
The State of Drug Court Research: What Do We Know?

Michael Rempel
Center for Court Innovation
E-mail: mrempel@courts.state.ny.us

Presentation at “Drug Courts Reexamined” (An Online Event),
New York, NY, December 5, 2006

Key Goals of Adult Drug Courts

- Case Processing Efficiency (1989-mid 1990s)
- Public Safety / Reduced Recidivism (mid 1990s-present)
- Offender Rehabilitation (mid 1990s-present)
 - Longer retention in substance abuse treatment
 - Reduced substance dependence and abuse
 - Improved employment or educational opportunities
 - Improved mental or physical health outcomes

Questions for This Overview

1. Do Drug Courts Work?
 2. How Do Drug Courts Work?
(Which Practices are Most Effective?)
-

Retention in Treatment

Conclusion: Drug court retention rates exceed those for the general treatment population.

- *Treatment generally:* 10-30% retained after one year
 - *Adult drug courts:*
 - Nationally: average ~ 60% retained after one year (Belenko 1998)
 - New York State: 8 of 11 drug courts retained over 60% after one year (median = 66%) (Rempel et al. 2003)
 - Graduation rates: national average ~ 50%
-

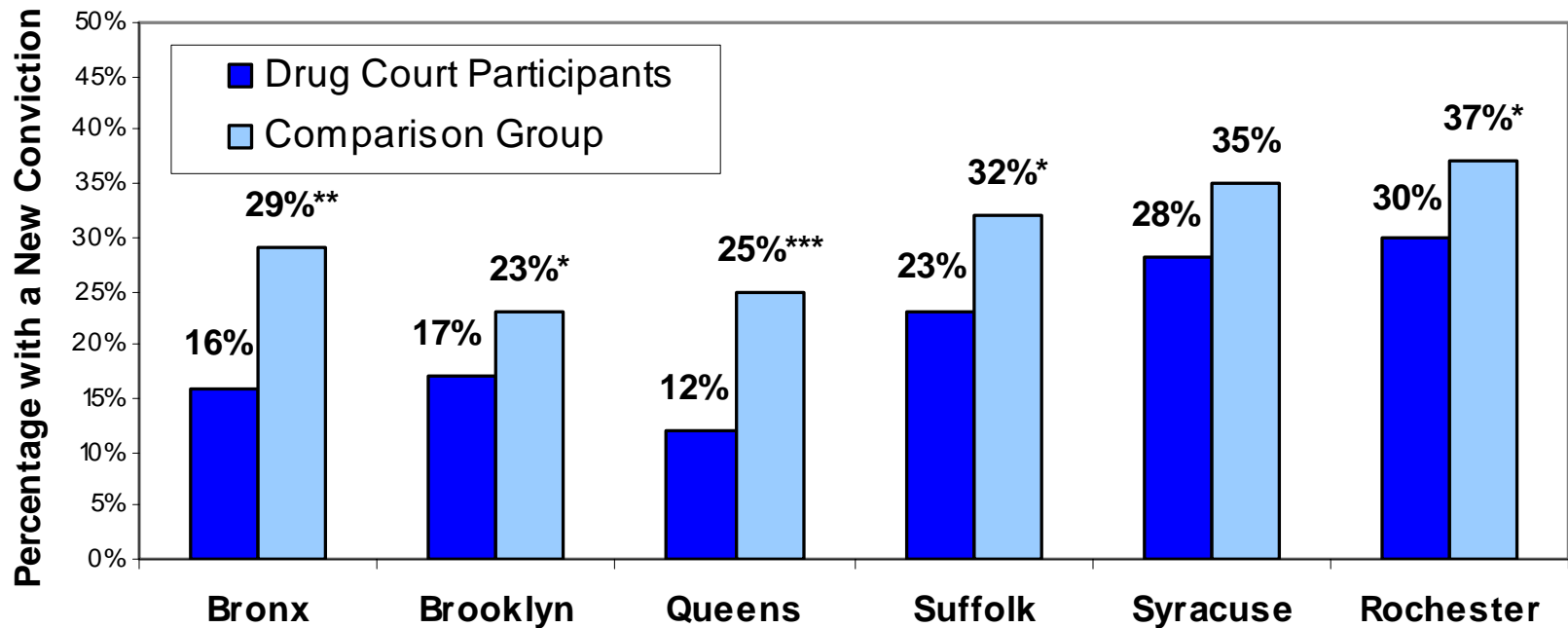
National Recidivism Results

Conclusion: Adult drug courts generally reduce recidivism when compared with conventional prosecution.

- Multiple reviews of the literature concur that most adult drug courts reduce recidivism (Aos. et al. 2001; Cissner and Rempel 2005; GAO 2005; Roman and DeStefano 2004; Shaffer 2006; Wilson et al. 2003)
 - Average recidivism reduction estimated at 10-13 percentage points (Aos et al. 2001; Shaffer 2006; Wilson et al. 2003)
 - Impacts may be long-term: sustained three years after initial arrest in six N.Y.S. sites, five Washington State sites, and the Baltimore drug court (see review in GAO 2005)
 - Exact magnitude of the drug court impact varies widely across sites
-

The New York State Evaluation: Impacts on Recidivism

Impact on Recidivism at One Year Post-Program

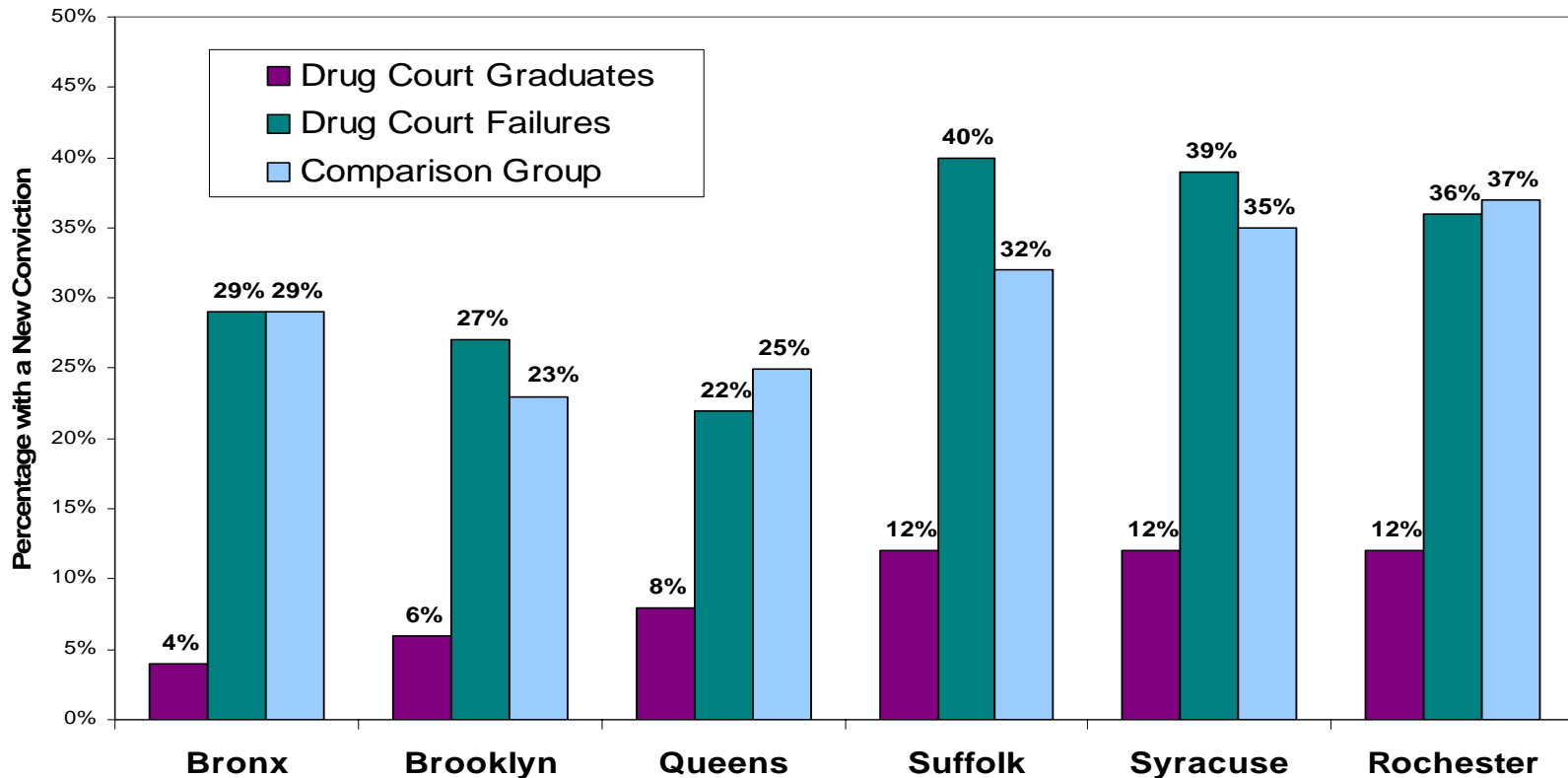


Average Relative Recidivism Reduction = 32%

* $p < .05$ ** $p < .01$ *** $p < .001$

The Significance of Graduation

Impact on Recidivism at One Year Post-Program: Graduates, Failures, and Comparison Group



Source: Rempel et al. (2003)

Cost-Benefit Impacts

- **Justice System Impacts:** Studies consistently show net savings to the justice system: Examples:
 - California: nine-site statewide study (Carey et al. 2002; Carey et al. 2006)
 - Washington State: five-site statewide study (Aos et al. 2001)
 - Portland, OR (Carey and Finigan 2003)
 - Baltimore, MD (Crumpton et al. 2003)
 - St. Louis, MO (Loman 2004)

 - **Victimization Impacts:**
 - *Definition:* costs to crime victims: e.g., property damage, lost wages, medical costs, and pain and suffering.
 - *Possible impact:* More difficult to measure; but, since drug courts reduce recidivism, they probably yield *greater* victimization- than justice system-related savings (see Roman and DeStefano 2004; Carey and Finigan 2003; Crumpton et al. 2003)
-

Cost-Benefit Impacts (Cont.)

■ The California Statewide Evaluation

(See Carey et al. 2002; Carey et al. 2006)

- Separate analyses of justice system savings at 9 drug court sites
 - Separate calculations for each key justice system agency: (1) court, (2) public defender, (3) prosecutor, (4) law enforcement, (5) treatment, (6) probation, and (7) corrections.
 - Results:
 - For every \$1 invested (e.g., for staff time, supplies, court appearances for monitoring, etc.), 8 of 9 sites produced greater benefits.
 - Median drug court produced \$3.50 in savings for every \$1 invested.
 - *Main explanation:* Drug court participants average lower recidivism rate (average = 12 percentage points less across all nine sites), leading to avoided future cases and savings for all affected agencies
-

Part Two.

How Do Drug Courts Work?
(Which Practices are Most
Effective?)

Drug Court Practices

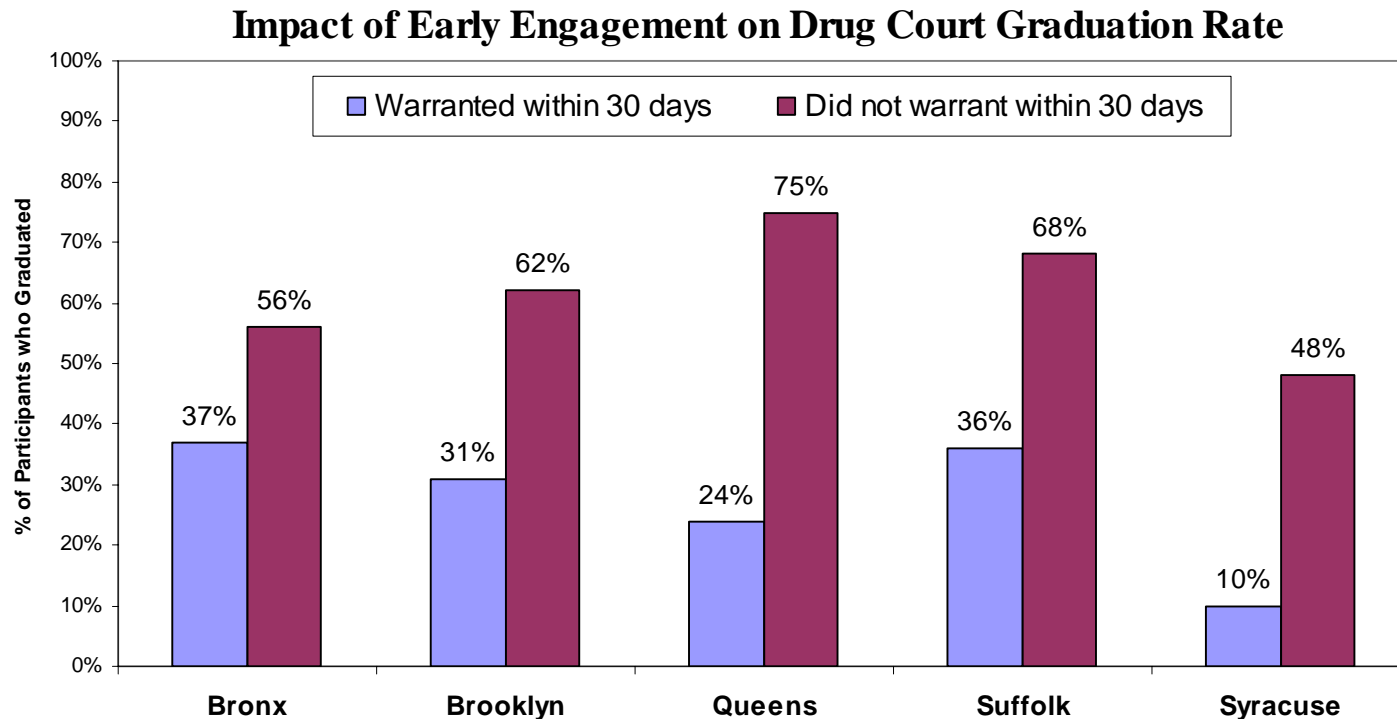
- Substance abuse treatment
 - Early identification and placement
 - Legal incentives to succeed
 - Judicial supervision
 - Multiple “second chances”
 - Intermediate sanctions and rewards
 - Frequent drug testing
 - Case management
 - Collaborative team approach
-

Substance Abuse Treatment

- More time in treatment consistently predicts more positive post-treatment outcomes
 - Maximum clinical efficacy ~ **one year** or sometimes longer.
 - Caveats:
 - Drug court graduation may be pre-condition for positive therapeutic benefits
 - Many treatment programs used by drug courts do not operate according to a coherent, evidence-based curriculum (NIJ 2006, reporting on Anspach and Ferguson)
-

Immediacy: Early Program Engagement and Compliance

Conclusion: Rapid program engagement increases the probability of subsequent retention and graduation.

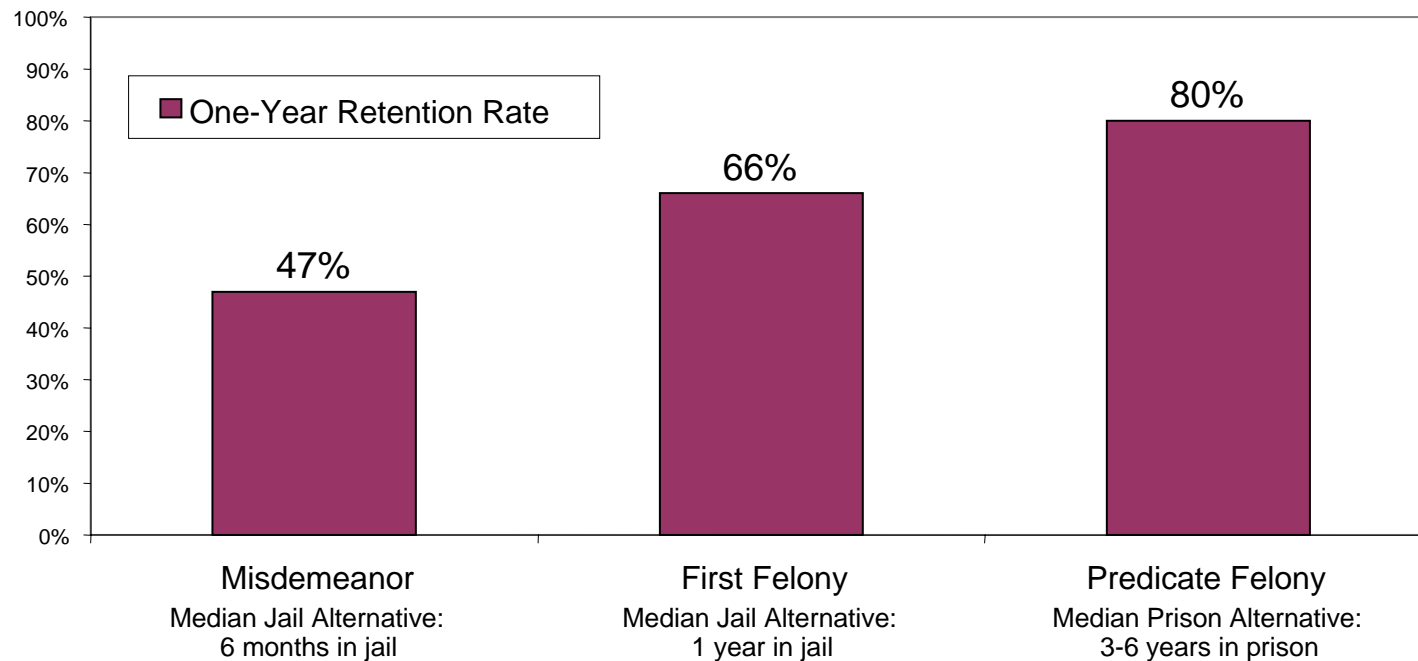


Sources: See Leigh et al. 1984; Maddux 1993; Mundell 1984; Rempel and DeStefano 2001; Rempel et al. 2003. Data for the figure shown is from Rempel et al. (2003).

Legal Coercion

Conclusion: Participants are more likely to complete treatment when they face more serious legal consequences in the event of failure.

Impact of Legal Coercion on Retention: Results at the Brooklyn Treatment Court, N = 2,184)



Legal Coercion (Cont.)

Conclusion: Greater *perceptions* of legal coercion leads to improved retention in treatment.

■ Information:

- Number of criminal justice agents (CJAs) who explained rules and program length*
- Number of CJAs who explained consequences of failure to the client*
- Number of times client made promises to CJAs to complete treatment*

■ Monitoring:

- A CJA would learn within a week if client absconded from the program*
- Number of CJAs who would learn if client absconded from the program**

■ Enforcement:

- Warrant is issued if the client absconds from the program**
- Client would be returned to custody in a month or less of leaving treatment*

■ Severity:

- CJA has told client s/he will serve severe penalty for absconding or failing*
- Length of time client expects to serve in jail or prison for failure in program**

(* $p < .05$ ** $p < .01$)

Judicial Supervision

1. Judicial Supervision with Drug-Involved Offenders (not Drug Court): The Washington, D.C. Study

- *Sanctions docket*: drug testing plus regular judicial supervision and sanctions in the event of noncompliance
- *Standard docket*: drug testing *without* regular judicial supervision or sanctions
- *Results*: Offenders on sanctions docket perform better:
 - *Recidivism*: lower probability of re-arrest within one year after completion of probation (19% versus 27%)
 - *Drug Use*: lower probability of “serious” drug use (excluding marijuana) at one year after completion of probation (35% versus 48%)

Judicial Supervision (*Cont.*)

2. For Whom Does Judicial Supervision Work Best? The Doug Marlowe Experiments

- *Randomized Trials in Multiple Northeastern Sites:*
 - “High risk” drug court participants (anti-social personality disorder and/or previous failed treatment) benefit from biweekly judicial monitoring
 - “Low risk” drug court participants perform as well with “as needed” monitoring

Judicial Supervision (*Cont.*)

3. The Role of the Judge

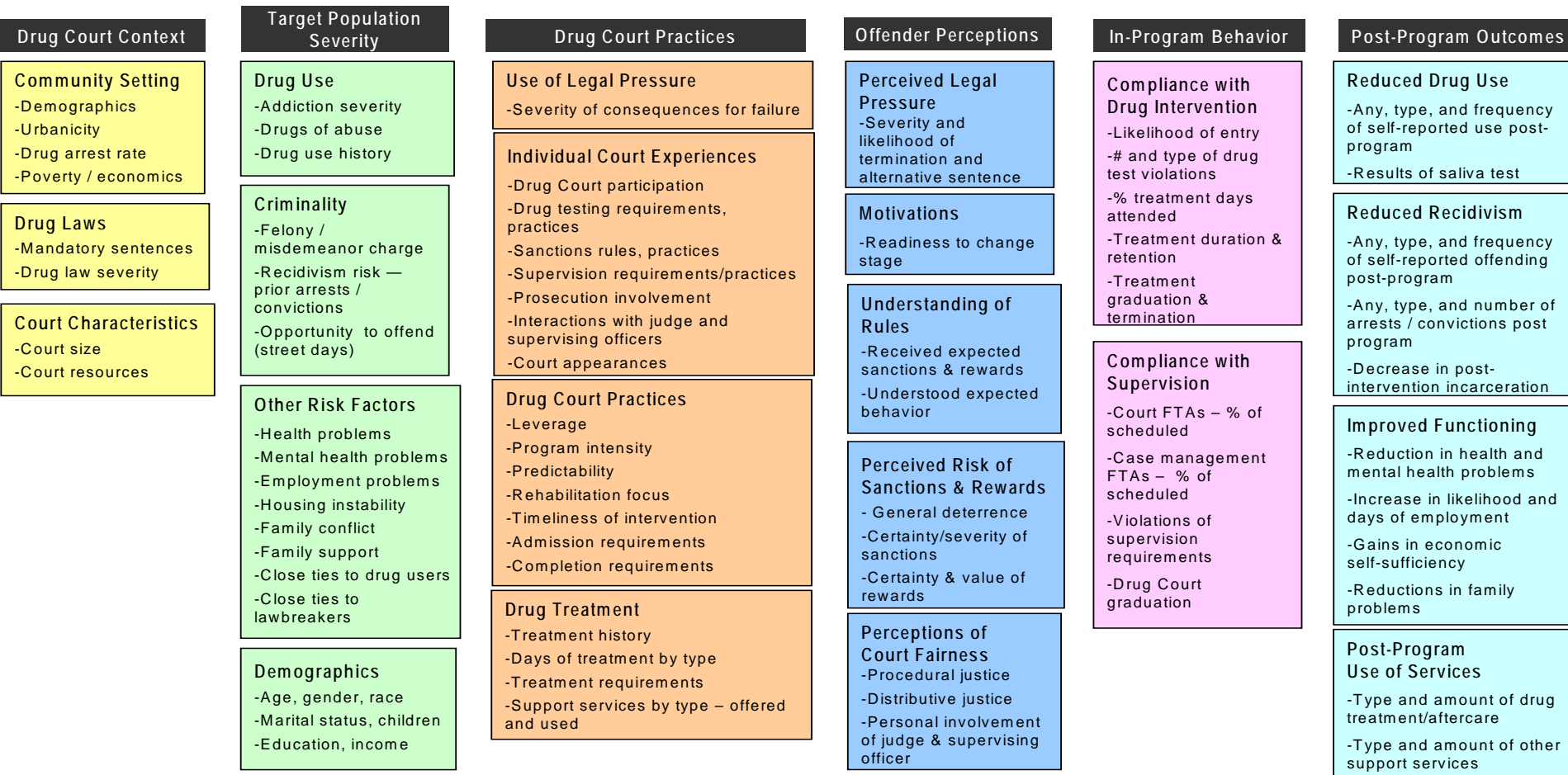
- *Judicial Feedback in Drug Court:* More “supportive” comments from the judge predict subsequent clean drug tests in the Broward Co, FL drug court (Senjo and Leip 2001)
 - *Qualitative Evidence:* Participants consistently point to the role of the judge as important to recovery in multi-site focus group studies (Farole and Cissner 2005; Goldkamp et al. 2002)
-

Sanctions

Sanctions with Offender Populations: Key Behavior-Modification Principles

- ***Certainty***: Each infraction receives a response.
 - ***Celerity***: Responses are imposed soon after the infraction.
 - ***Severity***: Responses are severe enough to deter noncompliance; but not so severe as to preclude graduating to more severe responses in the event of future infractions.
-
- ❖ ***Drug court significance***: Some evidence suggests that many drug courts do not apply these principles rigorously (e.g., see Marlowe 2004; Rempel et al. 2003; Roman 2004)

Conceptual Framework



Other Directions for Research

- Role of motivation
 - Role of procedural justice
 - Ideal target population
 - Impact of family and juvenile drug courts
 - Prospects for institutionalization
 - Expand drug courts: institute broader eligibility criteria and centralized screening for existing drug courts.
 - Integrate drug court principles and practices throughout mainstream courts.
-

Examples of Research Underway

- *Multi-Site Adult Drug Court Evaluation (Rossman et al., funded by NIJ):* A longitudinal study including baseline and follow-up interviews with close to 1800 offenders at 23 drug court and five “comparison” sites nationwide. Key research questions include:
 - What is the impact of adult drug courts on offender drug use, criminal behavior, and other problems associated with drug abuse?
 - What community, program, and offender characteristics make drug courts more or less effective?
 - How do offender attitudes and opinions change in response to exposure to drug courts, and how do these changes mediate the impact of drug courts on long-term outcomes?
 - Do drug courts generate cost savings for the criminal justice system or other public institutions?
 - *Ten-year Evaluation of the Multnomah County Drug Court (Finigan et al., funded by NIJ):* A study comparing drug court participants with non-drug court probationers over 10 years of the Multnomah County Drug Court.
 - *Multi-Site Comparison of Adult Drug Courts (Carey, funded by NIJ):* A study examining results of 17 adult drug courts to determine which program and treatment characteristics are tied to better outcomes.
 - *Multi-Site Family Treatment Court Evaluation (Worcel et al. 2006, and Phase Two report forthcoming, funded by the Center for Substance Abuse Treatment):* An evaluation of four family treatment courts, testing impacts on treatment services for children, treatment services for parents, case length, and case outcomes. At each site, outcomes for 50 participants were compared with 50 otherwise similar comparison juveniles.
-

Other Resources

- Bureau of Justice Assistance at:
<http://www.ojp.usdoj.gov/BJA/grant/drugcourts.html>
 - Bureau of Justice Assistance Drug Court Clearinghouse at American University at: <http://spa.american.edu/justice/drugcourts.php>
 - National Drug Court Institute at: <http://www.nadcp.org/>
 - National Institute on Drug Abuse at:
<http://www.nida.nih.gov/drugpages/treatment.html>
 - Substance Abuse and Mental Health Services Administration at:
<http://tie.samhsa.gov/>
 - National Center for State Courts at:
http://www.ncsconline.org/D_Research/ProblemSolvingCourts/Problem-SolvingCourts.html
 - Center for Court Innovation at: <http://www.courtinnovation.org>
-