Drug Courts Work –
But For Whom and Under What Circumstances?

Kevin Baldwin, Ph.D.

Applied Research Services, Inc.

The Honorable Steven Goss

Georgia Court of Appeals

Learning Objectives

- Understand the evidence base for problem solving courts – what does the literature say about the success of these courts?

- Understand the general factors that contribute to and detract from success – the central eight risk factors and the Risk Needs Responsivity model

- Gain an understanding of the factors that are linked with success among problem solving court participants in a large study of participants

- Understand how we can use this information to improve our practices

Problem-Solving Court Outcome Research

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Painting the Current Picture

A National Report on Drug Courts and Other Problem-Solving Courts in the United States

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Douglas B. Marlowe, JD, PhD
Carolyn D. Hardin, MPA
Carson L. Fox, JD

Findings at a Glance: Adult Drug Courts

Over a quarter century of research studies on Adult Drug Courts (ADCs) have demonstrated:

- Reductions in recidivism by an average of 8% to 14%; the very best ADCs have been shown to reduce recidivism by 35% to 80%

- ADCs produce an average return on investment (ROI) of between $2 and $4 for every $1 spent

- When serving high-risk, high-need individuals, ADCs demonstrate twice the reduction in recidivism and are 50% more cost effective

- Best practices codified in the "10 Key Components"

Findings at a Glance: DUI Courts

Newer and less of a research base than ADCs:

- On average DUI courts reduce recidivism 12%, with the best DUI courts achieving recidivism reduction in the 50% to 60% range

- Average ROI is $2 for every $1 spent

- Some emerging research has identified best practices in DUI courts; similar to the "10 Key Components" but also include restricting access to motor vehicles and twice-daily breath testing or utilization of continuous alcohol intake monitoring devices

- DUI courts appear to be most effective with high-risk, high-need participants

Findings at a Glance: FDTCs

Also newer and less of a research base than ADCs:

- Family Dependency Treatment Courts (FDTCs) have been found to increase the degree to which parents enter and compete substance abuse treatment, to decrease time children spent in out-of-home placements, increase family reunification rates, and to decrease issuance of Termination of Parental Rights (TPR) findings

- FDTCs reduce costs associated with foster care and community corrections, but increase treatment costs

Findings at a Glance: FDTCs, cont.

- Best practices in FDTCs include having parents enter substance abuse quickly, remaining in the program for at least 15 months, and providing evidence-based family interventions such as Celebrating Families, Strengthening Families, and Functional Family Therapy

- Like with ADCs and DUI courts, high-risk, high-need participants seem to benefit the most

Findings at a Glance: MHCs

Also newer and less of a research base than ADCs:

- Mental Health Courts (MHCs) have been found to moderately but significantly reduce recidivism and that these results remain for at least two years post-participation

- Study results to date have been mixed regarding the cost-effectiveness of MHCs, due to the increased cost of treatment; it seems clear that it takes years to recoup the costs associated with participation in an MHC

Findings at a Glance: MHCs, cont.

- Studies suggest that older, female, and stably employed participants, as well as for those with less-serious criminal histories and less serious substance use and mental health issues fare better

- The larger body of research on persons with mental health issues on community supervision align with the RNR model however, suggesting that high-risk, high-need participants might benefit most from MHCs

- As for best practices, provision of psychiatric meds, providing participants with weekly written reminders, providing transportation assistance, and liberal provision of tangible incentives, as well as adherence to the 10 Key Components, are associated with better outcomes.

Findings at a Glance: MHCs, cont.

- As for best practices, provision of psychiatric meds, providing participants with weekly written reminders, providing transportation assistance, and liberal provision of tangible incentives, as well as adherence to the "10 Key Components", are associated with better outcomes

Findings at a Glance: Juvenile Drug Courts

Also newer and less of a research base than ADCs:

- Recent outcome research indicates a modest, albeit statistically significant average recidivism reduction of 8%; the best juvenile drug courts demonstrated recidivism reductions between 15% and 40%

Findings at a Glance: Juvenile Drug Courts, cont.

- Findings suggest that either the ADC model is either not well-suited to application with juveniles or the model is not being implemented with sufficient fidelity; the latter seems more likely, given a number of studies finding low rates of fidelity (e.g., these courts often are serving low-risk, low-need juveniles)

- Recent research suggests these programs are more effective when they serve high-risk, high-need participants

Findings at a Glance: Juvenile Drug Courts, cont.

- Emerging best practices suggest that delivering Evidence-Based Practices (EBPs) such as Multisystemic Therapy (MST) and fostering significant inter-agency collaboration, in addition to the "10 Key Components", result in the best outcomes in Juvenile Drug Courts

Findings at a Glance: VTCs

- While promising findings are emerging, it is too early to come to any conclusions as to the effectiveness or cost-effectiveness of these courts, given that research on the effectiveness of VTCs is in its infancy

Findings at a Glance: Community Courts

- Studies have found mixed results regarding the impact of these courts on recidivism, ranging widely from a low of 4% to a high of 60% reductions in recidivism; a number of studies have found no impact on recidivism rates

- Participants in these courts are significantly more likely to be connected with necessary community treatment and social resources and perceive higher degrees of satisfaction with the court system and procedural fairness compared to participants in traditional adjudication processes

- It is too early to determine the ideal population or best practices in community courts

Findings at a Glance: A Summary from Painting the Current Picture

"More research has been published on drug courts and other problem-solving courts than virtually all other criminal justice programs combined. Hundreds of studies prove beyond a reasonable doubt that adult drug courts, DUI courts, family drug courts, and mental health courts improve justice system outcomes and can return net financial benefits to taxpayers."

(Marlowe, et al., 2016, p. 32)

So These Courts Work…But for Whom? Findings from the Literature

Hartley, R.E. and Phillips, R.C. (2001). Who graduates from drug courts? Correlates of client success. American Journal of Criminal Justice, August, 2001.

Studied 196 participants in a single ADC between 1995 and 1998 found that Graduates were more likely to:
- Be older
- Have as their drug of referral something other than cocaine
- Have a high school diploma
- Be employed either before entry or during participation
- Not be a member of a racial or ethnic minority group

So These Courts Work…But for Whom? Findings from the Literature

Hiday, V.A., Ray, B. and Wales, H.W. (2014). Predictors of mental health court graduation. Psychology, Public Policy, and Law, 20(2), p. 191 – 199.

Studied 408 participants in an adult MHC between October 2007 and November 2009. Graduates were more likely to:
- Not be a member of a racial or ethnic minority group
- Have a non-drug charge as their main offense
- Not test positive for illegal drug use at time of arrest
- Have fewer arrests
- Spend significantly more time in the program
- Have no FTAs or new arrests
- Return fewer positive drug tests
- Demonstrate greater compliance in case management sessions

So These Courts Work…But for Whom? Findings from the Literature

Hiday, et al. (2014), cont.

- Age (older increases likelihood of graduating), race (White increases likelihood of graduating), number of prior arrests (fewer is better), and positive drug screen (negative is better) at time of arrest was significant

- Adding any FTA, new arrest, and positive drug test ratio decreases odds of graduating, as did non-compliance as recorded by case managers.

- Participant behavior during the course of their involvement in the court overrides demographic and criminal history factors, with the single strongest predictor of success being the positive drug test ratio.

So These Courts Work...But for Whom? Findings from the Literature

Bryan, V. (2005). Individual and Community-level socioeconomic factors and drug court outcomes: Analysis and implications. Ph.D. thesis: Lexington, KY: University of Kentucky.

Study of 655 Adult Drug Court participants across the state between January 2000 and February 2005. Graduates were more likely to:
• Have completed high school
• Have higher incomes

So These Courts Work…But for Whom? Findings from the Literature

Gilberson, B. (2013). Finding its place: The effect of race on drug court outcomes. University of Wisconsin-Milwaukee: Theses and Dissertations, Paper 104.

Used the Multisite Adult Drug Court Evaluation dataset of Rossman et al. (2011); Included data from 23 separate adult drug courts in seven states between 2003 and 2008. A total of 599 participants provided data on graduation status.

- Race was not associated with graduation status
- Those living in their own residence prior to court entry were more likely to graduate
- Older participants were more likely to graduate
- Those with arrests before age 18, one or more prior convictions for a violent offense, and one or more convictions for a property crime were less likely to graduate

So These Courts Work...But for Whom? Findings from the Literature

Geisler, C.D. (2012). Can drug court results be predicted? Completion and termination of drug court participants. Knoxville, TN: University of Kentucky.

Included all 3,648 drug court participants in Kentucky during 2009 and 2010.

- Opiate users are more likely to graduate while Oxycodone users are less likely to graduate

- Methamphetamine uses were less likely than others to be terminated, but no more likely than others to graduate

So These Courts Work…But for Whom? Findings from the Literature

Polenberg, S,, "Factors Affecting Success and Failure Among Drug Court Participants in the United States: An Examination of Program Completion and Post-Program Outcomes" (2015). Open Access Theses. 553.

Used data from the Multi-site Adult Drug Court Evaluation dataset of Rossman et al. (2011). Results found that graduates were:

- Convictions for drug crimes, other crimes, arrests, and drug use outcomes were all associated with failure to graduate

- Older participants are more likely to graduate

- Employment is associated with higher graduation rates

- Black participants are less likely to graduate than Whites

So These Courts Work…But for Whom? Findings from the Literature

Roll, J.M., Prendergrast, M., Richardson, K., Burdon, W. and Ramirez, A. (2005). Identifying predictors of treatment outcome in a drug court program. The American Journal of Drug and Alcohol Abuse, 31, 641 – 656.

Study included 99 drug court participants in a 121-month ADC in southern California. Graduates were:

- More likely to have been employed at the time they entered the program
- Less likely to be IV drug users

So These Courts Work...But for Whom? Findings from the Literature

Gill, Marie E., "Predictors of Drug Court Client Graduation" (2012).Theses and Dissertations (ETD). Paper 87.

Studied 310 Shelby County (TN) ADC participants. Graduation was associated with:

- More diluted drug screens
- Longer length of program participation
- Being female
- Having graduated from high school or earned a GED
- Lower number of jail sanctions

So These Courts Work…But for Whom? Findings from the Literature

Smith, B. (2017). Completion rates: An analysis of factors related to drug court program completion. Cogent Social Sciences.

Studied 290 felony ADC participants in a large city in Texas. Graduates were more likely to be:

- Employed at the time of program entry
- Married

So These Courts Work…But for Whom? Findings from the Literature

Hickert, A.O., Boyle, S.W., and Tollefson, D.R. (2009). Factors that predict drug court completion and drop out: Findings from an evaluation of Salt Lake County's adult felony drug court. Journal of Social Service Research, 35:2, 149 - 162.

Studied 288 participants of an ADC in Salt Lake County who participated between 2003 and 2005. Graduation was predicted by:

- Spending free time with family rather than with friends or alone
- Being older at time of intake
- Higher education
- Working in the 30 days prior to intake

So These Courts Work…But for Whom? Findings from the Literature

Hickert, et al. (2009), cont.

Dropout was predicted by:

- Depression
- Cocaine/stimulants as the most troubling substance
- More extensive criminal history
- Hospitalizations and/or ER visits in the 30 days prior to intake

Our Study – Statewide Dataset

- All problem-solving courts in Georgia that receive funding from the Council of Accountability Court Judges (CACJ) are required to use one of two Internet-based Court Case Management Systems

- Court data are therefore available for most of the approximately 150 problem-solving courts in the state

- This data is used for ongoing monitoring of court activities as well as for purposes of process and outcome evaluation, e.g., recidivism studies and cost-benefit analyses

Our Sample

- We restricted our sample to participants who had exited an Adult Drug Court (ADC), Mental Health Court (MHC), or Veterans Treatment Court (VTC)
  - ADC: 1,844 participants (77%)
  - MHC: 491 participants (21%)
  - VTC: 46 participants (2%)
- Our final sample consisted of 2,381 ADC, MHC, and VTC participants admitted between 2011 and 2016 to 77 courts in Georgia

Our Sample, cont.

- Sex:
  - Male: 1,571 (68%)
  - Female: 732 (32%)
- Race/Ethnicity:
  - White: 1,539 (70%)
  - Black: 593 (27%)
  - Other: 68 (3%)
- Age:
  - 17 to 25: 668 (28%)
  - 26 to 35: 889 (37%)
  - 36 to 45: 456 (19%)
  - 46 and up: 365 (15%)

Our Sample, cont.

- Entry offense type (in decreasing order):
  - Controlled Substances: 50%
  - Violation of Probation/Parole (VOP): 13%
  - Theft: 10%
  - Burglary: 8%
  - Assault and Battery: 6%
  - All other charges: 13%
- Entry Offense category (in decreasing order):
  - Controlled Substances: 50%
  - Property: 22%
  - VOP: 13%
  - Violent: 7%
  - Other: 8%

Our Methods

- Means of exit was initially coded as:
  - Graduated: 866 (36%)
  - Terminated for non-compliance: 1,285 (54%)
  - Terminated – administrative discharge: 201 (8%)
  - Terminated – dismissed: 29 (1%)
- Due to a lack of consistency as to how these different types of terminations were defined, we collapsed the outcomes into two categories:
  - Graduated: 866 (36%)
  - Terminated (64%)

Our Findings

Significant bivariate relationships (crosstabs with Chi Square)

- Females more likely to graduate than males (41% v. 33%)
- White participants more likely to graduate than Black participants and others (38% v. 25% v. 26%)
- Those with drug charges more likely to graduate than those with other charges (41% v. 32%), while those entering on a VOP are the least likely to graduate (23%)
- The older the participant, the more likely to graduate:
  - 17 – 25: 27% graduate
  - 26 – 35: 34% graduate
  - 36 and up: 46% graduate

Our Findings

- Non-significant results:
  - No difference by type of court (ADC, MH, VTC) – VTC graduation rates appeared to be the lowest, but there were too few cases compared to the other court types for a robust test to be computed
  - No difference in graduation rates between those with a violent entry offense versus those with a non-violent entry offense (close though – p. = .065)

Our Findings – Logistic Regression

Best model* predicted graduation status using:

- Age (25 and under v. 26 and up; OR = 1.9)
- Crime Type 3 (VOP v. Other; OR = 1.8)
- Crime Type 1 (Drugs v. Other; OR = .79)
- Crime Type 2 (Violent v. Other; OR = .68)
- Race (white v. others; OR = .55)

*(AUC = .63, so still not great)

So What Does this Mean?

While the scientific consensus is that Adult Drug Courts work and that the evidence is promising regarding Adult Mental Health Courts and Veterans Treatment Courts, our results of an analysis of factors associated with graduation in a large statewide sample suggests that the courts seem to work better for some groups than for others

So What Does this Mean?

An examination of the literature indicates that factors consistently associated with graduation include:

- being older
- not being a member of a racial minority or ethnic group
- being female

So What Does this Mean?

- While a number of factors (e.g., age, gender, entry offense type, race) have been found in the literature and in our study to be associated with graduation, even the best model using these factors still isn't a very good one

So What Does this Mean?

- For instance, race made it into the model but just barely; it is the least important of the factors in the model
- Adding other factors, such as socio-economic status (and related indicators such as access to transportation and housing), would likely wash it out and account for more of the observed variance

So What Does this Mean?

Our study, which is the largest that we could locate and the only statewide sample, found the same factors to be associated with graduation, and that:

- Those with drug charges are more likely to graduate than those with other charges, while those entering on a VOP are the least likely to graduate

So What Does this Mean?

- We found no difference by type of court (ADC, MH, VTC), although VTC graduation rates appeared to be the lowest

- We also found no difference between those with a violent entry offense versus those with a non-violent entry offense (close though – p. = .065)

Possible Implications

- Work with community supervision agencies in an effort to find out what can be done to increase graduation rates for those who enter the courts on a violation of probation or parole
- The finding regarding age is especially robust – how can we improve the responsivity of our courts for younger participants?

Possible Implications

- Take a hard look at issues of access and fairness as well as representativeness – how can we improve our track record in terms of admitting and graduating participants of color?

- NADCP and the National Center for State Courts (NCSC) are actively engaged in efforts to identify and address issues of access and fairness

Possible Implications

- Georgia's Council of Accountability Court Judges (CACJ) is actively addressing issues with participants' lack of access to transportation and affordable housing, as well as providing specific training to address issues of access and fairness statewide

Study Limitations

- Not enough data regarding LSI-R scores to include assessment of risk (although courts are instructed to admit participants with moderate to high risk)

- We did not examine education, marital status, employment status, housing, income, access to transportation, or other potentially relevant demographic factors

- We did not examine drug of choice or related factors

- We did not examine in-program behavior indices such as number of positive drug screens, number of jail sanctions, all likely proximal indicators

Questions?

Contact Information