ayahuasca. Ayahuasca is a Quechua term which means “vine of the souls.” As previously stated, ayahuasca is a tea or brew which people drink. This tea is made out of two different plants, which is often surprising to many because people who hear of ayahuasca generally think it is made of only one plant. The first plant used is Banisteriopsis caapi, this plant is “a tropical vine that contains harmine and other harmala alkaloids in its stems.” This is the “ayahuasca plant.” The second portion of this tea is made by another form of plant. There is not one particular plant that is used but rather different options of plants may be combined with the actual ayahuasca plant in order to achieve the correct mind-altering effects;
“Harmala alkaloids are naturally occurring Monoamine Oxidase Inhibitors which are best known for their use in combination with tryptamine source plants in ayahuasca brews.” THE VAULTS OF EROWID, (JUNE 14, 2014),
https://www.erowid.org/chemicals/harmala/harmala.shtml (last visited Dec. 10, 2014). Just to inform you further as a reader, Monoamine Oxidase Inhibitors in a general sense are MAO inhibitors that you hear about people taking to relieve different types of mental depression.
http://medicaldictionary.thefreedictionary.com/monoamine+oxidase+inhibitors (last visited Nov. 29, 2014). This definition is a general medical one, and generally is used when discussing the Monoamine Oxidase Inhibitors (MAO inhibitors) used in depression medication, not the naturally occurring kind this paper focuses on in the use of Ayahuasca.


the most popular are the following two plants: Psychotria viridis (Chacruna)87 and Diplopterys cabrerana (Chacropanga)88. However, other plants may be mixed with the main plant as well; some examples of other pants are, tobacco, and varieties of brugmansia89, and brunfelsia90. The tea that is prepared from these plants is actually a hallucinogenic tea, which has been used by different groups of indigenous people for centuries.91 The reason why it is important to know that this tea is made from two different types of plants is because if each of the plants were consumed by themselves, and not in combination, there would be no mind-altering effect on the person92 drinking the tea.93 The purpose of drinking ayahuasca is to achieve a new level of consciousness that is made possible through the tea’s hallucinogenic effects.

Now that you know that ayahuasca is a plant based hallucinogenic tea, it is important to know a little history about the use of the plant. There is much to learn about ayahuasca and its effects and it should be known that there is not much on the use of ayahuasca that is actually written. This is a plant that has been used for centuries in the Amazon where indigenous people have utilized the tea mixture for multiple purposes.94 Indigenous people have used this plant for

87 This plant is popular to use in the ayahuasca brew, it comes from a small tree and has little red fruit, and long leaves, this plant produces N,N-DMT. THE VAULTS OF EROWID, (Sept. 9, 2009)
88 89
This plant is also used often in ayahuasca tea brews; it is another tropical vine that produces DMT. This plant is also used in the ayahuasca brew as stated above, it is a small tree which has many trumpet shaped flowers that hang on it, this plant is also used for the making of different poisons and medicines in South America,
and it is less frequently used in Ayahuasca brews. The Vaults of Erowid, (May 17, 2013),
90  This is another type of plant that can be used to make ayahuasca brew as stated above, this plant is another
small or medium sized tree that has some rather gorgeous flowers on it, this plant is used for other medicinal
purposes in South America. The Vaults of Erowid, (Sept. 9, 2009)
visited Dec. 10, 2014). 92  It is the mix of the different alkaloids from the plants, the harmine, harmaline, that occur in the ayahuasca plant,
and the beta-carbolines and the DMT (N, N-Dimethyltrptamine) that occur in the other plants that are able to
create a psychoactive effect on a person’s mind. Id.
93  Id.
94  ICEERS International Center for Ethnobotanical Education Research & Service, http://iceers.org/more-
aboutayahuasca.php?lang=en#.VGMKssmGcQi (last visited on Dec. 9, 2014).
a wide range of things from healing, curing illness, divination, witchcraft, warfare, and many
more. 59  Since this is traditionally used by indigenous people many of the rituals and procedures
have just been passed down through different shamans through apprenticeships. 60  However
recently there has been some information on the history of ayahuasca that has come to into
fruition. First, harmaline 97  was first isolated from Syrian rue seeds in 1841 along with this the
first Western record of the effects of the B. caapi plant was made in 1852. 61  This is important
information because it leads to Western knowledge of how the plants used in the brew work, and
what chemicals they contain. In 1922-23 there was film created showing traditional yage
ceremonies which was shown during the annual American Pharmaceutical Association
meeting. 62  In the late twentieth century many North Americans and Europeans who had traveled
to South America eventually created a new “entheotourism” because they created the industry of

59  Id.
60  Andrea Minarcek, Adventure Guide: Peru Nat’l Geographic, at 2,
chemical/alkaloid which is a key component found in non DMT containing plant used in the brew that is used
in combination with the DMT holding plant, to make the hallucinogenic effect of the tea possible.
61  The Vaults of Erowid, (Jan 31, 2013), http://www.erowid.org/chemicals/ayahuasca/ayahuasca basics.shtml (last
62  Id.
taking ayahuasca in a very traditional setting.63 Next in the late 1990’s South American street vendors started to sell ayahuasca on the streets in South American cities.64 As stated before there is not a large base of written history on this brew, but what is written is rather interesting. This paired with the fact that most the information on ayahuasca is held near and dear to the South American shamans, creates a really interesting set up for the use and for educating ourselves on the use of this powerful tea.

In order to further understand what ayahuasca is and its effects more general information is necessary. Ayahuasca is used for a multitude of reasons. The main uses for ayahuasca are for healing and religious and spiritual purposes.65 In order ayahuasca to work the individual must first ingest the tea.66 The amount of tea varies, and increases the more you take the ayahuasca.10467 Just like any other psychoactive substance the effects become more intense as the dosage of ayahuasca increases.68 Once a person drinks the tea, the effects can begin anywhere between twenty and sixty minutes after initial ingestion; different variables, such as food consumption, control the amount of time it takes for the tea to take effect.69 Generally speaking the hallucinations and purge are present for about 4-6 hours, and after effects can last anywhere from 1 to 8 hours after consuming the tea.70 The duration of the effects are not exact, and many factors determine the length of the effects; such as metabolism, dosage, etc. where the higher the

63 Id.
64 Id.
68 Id.
69 Id.
70 Id.
dose, the longer the effect. When a person is under the influence of ayahuasca a range of different things can happen, it really is a subjective experience. “Ayahuasca provokes a profound state of altered consciousness…allowing people to move beyond their defense mechanisms into the depths of their unconscious minds…” “You can come back with images, messages, even communications…You’re learning about yourself, re-conceptualizing prior experiences. Having a profound psycho-spiritual epiphany, you’re not the same person you were before.” These visions and distortions that a person feels and sees when on ayahuasca are very interesting, “The unconscious mind holds many things you don’t want to look at. All those self-destructive beliefs, suppressed traumatic events, [and] denied emotions.” Ayahuasca has the ability to quite literally put a person through a kind of personal hell where a person is actually forced to face his or her past and or present demons.

When a person goes through the process of taking ayahuasca it is something that is meant to be very spiritual and ritualistic. This is not something you just take. There are several steps to the ayahuasca journey that are completed before the actual consumption of the tea. The rituals and the way the ayahuasca ceremony is practiced may vary from shaman to shaman and region to region. But generally some of the things which are practiced are: the making of the tea, starting the ceremony at dark, the shaman faces east, there is a collection of sacred stones and objects placed in front of the shaman who is sitting in the middle of the room, guests surround

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71 Id.
110 Id.
111 Id.
114 Id.


72 Id.
73 Id.
114 Id.
the shaman and each has their own purge bucket, the maestro or shaman sings icaros, these icaros call the spirits to the ceremony, the shaman then will pour and pass out the tea individually. As the ceremony progresses the shaman continues to sing icaros and shakes a chakapas during the ceremony an individual may be blessed by the shaman on an individual level, and when the ceremony ends a candle is lit and everyone is free to discuss what just happened.

One interesting aspect of taking ayahuasca is the concept of the purge. The purge is when a person who consumes the tea, starts vomiting. One shaman stated, “what we vomit during the ceremony is the physical manifestation of dark energy and toxins being purged from the body. The more that comes out, the better.” This purging effect is part of every ceremony and one reason why this process is often times called “la purge”. The purge aspect of ayahuasca is something that the shaman sees as beneficial. It is said that the vomiting is actually the plants conducting healing within a person. It is said that the negative energy is purged out of your body, which allows a person to have new and positive energies flowing through their bodies. Another important aspect of the ceremonies, and something that helps with the purge, is the fact that there is a strict diet to adhere to before the ceremonies, so as to allow the ayahuasca to work to its fullest potential.

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74 Icaros are songs sung by shamans, who say they have been taught these songs by plant spirits; these are used to heal and protect. THE WAY INN, http://www.thewayinn.com/ayahuasca-ceremony-what-to-expect/ (last visited Dec. 10, 2014).
75 Id.
76 Chakapas are a rattle instrument that is made from leaves of a jungle plant. Id.
77 Id.
78 Id.
80 Id.
81 Id. 123 Id.
When a person ingests the ayahuasca brew and the visions begin it is due in part to the DMT present in the brew. DMT containing plants are used in the ayahuasca to allow the visions to occur and to enhance the visions with more color and depth. The Vaults of Erowid, (Jan 31, 2013), http://www.erowid.org/chemicals/ayahuasca/ayahuasca_basics.shtml (last visited Dec. 10, 2014). DMT is a chemical which is rather interesting, and in fact is a chemical that our bodies and nervous system are wired for. It has also been said that DMT may actually be the common language between all living beings, because all living things are wired to DMT. One of the basic features of DMT is its ability to expand awareness and use it to better our lives. The fact that DMT is the visionary component of ayahuasca may explain why ayahuasca has the capability of getting people back in touch with pants, animals, and Mother Nature; if DMT is hard wired into all living things, it is a connection to our world and the world of all other things living. By using DMT and DMT containing substances a person is able to reach different levels of consciousness, which may in fact help with different problems or issues the person has to deal with. Terrance McKenna once stated that ayahuasca and DMT is an “ultimate metaphysical reality pill.” If the DMT in ayahuasca is the “ultimate metaphysical reality pill” than it is easy for one to understand why there may be such controversy involved in the use of ayahuasca a DMT containing substances, given the fact that these substances allow for a person to find an altered state of consciousness and reflect on what they experience while in another realm.

Since DMT is one of the main components in the ayahuasca tea, it is one reason why there has been legal controversy involving the use of ayahuasca. The main legal issue that relates

83 DMT: THE SPIRIT MOLECULE (Spectral Alchemy & Synthetic Pictures 2010).
84 Id.
85 Id.
86 Id.
87 Id.
88 Id.
89 Id.
90 Id.

to ayahuasca use is whether it is a controlled substance under the Controlled Substances Act, 21 U.S.C. 812. The Controlled Substances Act consists of laws which prohibit the unauthorized possession of drugs that the United States Government has determined to be dangerous, not appropriate without a prescription, and habit forming or addiction causing. Under the Controlled Substances Act, controlled substance is defined as, “Controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15. Under this same act Schedule I is defined as, “substances, or chemicals that are defined as drugs with no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous drugs of all the drug schedules with potentially severe psychological or physical dependence. Some examples of Schedule I drugs are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote.” Just to put it into perspective as to what the differences can be within the schedules of drugs, here is how the Controlled Substances Act defines Schedule II drugs,

Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, less abuse potential than Schedule I drugs, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are: cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin.

On the other end of the spectrum from schedule I and schedule II drugs there is schedule IV and V which have been deemed the lowest risk. Here is the definition for schedule IV just to show

89 Id. 135
Id.
the juxtaposition between the schedules, “Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence. Some examples of Schedule IV drugs are: Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien.”

The Controlled Substances Act is what controls federal drug laws, and punishments. The reason why this is important to know when talking about ayahuasca is because of the plant components in ayahuasca that contain DMT or Dimethyltryptamine. DMT is considered a Schedule I drug under the Controlled Substances Act. Since DMT is considered a Schedule I drug, it is considered illegal in the United States.

The interesting and controversial part is the DEA, FDA, and Federal Government in general has not explicitly stated that ayahuasca is illegal, nor have they categorized ayahuasca into a schedule of drugs. So although DMT is illegal, there is a gray area in determining whether ayahuasca to is illegal. In fact there is a case that made its way up to the United States Supreme Court which asked the question, whether or not ayahuasca could be imported, possessed, and consumed for religious purposes in the United States under the Religious Freedom Restoration Act. This case is Gonzales, et al. v. O Centro Espirita Beneficente Uniao Do Vegetal, et al. The Supreme Court came back with a unanimous decision in this case which allows for the UDV church to use ayahuasca tea for its religious purposes, and enjoins the government from stopping the use of this tea. This case stated, “We conclude that the

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90 This substance is listed under schedule I and has a DEA number of 7435, it is not designated as a narcotic. [Source](http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf)

91 When talking about illegality of substances such as ayahuasca or other psychoactive it is interesting to note, “Prior to the twentieth century, little or no regulation of any psychoactive substance was statutorily mandated, and physicians could freely distribute many substances now banned by federal statute.” [BODAMER, supra, note 75, at 1323.](http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf)


93 O Centro Espirita Beneficente Uniao do Vegetal (UDV), [Gonzales](https://www.supremecourt.gov/orgrm/c10/06-2792a.pdf), 546 U.S. at 425. [Id. at 423.](https://www.supremecourt.gov/orgrm/c10/06-2792a.pdf)
Government has not carried the burden expressly placed on it by Congress in the Religious Freedom Restoration Act, and affirm the grant of the preliminary injunction. This decision was based off the fact that the government presented evidence that hoasca or DMT can cause “psychotic reactions, cardiac irregularities, and adverse drug interactions”. The UDV church presented evidence in opposition, citing studies documenting the safety of its sacramental use of hoasca and presenting evidence that minimized the likelihood of the health risks raised by the Government.

With respect to diversion, the Government pointed to a general rise in the illicit use of hallucinogens, and cited interest in the illegal use of DMT and hoasca in particular; the UDV emphasized the thinness of any market for hoasca, the relatively small amounts of the substance imported by the church, and the absence of any diversion problem in the past.

The fact that the Supreme Court allowed for the use of ayahuasca in the United States for religious purposes creates even more of a gray area for the law involving ayahuasca. Across the world the laws relating to ayahuasca use are rather vague as well. In many South American countries the use of ayahuasca is legal. In Brazil, the Supreme Court specifically allowed for the use of ayahuasca for religious purposes back in the 1980s. France is in fact the only country that has outright prohibited and made illegal the use of ayahuasca. It should also be noted that the use of ayahuasca and other DMT containing plants is not under international control either. Ayahuasca is not found on the list of international controlled

94 Same substance as ayahuasca.
95 Id. at 426.
96 Hoasca is another name for ayahuasca, as previously stated in this paper.
97 Id.
98 The U.S. Court of Appeals for the Ninth Circuit has also affirmed that the Santo Daime Church is free to use ayahuasca for religious purposes as well. http://www.maps.org/research/ayahuasca (last visited Dec. 10, 2014).
99 Id.
101 Id.
substances list controlled by the International Narcotics Control Board.¹⁵¹ The use of ayahuasca and its legality is ultimately up the countries legislative bodies. There is a huge gap in where the law stands on regulating the use of ayahuasca both here in the United States and internationally. Ayahuasca is a really fascinating substance, and it is interesting to see what effects it has on a person mind and body. Ayahuasca is something that many have said has benefits to individuals, which is why this paper is focusing on ayahuasca and what it is, so as to see how it may work into the drug court systems here in the United States. There are gray areas which can lead to potential issues in trying to implement a substance such as ayahuasca into the court system and into treatment programs, but if it can be done I think it will be beneficial to the people who struggle primarily with drug and alcohol addictions.

VI. HOW AYAHUASCA AND DRUG COURTS SHOULD MERGE

The purpose of this paper is to demonstrate the fact that all though the drug courts in the United States do help curb recidivism and do help with some substance abuse issues, there is still a genuine need for better and more innovative treatment options. Implementing ayahuasca into drug courts, as a potential treatment option is a very new and innovative method on helping substance abusers reach long term sobriety, and lessen the chance of recidivism for these individuals due to the relationship with criminal activity, associated with drug use.

Implementing ayahuasca into drug courts at this time does have its problems and setbacks which will be addressed, but overall using ayahuasca to help with drug addiction seems to be moving in a positive direction.¹⁰⁴

¹⁰³ Some examples of criminal activity that is associated with drug use include but are not limited to: burglary, robbery, fraud/forgery, weapons offenses, public/peace disturbance, assault, prostitution, sex offenses, and family offenses. http://www.bjs.gov/content/pub/pdf/DRRC.PDF (last visited on 12/9/14).
¹⁰⁴ In a recent study done in Canada titled, Ayahuasca-Assisted Therapy for Addiction: Results from a Preliminary Observational Study in Canada conducted by Gerald Thomas, Philippe Lucas, N. Rielle Capler, Kenneth W. Tupper
This section will first address the potential setbacks to be faced with implementing ayahuasca into drug court treatment programs. The major impending setback with ayahuasca in drug courts is the legal status of ayahuasca itself. The next major issue that this proposal faces is the fact that although some research has been completed on ayahuasca, and its use for addiction treatment, there is simply not enough research and information to conclusively state that ayahuasca is a substance that can help with addiction. In fact there is a very limited amount of research on ayahuasca and its effects. The organization called, MAPS recently in 2012 funded a new research study in Canada which looked at the use of ayahuasca-assisted therapy for addiction, and this study and its results were the first North American observational study of both the long term effectiveness of this type of treatment, and the safety of this form treatment. On a more international level MAPS has supported researchers who “have been exploring the effects of ayahuasca on brain function as well as the potential use of ayahuascaassisted therapy as treatment for substance abuse and other disorders.” It is clear that research on this topic is progressing, however as stated, there is not enough substantive material to directly conclude that this substance should be used for addiction treatment. Therefore the lack

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and Gina Martin, it was stated, “The findings of this research on ayahuasca-assisted treatment for addictions, although preliminary, corroborate those of previous studies showing salutogenic effects of ceremonial ayahuasca drinking.” http://maps.org/research-archive/ayahuasca/Thomas_et_al_CDAR.pdf at 10 (last visited Dec. 9, 2014).

This status has already been discussed in detail in the ayahuasca section of this paper, and therefore will only briefly be mentioned for the purpose of noting its relevance as a setback to the implementation of ayahuasca in drug courts.

Id. at 10.


MAPS as the organization pertains to ayahuasca, is focused on supporting research into the safety and effectiveness of ayahuasca assisted treatments for drug addiction. They also support a wide variety of other activities such as meetings, conferences, publications, many different uses of ayahuasca such as scientific, therapeutic, sustainable, and spiritual uses. Id.

Id.
of research is one of the biggest obstacles for this specific type of treatment integration.\textsuperscript{109} Another obstacle to overcome is dealing with those who are in opposition to this concept making arguments such as using a drug to treat substance abuse is not the best way to treat substance abuse, or arguments such as of this has a schedule I drug then there are addictive properties to this substance. These arguments are good arguments to keep in mind and keep in perspective as research moves forward, but from already conducted research it seems as if these arguments lack merit.

Overall there are three major obstacles to overcome in order to implement ayahuasca into drug courts, the legal status the lack of research, and the arguments that can be made by opponents of this idea. Even with these obstacles however the movement towards this idea becoming a reality is not far-fetched. There is forward movement in the legal realm with the recent Supreme Court case allowing the use of ayahuasca in the United States for limited purposes, as previously outlined in this paper.\textsuperscript{110} There is clear, definitive research that is being done as well, and the research that has already concluded, is leading into more and more research on the topic of ayahuasca as a treatment method for addiction.\textsuperscript{111}

Although there are setbacks to the concept of adding ayahuasca into drug court treatment programs, there is a great deal of material that shows the positive effects this substance can have on a person who is using ayahuasca, specifically as it relates to combating addiction/substance

\textsuperscript{109} Although this is an obstacle, there is positive research showing that ayahuasca has a very high potential of working as a form of therapy for addiction, and therefore may be very helpful to the drug court system in the future after more conclusive research is done. \textit{id.}


\textsuperscript{111} \url{http://maps.org/research-archive/ayahuasca/Thomas_et_al_CDAR.pdf}, 10, (last visited Dec. 9, 2014).
abuse issues. In the recent 2012 research\textsuperscript{112,113} conducted by a group of researchers in Canada it was stated, that “Preliminary research [to the research conducted in their study] has shown ayahuasca has promise for alleviating some mental disorders and for providing other long-term health and social benefits among regular drinkers of the brew in ritualized\textsuperscript{114} and religious community contexts.”\textsuperscript{165} It has also been stated from past research, that, “[T]he ritual use of ayahuasca does not typically produce health or psychosocial problems such as addiction. Rather ceremonial ayahuasca drinking has been correlated with lower amounts or severities of substance dependence.”\textsuperscript{115} To further aid the discussion on whether or not ayahuasca has a positive effect on treating addictions, there is a record of programs in South America that specifically deal with using ayahuasca as a remedy for people to overcome drug addictions.\textsuperscript{116} The locations which use ayahuasca as a “fundamental aspect of treatment programs” integrate ayahuasca with complementary psycho-social rehabilitation methods\textsuperscript{117} which are methods very similar to what is being offered as a solution for a new and innovative treatment plan for our drug courts in the United States.

Not only are there programs which are similar in concept to that of this proposal, but it has also been stated that, “[C]urrent approaches to treating addictions—especially to alcohol and

\textsuperscript{112} It is important to note that this research specifically outlined primary outcomes of interest, which “relate to the ability of participants to consciously and consistently make choices that promote long-term psychological, emotional, and physical well-being rather than acting compulsively on immediate urges based on conscious or unconscious emotional needs and/or unhealthy psychological patterning (i.e. addiction)” \textit{Id.} at 2.

\textsuperscript{113} It should also be stated that the research conducted in this specific study was done with approval by the Institutional Review Board Services (IRBS) which is a research and ethics review board. \textit{Id.} at 3.

\textsuperscript{114} The emphasis on ritualized use of ayahuasca is important to this paper, for the fact that part of this proposal is to emphasize the use of the ayahuasca in the most authentic ways possible. Conducting the procedure to the use of ayahuasca in the way that it is conducted in the originating regions, with the use of a shaman, the proper dietary restrictions, etc. This proposal is in no way stating that this substance should be used in any way that is not authentic to its origins. \textit{Id.} at 1.

\textsuperscript{115} \textit{Id.}

\textsuperscript{116} \textit{Id.} at 2.

\textsuperscript{117} \textit{Id.} at 2.

\textsuperscript{165} \textit{Id.} at 1.
cocaine—continue to be of limited success, despite decades of research.”

This information paired with the statistics in the drug court section of this paper demonstrates that a new call to action is necessary to help further the ultimate goal of the problem solving and drug courts. The goal of helping with substance abuse issues, reducing crime associated with drug use, and cutting down the recidivism rate amongst drug offenders.

In addition to the research that has been done involving ayahuasca and how it may be able to help with addiction, it is important to understand how the people who have gone through the process of using ayahuasca for substance abuse help feel about their experiences. The participants in the Canadian study cited above, had the following statements regarding their experiences with ayahuasca:

With my last experience with ayahuasca, I really faced myself. Like, my fear, my anger. Which really, I think is a big part of my addictions. Like, running away from myself pretty much. And I think I overcame that in the ceremonies. That was a pretty big deal for me…I wish I was introduced to it [ayahuasca] like twenty years ago. It could have saved me a lot of time and trouble.—S1 (male, age 30). 118

Another person stated,

Before the ceremony I was struggling with my addiction, crack cocaine, for many years. And when I went to this retreat [ayahuasca research retreat], it more or less helped me release the hurt and pain that I was carrying around and trying to bury that hurt and pain with drugs and alcohol. Ever since this retreat I’ve been clean and sober. So it had a major impact on my life in a positive way… -- S2 (female, age 41). 119

Yet another stated something incredibly similar as well,

No cravings whatsoever for the crack cocaine or drinking, whatsoever. It’s pretty strong that ayahuasca as far as removing that craving, that desire, that habit, or however you want to describe it, for me it’s not even there. – S3 (male, age 56). 120

All of these people had a similar experience with ayahuasca, one that made them realize where their substance abuse issue may have come from, and they no longer had a craving to continue

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118 Id. at 8.
119 Id. at 9.
120 Id.
using the drugs they had previously been using. These testimonials are encouraging for the potential future use of ayahuasca in drug courts. Another interesting testimonial which spoke specifically to why ayahuasca may be a better choice as treatment method for substance abuse than the average program offered was S8’s statement which noted,

Other treatments [for my addiction] sort of like scraped the surface as they say. This one got deep, deep into myself, which I’ve never admitted to or confronted I guess you could say in the other treatments. And this was just a mind-bending experience… S8 (male, age 55). 121

This statement is another strong testament to how this substance may be used to help individuals, and essentially achieve the goals the drug courts have put forth.

Even though there are obstacles to overcome, there is evidence which demonstrates the success of ayahuasca helping with substance abuse issues, and being a valuable asset to drug treatment programs. With the evidence displayed in this paper, one can make a strong suggestion in favor of adding ayahuasca assisted drug treatment program, into drug courts in America. It is clear that obstacles need to be overcome before the actual implementation of a treatment program such as this, but overall it would be a new and innovative way of achieving multiple goals at one time.

The recommendations for the way to implement this type of program into the drug court system are as follows. 1) Make sure to stay as authentic to the ceremonies performed in the Amazon region, where ayahuasca originated. 2) Follow all procedures and leading up to the authentic ceremonies, which are followed by people in the Amazon region; for example adhering to the strict cleansing diet. 3) Make sure the shaman, who is performing the ceremony has the experience and training necessary to give the people participating in the ceremony the correct experience so as to allow proper healing through the use of ayahuasca powers. 4) Perform the

121 Id.
ceremony in a controlled environment. 5) Set up a set of guidelines to ensure that the proper person is participating in the ceremony; essentially make sure there are no health issues, no medications which could improperly interact with ayahuasca, etc. 6) Do not force anyone into participating, instead, to the right person offer this as an option to their drug court treatment plan, and let said person make the choice, after educating about ayahuasca. 7) Provide for proper training and education on this type of program for all drug court personnel. And 8) if at any time a person becomes uncomfortable with this treatment plan allow them to choose an alternative method of treatment.

VII. CONCLUSION

To conclude, think back to the beginning of this paper and the concept of therapeutic jurisprudence or TJ. Remember that “Therapeutic jurisprudence is the ‘study of the role of the law as a therapeutic agent.’ It focuses on the law's impact on emotional life and on psychological well-being.”122 Problem solving courts, specifically drug courts were born out of the same movement that TJ was born out of. These courts historically have been put in place to try and provide a more therapeutic approach to dealing with drug cases, which sky rocketed due to the “War on Drugs.” The high level of drug cases flooded the criminal court system, and has been an ongoing issue since the “War on Drugs” was waged. Drug courts stemmed out of this as a way to provide better treatment programs for people who have worked their way through the criminal system due to behavior which stems from drug use, and to curb recidivism of these individuals. Although recidivism has decreased due in part to drug courts, there is evidence which has demonstrated that new treatment approaches which fit within the realm of the TJ lens are needed. One innovative way to provide a new type of treatment which fits in the TJ concept is

implementing ayahuasca, a hallucinogenic tea, into the drug court system. Using ayahuasca as an addition to a general treatment program has a potential to affect the lives of drug users in an incredible way. There are testimonials as to just how helpful ayahuasca can be in curbing the use of drugs. When drug use is curbed, then people do not use drugs, and when people do not use drugs, the rates of which people enter the judicial system, and end up in the revolving door system causing recidivism rates to climb is reduced. Drug courts are an amazing way of helping people who suffer from substance abuse issues genuinely deal with the underlying issues these people are facing that causes them to make the choices they do; finding new ways to even further improve a person’s life, and change the habit of using drugs as a resolution is needed. This paper has provided a new means of achieving the goals of the drug court in a therapeutic way, by using ayahuasca as a form of treatment in drug courts. There is a lot of work to do on the legal and research side of ayahuasca, however the future looks promising for using this method as a form of drug treatment in general, and therefore should be used as a treatment option in drug courts across the United States.