

GAO

Report to the Committee on the
Judiciary, U.S. Senate, and the
Committee on the Judiciary, House of
Representatives

July 1997

DRUG COURTS

**Overview of Growth,
Characteristics, and
Results**





General Government Division

B-275268

July 31, 1997

The Honorable Orrin G. Hatch
Chairman

The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary
United States Senate

The Honorable Henry J. Hyde
Chairman

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Title V of the Violent Crime Control and Law Enforcement Act of 1994, which authorizes the award of federal grants for drug court programs, requires that we assess the effectiveness and impact of these grants and report to Congress. To assist Congress in its deliberations on whether to fund drug court programs, we provided a preliminary report in May 1995.¹ In response to the legislative mandate and discussions with the Senate and House Judiciary Committees, this report discusses (1) the universe of and funding for drug courts; (2) their approaches, characteristics, and completion and retention rates; (3) the extent to which program and participant data are maintained and used to manage and evaluate drug courts; and (4) the results of our review and synthesis of existing published and unpublished evaluations or assessments of drug court programs regarding the impact of such programs. This report contains recommendations to the Attorney General, Secretary of Health and Human Services, and the Executive Director of the State Justice Institute to help ensure that, to the extent feasible, follow-up data on program participants are collected by drug court programs and considered in future impact evaluations.

We are sending copies of this report to the Chairmen and Ranking Minority Members of other appropriate congressional committees, the Attorney General, the Secretary of Health and Human Services, the Executive Director of the State Justice Institute, the Director of the Office of Management and Budget, and other interested parties. Copies will also be made available to others upon request.

¹Drug Courts: Information on a New Approach to Address Drug-Related Crime (GAO/GGD-95-159BR, May 22, 1995).

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The major contributors to this report are listed in appendix X. If you or your staff have any questions regarding this report, please call me on (202) 512-8777.

A handwritten signature in black ink that reads "Norman Rabkin". The signature is written in a cursive style with a large initial 'N' and a long, sweeping tail.

Norman J. Rabkin
Director, Administration of
Justice Issues

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Executive Summary

Purpose

Since the 1980s, the drug epidemic in the United States and the adoption of tougher drug policies by lawmakers and officials have contributed to an overload of drug cases on judicial dockets. In response to the deluge of drug cases and the cycle of criminal recidivism¹ common among drug offenders, some state and local jurisdictions began in the late 1980s creating drug courts. These are special judicial proceedings generally used for nonviolent drug offenders that feature supervised treatment and periodic drug testing.

Title V of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) (hereafter referred to as the Violent Crime Act) specifically authorizes the award of federal grants for drug court programs that include court-supervised drug treatment.² The act requires that GAO assess the effectiveness and impact of these grants and report to Congress. In response to this requirement and on the basis of discussions with the Senate and House Judiciary Committees, GAO focused its work on determining (1) the universe of and funding for drug court programs; (2) the approaches, characteristics, and completion and retention rates of existing programs; and (3) the extent to which program and participant data are maintained and used to manage and evaluate drug court programs.

GAO also focused on determining what conclusions can be drawn from existing published and available unpublished evaluations or assessments of drug court programs on the impact of such programs, particularly as they relate to the following specific issues raised in Title V of the 1994 Violent Crime Act and in GAO's discussions with Senate and House Judiciary Committees: (1) criminal profile of program participants compared to similar offenders processed through the traditional adjudication system, (2) completion rates of participants, (3) differences in characteristics between program graduates and dropouts, (4) sanctions imposed on persons who failed to complete drug court programs or comply with program requirements, (5) drug use and criminal recidivism rates of program and nonprogram participants, and (6) costs and benefits of drug court programs to the criminal justice system.

¹GAO uses the term recidivism to refer generally to the act of committing new criminal offenses after having been arrested and/or convicted of a crime.

²Under this act, the Attorney General in administering the federal drug court grant program is required to consult with the Secretary of Health and Human Services, who is responsible for providing grants to public and private entities that provide substance abuse treatment for individuals under criminal justice supervision.

In 1995, GAO issued an initial report³ on drug court programs, which provided preliminary information on programs operating at that time.

Background

The main purpose of drug court programs is to use the authority of the court to reduce crime by changing defendants' drug-using behavior. Under this concept, in exchange for the possibility of dismissed charges or reduced sentences, defendants are diverted to drug court programs in various ways and at various stages of the judicial process depending on the circumstances. Judges preside over drug court proceedings; monitor the progress of defendants through frequent status hearings; and prescribe sanctions and rewards as appropriate in collaboration with prosecutors, defense attorneys, treatment providers, and others. Although there are basic elements common to many drug court programs, the programs vary in terms of approaches used, participant eligibility and program requirements, type of treatment provided, sanctions and rewards, and other practices.

With the assistance of the Drug Court Clearinghouse,⁴ GAO identified existing drug court programs. GAO, among other things, then surveyed and obtained responses from 134 of the 140 drug court programs that were identified as operating as of December 31, 1996. GAO also did an evaluation synthesis of 20 studies⁵ that included some relevant information on the impact of specific drug court programs and identified a variety of other documents that described program objectives and operations; provided judicial commentary on these programs; and, in some cases, provided a summary description of a number of programs.

Results in Brief

There has been a substantial increase in the number of drug court programs started in the United States and the availability of federal funding to support such programs. Between 1989 and 1994, 42 drug court

³Drug Courts: Information on a New Approach to Address Drug-Related Crime, [GAO/GGD-95-159BR](#), May 22, 1995.

⁴The Drug Court Clearinghouse and Technical Assistance Project at the American University, which is funded by the Department of Justice's Drug Court Program Office, among other things, compiles, publishes, and disseminates information and materials on drug courts and provides technical assistance to jurisdictions involved with planning and implementing drug court programs.

⁵GAO's literary search and data collection efforts identified over 80 documents available as of March 31, 1997, that were either published or unpublished evaluation studies; described program objectives and operations; provided judicial commentary; and, in some cases, provided a summary description of a number of programs. Only 20 of these documents met the criteria for inclusion in GAO's evaluation synthesis, including providing some information on the impact and/or effectiveness of drug court programs.

programs were started.⁶ Since 1994, the total number of operating drug court programs had grown to 161 as of March 31, 1997. The number of drug court programs in various developmental stages as of the same date indicates that the number of operating programs will likely continue to grow.

Over \$125 million has been made available for the planning, implementation, enhancement, and/or evaluation studies of drug court programs from a variety of funding sources since 1989. Federal funding, which has increased substantially since 1993, has provided over \$80 million of the total. Over 95 percent of the federal funding has been provided through federal grants administered by the Department of Justice and the Department of Health and Human Services. State and local governments, private donations, and fees collected from program participants have provided about \$45 million.

The drug court programs GAO surveyed were very diverse in approach, characteristics, and completion and retention rates.⁷ Some programs reported that they deferred prosecuting offenders who entered the program, some allowed offenders to enter the program after their case had been adjudicated, and others allowed offenders to enter their program on a trial basis after entering a plea. Although all of the programs GAO surveyed reported having a treatment component as a part of their overall program, results from a Drug Court Clearinghouse survey indicated that the type and extent of treatment provided to program participants varied among the programs. Populations targeted by these programs also varied among the drug court programs and included adults and juveniles,

⁶This number, which is based on GAO's independent survey and other sources, differs from the 36 drug court programs cited in GAO's prior report (GGD-95-159BR) as started between 1989 and 1994, which was based on information obtained from the Drug Court Clearinghouse at the time.

⁷"Completion rates" and "retention rates" are indicators commonly used in the drug court community to measure the impact of drug court programs. Completion rates refer to individuals who completed or were favorably discharged from a drug court program as a percentage of the total number admitted and not still enrolled. This measure is an indicator of the extent to which offenders successfully complete their drug court program requirements. Retention rates refer to individuals who are currently active participants in or have completed or were favorably discharged from a drug court program as a percentage of the total number admitted. This measure is an indicator of the extent to which a program has been successful at retaining program participants in the program at the time of GAO's survey. Although interrelated, both measures are helpful in assessing program performance. A program that had been operating consistently over a longer period would be expected to have similar completion and retention rates.

nonviolent and some violent offenders,⁸ offenders with and without a substance addiction⁹, and first-time and repeat offenders. However, drug court programs most frequently reported that participants were typically adult, nonviolent offenders with a substance addiction. The drug court programs GAO surveyed reported that, since 1989, they had admitted over 65,000 offenders. The completion and retention rates for participants in these programs were reported to range, respectively, from about 8 to 95 percent and 31 to 100 percent.

With the exception of follow-up data on program participants after leaving the program, most drug court programs surveyed by GAO reported that they maintained various types of data on program participants as suggested by the Department of Justice in its guidance to jurisdictions applying for federal grants under (1) Title V of the Violent Crime Act; (2) the Health and Human Services' Center for Substance Abuse and Treatment in its drug court treatment guidelines; and (3) the National Association of Drug Court Professionals' Standards Committee, which develops standards and provides guidance to drug court programs, in its recently issued drug court program "Key Components" guide. In addition, collaborative efforts among drug court program stakeholders have been undertaken to study the feasibility of and suggest ways to overcome obstacles, including cost and legal issues, associated with a recognized need in the drug court community to collect and maintain follow-up and other data on drug court program participants, which some drug court programs and stakeholders have demonstrated to be feasible to collect.

GAO, for several reasons, could not draw any firm conclusions on the overall impact of drug court programs or on certain specific issues raised by Congress about the programs or their participants. For example, many

⁸Survey responses were based on individual jurisdictions' definitions of a "violent offender," which may or may not differ from the federal definition as defined under the Violent Crime Act to mean a person who (1) is charged with or convicted of an offense, during the course of which offense or conduct (a) the person carried, possessed, or used a firearm or dangerous weapon; (b) there occurred the death of or serious bodily injury to any person; or (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in the aforementioned subparagraphs is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

⁹According to the Department of Health and Human Services officials and other drug court program stakeholders, persons admitted without substance addictions are likely to include persons with substance abuse problems who were not identified as being addicted during their initial screening. In addition, some drug court programs target special populations. For example, the Jackson County, Missouri, drug court program, in addition to targeting others, targets prostitutes because of the likelihood that their drug abuse is the reason for their criminal behavior. Another program in Las Vegas, Nevada, targets parents or guardians of juveniles who have been identified as having a substance addiction.

of the evaluations available at the time of GAO's review (1) involved programs that were relatively new at the time of the evaluations and were diverse in nature; (2) had differences and limitations in their objectives, scopes, and methodologies, including (in 11 of the 20 studies) no assessment of program participants after they left the programs, and (in 14 of the 20 studies) no comparison of how participants and nonparticipant arrest rates compared after program completion; and (3) showed varied results regarding program impact and the specific issues raised about drug court programs and their participants.

Justice, in conjunction with various stakeholders in the drug court community, has initiated an impact evaluation, to be completed in 1999, of four of the oldest drug court programs. This evaluation is designed to address some of the factors associated with existing studies that prevented GAO from reaching firm conclusions. However, GAO notes that the outcomes of any future evaluations of drug court programs may be hindered by the lack of available follow-up data, which drug court programs are not currently required to collect. If issues raised by Congress and others about the efficacy of drug court programs are to be addressed, following up on participants and nonparticipants (i.e., eligible offenders who chose not to participate) for some period after they leave the program to find out whether they committed new crimes or relapsed into drug use would be important.

Principal Findings

The Number of Drug Court Programs and the Availability of Funding Have Increased

Based on GAO's survey, 42 drug court programs were started between 1989 and 1994. Since then, 4 have closed and 123 more have started, bringing the total number of drug court programs operating to 161 as of March 31, 1997. Moreover, an additional 154 drug court programs were in various developmental stages as of the same date, indicating potential future growth in the number of operating courts. Drug court programs were operating in 38 states, the District of Columbia, and Puerto Rico and were being planned or studied in 8 of the remaining 12 states and Guam. About 40 percent of the drug court programs operating were in California and Florida.

Overall, information obtained directly from federal funding sources and 134 of the 140 drug court programs identified as operating as of December

31, 1996, showed that over \$125 million in resources was obtained from federal, state, and local governments; private sources; and participant fees for planning, implementing, enhancing, and/or evaluating drug court programs.¹⁰ Federal funding, which has increased substantially since 1993,¹¹ has provided over \$80 million of the funding. From fiscal years 1990 through 1993, federal multipurpose funding sources provided about \$6 million in federal grants to support drug court programs. Since then, about \$75 million in additional federal funds have been awarded through March 31, 1997. These funds were obtained from existing multipurpose grants and three additional federal funding sources that made funds specifically available for planning, implementing, enhancing, and/or evaluating drug court programs.

Over 95 percent of the federal funding has been provided through federal grants administered by the Departments of Justice and Health and Human Services. Drug court programs reported that about \$45 million was provided by state and local governments, private sources, and/or fees collected from program participants since 1989. However, in commenting on a draft of this report, some drug court program stakeholders expressed the opinion that this amount may understate the actual amount of funding provided by state and local governments and other sources because some of the respondents to GAO's survey may have failed to include the state/local jurisdictions' contributions towards the administrative cost of the program staff (judges, prosecutors, pretrial service staff, court clerks, program coordinators, etc.) and/or cost of program facilities (courthouse and other administrative facilities) that are often contributed by the local jurisdiction.

¹⁰The total amount of funding supporting drug court programs is likely understated because (1) some drug court programs were not able to determine the precise amount of funding they received from federal, state, and local governments; private funding sources; and/or participant fees and (2) certain multipurpose federal funding sources, which did not specifically target drug court programs, had not been tracking the funding of drug court programs. In addition, information on the total amount of various federal block grant funding awarded to jurisdictions and used to support drug court programs, as well as Medicaid funding that may have been used by drug court participants to pay for the cost of treatment, was not available from either the funding sources or recipients.

¹¹Although GAO did not analyze the extent of increases in state and local funding, it has likely increased during this same time period due to the requirements for matching funds associated with most federal grants.

Approaches, Characteristics, and Completion and Retention Rates of Existing Drug Court Programs Are Diverse

In response to GAO's survey, about 44 percent of the drug court programs operating as of December 31, 1996, reported deferring prosecution of drug offenders who agreed to enter a drug treatment program, and about 38 percent said that they allowed offenders to enter the program after being adjudicated. About 10 percent reported that they used both approaches, and the remaining 8 percent said they used some other approach.

All of the drug court programs operating as of December 31, 1996, that were surveyed by GAO reported having a treatment component, and 82 percent reported that participants generally started treatment within a week of entering the program. However, the type and extent of treatment provided to program participants varied among the drug court programs. For example, drug court programs responding to a Drug Court Clearinghouse survey reported using an array of treatment services, with the use of these services varying among programs. In addition, some programs reported that a weekly visit to the treatment provider was required; others a minimum of three visits; and in some more extensive programs, four to five visits per week were required.

The drug court programs responding to GAO's survey reported targeting various populations, including adults, women, juveniles, nonviolent and violent offenders, offenders with and without a substance addiction, first-time and repeat offenders, and probation violators. For example

- About 16 percent reported that juveniles were eligible to participate in their drug court program.
- About 6 percent accepted offenders with a current conviction for a violent offense.
- About 16 percent accepted offenders with a prior conviction for a violent offense.
- About 17 percent accepted offenders without a substance addiction.
- About 78 percent accepted repeat offenders.
- About 63 percent accepted probation violators.

Drug court programs most frequently reported that program participants were adult, nonviolent offenders with a substance addiction.

GAO's analysis of responses to its survey further showed that as of December 31, 1996, 65,921 people had been admitted to drug court programs in the United States since 1989. About 31 percent (20,594) had completed programs, and about 24 percent (16,051) had failed to complete

programs because they were terminated or they voluntarily withdrew or died while in the program. About 40 percent, or 26,465 offenders, were reported to be enrolled in drug court programs as of December 31, 1996.¹² The status of the remaining 4 percent, or about 2,800 people, was unknown.¹³

The completion rate for participants in 56 of the 62 drug court programs surveyed that were identified as operating as of December 31, 1996, for more than 18 months ranged from about 8 to 95 percent and averaged about 48 percent.¹⁴ The retention rate for 131 of the 134 programs GAO surveyed ranged from about 31 to 100 percent and averaged about 71 percent.¹⁵

Except for Follow-Up Data, Most Drug Court Programs Reported Collecting and Using Suggested Management and Evaluation Data

Guidelines issued by Justice in 1996 require recipients of federal funds from the Violent Crime Act to demonstrate the capability to ensure adequate program management through ongoing monitoring, tracking, and program evaluation. In this regard, the guidelines suggest that, among other things, the following information be collected for drug court participants and, to the extent possible, similarly situated nonparticipants:

- criminal justice history,
- history of substance abuse,
- level of use of controlled or addictive substances at the point of entry into the program,
- data on substance abuse relapse while in the program,
- data on rearrest and/or conviction for a crime while in the program,
- completion/noncompletion of drug court program,
- follow-up data on substance abuse relapse after completing the program, and
- follow-up data on rearrest and/or conviction for a crime after completing the program.

¹²Of the 26,465 enrollees, about 25 percent, or 6,564, did not regularly attend programs or were wanted on bench warrants for failure to appear as of December 31, 1996. However, the median for the 128 drug court programs that were able to account for the status of enrolled program participants was 5 inactive participants, and 1 drug court program accounted for about 1,200 of the 6,564 inactive enrollees.

¹³Percentages do not add to 100 percent due to rounding.

¹⁴Completion rates were not applicable for three of the programs because they had retained 100 percent of the program participants admitted at the time of GAO's survey. For the remaining three programs, GAO was unable to calculate a completion rate because complete information on the status of certain program participants could not be provided by the drug court programs surveyed.

¹⁵GAO was unable to calculate retention rates for three programs, because complete information on the status of certain program participants could not be provided by the drug court programs surveyed.

In commenting on a draft of this report, Justice pointed out that it does not have the statutory authority to mandate that states or local jurisdictions collect specific program data for drug court programs funded by its block grants.

In its 1996 and 1997 guidance, the Department of Health and Human Service's Center for Substance Abuse Treatment adopted similar suggestions for collecting and maintaining data on program participants. In its recently issued drug court program guide, the National Association of Drug Court Professionals' Drug Court Standards Committee also adopted similar suggestions, including suggesting that data be collected and maintained on relapse and criminal recidivism of program participants after they leave the program and comparative data on similarly situated nonparticipants. However, recipients of other federal funds administered by the Department of Justice, as well as those receiving funds administered by the State Justice Institute¹⁶ are not subject to similar guidance.

Over 90 percent of the drug court programs operating as of December 31, 1996, reported maintaining most of the suggested data to enable them to manage and evaluate their programs. However, about 67 percent of the drug court programs reported not maintaining follow-up drug relapse data, and about 47 percent reported not maintaining suggested follow-up data on rearrest or conviction for a crime once participants leave the programs. GAO's survey results showed that no significant difference was associated with the source of funding (federal, state/local, private, etc.) received and the extent to which drug court programs collected and maintained suggested follow-up data. GAO notes that since its survey was conducted, additional evidence has become available to indicate that collaborative efforts among stakeholders in the drug court community have been undertaken to study the feasibility of and address obstacles, including cost and legal issues, associated with a recognized need in the drug court community to collect and maintain follow-up and other data on drug court program participants.

A significant number of drug court programs and some drug court community stakeholders have demonstrated that it would be feasible to collect and maintain follow-up data on criminal recidivism of program participants, and others have demonstrated that it would be somewhat

¹⁶The State Justice Institute is a nonprofit organization created by federal law and funded through congressional appropriations. Among other things, the State Justice Institute has provided grants for evaluation studies of drug court programs.

feasible to collect and maintain follow-up data on drug use relapse. For example, in March 1997, the Department of Justice through a cooperative agreement with the Justice Management Institute sponsored a meeting involving various drug court stakeholders that focused on, among other things, the need for and ways to overcome obstacles associated with obtaining follow-up data on program participants to adequately monitor and evaluate the impact of drug court programs.

Existing Evaluations Provide Some Limited Information but Do Not Permit Firm Conclusions Regarding Drug Court Impact

The 20 evaluation studies that GAO reviewed and synthesized did not permit GAO to reach definitive conclusions concerning the overall impact of drug courts or the other specific issues mentioned earlier that have been raised by Congress and in GAO's discussions with the Senate and House Judiciary Committees about drug court programs and the offenders who participate in them. For example, many of the available studies involved program approaches and characteristics that were diverse in nature, including, among other things, differences in eligible participants, differences in completion requirements, and differences in the type and extent of treatment provided. Also, various differences and limitations were associated with the objectives, scopes, and methodologies of these studies. Among other things, most of the studies evaluated drug court programs that were still in their first or second year of operation, with many of the program participants being evaluated still active in the programs. Most of the available studies involved very short follow-up periods. Eleven of the 20 studies did not include an assessment of postprogram criminal recidivism among program participants, and none of the studies included an assessment of postprogram drug use relapse. Also, most of the available studies (in 14 of the 20 studies) involved no comparison between participants and nonparticipant arrest rates after program completion.

Although GAO cannot draw any firm conclusions on the overall impact of drug court programs or on specific issues that have been raised, GAO does provide some limited information in chapter 5 on these issues to the extent they are addressed in the 20 available studies it reviewed and synthesized.

In April 1997, Justice issued a solicitation for an impact evaluation of four of the oldest drug court programs, which included an assessment of program participants after they leave the program. Also, during a March 1997 meeting involving Justice and various drug court program stakeholders, attention was given to the need for maintaining follow-up information on program participants and using it in any future impact

evaluations. Justice expects these efforts to address some of the factors associated with existing studies that prevented GAO from drawing firm conclusions.

Recommendations

Congress and others have raised reasonable questions about whether drug court programs are effective. However, these questions have not been answered definitively by the programs themselves or studies done to date, in large part because critical data about program participants after they leave the program or similarly situated non-participants have not been available. Accordingly, to help ensure more effective management and evaluation of drug court programs, GAO recommends that the Attorney General and the Secretary of Health and Human Services

- require drug court programs funded by discretionary grants administered by Justice and Health and Human Services to collect and maintain follow-up data on program participants' criminal recidivism and, to the extent feasible, follow-up data on drug use relapse.
- require drug court programs funded by formula or block grants administered by Justice and Health and Human Services, to the extent permitted by law, to collect and maintain follow-up data on program participants' criminal recidivism and, to the extent feasible, follow-up data on drug use relapse. Where no statutory authority exists to impose such requirements, GAO recommends that Justice and Health and Human Services include in their respective grant guidelines language to suggest that drug court programs funded by these sources similarly collect and maintain such data.

To better ensure that conclusions about the impact of drug court programs on participants' criminal recidivism and/or drug use relapse can be drawn, GAO recommends that the Attorney General, the Secretary of Health and Human Services, and the Executive Director of the State Justice Institute require that the scope of future impact evaluations of drug court programs funded by their respective agencies include an assessment of program participants' postprogram criminal recidivism and drug use relapse and, whenever feasible, compare drug court participants with similar nonparticipants.

Agency Comments and GAO's Evaluation

The Departments of Justice and Health and Human Services, the State Justice Institute, the National Association of Drug Court Professionals, and the Drug Court Clearinghouse provided written comments on a draft

of this report. These comments are discussed at the end of chapters 1, 2, and 5. These organizations generally agreed with GAO's findings relating to the growth, characteristics, and results of drug court programs and the conclusions and recommendations relating to the collection and maintenance of follow-up data on program participants and impact evaluations of these programs. However, Justice raised a legal concern about its ability to impose mandatory requirements on congressionally authorized entitlement grants—formula or block grant programs. The State Justice Institute raised concern about its ability to impose data collection requirements on programs for which it only provides short-term funding. Also, Justice and the National Association of Drug Court Professionals indicated that one of the difficulties associated with GAO's recommendation that evaluations of drug court programs include follow-up data and comparison groups is the lack of ongoing technical assistance and sufficient resources available to drug court programs to enable them to develop the capacity for data collection and program evaluation. While Justice reiterated that it has taken a number of steps to develop the capacity for data collection and evaluation among its drug court grantees, Justice notes that it will work with Congress to increase its funding for technical assistance.

GAO revised its recommendations to recognize statutory limitations that may be associated with formula and block grant programs administered by Justice and the Department of Health and Human Services. GAO did not, however, systematically review and therefore cannot comment on the sufficiency and adequacy of technical assistance and related resources that are currently being provided to drug court programs.

The National Association of Drug Court Professionals and the Drug Court Clearinghouse commented that while it may be too early to reach firm conclusions on the impact of drug court programs, the retention and completion rates from GAO's survey results and the differences in recidivism rates revealed in the evaluation studies reviewed by GAO permit a more positive conclusion about drug court programs than GAO arrives at in its report. GAO continues to believe it is essential to emphasize that there are shortcomings associated with many of the evaluations of drug court programs that have been done, and thus there are good reasons for withholding final judgment until more and better data are collected and additional studies are completed.

The Department of Health and Human Services expressed concerns with the lack of a thorough assessment of the adequacy of treatment being

provided to drug court program participants in the scope of GAO's study. While GAO recognizes the Department's view that it would be helpful to have a detailed assessment of the quality and adequacy of the treatment component of the drug court program, such an effort would have gone well beyond the objectives and scope of this overview assessment of drug court programs.

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Abbreviations

AA	Alcoholics Anonymous
BJA	Bureau of Justice Assistance
CSAT	Center for Substance Abuse Treatment
DOJ	Department of Justice
DCPO	Drug Courts Program Office
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
JMI	Justice Management Institute
LLEBG	Local Law Enforcement Block Grants
NA	Narcotics Anonymous
NADCP	National Association of Drug Court Professionals
NCJRS	National Criminal Justice Reference Service
NIJ	National Institute of Justice
ONDCP	Office of National Drug Control Policy
OJP	Office of Justice Programs
SJI	State Justice Institute

Introduction

Since the 1980s, the drug epidemic in the United States has contributed to an overload of drug cases in many state and local criminal justice systems. The Office of National Drug Control Policy (ONDCP) estimates that each year illegal drugs kill more than 16,000 Americans and cost taxpayers nearly seventy billion dollars, and that more than half of all people brought into the nation's criminal justice system have substance abuse problems. According to the Department of Justice (DOJ), these drug abusers were more likely than nonabusers to be rearrested. In response to the deluge of drug cases in the late 1980s and the cycle of criminal recidivism common among drug offenders, some state and local jurisdictions began creating drug courts.¹ Title V of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) (hereafter referred to as the Violent Crime Act) specifically authorizes DOJ to award federal grants for drug courts that have programs offering court-supervised drug treatment. The act does not authorize grants for courts designed solely to expedite the processing of drug cases. Under this act, the Attorney General, in administering the federal drug court grant program, is required to consult with the Secretary of Health and Human Services (HHS), who is responsible for, among other things, providing grants to public and nonprofit private entities that provide substance abuse treatment for individuals under criminal justice supervision.

The main purpose of drug courts is to use the authority of the court to reduce crime by changing defendants' drug-using behavior. Under this concept, in exchange for the possibility of dismissed charges or reduced sentences, defendants are diverted to drug court programs in various ways and at various stages of the judicial process depending on the circumstances. Typically, judges preside over drug court proceedings; monitor the progress of defendants through frequent status hearings; and prescribe sanctions and rewards as appropriate in collaboration with prosecutors, defense attorneys, related criminal justice agencies, treatment providers, and other social service and community organizations. The extent and nature of collaboration depends on local needs and the targeted population being served and, thus, may differ considerably among drug court programs.

¹According to DOJ, two types of drug courts have evolved: those that (1) expedite drug cases without court-supervised drug treatment and (2) use court-monitored drug treatment to attempt to achieve changes in defendants' drug-using behavior. This report focuses on the latter, drug treatment courts. Throughout this report, we use the term "drug court programs" to refer to these courts. DOJ defines drug treatment courts as special court calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

The approaches used by and basic elements common to drug court programs, including participant eligibility criteria, treatment requirements, completion requirements, and program sanctions are discussed next.

Drug Court Approaches

According to a report provided by the Drug Court Clearinghouse,² drug courts have generally taken two approaches to processing cases: (1) deferred prosecution (diversion) and (2) postadjudication. In the deferred prosecution approach, shortly after being charged, defendants waive their right to a speedy trial and enter a treatment program. Defendants who fail to complete the treatment program have their charges adjudicated. Defendants who complete the treatment program are not prosecuted further or have their charges dismissed. This approach is intended to capitalize on the trauma of arrest and offers defendants the opportunity to obtain treatment and avoid the possibility of a felony conviction.

In the postadjudication approach, defendants plead guilty or are tried and, if convicted, their sentences are deferred and/or incarceration is suspended pending successful completion of drug court program requirements. This approach provides an incentive for the defendant to rehabilitate because progress toward rehabilitation is factored into the sentencing determination. (See app. I for a flowchart of these two drug court approaches.)

According to the National Association of Drug Court Professionals (NADCP),³ another common approach, the hybrid plea approach, generally allows a defendant to enter a plea; waive rights to a jury trial; and/or admit to evidence entered and enter the drug court program on a voluntary basis for a limited trial period after which time the defendant has to decide whether to remain in the program or serve his or her sentence.

²The Drug Court Clearinghouse and Technical Assistance Project, which is funded by the Department of Justice's Drug Courts Program Office, began operating October 1, 1995, under a cooperative agreement with the American University, in partnership with the National Consortium of Treatment Alternatives to Street Crime Program. The Drug Court Clearinghouse, among other things, compiles, publishes, and disseminates information and materials on drug courts and provides technical assistance to jurisdictions involved with planning and implementing drug court programs.

³This is the principal organization of professionals involved in the development of treatment-oriented drug courts. Organized in 1994 by the 12 original drug court programs, its members include judges, prosecutors, defense attorneys, treatment-service providers, educators, researchers, and community leaders. NADCP acts primarily as an advocate for the development of effective drug court programs and works to provide guidance to the drug court community through its education and training programs. NADCP has no statutory or regulatory authority over drug court program operations.

Participant Eligibility Criteria

According to the Drug Court Clearinghouse, drug court programs generally accept defendants with substance abuse problems who were being charged with drug possession and/or other nonviolent offenses such as property crimes. Some drug court programs allow defendants who have prior convictions, and others do not. In addition, as discussed in chapter 3, our survey results show that some programs allow defendants without a substance addiction and defendants currently or previously charged with a violent offense. Federal grants administered under the Violent Crime Act are not supposed to be awarded to any drug court program that allows either current or past violent offenders to participate in its program.⁴

Treatment Requirements

According to the Drug Court Clearinghouse, in most drug court programs, treatment is designed to usually last at least 1 year and is generally administered on an outpatient basis with limited inpatient treatment as needed to address special detoxification or relapse situations.⁵ Many of the programs operate with the philosophy that because drug addiction is a disease, relapses can occur and that the court must respond with progressive sanctions and/or enhance treatment rather than immediately terminate a participant.

The central element of all drug court programs is attendance at the regularly scheduled status hearings at which the drug court judge monitors the progress of participants. Monitoring is based on treatment provider reports on such matters as drug testing and attendance at counseling sessions. The judge is to reinforce progress and address noncompliance with program requirements. The primary objectives of the status hearing are to keep the defendant in treatment and to provide continuing court supervision.

Treatment services are generally divided into three phases and detoxification, stabilization, counseling, drug education, and therapy are commonly provided during phases I and II and, in some instances, throughout the program. Other services relating to personal and educational development, job skills, and employment services are

⁴The 1994 Violent Crime Act defines “violent offender” to mean a person who “(1) is charged with or convicted of an offense, during the course of which offense or conduct (a) the person carried, possessed, or used a firearm or dangerous weapon; (b) there occurred the death of or serious bodily injury to any person; or (c) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in the aforementioned subparagraphs is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.”

⁵These programs recognize that some individuals will require a longer period to complete the program.

provided during phases II and III, after participants have responded to initial detoxification and stabilization. Housing, family, and medical services are frequently available throughout the program. In some instances, a fourth phase consisting primarily of aftercare-related services is provided. The objectives of drug court program treatment are generally to (1) eliminate the program participants' physical dependence on drugs through detoxification; (2) treat the defendant's craving for drugs through stabilization, also referred to as the rehabilitation stage in which frequent group and/or individual counseling sessions are generally employed; and (3) focus on helping the defendant obtain education or job training, find a job, and remain drug free.

HHS' Center for Substance Abuse Treatment (CSAT), which has provided technical support, guidelines, and assistance to the drug court community, in its 1997 planning guide and checklist for treatment-based drug courts⁶ identified the following as critical elements of comprehensive substance abuse treatment:

- **Screening** to determine the likelihood of substance abuse;
- **Assessment** to determine the individual's biopsychosocial needs, and to develop an individualized treatment plan;
- **Comprehensive, client-oriented treatment** to include a range of appropriate modalities, drug testing, cultural/gender specific needs, mental and primary health care, anger management, and other adjunct services (e.g., acupuncture, Alcoholics Anonymous (AA), Narcotics Anonymous (NA), family assistance, housing, and employment);
- **Therapeutic relapse prevention** techniques to identify relapsing triggers, and develop alternative responses; and
- **Case management** of the client's performance, progress, rewards, and sanctions consistent with the individualized treatment plan.

Program Completion Requirements

Drug court programs typically require defendants to complete a treatment program in order to graduate. Some impose other conditions defendants must meet after treatment. These conditions could include remaining drug free and not being arrested for a specified period, paying restitution, being employed full-time, or performing community service.

In many jurisdictions, completion of the drug court program leads to a dismissal of charges or termination of prosecution proceedings. In other

⁶Substance Abuse Treatment Planning Guide and Checklist for Treatment-Based Drug Courts, U.S. Department of Health and Human Services, 1997.

jurisdictions, the guilty plea can be stricken, the defendant can be sentenced to probation in lieu of incarceration, or the defendant's probation can be shortened. DOJ pointed out that some drug court case records, including arrests, are sealed when defendants complete the program.

Program Sanctions

Sanctions for failing to abide by drug court program rules can include (1) verbal warning from the judge; (2) transfer to an earlier stage of the program; (3) incarceration for several days or weeks, generally increasing with the number and severity of the violations; and (4) more frequent status hearings, treatment sessions, or drug tests. Many programs also use graduated sanctions, increasing the severity of the sanction with subsequent violations of program rules.

DOJ also pointed out that most drug court programs use sanctions not to simply punish inappropriate behavior but to augment the treatment process. For example, many drug court programs will place a defendant in residential treatment if he or she is unable to achieve satisfactory progress in an outpatient setting. In addition, many drug court judges incarcerate defendants for the purpose of detoxification rather than for inappropriate behavior. According to NADCP, most drug court programs require some initial period of incarceration.

Termination Criteria

Drug court programs typically use various criteria for ending a defendant's participation in the program before completion. These criteria may include a new felony offense, multiple failures to comply with program requirements such as not attending status hearings or treatment sessions, and a pattern of positive drug tests. According to DOJ, many drug court programs do not terminate defendants for a new drug possession offense.

Before terminating a defendant for continuing to use drugs, drug court programs generally will use an array of treatment services and available sanctions. There are no uniform standards among all programs on the number of failed drug tests and failures to attend treatment sessions that lead to a participant being terminated. Drug court program judges generally make decisions to terminate a program participant on a case-by-case basis taking into account the recommendations of others, including the treatment provider, prosecutor, and/or defense counsel. Relapses are expected, and the extent to which noncompliance results in

terminations varies from program to program. Once a defendant is terminated, he or she is usually referred for adjudication or sentencing.

Objectives, Scope, and Methodology

Title V of the 1994 Violent Crime Act requires us to assess the effectiveness and impact of federal grants awarded under Title V of the act for drug court programs. In response to this requirement and based on discussions with the Senate and House Judiciary Committees, our objectives for this review were to answer the following key questions:

- (1) What is the universe of and availability of funding for drug court programs?
- (2) What are the approaches used, characteristics of program participants, type and extent of treatment provided, and retention and completion rates of existing drug court programs?
- (3) To what extent are program and participant data maintained and used to manage and evaluate drug court programs?
- (4) What conclusions can be drawn from existing published and unpublished evaluations or assessments of drug court programs on the impact of such programs, particularly as it relates to the
 - criminal profile of drug court participants compared to similar offenders processed through the traditional judiciary system,
 - completion rates of participants,
 - differences in characteristics between drug court program graduates and dropouts,
 - sanctions imposed on persons who failed to complete drug court programs or comply with program requirements,
 - drug use and criminal recidivism rates of program participants and nonparticipants, and
 - costs and benefits of drug court programs to the criminal justice system?

To determine the universe of drug court programs, we collected and reviewed information from various units within DOJ, including the Drug Courts Program Office (DCPO), which is responsible for administering the federal drug court program under the Violent Crime Act; NADCP; and the Drug Court Clearinghouse, which provided us with general information that it had compiled on drug courts. To obtain more current and specific information on the drug court universe, we (1) did computerized searches

of several on-line databases, including the National Criminal Justice Reference Service (NCJRS); (2) did key-word searches concerning drug court programs on the Internet; (3) sent a questionnaire to 134 of the 140 drug court programs identified as operating as of December 31, 1996;⁷ and (4) held structured telephone interviews with state and drug court program officials throughout the United States to identify additional jurisdictions that, as of March 31, 1997, had an operating drug court program, were about to start a drug court program in 1997, were planning a program, or were doing a feasibility study of establishing a drug court program.

We received responses from all 134 drug court programs we surveyed. However, with the exception of some limited verification of information provided on the number of program participants admitted, terminated, graduated, and currently enrolled, we did not verify the accuracy of the data provided to us by the Drug Court Clearinghouse or by drug court programs. Appendix II contains a copy of our survey questionnaire, with summary responses to each question, as appropriate. In addition, we visited two drug court programs in Baltimore and attended several focus group meetings and drug court program conferences in 1996 and 1997 that were sponsored by DOJ; NADCP; State Justice Institute (SJI), a nonprofit organization created by federal law and funded through congressional appropriations, which among other things, has provided grants for evaluation studies of drug court programs; and the Justice Management Institute (JMI), a nonprofit organization that provides training, technical assistance, and other support for justice system agencies and courts in the United States and abroad.

To determine DOJ's responsibilities and plans for implementing the federal grant program and to obtain information on drug court program funding, we met with representatives of DOJ's Office of Justice Programs (OJP), including representatives from DCPO, who were responsible for administering grants under the Violent Crime Act and providing technical assistance and training to Violent Crime Act funded drug court programs; Bureau of Justice Assistance (BJA), who were responsible for administering other DOJ grants, including discretionary and formula block grants that have been used in support of drug court programs or evaluations; and National Institute of Justice (NIJ), who have been primarily responsible for DOJ's evaluation of drug court programs and who have also provided support for evaluation efforts in the drug court field.

⁷We did not survey six drug court programs because they were not identified by information obtained from various sources as operating as of December 31, 1996, until after May 15, 1997. This was well after the completion of our survey of drug court programs.

We also reviewed documents regarding these organizations' responsibilities and plans for implementing and monitoring the federally supported drug court program. We also sought and obtained funding information from HHS' CSAT, Housing and Urban Development's (HUD) Community Development and Block Grant Program, and SJI. In addition, we included a question on the survey sent to 134 of the 140 drug court programs identified as operating as of December 31, 1996, on the amount of funding received from federal, state/local, and private funding sources and fees collected from program participants. With the exception of some limited clarification of the reported sources and amounts of funding received by drug court programs, we did not verify the accuracy of the amount of funding from the various sources identified by the drug court programs.

To determine the approaches used, key characteristics, and completion and retention rates of existing drug court programs, we included in our survey questions on program approaches and characteristics such as when the program became operational; the types of participants eligible to participate;⁸ and the numbers of persons who had been admitted, had completed, had failed to complete, and were actively participating in the program as of December 31, 1996. In addition, we interviewed officials from the Drug Court Clearinghouse and NADCP and reviewed documents regarding these issues.

To determine the extent to which program and participant data are maintained by and used to evaluate drug court programs, we included questions about whether the drug court programs had program monitoring, tracking, and evaluation capabilities, and about the types of data on program participants that were maintained and whether the data were computerized. We also spoke to representatives of DOJ's DCPO and BJA within OJP; CSAT, HHS; HUD; NADCP; and the Drug Court Clearinghouse about the guidance for these areas and reviewed the guidelines and standards they have provided.

To determine what conclusions could be drawn from existing published and unpublished evaluations or assessments of drug court programs, we first had to identify these studies. To do this, we used the same multistep process that we used to identify drug court programs. Additionally, in our survey, we asked respondents whether there had been any published or

⁸The categories used in our survey instrument to gather information on the type of violent offenders eligible to participate in drug court programs asked the survey respondents to use their jurisdiction's definition of a violent offense, which may or may not be the same as the federal definition of a violent offense as defined in the Violent Crime Act authorizing grants to drug court programs.

unpublished evaluations of their drug court programs, and if so, to send a copy of the report.

We collected and reviewed information from 20 published and unpublished evaluation studies that were written between 1991 and 1997 and covered 16 drug court programs that began operations between 1989 and 1996. (One program, in Broward County, FL, was covered by three independent evaluations; and two programs, in Dade County, FL, and Los Angeles County, CA, were covered by two evaluations.) A summary of the outcomes reported in the 20 studies and our assessment of them are contained in appendix III. The studies we reviewed represent all of the primary studies we could obtain in time for this report that included, in addition to a description of program operations, an evaluation component (i.e., some information on the outcome or efficacy of the drug court program in preventing relapse into drug use or criminal recidivism). In our search for these evaluation studies, we identified a variety of other published and unpublished documents that described program objectives and operations, provided judicial commentary on these programs, and, in some cases, provided a summary description of a number of programs. This fuller set of materials pertaining to drug court programs is provided in the bibliography.

We used a data collection instrument to systematically analyze and evaluate these studies in terms of the information they provided on program coverage (e.g., admissions criteria and participation rates), program operations (e.g., program length, treatment components, and completions rates), and program outcomes (e.g., drug use relapse and criminal recidivism). We did not attempt to independently verify the information provided in these studies. Each study was read and coded by a social scientist with training in research methods. A second social scientist and other members of our evaluation team then read the studies to verify the accuracy of the items included on the data collection instrument.

Our review was done from October 1996 to May 1997 in accordance with generally accepted government auditing standards. In June 1997, we provided a draft of this report to the Attorney General; the Administrator, Substance Abuse and Mental Health Services, HHS; the Executive Director of SJI; the President of NADCP; and the Project Director of the Drug Court Clearinghouse for their comments. Their written comments are characterized and evaluated in chapters 1, 2, and 5 and are reprinted in appendixes V, VI, VII, VIII, and IX of this report. In addition, all of the

agencies and organizations provided some minor technical changes, which have been appropriately incorporated throughout this report.

Agency Comments and Our Evaluation

In its written comments, HHS expressed concerns with the scope of our mandated study of drug court programs. HHS specifically noted that our study did not include an examination of the clinical aspects of drug court programs and opined that the rate at which drug court programs succeed in their purpose—reducing drug-related crime—is dependent on the quality and effectiveness of the substance abuse treatment provided as a part of the program. In addition, HHS urged that all future studies conducted under this mandate recognize the inter-dependency among the several participating disciplines.

While we recognize HHS's concerns, a review of the adequacy of the drug treatment component would have been well beyond the objectives and scope of this overview assessment of drug court programs.

Number of Drug Court Programs and Availability of Funding Have Increased

There has been a substantial increase in the number of operating drug court programs in the United States and the availability of funding to support and/or evaluate such programs. Between 1989 and 1994, 42 programs were started.¹ Since then, the total number of operating programs has grown to 161 as of March 31, 1997. Moreover, the number of new drug court programs is expected to continue to grow, with an additional 154 programs identified as either about to start, being planned, or in the feasibility study stage as of March 31, 1997. On the basis of our analysis of data obtained from federal funding sources and drug court program officials, over \$125 million has been made available to plan, implement, enhance, and/or evaluate drug court programs. Federal funding, which has increased substantially since 1993,² has provided over \$80 million of the funding. Over 95 percent of the federal funding has been provided through federal grants administered by DOJ and HHS. In addition, drug court programs reported that about \$45 million was provided by state and local governments, private sources, and/or fees collected from program participants since 1989.

Growth in Number of Drug Court Programs

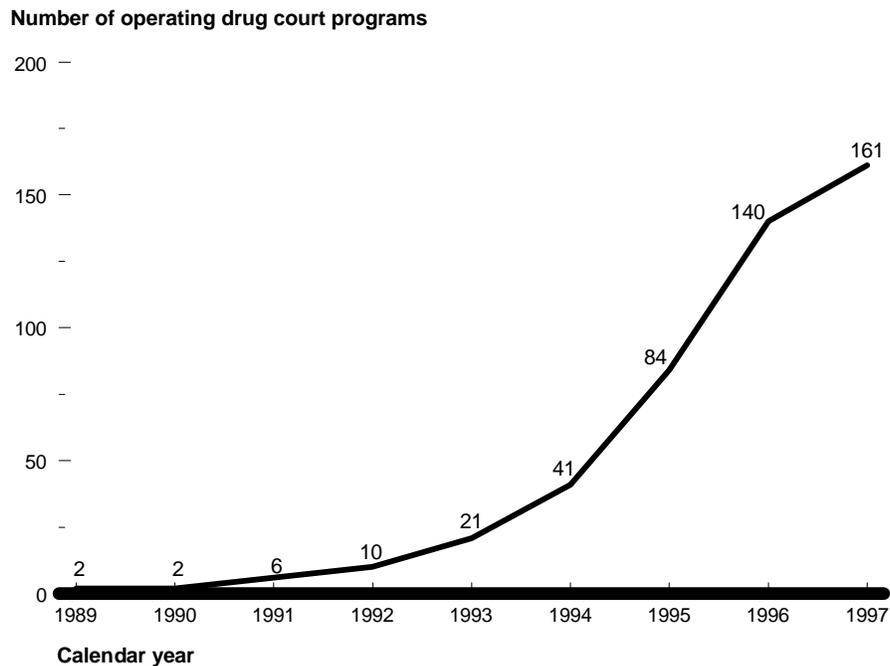
As figure 2.1 shows, the number of operating drug court programs has increased substantially since 1994. Between 1989 and 1994, 42 drug court programs had started. Since then, 4 have closed and 123 more have started, bringing the total number of operating programs to 161 as of March 31, 1997. An additional 32 drug court programs are expected to begin operating in 1997, which would bring the total to 193 operational programs by the end of 1997. Figure 2.2 shows the number of drug court programs started each year since 1989.

¹This number, which is based on our independent survey and other sources, differs from the 36 drug court programs cited in our prior report ([GAO/GGD-95-159BR](#)) as started between 1989 and 1994, which was based on information obtained from the Drug Court Clearinghouse at the time.

²Although we did not analyze the extent of increases in state and local funding, it has also likely to have increased due to the requirements for matching funds associated with most federal grants.

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Figure 2.1: Increase in the Number of Drug Court Programs Between 1989 and March 31, 1997

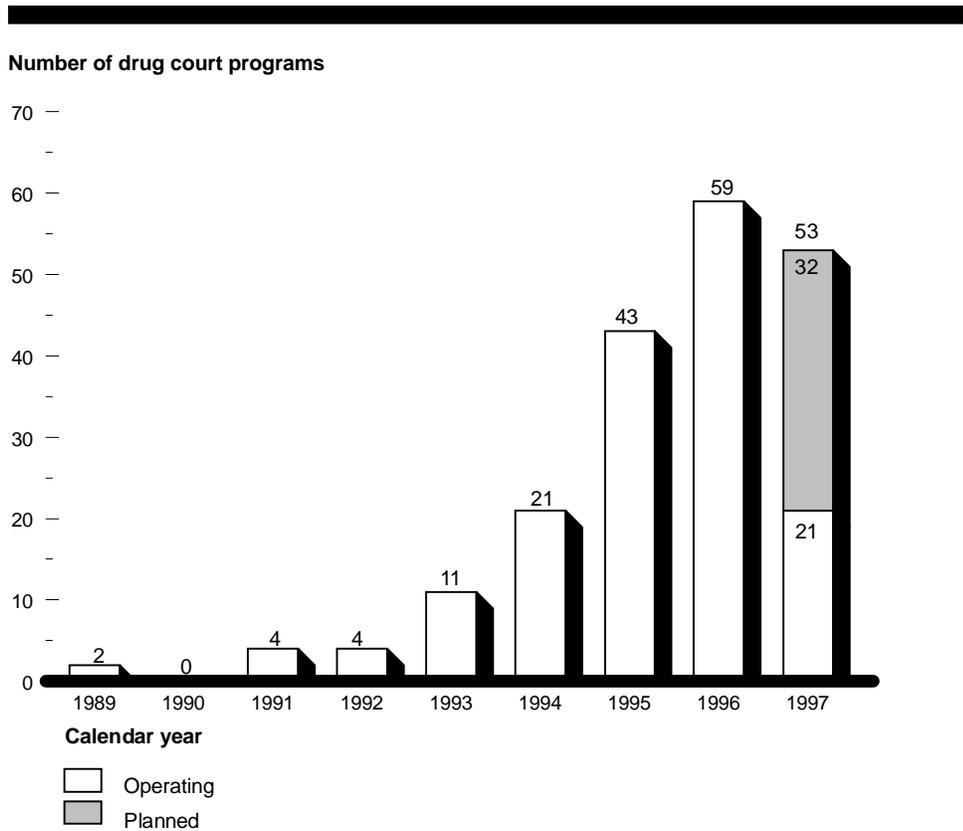


Note: One drug court, which opened in 1989, closed in 1994; two drug courts, which opened in 1995, and one, which opened in 1996, closed during 1996. These drug courts closed due to lack of funding and/or because of state/local government decisions not to continue the programs.

Sources: GAO survey of drug court programs operating as of December 31, 1996, and information obtained from the Drug Court Clearinghouse.

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Figure 2.2: Number of Drug Court Programs Started Between 1989 and March 31, 1997



Sources: GAO survey of drug court programs operating as of December 31, 1996, and information obtained from the Drug Court Clearinghouse.

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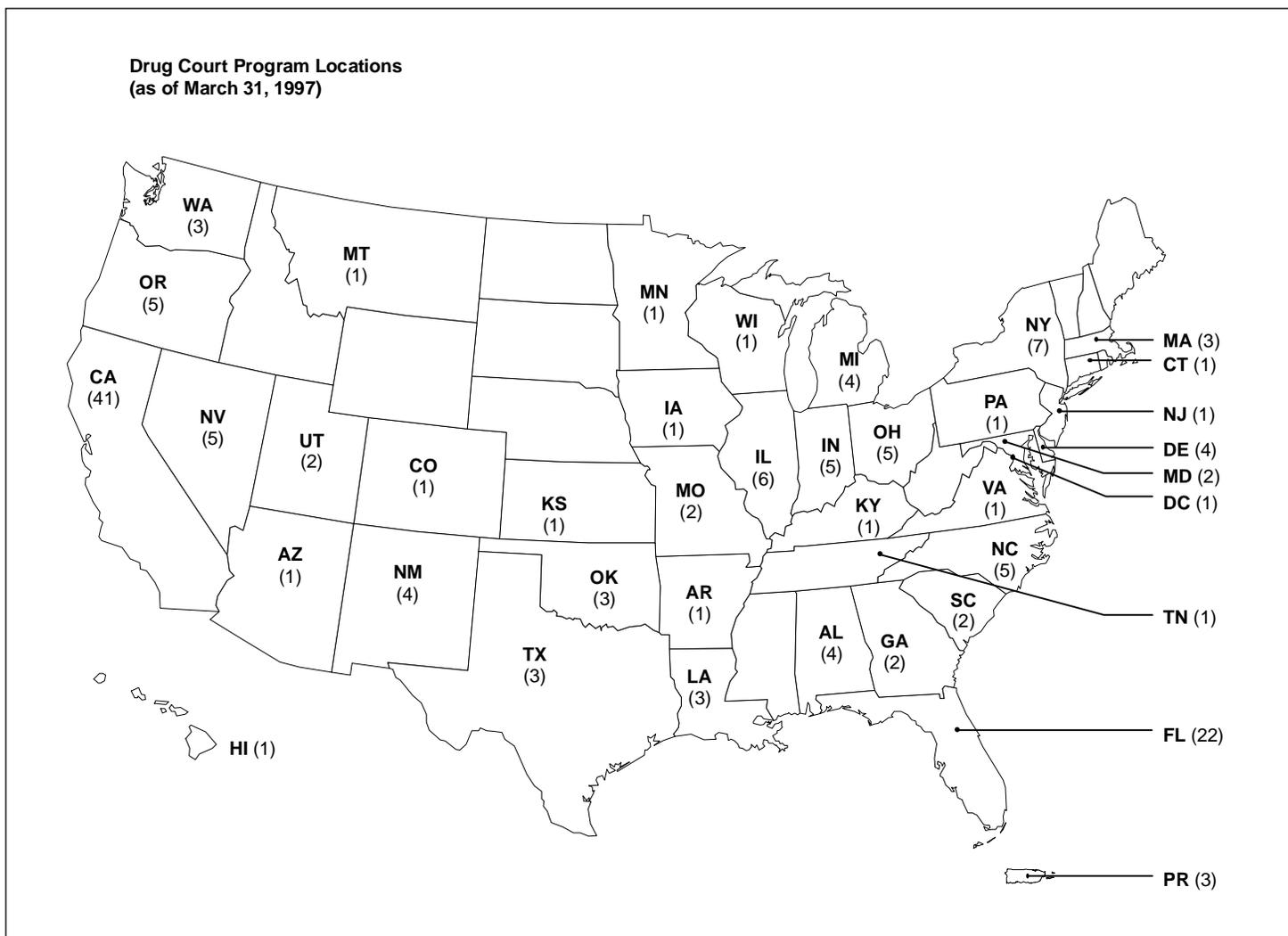
As of December 31, 1994, drug court programs were operating in 17 states and the District of Columbia. As figure 2.3 shows, as of March 31, 1997, drug court programs were operating in 38 states, the District of Columbia, and Puerto Rico. About 40 percent of these programs were located in California and Florida.

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Figure 2.3: Comparison of Drug Court Program Locations as of December 31, 1994, and March 31, 1997



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Sources: GAO survey of drug court programs operating as of December 31, 1996, and information obtained from Drug Court Clearinghouse.

The growth in the number of drug court programs is likely to continue over the next few years. In this regard, our review revealed that an additional 154 drug court programs were identified as either about to start, being planned, or in the feasibility study stage as of March 31, 1997. Also, 8 of the 12 states without drug court programs and 1 additional U.S. territory (Guam) were either about to start, planning, or studying the feasibility of

starting a drug court program. Appendix IV provides summary information on the status of drug court programs by jurisdiction as of March 31, 1997.

Sources of and Increase in Drug Court Program Funding

Overall, our analysis of funding data and information obtained from various federal and nonfederal funding sources and funding data reported by drug court programs operating as of December 31, 1996, shows that since 1989, over \$125 million in resources derived from federal, state, and local governments; private sources; and participant fees have been provided to plan, implement, enhance, and/or evaluate drug court programs.³

According to our analysis of data obtained from federal funding sources and drug court program officials, federal funding sources, which have increased substantially since 1993, have provided over \$80 million in funding.

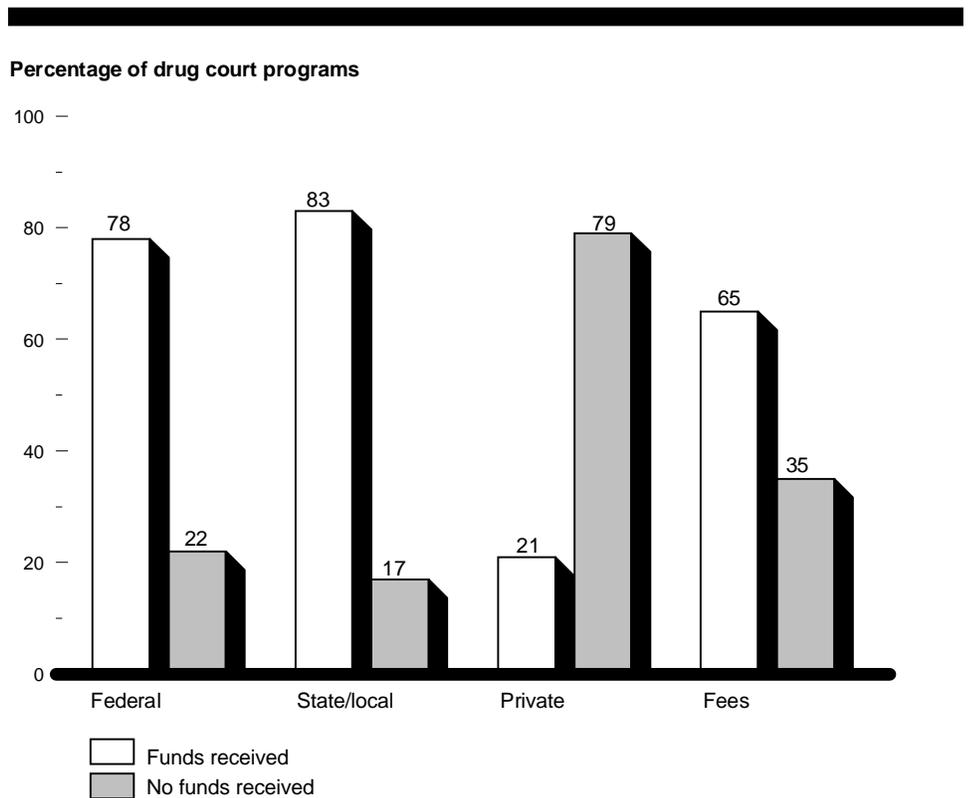
Drug court programs we surveyed reported that about \$45 million was provided by state and local governments, private sources, and/or fees collected from program participants since 1989. However, in commenting on a draft of this report, DOJ, NADCP, and the Drug Court Clearinghouse expressed the opinion that this amount may understate the actual amount of funding provided by state and local governments and other sources because some of the respondents to our survey may have failed to include the state/local jurisdictions' contributions towards the administrative cost of the program staff (judges, prosecutors, pretrial service staff, court clerks, program coordinators, etc.) and/or cost of program facilities (courthouse and other administrative facilities) that are often contributed by the local jurisdiction.

While several of the 134 drug court programs we surveyed were unable to provide precise funding data, as figure 2.4 shows, about 80 percent of the 134 drug court programs we surveyed, reported that they had received federal funding, over 80 percent reported receiving state/local government

³The total amount of funding supporting drug court programs is likely understated because (1) some drug court programs we surveyed were not able to determine the amount of funding they received from federal, state, and local governments; private funding sources; and/or participant fees and (2) certain multipurpose federal funding sources, which did not specifically target drug court programs, had not been tracking the funding of drug court programs. In addition, information on the total amount of HHS CSAT' Block Grants for Prevention and Treatment of Substance Abuse and HUD's Community Development Block Grant funding that were awarded to jurisdictions and used to support drug court programs, as well as Medicaid funding that may have been used by drug court participants to pay for the cost of treatment, was not available from the federal funding source.

funding, and about two-thirds reported that they had collected funds from fees assessed on drug court program participants.

Figure 2.4: Percentage of Drug Court Programs Reporting Receiving Various Types of Funding



Source: GAO survey of drug court programs operating as of December 31, 1996.

Federal Funding Has Increased

The amount and sources of federal funding supporting drug court programs have increased substantially since fiscal year 1993. Before the establishment of a new grant program by DOJ and the passage of the Violent Crime Act, there were no specific federal grants for drug court programs. During this time, drug court programs were funded primarily by multipurpose federal grants from the Edward Byrne Memorial State and

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Local Law Enforcement Assistance⁴ (Byrne block grant program) and Correctional Options Grants programs (a discretionary Byrne grant program) administered by BJA,⁵ Block Grants for Substance Abuse Prevention and Treatment and other grants awarded by HHS' CSAT,⁶ and SJI.⁷ The amount of these federal grants supporting drug court programs totaled about \$6 million.⁸ Other funding was received from state and local governments, private sources, and fees assessed on program participants.

Beginning in fiscal year 1994, additional federal funding sources became available through the Comprehensive Communities Program (a discretionary Byrne grant program), the passage of the Violent Crime Act, and the Local Law Enforcement Block Grants program as authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134). Additional funding was also made available from the previously mentioned federal grant programs and other funding sources. Excluding use of funds derived from HUD's Community Development Block

⁴The Byrne program was first authorized in the Anti-Drug Abuse Act of 1986 (P.L. 99-570). Federal funding under this program consists of two discretionary programs and a formula block grant program that must be used to improve criminal justice systems in order to reduce violent crime, the demand for illegal drugs, or the availability of such drugs. Discretionary funds administered under this program can be used to, among other things, establish demonstration projects and fund correctional options programs. Under the Violent Crime Act, the Byrne program was authorized an additional \$1 billion over fiscal years 1995 through 2000.

⁵BJA, a component of OJP, DOJ, is authorized by Congress to award discretionary grants to public and private organizations for national scope, demonstration, training, and technical assistance programs that strengthen the nation's criminal justice system and assist state and local governments in reducing and preventing violent crime and drug abuse.

⁶Under Title 42 (Sec. 290bb-4(a)) of the U.S. Code, the Director of CSAT is to provide grants to public and nonprofit private entities that provide treatment for substance abuse to individuals under criminal justice supervision.

⁷SJI reported that, in addition to funding other programs and initiatives, it provides grants to support drug court programs' operations and evaluations, which require a 50-percent match.

⁸Recipients of federal funds provided under some of these grant programs are required to provide anywhere from 10 to 25 percent in matching funds.

Grant program and Medicaid, administered by HHS,⁹ the amount of additional funds made available from new and existing funding sources totaled about \$75 million from fiscal year 1994 through March 31, 1997.

Federal Funding Sources

Federal funding intended specifically for drug court programs became available for the first time through DOJ's establishment of the Comprehensive Communities Program in fiscal year 1994.¹⁰ In fiscal year 1995, DOJ's DCPO began administering the Violent Crime Act grants to state and local jurisdictions for drug court programs. One year later, the Local Law Enforcement Block Grants program as authorized by the Omnibus Consolidated Recissions and Appropriations Act of 1996 also made federal funds available for several purposes, including drug court programs.

Comprehensive Communities Program Funding

In 1994, BJA, under its authority to make grants to states for, among other things, improving the functioning of the criminal justice system, began implementation of a comprehensive community program based on the crime control program in 16 U.S. jurisdictions. The objectives of the Comprehensive Communities Program are to, among other things, develop a comprehensive, multiagency strategy to control and prevent violent crime and drug-related crime and to coordinate existing federal, state, local, and private agency resources to maximize their impact on reducing violent crime and drug-related crime. Funding under this program was directed to be applied to seven local crime control and prevention initiatives, including the planning, implementation, or enhancement of drug court programs; alternatives to incarceration; and prosecution and diversion initiatives. In fiscal year 1994, a total of \$1.2 million was awarded to six jurisdictions for drug court programs using discretionary Byrne funds, and in fiscal year 1995, a total of \$1.2 million was awarded to six additional jurisdictions using Violent Crime Act funding.

Violent Crime Act Funding

As table 2.1 shows, Title V of the 1994 Violent Crime Act authorized \$1 billion over 6 years (fiscal years 1995 to 2000) for drug court programs. Actual appropriations for the first 3 fiscal years have been less than the authorized amount. About \$57 million of the \$400 million authorized by Congress for the first 3 fiscal years was actually appropriated as of March 31, 1997.

⁹We were unable to include information on the growth or decline in the use of these funds to support drug court programs because information was not available from federal funding sources responsible for administering these programs.

¹⁰Funding provided to support drug court programs under the Comprehensive Communities Program was derived from \$1.2 million in funds transferred in late fiscal year 1994 from the Byrne program administered by DOJ's BJA, and \$1.2 million in fiscal year 1995 funding that was transferred from DOJ's DCPO Violent Crime Act funding.

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Table 2.1: Schedule of the Violent Crime Act Grant Authorizations, Appropriations, and Awards^a

Dollars in millions

	Fiscal year						Total
	1995	1996	1997	1998	1999	2000	
Congressional authorization	\$100.0	\$150.0	\$150.0	\$200.0	\$200.0	\$200.0	\$1,000.0
Congressional appropriation	11.9	15.0	30.0	n/a	n/a	n/a	56.9
DOJ/DCPO awards	\$8.2	\$8.4	\$16.7	n/a	n/a	n/a	\$33.3

n/a = No funds were appropriated as of March 31, 1997.

^aAs of March 31, 1997.

Sources: Public Law 103-322 and DOJ's DCPO.

Of the \$57 million appropriated by Congress, in addition to the transfer of \$1.2 million to the Comprehensive Communities Program in fiscal year 1995, DCPO, as of March 31, 1997, had awarded about \$33 million in grants to over 150 jurisdictions to fund drug court programs.¹¹ DCPO can award three types of grants:¹²

- **Planning grants** are for those jurisdictions that are interested in establishing drug court programs and are in the early planning stage for that effort. In fiscal year 1995, a jurisdiction could receive up to \$35,000 for a planning grant. For fiscal years 1996 and 1997, the maximum award was \$20,000 per jurisdiction.
- **Implementation grants** are for those jurisdictions that have already made a commitment to develop a drug court program and have already identified the target population to be served and the case processing procedures that will be used. The maximum award for implementation grants was \$1 million for fiscal year 1995 and \$400,000 for fiscal years 1996 and 1997.
- **Enhancement grants** are for those jurisdictions with established drug court programs to improve or enhance existing services. The maximum

¹¹According to DOJ officials, the remaining funds were allocated for management and administrative purposes (at approximately 1 percent of the annual amount appropriated) and to fund technical assistance, training, and evaluations being sponsored by NIJ (at approximately 5 to 6 percent of the annual DCPO appropriation). In addition, DCPO plans to issue additional fiscal year 1997 drug court program awards of approximately \$12 million during July-August 1997.

¹²Recipients of federal funds provided by DOJ's DCPO under the Violent Crime Act are required to provide at least 25 percent in matching funds from local sources. In-kind contributions may constitute a portion of the nonfederal share.

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award for enhancement grants was \$1 million in fiscal year 1995 and \$300,000 for fiscal years 1996 and 1997.

Table 2.2 summarizes grants awarded for this source of funding.

Table 2.2: Number and Amount of the Violent Crime Act Grants Awarded to Drug Court Programs, Fiscal Years 1995-1997

Dollars in millions

Type of grant	Fiscal year							
	1995		1996		1997 ^a		Total	
	Number of grants	Amount awarded	Number of grants	Amount awarded	Number of grants	Amount awarded	Grants awarded	Amount awarded
Planning	52	\$1.6	0	\$0	79	\$1.4	131	\$3.0
Implementation	5	3.9	9	3.5	38	12.0	52	19.4
Enhancement	7	2.7	7	4.9	12	3.2	26	10.8
Total	64	\$8.2	16	\$8.4	129	\$16.6	209	\$33.2

^aAs of March 31, 1997.

Source: DOJ's DCPO.

Local Law Enforcement Block Grants Program

The Omnibus Consolidated Recissions and Appropriations Act of 1996 authorized the Director of BJA to make funds available to units of local government under the Local Law Enforcement Block Grants program for the purposes of reducing crime and improving public safety. Grants awarded under this program could be for any of seven purpose areas, one of which was for establishing or supporting drug court programs. For fiscal year 1996, \$503 million was appropriated for the Local Law Enforcement Block Grants program, but after deductions for legislatively mandated earmarks and program administration costs, \$424 million remained available for distribution to eligible jurisdictions. Of this amount, about \$14.5 million was awarded to 93 units of local government in 32 states for use by drug court programs.¹³ In fiscal year 1997, \$523 million was appropriated, of which about \$467 million is available for distribution to eligible jurisdictions. DOJ plans to make grants to eligible jurisdictions in mid-1997, including grants to fund drug court programs.

Other Federal Funding Sources

In addition to funding specifically designated for drug court programs, other multipurpose federal grants continued to be available and used to support drug court programs. These sources included additional funding totaling about \$14 million made available in fiscal years 1994 through 1996

¹³Recipients of federal funds provided under a grant for the Local Law Enforcement Block Grants program are required to provide at least 10 percent in matching funds.

by DOJ under the Byrne block grant and Correctional Options Grants programs and about \$8 million from a variety of HHS' CSAT grants for drug court programs that were made available between fiscal years 1994 through 1997, including one new grant initiative, the Criminal Justice Treatment Networks,¹⁴ which provided initial funding in fiscal year 1995, and CSAT's Target Cities initiative, which provided initial funding in fiscal year 1993.¹⁵

SJI, a nonprofit organization created by federal law and funded through congressional appropriations, has provided about \$1.6 million in support of drug court program initiatives (primarily funding evaluation studies) since 1990. In addition, some drug court programs also reported receiving funds during our survey period that were derived from other federal funding sources (totaling about \$2.1 million) that included, among others, about \$104,500 in funds derived from HUD's Community Development Block Grant program and about \$49,000 in Medicaid funds. As previously noted, the total amount of HUD grants and Medicaid resources used to support drug court operations was not directly available from either the funding sources or all of the recipients.

Excluding funding that may have been derived from HUD's Community Development Block Grant program and Medicaid, table 2.3 shows federal funding awarded to drug court programs from fiscal year 1990 to March 31, 1997. Fiscal years 1990 to 1993 funding totaled about \$6 million, and fiscal year 1994 to March 31, 1997, funding totaled about \$75 million.

¹⁴CSAT's Criminal Justice Treatment Networks focuses on the involvement of three clusters of the U.S. population: adult females, adult males, and juveniles. Funding has generally been provided to jurisdictions with the ability to participate in CSAT knowledge generation activities through cross-site evaluation efforts and contribution of data derived from these clusters.

¹⁵CSAT's Target Cities grants are intended to, among other things, further knowledge about treatment and facilitate early access to treatment.

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Table 2.3: Summary of Federal Funding Provided to Drug Court Programs, Fiscal Years 1990-1997

Dollars in thousands

Federal funding sources	Fiscal year								Total
	1990	1991	1992	1993	1994	1995	1996	1997 ^a	
Department of Justice^b									
Byrne block grants	\$188	\$740	\$263	\$1,658	\$2,041	\$5,265	\$4,532	0 ^c	\$14,687
Comprehensive Communities Program	n/a	n/a	n/a	n/a	1,200	1,200	0 ^d	0 ^d	2,400
Correctional Options Grants	n/a	n/a	500	999	1,100	690	370	n/a ^e	3,659
Violent Crime Act Funding ^f	n/a	n/a	n/a	n/a	n/a	8,216	8,366	16,671	33,253
Local Law Enforcement Block Grants	n/a	n/a	n/a	n/a	n/a	n/a	14,455 ^g	0 ^h	14,455
Department of Health and Human Servicesⁱ									
CSAT Grants for Substance Abuse Treatment in State and Local Criminal Justice System									
D.C. Superior Court Drug Intervention Project	n/a	n/a	n/a	799	0	2,307	0	430	3,536
Criminal Justice Treatment Networks	n/a	n/a	n/a	n/a	n/a	1,800	2,568	0	4,368
CSAT Grants for Treatment Improvement									
Target Cities Grants	n/a	n/a	n/a	20	310	578	275	0	1,183
State Justice Institute									
SJI Grants ^j	123	0	228	313	245	410	0	319	1,638
Total	\$311	\$740	\$991	\$3,789	\$4,896	\$20,466	\$30,566	\$17,420	\$79,179

(Table notes on next page)

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n/a = Funds for this program were not applicable during this fiscal year.

Note: The total noted above excludes about \$2.1 million in federal funds that were derived from other federal sources not noted in the table. Also, funds provided by DOJ and other federal agencies that may have been used for evaluation, technical assistance, and/or training for drug court programs or officials may not be reflected in the totals. As a result, the total amount provided likely understates the total amount of federal financial support for drug court programs.

^aAs of March 31, 1997.

^bFederal funds awarded by DOJ under its various grant programs must be used to supplement existing funds for program activities and not replace funds that have been appropriated for the same purpose.

^cDOJ did not provide information for fiscal year 1997 funding noting, that it is very unlikely that states have begun funding subgrantees, and that it would therefore give a very false impression of the level of funding for the fiscal year.

^dDOJ was unable to provide specific information on the amount of funding for this fiscal year. According to DOJ officials, BJA's Comprehensive Communities Program saw a significant reduction in funding in fiscal year 1996, with no significant increases anticipated in the future.

^eThe Correctional Options Grants program was zeroed out in fiscal year 1996, and no additional funding was made available for fiscal year 1997. DOJ officials noted that no further federal support of this initiative is anticipated.

^fThe Violent Crime Act also authorized funding for, among other things, program administration and management, technical assistance and training, and a federally funded impact evaluation of the drug court program.

^gRepresents the estimated amount jurisdictions reported to DOJ as identified for drug court program use.

^hAccording to DOJ officials, fiscal year 1997 LLEBG awards will be made by the end of fiscal year.

ⁱCSAT also provided additional funding between fiscal years 1993 and 1997 totalling about \$1.1 million under its authority to award grants for substance abuse treatment in criminal justice systems and its authority to issue Block Grants for Substance Abuse Prevention and Treatment. These grants were provided primarily for technical assistance, publications, and conferences/meetings, and is not included in the totals provided. Given jurisdictional discretion for awarding block grant funds received from CSAT, the total amount of funds awarded under CSAT's block grant program to various state and local jurisdiction was not available from either the funding source or the grant recipient and is therefore likely understated.

^jGrants awarded by SJI have been primarily awarded for efforts to evaluate drug court programs and to support judicial education programs about drug courts. Only small-scale planning, implementation, and enhancement projects have been supported through SJI technical assistance grants. (The 1995 funding included a \$355,000 grant to support a National Symposium on Drug Courts conducted by the American University.)

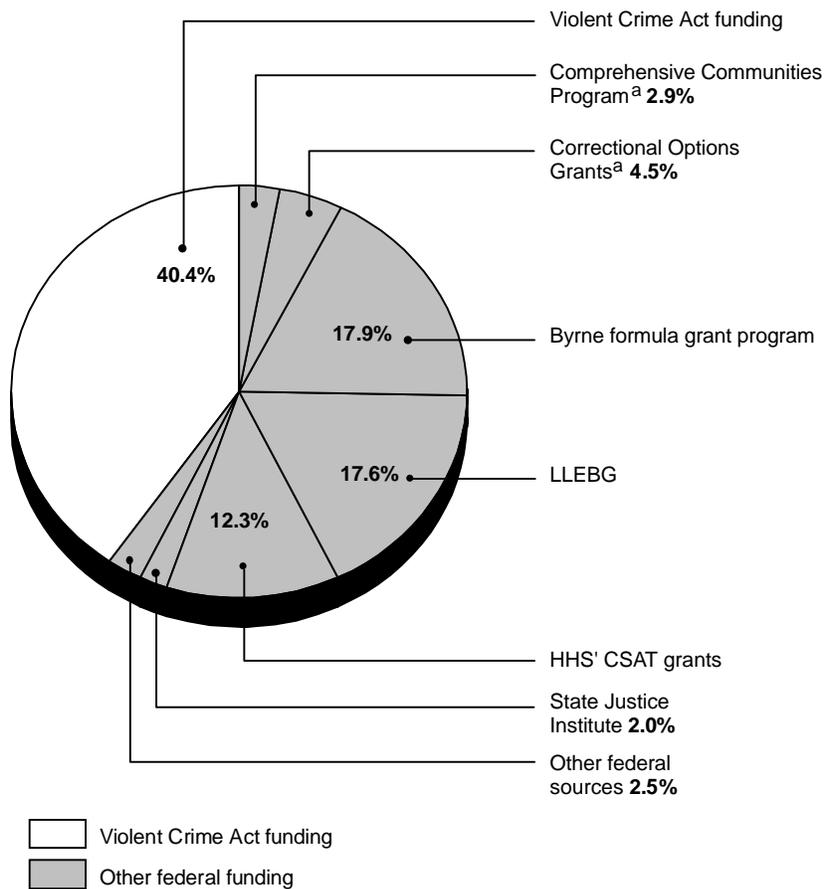
Source: GAO analysis of information obtained from federal funding sources.

As figure 2.5 shows, information obtained from federal funding sources indicates that about 40 percent (or about \$33 million) of the identified federal funding for these programs has been derived from the Violent Crime Act funding administered by DOJ's DCPD. Also, DOJ and HHS accounted

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for over 95 percent of the federal funding supporting drug court programs operations and/or evaluation studies.

Figure 2.5: Percentage of Federal Funding, by Source



Note: Percentages do not add to 100 percent due to rounding.

^aByrne discretionary grant program.

Sources: GAO survey of drug court programs operating as of December 31, 1996, and information obtained directly from federal funding sources.

State and Local Governments

Respondents to our survey reported that over \$38 million was provided by state and local governments.¹⁶ A portion of this amount represents required state/local government matching of federal funds.

Private Funding

Respondents to our survey reported that about \$3 million of the drug court program funding came from private sources, such as grants/donations from foundations, corporations, or charitable organizations, etc.

Participant Fees

Sixty-five percent of drug court programs operating as of December 31, 1996, reported that they charged participant fees for some of the services provided. These programs reported that they assessed a variety of fees, with most assessing fees for drug treatment and drug testing that program participants are required to undergo. Among other things, drug court programs assessed fees to cover administrative and court processing costs, supervision, counseling, housing, and transportation. Some also assessed participant fees as penalties or incentives for improvement. In many of the drug court programs, the reported participant fee amount assessed varied, and in some cases, depended on the ability of the program participant to pay. The reported fees assessed on program participants varied within and across programs from \$1 for drug testing in one program to a maximum program fee of \$4,625 for certain higher income participants in another program. Participant fees accounted for about \$2.5 million of the reported funding.

Agency Comments and Our Evaluation

In their comments on a draft of this report, DOJ, NADCP, and the Drug Court Clearinghouse expressed concern with our estimate of the proportion of drug court costs that were funded by the federal government. We reconsidered the information we had available to make that estimate, and decided in retrospect not to present the information in the same way. While we were able to derive what we believe to be reliable estimates of federal funds from federal funding sources, we were unable to derive direct estimates of state and local funds, except as they were reported to us by the drug court program officials we surveyed, which in some cases included judges, court administrators, program directors and managers,

¹⁶The total amount of state/local government funding supporting drug court programs is likely understated because some drug court programs were not able to determine the amount of funding they received from their state or local governments. In addition, 21 drug court programs who reported that they were receiving federal grants requiring matching funds did not report required state and local matching funds. We discussed this matter with DOJ officials and suggested that they follow up to determine whether these drug courts are in compliance with the matching requirements for federal funding. We plan to follow up on what actions DOJ has taken.

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and/or state and local budget officials. Accordingly, we have deleted parts of our draft report that previously provided a comparative analysis on the proportion of federal funding among all drug court funds, and revised the presentation to focus on levels and sources of funding without comparing them directly to funds from other sources.

Approaches, Characteristics, and Completion and Retention Rates of Existing Drug Court Programs Were Diverse

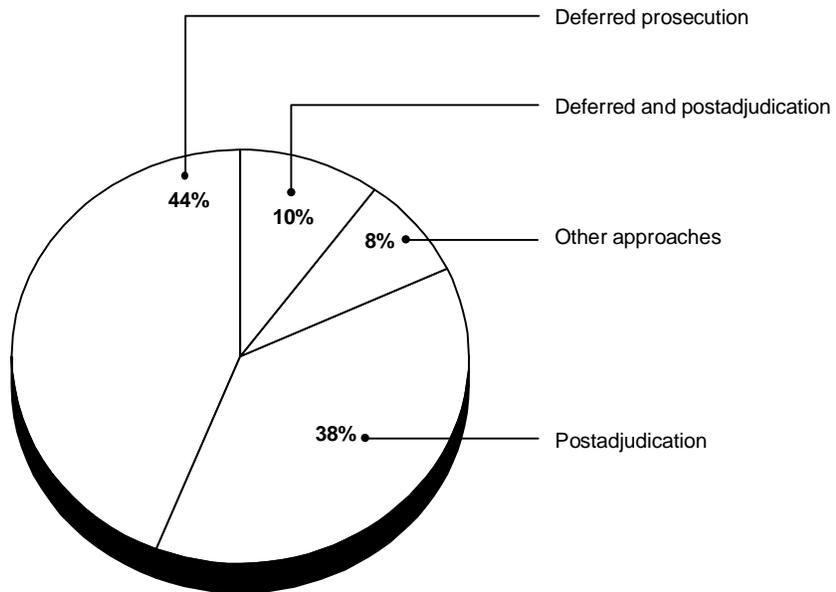
Drug court programs identified as operating as of December 31, 1996, reported using various approaches. Although all the programs responding to our survey reported having a treatment component, results from a Drug Court Clearinghouse survey showed that the type and extent of treatment and rehabilitative services provided to drug court program participants varied among programs. In addition, drug court programs reported that they targeted various populations, including adults, women, juveniles, nonviolent and violent offenders, offenders with and without a substance addiction, first-time and repeat offenders, and probation violators. Drug court programs most frequently reported that program participants were adult, nonviolent offenders with a substance addiction. Since 1989, over 65,000 people were reportedly admitted to drug court programs in the United States. The completion rates for drug court program participants were reported to range from about 8 percent to 95 percent, and the retention rates ranged from about 31 percent to 100 percent.¹

Drug Court Programs Reported Using Various Approaches to Process Offenders

Some drug court programs responded that they deferred prosecuting (diversion) offenders who entered their program, some allowed offenders to enter their program after their case had been adjudicated, others used both approaches, and some used other approaches, including allowing offenders to enter their program on a trial basis after entering a plea. As figure 3.1 shows, about 44 percent of the drug court programs operating as of December 31, 1996, reported using a deferred prosecution (diversion) approach to adjudicate drug offenders, about 38 percent said that they use a postadjudication approach, about 10 percent said that they use both deferred prosecution and postadjudication, and about 8 percent said that they use the hybrid plea or some other approach.

¹“Completion rates” and “retention rates” are indicators commonly used in the drug court community to measure the impact of drug court programs. “Completion rates” refer to individuals who completed or were favorably discharged from a drug court program as a percentage of the total number admitted and not still enrolled. This measure is an indicator of the extent to which offenders successfully complete their drug court program requirements. “Retention rates” refer to individuals who are currently active participants in or have successfully completed a drug court program as a percentage of the total number admitted. This measure is an indicator of the extent to which a program has been successful at graduating or retaining offenders as active program participants in the program at the time of our survey. Although interrelated, both measures are helpful in assessing program performance. A program that had been operating consistently over a longer period of time would be expected to have similar completion and retention rates.

Figure 3.1: Various Approaches Used by Drug Court Programs to Process Cases of Program Participants



Source: GAO survey of drug court programs operating as of December 31, 1996.

Drug Court Programs Generally Reported Varying Types and Range of Treatment Services

All of the drug court programs responding to our survey reported having a treatment component as a part of the overall drug court program. Twenty percent of the drug court programs reported having a waiting list for treatment, and about 82 percent reported that participants generally start treatment within 7 days.

Our survey did not cover types of treatment. However, according to results from a 1997 survey conducted by the Drug Court Clearinghouse of drug court programs, the type and extent of treatment provided to program participants varied among drug court programs. The Drug Court Clearinghouse survey found that the range of treatment and rehabilitation services being delivered by drug court programs were expanding significantly. Treatment providers for 72 drug court programs that responded to the Drug Court Clearinghouse's survey generally reported using an array of substance abuse and individual rehabilitation services,

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including detoxification, stabilization, counseling, therapy, drug education, and relapse prevention.²

Other services relating to personal and educational development, such as job skills and employment services, were reported as frequently provided after participants have responded to initial detoxification and stabilization. Housing, family, and medical services were also reported as being frequently available throughout the program. All but four of the reporting programs indicated the use of individualized client treatment plans for drug court participants.³ About 40 percent of the programs responding to the Drug Court Clearinghouse survey reported that they also used acupuncture as an adjunct to treatment services.

According to the results of the Drug Court Clearinghouse's survey, drug court programs have also expanded their treatment and rehabilitation services to recognize the diversity of both treatment and other needs of program participants and to treat not only the participant's addiction but the numerous associated personal problems most participants encounter (e.g. physical, mental, housing, family, employment, self-esteem, etc.). Results from the Drug Court Clearinghouse survey show that some drug court programs have also established specific ethnic and/or cultural sensitive treatment components and have focused on special classes of defendants (e.g., pregnant women, mothers, fathers, and persons who have been sexually abused).

The Drug Court Clearinghouse survey also showed that drug court programs generally provided treatment in about three or more phases, with the most intensive phase occurring during the first 30 to 90 days. During this phase, program participants are usually subject to (1) frequent visits to a treatment provider, which some programs reported requiring a weekly visit, others three visits per week, and in some more extensive programs, four to five visits per week; (2) frequent drug tests, which some programs reported as required once a week and others twice a week; and (3) face-to-face contact with the drug court judge, which also varied among the programs from weekly to biweekly.

Drug court programs responding to the Drug Court Clearinghouse survey generally reported that, decreases and/or increases in the intensity and

²Drug court programs responding to the Drug Court Clearinghouse survey generally reported that they did not maintain the capability to refer program participants to inpatient treatment for more than 30 days.

³About 40 percent of the programs indicated that they updated these plans every 30 days, 10 percent every 60 days, and the remaining 50 percent every 90 days.

length of treatment services for a participant were usually determined by the treatment provider based on criteria similar to that used to make recommendations regarding the movement of participants from one program phase to another (e.g., drug test results, attendance at counseling sessions, and length of time in the program). The Drug Court Clearinghouse survey also showed that most drug court programs require a minimum period of participation and sobriety. Although this requirement also varied among programs, it was generally reported that at least 12 months of participation and being drug free for a period of at least 4 to 6 months was required for program completion.

Drug Court Programs Reported Targeting a Diverse Group of Offenders

As table 3.1 shows, drug court programs responding to our survey reported targeting various types of offenders, including adults, women, juveniles, nonviolent and violent offenders, offenders with and without a substance addiction, first-time and repeat offenders, and probation violators. About 16 percent of the drug court programs we surveyed reported that juveniles were eligible to participate in their drug court program, about 6 percent allowed offenders with a current conviction for a violent offense, about 16 percent allowed offenders with a prior conviction for a violent offense,⁴ about 17 percent allowed offenders without a substance addiction,⁵ about 78 percent allowed repeat offenders, and about 63 percent allowed probation violators. However, drug court programs most frequently reported that eligible program participants were adult, nonviolent offenders with a substance addiction.

⁴Our analysis of drug court programs' responses to our survey showed that about 10 drug court programs that reported receiving grant funds under the Violent Crime Act also reported that certain violent offenders, using their jurisdiction's definition of a violent offender, were eligible to participate in their programs. As discussed previously in this report, the act prohibits grants from being awarded to any drug court program that admits certain violent offenders. We discussed this matter with DOJ officials and plan to follow up with them on this issue.

⁵According to HHS officials and other drug court program stakeholders, persons admitted without substance addictions are likely to include persons with substance abuse problems who were not identified as being addicted during their initial screening. Also, some drug court programs target special populations who may not have a substance addiction. For example, the Jackson County, MO, drug court program, in addition to targeting others, targets prostitutes because of the likelihood that their drug abuse is the reason for their criminal behavior. Another program in Las Vegas, NV, targets parents or guardians of juveniles who have been identified as having a substance addiction.

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Table 3.1: Types of Participants Reported as Eligible to Participate in Drug Court Programs

Type of eligible program participants	Percent of drug court programs allowing participation
Adult males	87
Adult women	88
Juveniles	16
Nonviolent offenders	93
Offenders whose current conviction included a violent offense	6
Offenders convicted of any previous violent offense	16
Offenders with a substance addiction	96
Offenders without a substance addiction	17
First-time offenders	84
Repeat offenders	78
Probation violators	63
Other types of offenders ^a	8

^aThese other types of offenders included child welfare, guardianship, neglect or abuse cases, and violators of court-ordered treatment.

Source: GAO survey of drug court programs operating as of December 31, 1996.

Reported Completion and Retention Rates of Drug Court Programs Varied

Drug court programs responding to our survey reported that, as of December 31, 1996, 65,921 people had been admitted to drug court programs in the United States since 1989. As figure 3.2 shows, of the 65,921 people admitted, about 31 percent (20,594) had completed drug court programs, and about 24 percent (16,051) had failed to complete the program because they were terminated for various reasons, including drug relapse or criminal recidivism, or because they voluntarily withdrew or died while in the program.

Forty percent, or 26,465 offenders, were reported to be enrolled in drug court programs as of December 31, 1996. Of the 26,465 enrollees, about 25 percent, or 6,564, did not regularly attend the program or were wanted on bench warrants for failure to appear.⁶ This rate is slightly lower than

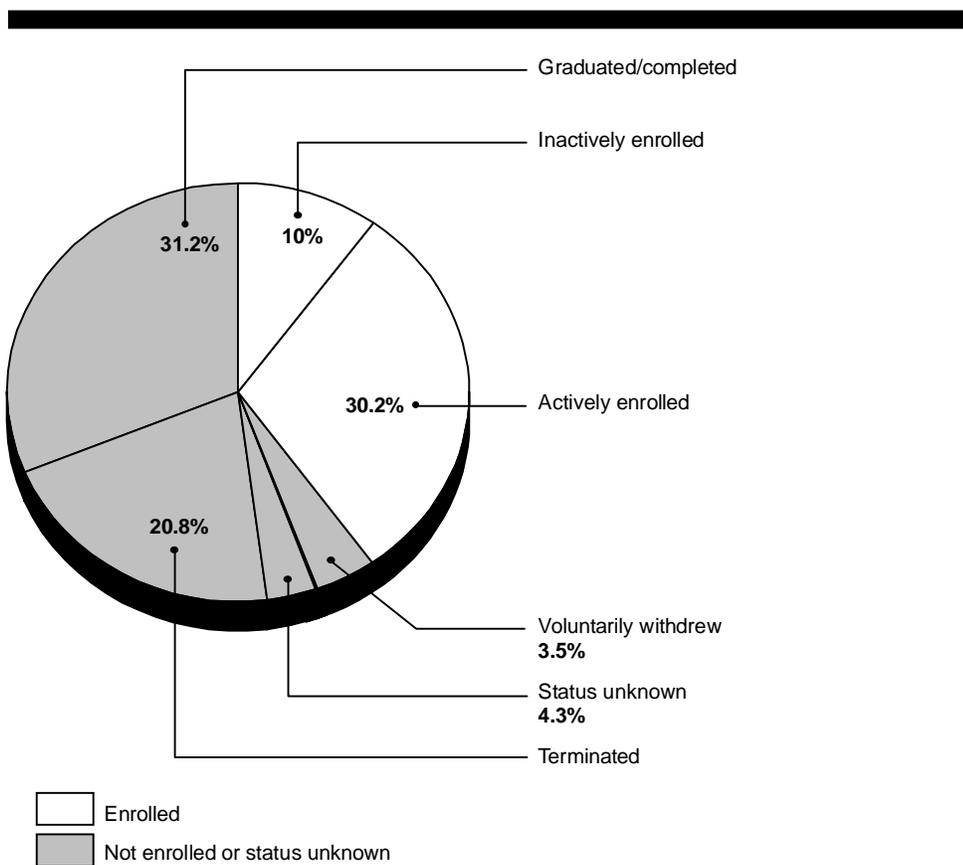
⁶The median for the 128 drug court programs that were able to account for the status of enrolled program participants was 5 inactive participants; one drug court program accounted for about 1,200 of the 6,564 inactive enrollees.

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the 27-percent rate reported by DOJ for felony drug defendants released before case disposition who fail to make scheduled court appearances.⁷

Three of the 134 drug court programs responding to our survey were unable to accurately account for the status of the remaining 4 percent, or about 2,800 offenders, due to loss of data files or inadequate recordkeeping systems. One additional drug court program was unable to provide information for program participants between 1993 and 1994.

Figure 3.2: Status of Drug Court Program Participants Admitted Since 1989, as of December 31, 1996



Note: Less than 1 percent or 100 drug court program participants died while in the drug court program.

Source: GAO survey of drug court programs operating as of December 31, 1996.

⁷"Drugs and Crime Facts," 1994. DOJ, Bureau of Justice Statistics.

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**Range of Reported
Completion and Retention
Rates**

As table 3.2 shows, the completion rates for program participants in 56 of the 62 drug court programs we surveyed that were operational as of December 31, 1996, for more than 18 months, ranged from 8 to 95 percent.⁸ The average completion rate for these drug court programs was about 48 percent.

The retention rates for 131 of the 134 drug court programs we surveyed that were operating as of December 31, 1996, also varied—ranging from a low of about 31 percent to a high of 100 percent.⁹ The average retention rate for these programs was about 71 percent. In comparison, the OJP Drug and Crime Working Group, in a January 1996 report, noted that available research findings indicated that relatively few individuals remained in drug treatment programs, in general, long enough to show reduced recidivism and other favorable treatment outcomes. The study also noted that persons who attended and remained in drug treatment programs for a sufficient length of time showed reduced recidivism and other favorable outcomes.

Table 3.2: Completion and Retention Rates of Drug Court Programs Operating as of December 31, 1996

Jurisdiction of drug court program	Start date	Total offenders admitted	Completion rate	Retention rate
Birmingham, AL (adult)	Jan. 1996	150	n/a	89%
Birmingham, AL (juvenile)	Jan. 1996	105	n/a	90%
Mobile, AL	Feb. 1993	542	39%	52%
Phoenix, AZ	Mar. 1992	a	b	b
Little Rock, AR	June 1994	640	31%	42%
Bakersfield, CA	July 1993	1,375	59%	66%
Chico, CA	June 1995	375	34%	49%
El Monte, CA	July 1994	87	69%	77%
Fresno, CA	March 1996	825	n/a	93%
Los Angeles, CA (adult)	May 1994	404	39%	52%
Modesto, CA	June 1995	78	22%	69%
Oakland, CA (adult/Diversion Court)	Jan. 1991	6,579	43%	48%

(continued)

⁸Completion rates were not applicable for three of the programs because they had retained 100 percent of the program participants admitted at the time of our survey. For the remaining three programs, we were unable to calculate a completion rate because complete information on the status of certain program participants could not be provided by the drug court program surveyed.

⁹We were unable to calculate retention rates for three programs because complete information on the status of certain program participants could not be provided by the drug court program surveyed.

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Jurisdiction of drug court program	Start date	Total offenders admitted	Completion rate	Retention rate
Oakland, CA (adult/postadjudication)	Jan. 1995	1,879	n/a	62%
Pasadena, CA	May 1995	30	42%	63%
Porterville, CA	Apr. 1996	107	n/a	78%
Riverside, CA	Sept. 1995	98	n/a	66%
Roseville, CA	Sept. 1995	49	n/a	71%
Sacramento, CA	Mar. 1996	341	n/a	41%
Salinas, CA	July 1995	125	n/a	50%
San Bernardino, CA	Nov. 1994	267	65%	72%
San Francisco, CA (adult)	Mar. 1995	282	32%	60%
San Jose, CA (adult)	Sept. 1995	159	n/a	81%
San Jose, CA (juvenile)	Aug. 1996	25	n/a	88%
San Mateo, CA	Oct. 1995	304	n/a	47%
Santa Anna, CA (adult)	Mar. 1995	74	71%	84%
Santa Barbara, CA	Mar. 1996	86	n/a	57%
Santa Maria, CA	Mar. 1996	98	n/a	60%
Santa Monica, CA	Jan. 1996	75	n/a	35%
Santa Rosa, CA	Feb. 1996	88	n/a	77%
Stockton, CA	July 1995	357	n/a	44%
Tulare, CA (adult)	May 1996	45	n/a	78%
Tulare, CA (juvenile)	Oct. 1995	147	n/a	62%
Ukiah, CA	Sept. 1996	20	n/a	85%
Ventura, CA	Apr. 1995	157	35%	61%
Visalia, CA (adult)	Mar. 1996	31	n/a	32%
Woodland, CA	Mar. 1995	577	35%	59%
Yosemite National Park, CA (Federal Court)	Jan. 1995	31	68%	71%
Denver, CO	July 1994	2,900	28% ^c	68% ^c
New Haven, CT	July 1996	45	n/a	84%
Dover, DE	Apr. 1996	84	n/a	87%
Georgetown, DE	Apr. 1996	75	n/a	88%
Wilmington, DE (adult)	Oct. 1993	980	61%	68%
Wilmington, DE (juvenile)	Sept. 1995	99	n/a	91%
Washington, D.C. (adult)	Jul. 1994	913	48%	51%
Bartow, FL	Dec. 1994	377	29%	61%
Crestview, FL	Oct. 1993	179	50%	65%
Fort Lauderdale, FL (adult)	June 1991	4,378	72%	76%
Gainesville, FL	Mar. 1994	259	18%	37%

(continued)

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Jurisdiction of drug court program	Start date	Total offenders admitted	Completion rate	Retention rate
Jacksonville, FL	Sept. 1994	325	40%	65%
Key West, FI (adult)	May 1993	162	82%	82%
Key West, FI (juvenile)	April 1996	22	n/a	100%
Marathon, FL (adult)	June 1995	3	n/a	100%
Marathon, FL (juvenile)	May 1996	14	n/a	100%
Miami, FL	June 1989	11,600	80%	73%
Pensacola, FL (adult)	June 1993	440	46%	51%
Pensacola, FL (parents)	Feb. 1996	30	n/a	93%
Pensacola, FL (juvenile)	April 1996	35	n/a	86%
Plantation Key, FL (adult)	May 1995	4	n/a	100%
Plantation Key, FL (juvenile)	May 1996	24	n/a	75%
Tallahassee, FL	Jan. 1994	375	77%	85%
Tampa,FL (adult-diversion)	June 1992	492	67%	68%
Tampa, FL (adult-postadjudication)	July 1994	3,782	b	b
Tampa, FL (juvenile)	Feb. 1996	88	n/a	89%
Viera, FL	Oct. 1994	424	51%	70%
Macon, GA	Jan. 1994	268	49%	70%
Honolulu, HI	Jan. 1996	147	n/a	84%
Cook County, IL (juvenile)	Oct. 1996	37	n/a	95%
Edwardsville, IL	March 1996	104	n/a	64%
Markham, IL	March 1994	875	62%	89%
Rockford, IL	Oct. 1996	28	n/a	82%
Gary, IN (juvenile)	June 1995	147	82%	88%
Gary, IN (adult)	Sept. 1996	63	n/a	35%
Lake County, IN	Sept. 1996	42	n/a	50%
Terre Haute, IN	Oct. 1996	31	n/a	90%
Des Moines, IA	Sept. 1996	28	n/a	64%
Wichita, KS	July 1995	427	n/a	82%
Louisville, KY	July 1993	281	33%	66%
Baton Rouge, LA (adult)	Jan. 1995	567	67%	87%
Baltimore, MD (adult-District)	March 1994	827	53%	39%
Baltimore, MD (adult-Circuit)	Oct. 1994	317	8%	44%
Dorchester, MA	June 1995	160	39%	71%
Worcester, MA	Feb. 1996	57	n/a	72%
Kalamazoo, MI (females)	June 1992	306	37%	48%
St. Joseph, MI	Oct. 1991	1,884	b	b

(continued)

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Jurisdiction of drug court program	Start date	Total offenders admitted	Completion rate	Retention rate
Kansas City, MO	Oct. 1993	1,964	21%	35%
Lexington, MO	June 1996	10	n/a	90%
Missoula, MT (juvenile)	Oct. 1996	8	n/a	100%
Las Vegas, NV (adult)	Oct. 1992	2,120	51%	55%
Las Vegas, NV (juvenile)	Apr. 1995	195	63%	69%
Reno, NV (family)	Aug. 1994	62	69%	82%
Reno, NV (adult)	July 1995	438	n/a	74%
Reno, NV (juvenile)	July 1995	30	n/a	80%
Camden, NJ	April 1996	80	n/a	59%
Albuquerque, NM	Sept. 1995	77	n/a	62%
Las Cruces, NM (adult-Magistrate)	April 1995	86	43%	69%
Las Cruces, NM (adult-Municipal)	Dec. 1995	59	n/a	80%
Mesilla, NM	April 1995	19	50%	89%
Brooklyn, NY	June 1996	258	n/a	72%
Buffalo, NY	Jan. 1996	168	n/a	80%
Rochester, NY	Jan. 1995	617	95%	83%
Suffolk County, NY	Sept. 1996	62	n/a	90%
Charlotte, NC	Feb. 1995	157	45%	73%
Person/Caswell Counties, NC	July 1996	25	n/a	88%
Raleigh, NC	May 1996	32	n/a	66%
Warrenton, NC	Dec. 1996	5	n/a	100%
Winston-Salem, NC	June 1996	29	n/a	52%
Akron, OH	June 1995	251	65%	75%
Butler County, OH	Sept. 1996	25	n/a	80%
Cincinnati, OH	March 1995	713	37%	73%
Dayton, OH (adult)	Jan. 1996	57	n/a	77%
Sandusky, OH	April 1996	12	n/a	92%
Guthrie, OK	March 1995	40	33%	65%
Stillwater, OK (adult)	March 1995	214	33%	52%
Tulsa, OK	May 1996	37	n/a	92%
Eugene, OR	Sept. 1994	445	20%	31%
Grants Pass, OR	March 1996	65	n/a	58%
Klamath Falls, OR	March 1996	35	n/a	63%
Portland, OR	Aug. 1991	3,194	45%	52%
Roseburg, OR	Jan. 1996	72	n/a	78%
Arecibo, PR	April 1996	69	n/a	100%

(continued)

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Jurisdiction of drug court program	Start date	Total offenders admitted	Completion rate	Retention rate
Carolina, PR	April 1996	27	n/a	100%
Ponce, PR	April 1996	107	n/a	96%
Columbia, SC	Nov. 1996	12	n/a	75%
Lexington, SC	July 1996	28	n/a	71%
Austin, TX	Aug. 1993	618	49%	66%
Beaumont, TX	March 1993	338	34%	49%
Fort Worth, TX	Sept. 1995	102	n/a	76%
Salt Lake City, UT (juvenile)	Oct. 1995	128	n/a	88%
Salt Lake City, UT (adult)	July 1996	124	n/a	66%
Roanoke, VA	Sept. 1995	109	n/a	81%
Seattle, WA	Aug. 1994	512	25%	43%
Spokane, WA	Jan. 1996	52	n/a	69%
Tacoma, WA	Oct. 1994	209	35%	60%
Madison, WI	June 1996	16	n/a	81%
Total/Average		65,921	48%	71%

Note: Completion rates (CR) were calculated by dividing the number of participants who have completed or were favorably discharged from a drug court program (G) by the number of participants who had been admitted (A) minus the number of participants actively (P) or inactively (NP) enrolled in the program; that is $CR = G/(A-(P+NP))$. Retention rates (RR) were calculated by dividing the sum of the graduates (G) and active participants (P) by the number of persons admitted; that is $RR = (G+P)/A$. In a few of the drug court programs, the completion rate exceeded the retention rate because of the number of persons enrolled but not actively participating (NP). For example, for the Dade County (FL) Drug Court program, where there were 11,600 persons admitted as of the time of our review, 7,770 persons who had graduated, 670 persons who were still actively participating, and 1,200 who were still enrolled but not actively participating, the completion rate was 80 percent (i.e., $CR = (7,770/(11,600-(670+1,200)))$), while the retention rate was 73 percent (i.e., $RR = (7,770+670)/11,600$).

n/a = The drug court program had been operating for 18 months or less at the time of our survey, or 100 percent of the program participants reported as admitted were still active in the program.

^aWe were unable to include a total for offenders admitted to this program because drug court program officials were not able to provide an accurate account of offenders admitted to this program between 1993 and 1994, and the status of those offenders due to a loss of data files and an inability to accurately recreate the information.

^bWe were unable to calculate a rate because drug court program officials were not able to determine the total number of program participants who had either successfully completed, failed to complete program requirements, and/or were inactively enrolled in their drug court program as of December 31, 1996 (i.e., persons who did not attend or were wanted on bench warrants for failure to appear).

^cRate provided may slightly underrepresent the true rate by about 1 to 2 percent because information provided by drug court program officials in response to our survey did not account for the status of 27 program participants identified as admitted.

Source: GAO analysis of data on program participants obtained from survey of drug court programs operating as of December 31, 1996.

Except for Follow-Up Data, Most Drug Court Programs Reported Maintaining and Using Suggested Management and Evaluation Data

DOJ and HHS' CSAT, which have provided over 95 percent of the federal funding and/or support for drug court program operations, and the NADCP Drug Court Standards Committee¹ suggest that drug court programs collect and maintain certain data on participants both during and after their participation in the program to help manage and/or evaluate the program. Most of the drug court programs we surveyed reported that they collect and maintain most of the suggested types of data on program participants during their participation. However, about two-thirds reported that they did not collect and maintain follow-up substance abuse relapse data on program participants after they left the program, and almost half of these programs reported that they did not collect and maintain follow-up data on rearrest and/or conviction. Collaborative efforts among stakeholders in the drug court community have been undertaken to study the feasibility of and deal with obstacles associated with a recognized need in the drug court community to collect and maintain follow-up data, as well as other data, on drug court program participants.

DOJ, HHS' CSAT, and the NADCP Standards Committee Guidelines Suggest That Drug Court Programs Maintain Certain Data on Participants

DOJ's "Drug Court Grant Program Guidelines and Application Kit" issued in 1996 require recipients of federal funds under Title V of the 1994 Violent Crime Act to demonstrate the capability to ensure adequate program management through ongoing monitoring, tracking, and program evaluation. DOJ's "Drug Court Grant Program Guidelines and Application Kit" suggest that this be done through the design, implementation, and maintenance of an automated data collection system. The guidelines further suggest that the following information be collected and available for impact evaluations on drug court program participants and, to the extent possible, on similarly situated nonparticipants:

- criminal justice history,
- history of substance abuse,
- level of use of controlled or addictive substances at the point of entry into the program,
- data on substance abuse relapse while in the program,
- data on rearrest and/or conviction for a crime while in the program,
- completion/noncompletion of the drug court program,

¹The Drug Court Standards Committee consists of a diverse group of drug court practitioners and other experts from across the country, brought together by NADCP through a cooperative agreement with DOJ's DCPO. The committee includes representatives from courts, prosecution, public defense, treatment, pretrial services, case management, probation, court administration, and academia and others with drug court experience, including officials from DOJ's DCPO, NADCP, Drug Court Clearinghouse, and JMI. Among others, HHS' CSAT, ONDCP, BJA, and SJI provided information that was used to assist the committee in developing its guidance.

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- follow-up data on substance abuse relapse after completing the program, and
- follow-up data on rearrest and/or conviction for a crime after completing the program.

HHS' CSAT, in its 1996 guidance² addressing drug court programs, has adopted similar suggestions for collecting and maintaining data on program participants while in the program and, in its 1997 substance abuse treatment planning guidance, refers to DOJ's suggestion that drug court programs collect and maintain follow-up drug use relapse and criminal recidivism data. The NADCP Drug Court Standards Committee in its recently issued drug court program guide,³ has also adopted similar suggestions, including suggesting that drug court programs collect and maintain data on drug use relapse and criminal recidivism of program participants after they leave the program.

As previously noted in chapter 1, unlike DOJ and HHS, which have provided over 95 percent of the federal funding and/or support for drug court program operations, NADCP has no statutory or regulatory authority over drug court program operations.

Recipients of grants awarded under the Violent Crime Act are also required to submit, in addition to financial reports, semiannual progress reports that describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved application for funding. These progress reports are due twice a year and must be submitted within 30 days after the end of the reporting periods, which are June 30th and December 31st for the award period. Recipients of HHS' CSAT grants are also generally required to submit quarterly progress reports in addition to required financial reports.

Similarly, recipients of grants awarded by DOJ under the Byrne formula block grant, Comprehensive Communities, and Local Law Enforcement Block Grants programs are required to submit semiannual progress reports and periodic financial reports. Also, recipients of SJI funds, which have been primarily used to study or pilot test innovative court initiatives, such as drug court programs, are generally required to submit quarterly progress reports in addition to required financial reports. However, no

²Treatment Drug Courts: Integrating Substance Abuse Treatment With Legal Case Processing, U.S. Department of Health and Human Services, 1996.

³Defining Drug Courts: The Key Components, January 1997, supported by a grant awarded by DOJ's DCPO and issued in May 1997 by DOJ's DCPO.

specific requirements or suggestions exist under any of these programs for grant recipients to demonstrate the capability to ensure adequate program management via ongoing tracking and monitoring and program evaluation through the collection and maintenance of specific data on drug court program participants, as suggested for recipients of Violent Crime Act funding. In commenting on a draft of this report, DOJ noted that, although the Byrne formula block grants and Local Law Enforcement Block Grants administered by DOJ contain an evaluation component, they do not have the statutory authority to compel the states or local jurisdictions to collect specific program data or to evaluate any particular program(s).

Most Drug Court Programs Reported They Maintain All but Follow-Up Data on Participants

Over 90 percent of the 134 drug court programs we surveyed that were identified as operating as of December 31, 1996, reported that, with the exception of follow-up data on program participants, they maintained suggested program and participant data that enable them to manage and evaluate their programs. Two-thirds of the drug court programs reported not maintaining follow-up drug relapse data, and nearly half reported not maintaining follow-up data on rearrest and/or conviction for a crime once participants leave the programs. Our survey did not determine the reasons why such data were not collected. However, its results showed that no significant difference was associated with the source of funding (federal, state/local, private, etc.) received and the extent to which drug court programs were collecting and maintaining suggested follow-up data, including those federally funded under the Violent Crime Act, whose program guidance suggests that such data be collected and maintained. Additionally, results from our survey showed small and statistically insignificant differences in the likelihood of postprogram follow-up data on drug use relapse and/or criminal recidivism being collected and maintained between older and newer drug court programs.

About 94 percent of the drug court programs we surveyed reported having a data collection system or some other means in place that can be used to manage (monitor and track) their programs' operations. Regarding how drug court programs track and monitor program participants, about 19 percent of these drug court programs reported that they used a fully computerized data collection system, about 39 percent a partially computerized data collection system, about 15 percent some other noncomputerized means, and about 22 percent both computerized and noncomputerized means. The remaining 6 percent reported that they did not have any means for monitoring and tracking data on program

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participants.⁴ About 93 percent of these programs reported that their data collection systems and/or noncomputerized means had been used to manage their programs.

About 70 percent of the programs operating as of December 31, 1996, reported having a data collection system in place that can be used to evaluate (i.e., assess/study) their programs' operations. About 67 percent of these programs reported that such systems had been used by internal program officials and/or external evaluators to evaluate their programs.

Table 4.1 summarizes the programs' responses and shows the extent to which the data are computerized by type of data.

Table 4.1: Percentage of Drug Court Programs That Reported Maintaining Data on Participants

Data maintained	Percent of programs maintaining data	Percent of these programs with computerized data
Program participants		
Demographic information (e.g., age, gender, race, income, and education)	92	68
Criminal justice history (i.e., arrest and/or conviction record)	94	70
History of substance abuse (i.e., controlled or other addictive substances)	90	34
Level of use of controlled or other addictive substances at the point of entry into the program	90	33
Substance abuse relapse	94	44
Rearrest and/or conviction for a nondrug crime	90	60
Completion/noncompletion of the program	97	71
Follow-up data		
Substance abuse relapse	33	31
Rearrest and/or conviction for a nondrug crime	53	65

Source: GAO survey of drug court programs operating as of December 31, 1996.

⁴Percentages exceed 100 percent due to rounding.

Feasibility Issues Relating to the Collection and Maintenance of Follow-Up Data

Collaborative efforts among stakeholders in the drug court community have been undertaken to study the feasibility, cost, and obstacles associated with a recognized need by the drug court community stakeholders to collect and maintain follow-up data, as well as other data, on drug court program participants. For example, in March 1997, DOJ, through a cooperative agreement with JMI,⁵ sponsored a focus group meeting involving various drug court stakeholders that focused on, among other things, the need for follow-up data to adequately monitor and evaluate the impact of drug court programs. During this collaborative effort—which involved, among others, federal grantors, drug court judges, program managers, treatment providers, researchers, and evaluators—stakeholders discussed, among other things, (1) how information (including follow-up relapse and recidivism data) could be obtained to answer key questions about drug court program impacts on participants' behavior and life circumstances, (2) circumstances in which it may be impossible or inappropriate to seek access to otherwise relevant data, (3) strategies for overcoming obstacles to obtaining relevant data, and (4) costs associated with collecting and maintaining such data. Also, during the May 1997, NADCP training conference in Los Angeles that was attended by about 1,500 drug court program judges, administrators, treatment providers, planners, and other stakeholders and interested parties, one of the nine daily sessions was devoted to data collection and program evaluation needs. During these sessions, participants discussed, among other things, the type of information that is needed and legal and other issues associated with the collection and maintenance of program data, including follow-up data on program participants' criminal recidivism and drug use relapse.

In addition, JMI, in doing a feasibility study to assist DOJ in its effort to sponsor multiple evaluations of four of the oldest operating drug court programs, concluded that it was feasible to do an evaluation focusing on offenders who entered these programs prior to 1997. Among other things, JMI concluded that data on new arrests and/or convictions should be “relatively easy to obtain,” but that other outcome variables, such as drug use relapse after a participant left the program, would be more difficult to obtain. JMI did, however, suggest the following as possible sources of information on postprogram substance abuse by either graduates or persons terminated from a drug court program:

⁵JMI is a nonprofit organization established in 1993. JMI provides technical assistance, education and training, research services, and dissemination of information for courts and other justice system agencies in the United States and abroad.

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- searches of criminal history records that may indicate whether an individual was ever subsequently arrested for a charge involving possession of a controlled substance;
- searches of probation department files that may indicate whether an individual has had any subsequent presentence investigations or probation violation proceedings that show evidence of substance abuse;
- state databases that may contain information on persons admitted to treatment programs, although JMI cautions researchers that these databases are more likely to contain information on drug use for an active program participant and little or no postprogram data; and
- self-reported data obtained directly from former program participants.

However, JMI cautions researchers that obtaining reliable data on substance abuse, other than data obtained through drug testing while an individual is a participant in the program, is likely to be labor-intensive and fraught with methodological problems that will have to be addressed carefully. In addition, JMI notes that some criminal history data, which should be available in electronic form for both drug court participants and comparison group members from a combination of local, state, and the National Crime Information Center⁶ databases, should be treated with caution. JMI reported that these records were often incomplete (particularly with respect to conviction) and could be misleading in assessing a program participant because it is not uncommon for a defendant to be arrested long after admission to the drug court program on a warrant relating to an incident that took place prior to program participation.

HHS' CSAT in its 1996 "Treatment Drug Courts," guidance highlights the importance of information sharing between the treatment program and the criminal justice system. However, CSAT also warns that, although the flow of information from the substance abuse treatment program to the criminal justice system and to the researcher/evaluator is critical, those planning or operating programs and research studies must keep in mind that federal laws and regulations protect information about all persons

⁶The National Crime Information Center is a centralized, computerized criminal justice information system maintained by the Federal Bureau of Investigation consisting of a coordinated network of federal and state criminal justice information systems that provides users with access to records on various law enforcement matters such as wanted persons, stolen vehicles, and missing persons.

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receiving alcohol and drug abuse prevention and treatment services (Title 42 (Sec. 290dd-2) of the U.S. Code and 42 C.F.R. Part 2).⁷

DOJ DCPO is also developing a data collection instrument to collect specific information from drug court programs receiving federal funding under the Violent Crime Act. DOJ officials said that they intend to use the instrument to do semiannual progress reviews of these drug court programs. A draft of the data collection instrument intended to collect data during the semiannual reviews included a request for information on several of the data elements noted in table 4.1, including information on criminal recidivism and drug relapse by program participants after they leave the program.

As for comparative data, which we did not address in our survey of operating drug courts, HHS' CSAT in its 1996 guidance provides suggestions for doing comparative program evaluations. One approach suggested by CSAT is to develop quasi-experimental designs that allow for scientifically rigorous examination of outcomes. One type of quasi-experimental evaluation suggested by CSAT is a pre-post design, in which outcomes obtained following a participant's discharge from a drug court program are compared to those obtained prior to participation in the program. For example, a defendant's frequency of drug use, frequency of arrests, or length of time between arrests can be compared before and after admission to the program. CSAT cautions that a drawback to pre-post designs is that they do not take into account other factors that may contribute to the behavior changes they measure.

⁷Federal regulations prohibit disclosure of information regarding patients who have applied for or received any alcohol or drug abuse-related services, including assessment, diagnosis, counseling, treatment, or referral for treatment, from a covered program. Federal regulations apply only to programs that receive federal assistance, including organizations that receive indirect forms of federal aid such as tax-exempt status, or state or local funding coming (in whole or in part), from the federal government.

The federal confidentiality regulations permit programs to disclose patient identifying information to researchers, auditors, and evaluators without patient consent, providing that certain safeguards are in place. Research that follows patients for any period of time after they leave treatment presents a special challenge. Under federal regulations, no information that the researcher or evaluator gained from the substance abuse treatment program with the patient's consent or through the research, audit, and evaluation exceptions may be disclosed to anyone else. Yet the researcher must locate the patient to collect follow-up data. Federal regulations also prohibit making inquiries of persons associated with a patient being followed up that reveals the fact that he or she had been in treatment. To avoid doing so, researchers and evaluators trying to locate a patient must do so without disclosing to others any information about the patient's connection to substance abuse treatment, or they must obtain the patient's consent to do so.

Similarly, various state laws and regulations may also prohibit the disclosure of substance abuse client information that could violate their right to privacy.

Another type of quasi-experimental evaluation noted in CSAT's guidance includes studies of one or more comparison groups. Using this design, results from an experimental and comparison group are contrasted. The guidance suggests that comparison groups consist of similarly situated substance abusing defendants who do not participate in (or who do not complete) the drug court program. Suggested as useful comparison groups are defendants placed on a drug court program waiting list, defendants who are eligible for but elect not to participate in the drug court program, or defendants who are discharged from the program prior to completion.

Conclusions

Although the majority of the drug court programs we surveyed reported that they were maintaining most of the data that DOJ and NADCP suggested they maintain, nearly half of the drug court programs were not maintaining follow-up data on criminal recidivism and two-thirds were not maintaining data on drug use relapse. The extent to which programs were collecting and maintaining the suggested follow-up data did not differ based on funding source, including those funded under the Violent Crime Act, whose program guidance suggests that such data be collected and maintained. In addition, drug court stakeholders, led by DOJ, are beginning to recognize and study the feasibility, costs, and legal ramifications associated with collecting and maintaining information that is needed to adequately manage and evaluate drug court programs, including emphasizing the importance of having follow-up data on drug use relapse and criminal recidivism of program participants after they leave the program. These efforts and the results of our survey seem to indicate that it would be feasible for a drug court program to collect criminal recidivism data. They also indicate that, while collecting drug use relapse data may be difficult, it too is feasible in some cases. As discussed in chapter 5, without such data, it will be difficult for conclusions to be drawn in the future on the overall impact of drug court programs and their effect on program participants.

Existing Evaluations Provide Some Limited Information but Do Not Permit Firm Conclusions Regarding Drug Court Impact

The 20 evaluation studies that were available for us to review do not permit definitive conclusions to be reached concerning the overall impact of drug court programs or on the specific issues raised by Congress in the Violent Crime Act and our discussions with the Senate and House Judiciary Committees. The available studies revealed diverse programs that varied in terms of their eligibility and completion requirements, and in the nature, duration, and intensity of the treatment provided. Also, there were various differences and limitations in the objectives, scopes, and methodologies of these studies.

Partly as a result of the program differences and the differences in study methods, the studies did not provide consistent information from which conclusions could be drawn on the overall impact of drug courts. The authors of these evaluation studies were generally positive in their assessments of drug court operations and outcomes, but many of them portrayed their results as preliminary and tentative since the drug court programs evaluated were in many cases still in their infancy. This chapter provides a general description of the evaluation studies we reviewed, a summary of their principal findings, and our recommendations for subsequent impact evaluations. Additional details of these evaluation studies are provided in appendix III.

Description of the Evaluation Studies

We collected and reviewed information from 20 published or unpublished evaluation studies written between 1991 and 1997. These studies covered 16 drug court programs that began operations between 1989 and 1996.¹ The studies we reviewed were primary studies we could obtain in time for this report that included, in addition to a description of drug court program operations, an evaluation component (i.e., some information on the outcome or efficacy of the drug court program in preventing relapse into drug use or criminal recidivism).²

¹One program, in Broward County, FL, was covered by three independent evaluations; and two programs, in Dade County, FL, and Los Angeles County, CA, were covered by two evaluations.

²In our search for these evaluation studies, we uncovered a variety of other published and unpublished documents that described program objectives and operations, provided judicial commentary on these programs and, in some cases, provided a summary description of a number of programs. A bibliography of this fuller set of materials pertaining to drug courts is at the end of this report.

Various Factors Prevent Drawing Firm Conclusions Regarding Drug Court Impact

Based on the legislative requirements of Title V of the 1994 Violent Crime Act and discussions with the Senate and House Judiciary Committees, we focused on determining what conclusions could be drawn from an evaluation synthesis of the 20 studies on the impact of drug courts, particularly in relation to the following specific issues: (1) criminal profile of drug court program participants compared to similar offenders processed through the traditional adjudication system, (2) completion rates of drug court program participants, (3) differences in characteristics between drug court program completers and noncompleters, (4) sanctions imposed on persons who failed to complete drug court programs compared to those similarly situated but processed through the traditional adjudication system, (5) drug use and criminal recidivism rates³ of program and nonprogram participants, and (6) costs and benefits of drug courts to the criminal justice system.

However, several factors prevent us from drawing firm conclusions about the impact of these drug court programs. First, the programs the studies evaluated differed considerably in several areas. Second, the studies themselves also differed in terms of their objectives, scopes, and methodologies. And third, the studies showed varying impacts of the drug court programs.

Evaluation Studies Reviewed Revealed Diverse Programs

While all but three or four of the evaluation studies we reviewed involved drug court programs that were voluntary, and all of the programs included a treatment component, the programs described varied considerably in terms of eligibility requirements, percentages of eligible offenders who participated in and completed the programs, and the nature of the treatment that was provided program participants. The intended length of the various programs ranged from 5 months to 2 years, though participants in some of the programs where completion was dependent on progress might remain in them for shorter or longer periods. Although all of the programs appeared to involve judicial monitoring (e.g., appearances before the drug court judge) and drug testing, the frequency of appearances and testing appeared to vary substantially. There was also considerable variation in the treatment components of these programs, which included various combinations of drug education, individual and group therapy, acupuncture, attendance at AA, Cocaine Anonymous (CA),

³We use the term recidivism to refer generally to the act of committing new criminal offenses after having been arrested and/or convicted of a crime. In the evaluation studies we reviewed, this was typically measured by rearrest. Since only a small percentage of offenses result in rearrest, rearrest rates may underestimate the true recidivism rate.

or NA meetings, educational and vocational training, and additional support services.

Differences and Limitations of Objectives, Scopes, and Methodologies of Studies

The evaluation studies we reviewed also varied considerably in their objectives, scopes, and methodologies. All but one of the studies assessed the effectiveness of the programs by measuring the extent of drug use relapse and/or criminal recidivism among drug court program participants. Ten of the 19 studies, however, investigated these outcomes while offenders were still in the program, while the other 9 studies measured these outcomes after participants had completed, or been terminated from, the programs.⁴ The studies that measured recidivism after program completion varied in terms of the length of follow-up, and in terms of how they measured recidivism; in some cases, studies described rearrests for any offense, in other cases, felony rearrests. Some studies provided data on rearrests for specific offenses (e.g., drug-related and violent offenses).

Twelve of the studies included information on comparison groups of drug offenders, and the nature of the comparison group varied across studies.⁵ In some studies, drug court program participants were compared, over the same period, to persons who were eligible to participate but did not, while in other studies, participants were compared to offenders who had been arrested for drugs or other offenses at earlier points in time, before the drug court existed. In two studies, the equivalence of offenders in the treatment and comparison groups was enhanced by design or by random assignment to treatment and comparison groups. Many of the studies that did not control for differences between groups by design also made no attempt to statistically control such differences.

Only 6 of the 20 evaluation studies we reviewed involved a comparison group and an assessment of how participants and nonparticipant arrest rates compared after program completion. The use of comparison groups is standard in evaluation research, as is the assessment of treatment effects after program completion; such approaches may become more common in drug court program evaluations as these programs get better established.

⁴None of the 11 evaluation studies that noted that they had received federal funding included postprogram information on drug use relapse, and 7 of the 11 did not include information on postprogram criminal recidivism.

⁵Five of the 11 studies noting that they received federal funding did not include comparative data for similarly situated nonparticipants.

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To help ensure that differences in outcomes between drug court program participants and comparison groups are not due to selection effects, it is also essential that programs be evaluated in terms of what proportion of individuals eligible for the drug court programs actually participate in them, and how greatly they differ from individuals who choose not to participate in the programs. Differences in such characteristics must be controlled, statistically, in any analysis of differences in outcomes. Many of the studies that we considered did not include statistical controls.

Moreover, many of these studies only superficially considered the extent to which program participants complied with program requirements (e.g., attended treatment sessions, submitted required urine tests, and attended court hearings). To determine why some programs work better than others, and why some program participants succeeded in avoiding relapse and rearrest while others failed, we would have had to have more information on the extent of treatment that different program participants received.

Another factor that makes it difficult to reach definitive conclusions about the overall impact of drug court programs, or the six issues that have been raised about drug courts, is that it is unclear whether the 16 drug courts evaluated in the 20 studies we reviewed represent the entire population of drug courts now operating. Moreover, some of the studies provided only limited information on the issues raised; on some issues, some of the studies provided no information. Many studies, for example, said nothing about how offenders who failed to comply with program requirements or who were terminated from the programs were sanctioned. Most of the studies said nothing about how program completers differed from noncompleters and about the costs and additional benefits of the drug court program. Table 5.1 indicates which studies provided some information on the six questions or issues.

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Table 5.1: Matrix of Studies Showing Which Study Provided Information on Congressional Issues

Evaluation study	Q1: Criminal profile	Q2: Completion rates	Q3: Difference between program completers and noncompleters	Q4: Sanctions imposed	Q5: Drug use and rearrest	Q6: Program costs and benefits
Maricopa County, AZ (Deschenes et al., 1996)	X	X			X	X
Los Angeles County, CA (Municipal Courts Planning and Research Unit, 1996)	X	X	X	X	X	
Los Angeles County, CA (Deschenes and Torres, 1996)	X			X	X	
Oakland, CA FIRST (Tauber, 1995)	X	X		X	X	X
Santa Clara County, CA (Peters, 1996)	X			X	X	
Ventura County, CA (Obergh, 1996)	X		X	X	X	X
Denver, CO (Granfield and Eby, 1997)				X	X	X
D.C. Superior Drug Court (Harrell and Cavanagh, 1996)	X	X			X	
Broward County, FL (Terry, 1993; Terry, 1996)	X	X			X	
Broward County, FL (Commission Auditor's Office, 1995)	X	X		X	X	X
Broward County, FL (McNeece and Daly, 1993)	X	X	X		X	
Dade County, FL (Goldkamp and Weiland, 1993)	X	X		X	X	
Dade County, FL (Smith, Davis and Goretsky, 1991)	X				X	X
Hillsborough County, FL (McNeece and Daly, 1993)	X	X		X		
Baltimore, MD (Gottfredson, Coblentz, and Harmon, 1996)	X				X	
Clark County, NV (Choices Unlimited Las Vegas, 1996)	X	X	X		X	
Multnomah County S.T.O.P., OR (Drug Court Clearinghouse, American University, 1994)	X	X	X	X	X	X
SODAT-Delaware (Reed, 1995)	X	X	X		X	X
Travis County, TX (Kelly, 1996)	X	X	^a	X	X	
Jackson County, MO (Jameson and Peterson, 1995)	X	X			X	X

(Table notes on next page)

^aA subsequent report (April 1996) did provide information on completion rates based on the ethnicity of program participants.

Source: GAO analysis of drug court evaluation studies.

Evaluation Studies Reviewed Show Varied Results Regarding Drug Court Impact

Variation in the results reported in the different evaluation studies also makes it difficult to draw definitive conclusions about the outcomes of these drug court programs. Drug relapse, indicated by positive drug tests, was measured only during program participation, and different studies revealed relapse rates that ranged from 7 percent to about 80 percent for drug court program participants. Criminal rearrest recidivism rates ranged from 0 percent to 58 percent for drug court program participants. While four of the six studies that collected information on rearrests after program completion and compared program participants or graduates with nonparticipants showed lower rates for the former group, the other two studies showed either no difference or small and probably insignificant differences.

Although some of the studies were more sophisticated in their design and more rigorous in their methods, these studies did not appear any more or less likely than the others to indicate positive drug court outcomes. None of the studies we reviewed indicated that drug court offenders had significantly higher relapse and recidivism rates than offenders not handled in drug court programs. Those studies that provided information on the costs and benefits of these programs indicated that there were substantial cost savings and/or additional benefits (e.g., reducing the number of drug cases on traditional court dockets). However, none of the programs have been thoroughly and systematically evaluated in terms of costs and benefits, and more information would be needed on this, as well as on the longer-term likelihoods of relapsing and recidivating, before it can be firmly established whether these courts have diminished costs or simply delayed them.

General Outcomes Reported in Studies Relating to Specific Issues Raised About Drug Court Programs

We are unable to provide definitive answers to the six specific issues raised about drug courts based on information from existing evaluation studies. However, not all drug courts have been evaluated, and the 20 studies we reviewed did not in every case provide direct information that bears on the questions raised. Those studies that did provide information varied in terms of how that information was provided, and how much

detail they offered. As such, the information provided in the following sections should be interpreted cautiously.

Criminal Profile of Drug Court Program Participants

The evaluation studies varied in terms of how much detail they provided on the criminal profile of drug court program participants, and how similar or different participants were from drug offenders processed through the traditional adjudication system. However, all but one of the evaluation studies provided information on the admissions criteria of the drug court programs they studied. It appears that most of the programs covered in the studies excluded violent offenders, although one evaluation of the Dade County (FL) Drug Court program (Goldkamp and Weiland, 1993) revealed that the program had shown some flexibility in its admissions criteria, admitting some offenders who had prior arrests for serious crimes against persons. Most of the programs excluded offenders involved in drug dealing or trafficking, though the Travis County (TX) Drug Court was reported to have excluded only individuals involved in “significant” drug dealing. In at least one other program (Jackson County, MO, Drug Court), offenders involved in the sale of controlled substances under specified amounts were eligible to participate.

While many of the programs initially targeted first-time offenders with no prior drug or felony arrests, two programs admitted offenders with either an extensive history of arrests (D.C. Superior Drug Court) or a lengthy history of substance abuse (Santa Clara County (CA) Drug Treatment Court). It also appears that some of the courts that were initially quite restrictive have modified their admission criteria to include offenders with prior offenses or offenses that originally resulted in exclusion from the drug court program.

While these admission criteria make it likely that drug court participants are less serious offenders than other drug offenders who do not participate in drug court programs, only a few of the evaluation studies provided comparative information that directly bears on that question. Usually, this information involved a comparison of characteristics of offenders eligible for the drug court program who chose to participate with offenders who chose not to participate, or who were on probation. For example, the Baltimore City (MD) Drug Treatment Court evaluation reported that participants were historically more frequent offenders compared to other eligible probationers. In addition, the Ventura County (CA) Drug Court study indicated that participants were similar,

demographically and in terms of drug offenses committed, to offenders who were not accepted into the program.

From the limited evidence provided, it appears that the characteristics of drug court program participants and differences between them and offenders processed in the traditional courts may vary from court to court. Some types of offenders are ineligible for many of the drug court programs, and in the many programs that are voluntary, some of the eligible offenders decline to participate. While the authors of at least one of the evaluation studies noted that drug court participants may be a very selective group of offenders (and therefore quite different from nonparticipants), few of the studies provided a clear indication of what percentage of eligible offenders chose to participate. One study indicated that most of the eligible offenders who were represented by private attorneys opted not to participate in the drug court program.

Drug Court Program Completion Rates

Many of the drug court programs evaluated were still in their first or second year of operation, and many of the offenders who had been admitted to the drug court programs were still active in them. As such, it is difficult to assess what the completion rate of these programs will eventually be, based on these existing evaluation studies. We do provide information derived from our survey on the completion rates for 56 of the 62 drug court programs identified as operating, as of December 31, 1996, for more than 18 months, in chapter 3.

Some of the evaluation studies we reviewed provided information on completion rates for participants who had entered drug court programs a year or more before the study was done, and enough time had lapsed for a reasonably accurate completion rate to be calculated. For example, one of the Broward County (FL) Drug Court studies reported a completion rate of 39 percent for the 787 persons who entered the program in its first year, and another of the Broward County (FL) studies provided data which, when adjustments are made for persons still active in treatment, yields a completion rate of 35 percent over 3 years. The Oakland (CA) (F.I.R.S.T) Drug Court Program study indicated that 54 percent of a sample of drug court program participants admitted during 1991 had successfully completed it.

Based on information available in existing studies, we were able to estimate the completion rates for eight of the remaining programs that provided data on cohorts of participants, among whom many were still

active. We calculated a completion rate by deleting the currently active participants and dividing the number who successfully completed the program by the number who were admitted to it (and were not still enrolled). This is consistent with the method we use in chapter 3 to calculate completion rates for drug court programs identified as operating as of December 31, 1996, for more than 18 months. For these programs, completion rates varied from less than 1 percent to more than 70 percent, and averaged about 43 percent. This calculation of the average may underestimate eventual completion rates for the newest programs in which most persons admitted were still enrolled. Completion rates are likely to vary substantially across programs because some programs appeared to be more tolerant of relapses, rearrests, and program noncompliance than others. It is also possible that completion rates may change over time if, for example, these programs were to modify their eligibility criteria, as some have appeared to do after their first year or two of operation.

Differences Between Program Completers and Noncompleters

Because of the newness of many of these programs and the substantial numbers of offenders recently admitted and still active in them, it is difficult to assess what distinguishes program completers from noncompleters. In some of the programs, many of the noncompleters opted out of the program after beginning it, while in others many of the noncompleters were persons who failed to comply with program requirements (e.g., attending treatment sessions), repeatedly relapsed (e.g., failed drug tests), or were rearrested during their participation in the program.

Only a few of the evaluation studies provided information on differences between offenders who completed the programs and those who did not. The Ventura County (CA) Drug Court Program reported that males and Hispanics were less likely to complete the program. One of the Broward County (FL) Drug Court studies suggested that African-Americans were less likely than others to complete treatment, which was required for program completion. A similar finding was reported in the SODAT-Delaware, Inc., Drug Court Program study, which also indicated that blacks and whites with less severe drug problems were more likely to complete treatment and to graduate, and that program completion was slightly higher for men and for participants who were older, better educated, and employed. The Clark County (NV) Drug Court program study generally indicated no differences in termination rates between ethnic groups and between male and female participants. This same study,

however, indicated that termination rates were higher for participants entering the program under the influence or in possession of a controlled substance, particularly cocaine and amphetamines, and that participants 40 years old and over had higher completion rates. One of the Los Angeles County (CA) Drug Court studies also indicated that older participants were more likely to complete the program and that married participants had higher completion rates as well. The same effects of age and marital status were reported in the Multnomah County (OR) S.T.O.P. Program, which also suggested that program completers were more likely to be residentially stable, to have a longer history of drug use, and to more consistently attend treatment sessions. Some of these differences are small and are likely to be statistically insignificant. Moreover, multivariable analysis would have to be undertaken to discern whether some of these variables had no affect when other variables were controlled.

Program Sanctions

Many of the evaluation studies we reviewed said little or nothing about what happens to program participants who fail to comply with program requirements and participants who were terminated from the drug court programs. From the information that was provided in some of the studies, it appeared that how drug court programs responded to relapse and rearrest varied considerably across the programs, as did sanctions for program noncompliance (e.g., failing to show for tests or treatment sessions).

The Broward County (FL) evaluation study by McNeece and Daly indicated that most participants who were rearrested or violated probation were not terminated but were allowed to remain in the program unless a nondrug offense was committed, such as assault. The evaluation study of this same program by the Commission Auditor's Office, however, stated that arrests for driving while under the influence of alcohol or drugs or cannabis possession, or for any felony during participation, resulted in immediate termination. This latter study also indicated that limits had been established with respect to the number of positive drug tests during participation (seven) and the number of missed treatment sessions or court appearances (three). The Santa Clara County (CA) study also indicated that a participant could be terminated for positive drug tests, though it did not indicate how frequently this occurred.

The Oakland (CA) (F.I.R.S.T.) Drug Court study indicated that failure to appear at scheduled hearings could be sanctioned by incarceration for at

least 1 week, after which the participant would be reinstated. Only two reinstatements were permitted before participants were to be terminated and had to undergo criminal proceedings. The Denver (CO) Court study noted, without providing specific information, that a “carrot and stick” approach is used “whereby the court uses graduated sanctions in response to violations and grants rewards for program compliance.” The Los Angeles County (CA) Drug Courts study by the Planning and Research Unit also alluded to the use of “progressively severe sanctions,” which could include incarceration, and noted that termination would result in reinstatement of the original criminal charges and prosecution. The evaluation of this same drug court program by Deschenes and Torres indicated that in all four drug courts in Los Angeles County, offender relapse did not necessarily lead to dismissal from the program.

The Baltimore City (MD) Drug Treatment Court study also noted that incarceration was used to sanction program noncompliance, as did the Travis County (TX) Drug Diversion Court and Maricopa County (AZ) evaluations. The Ventura County (CA) Drug Court study indicated that new crime charges, three positive drug test samples, and other acts of noncompliance could result in termination and offenders being returned to serve their sentences. The Dade County (FL) Drug Court study by Goldkamp and Weiland indicated that “motivational jail” terms of up to 2 weeks were sometimes used to sanction offenders for program noncompliance.

Relapse and Recidivism Rates

Ideally, responding to issues raised by Congress and others and addressing the efficacy of drug court programs would be more effectively determined by following up on participants and nonparticipants (i.e., eligible offenders who chose not to participate) for some period after they leave the program to see if they committed new crimes or relapsed into drug use. Overall, the evaluation studies we reviewed showed some positive results but did not firmly establish whether drug court programs were successful in reducing drug relapse and offender recidivism. Many of the studies involved very short follow-up periods. Some calculated relapse and/or recidivism rates only for program participants, and only for the period during which they were participating in the program. Others compared rates of recidivism or relapse for program participants and program dropouts or with offenders whose arrests occurred prior to the inception of the program.

Drug relapse was less frequently measured in these evaluation studies than recidivism or rearrests and was only measured (by positive drug tests)

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during the period of program participation. Relapse rates were sometimes calculated by taking the percentage of offenders tested who had one or more positive drug tests, and at other times by taking, for each group tested, the percentages of positive tests out of all tests taken or out of all tests scheduled. In one case, the percentage of offenders in each group testing positive in the month before sentencing was calculated. There was substantial variation across the studies that provided information on drug tests; some showed that fewer than 10 percent of drug tests were positive, or that less than 10 percent of participants tested positive, while others showed that as many as 80 percent of the offenders tested had positive tests.

Recidivism rates were typically calculated by taking the percentage of offenders rearrested in a particular (and widely varying) period, but in one or two cases by taking the mean number of arrests or bench warrants per offender. Table 5.2 classifies each study according to whether it measured recidivism only for program participants or for participants and a comparison group of nonparticipants, and whether recidivism was measured only during program participation or after.

Table 5.2: Evaluation Studies Classified According to Whether They Included Comparison Groups and When They Measured Recidivism

Evaluation study	Comparison group?		Recidivism measured	
	Yes	No	During program	After completion
Los Angeles County, CA (Municipal Courts Planning and Research Unit, 1996)		x		x
Los Angeles County, CA (Deschenes and Torres, 1996)		x	x	
Broward County, FL (McNeece and Daly, 1993)		x	x	
Broward County, FL (Commission Auditors Office, 1995)		x		x
Clark County, NV (Choices Unlimited Las Vegas, 1996)		x		x

(continued)

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Evaluation study	Comparison group?		Recidivism measured	
	Yes	No	During program	After completion
Multnomah County S.T.O.P., OR, Drug Court Clearinghouse, American University, 1994)		x	x	
SODAT-Delaware (Reed, 1995)		x	x	
Maricopa County, AZ (Deschenes et al., 1996)	x			x
Oakland, CA, F.I.R.S.T. (Tauber, 1995)	x			x
Santa Clara County, CA (Peters, 1996)	x		x	
Ventura County, CA (Oberg, 1996)	x		x	
Denver, CO (Granfield and Eby, 1997)	x		x	
D.C. Superior Drug Court (Harrell and Cavanagh, 1996)	x		x	
Broward County, FL (Terry, 1993; Terry, 1996)	x			x
Dade County, FL (Smith, Davis, and Goretsky, 1991)	x		x	
Dade County, FL (Goldkamp and Weiland, 1993)	x			x
Baltimore, MD (Gottfredson, Coblenz, and Harmon, 1996)	x			x
Jackson County, MO (Jameson and Peterson, 1995)	x		x	
Travis County, TX (Kelly, 1996)	x			x

Note: The Hillsborough County (FL) Court study did not measure recidivism. Program effectiveness was measured by asking participants about the program. All participants reported that they were satisfied, and 96 percent found the program to be effective.

Source: GAO analysis of drug court program evaluation studies.

Four of the studies looked at the effect of the program by assessing outcomes during the program for participants, without providing information on a comparison group of nonparticipants. The Los Angeles County (CA) study by Deschenes and Torres found that a sample of graduates and current participants gave high ratings to the program, and self-reported lower rates of drug use and criminal behavior after entering the program than before. The Broward County (FL) evaluation study by McNeece and Daly indicated that of the roughly 1,000 offenders who entered that program in 1992 (half of whom were still active), 11 percent had been rearrested or incarcerated or had bench warrants issued for their arrest, and that 52 (16 percent) of the 323 offenders tested for drugs had tested positive on one or more occasions. The other two studies, the SODAT-Delaware Program and the Multnomah County (OR) Program, compared program participants or graduates with participants who had been terminated and found that the participants or graduates had fewer positive drug tests and/or rearrests or bench warrants issued during their participation in the program than those terminated.

Three of the studies looked at the effect of the program by assessing outcomes after the program for participants, without providing information on a comparison group of nonparticipants. The Broward County (FL) study by the Commission Auditor's Office, which looked at outcomes both during and after program completion, found that, for a small sample of program graduates, positive drug tests declined with time in treatment, and that, while 20 percent had been rearrested while participating in the program, only 10 percent had been arrested after graduating from the program. The Clark County (NV) study revealed that only 6 percent of program graduates had been arrested on new charges since their release, though the time at risk of rearrest for these graduates was not clear. The Los Angeles County (CA) study by the Municipal Courts Planning and Research Unit found that 11 percent of the program graduates had been arrested after completing the program. Here too, it was not clear how long they were at risk of rearrest.

Six of the studies looked at the effect of the program by assessing outcomes during the program for participants and a comparison group of nonparticipants. Five of the six studies measured rearrests; two of these studies compared rearrests for participants to rearrests for offenders eligible to participate who did not (the Santa Clara County and Ventura County, CA, studies), and three of them made comparisons to groups of offenders from earlier periods the Denver (CO) Drug Court study, the Jackson County (MO) study, and the Dade County (FL) study by Smith, et

al.). Four of these five studies found lower rearrest rates among participants, while one study found no significant differences. One of these five studies (the Santa Clara County (CA) study) also reported fewer positive drug tests among the participants. At the time of our review, the sixth study, involving the D.C. Superior Court, did not measure rearrests. However, it found that participants randomly assigned to the drug court treatment program were less likely to test positive for drugs than those in the standard docket during the month before sentencing but more likely to test positive than a third group of offenders randomly assigned to a graduated sanctions docket.

The remaining six studies all employed comparison groups and considered rearrests after program completion. Four of these studies found lower rearrest rates for program participants or graduates than for the comparison groups of nonparticipants, after 6 months (Baltimore City (MD)), 12 months (Travis County (TX)), 18 months (the Dade County (FL) report by Goldkamp and Weiland), and 3 years (the Oakland (CA) F.I.R.S.T. study). Two of them, however, found either no difference or small and probably insignificant differences, in one case after 12 months (Maricopa County (AZ)), and in the other case after 25 to 37 months (the Broward County (FL) report by Terry).

Program Costs

None of these studies included a systematic cost/benefit analysis. However, several of them indicated that the drug court programs accrued some savings and enabled traditional courts to better handle violent and other serious criminal offenders. Whether there are long-term savings will depend on how many of the drug court participants end up on probation or in prison after their participation.

One of the Broward County (FL) Drug Court studies reported that the average treatment cost to produce program graduates ranged from \$3,215 to \$5,834 and compared favorably to the cost of a typical 6-month jail sentence (\$8,400). The Oakland (CA) (F.I.R.S.T.) Drug Court study reported that, largely because of the fewer days in custody spent by program participants, a conservative estimate of the savings to the county over the 3-year study period would be \$3.0 million. The Denver (CO) Drug Court study estimated a savings of between \$1.8 and \$2.5 million per year due to decreased presentence confinement. The SODAT-Delaware Drug Court study reported that the cost of treating 219 drug offenders was equivalent to keeping 8 offenders in prison for 1 year. The Ventura County (CA) Drug Court Program, Multnomah County (OR) S.T.O.P. Program, and

Jackson County (MO) Drug Court Program studies also suggested there had been cost savings due to reduced incarceration costs. The only study that provided information on costs and did not indicate that savings resulted from the program was the Maricopa County (AZ) First Time Drug Offender Program study, which concluded that the cost of program participation was roughly comparable to the cost of standard probation.

DOJ and Drug Court Community Efforts May Help to Provide Some Definitive Answers

DOJ and others in the drug court community have efforts ongoing that are expected to address some of the factors associated with existing studies that did not permit us to draw firm conclusions about the impact of drug courts.

Under Section 2209, Part V of the 1994 Violent Crime Act, the Attorney General may make arrangements for evaluations of drug court programs that receive grant support from DOJ's DCPO. In carrying out this authority, DOJ's NIJ, in April 1997, issued a solicitation to fund two to four evaluations of four of the oldest existing drug court programs. These evaluations of specific drug court programs are intended to incorporate many of the elements that we have found lacking in a number of the studies we reviewed, including data on comparison groups of nonparticipants; follow-up data; survey data to supplement rearrest records; and data on program implementation, compliance, completion, and costs; and study methods that are to control statistically for differences between program participants and offenders in the comparison groups in assessing program outcomes.

These evaluations of specific drug court programs are intended to take place in two phases, with each phase lasting approximately 1 year. Topics to be discussed under phase I include criminal recidivism, descriptive, historical, and attitudinal data. During phase I, researchers are also expected to develop detailed design plans for answering questions in phase II. Topics to be discussed under phase II include participant retention in treatment, changes in participants' life circumstances and productivity, and cost/benefit analysis. DOJ also plans for the scope of these evaluations to include follow-up information on drug-use relapse of program participants after completion or termination from the program.

In addition to the NIJ studies, as previously mentioned in chapter 4, DOJ's DCPO is developing an instrument to collect information from Violent Crime Act funded drug court programs to help DOJ monitor their progress in various areas, including the collection of follow-up and other data on

program participants. Furthermore, drug court community stakeholders have recognized the need for, and are taking some action to encourage the collection of, follow-up data for monitoring and doing future impact evaluations of drug courts.

Conclusions

A substantial number of evaluation studies of drug court programs have been done. However, due to the newness of the programs at the time of the evaluations; the diversity in the programs; and the differences and limitations in the objectives, scopes, and methodologies of these studies, we cannot draw any firm conclusions from our evaluation synthesis on the overall impact/effectiveness of drug courts. For the same reasons, we cannot reach firm conclusions about specific aspects of drug court programs or specific questions about program participants. The studies we reviewed varied in terms of the amount of information they provided and showed varied results about the impact of drug court programs in general, as well as with regard to the specific issues raised by Congress about program operations and participants. Some studies showed positive effects of the drug court programs during the period offenders participated in them, while others showed no effects, or effects that were mixed, and difficult to interpret. Similarly, some studies showed positive effects for offenders after completing the programs, while others showed no effects, or small and insignificant effects. Drug relapse was less frequently evaluated in these studies than rearrests, and estimates of relapse rates varied substantially. None of the studies, however, showed any adverse effect from participation in the drug treatment program.

As we noted above, some variation in the results of these studies might be due to the differences in how the studies were conducted. It is also possible, however, that variation in results across different drug court programs may result from the fact that drug court programs target different populations, operate differently, and some are more successful in producing positive outcomes than others. We believe that, until follow-up data on relapse and criminal recidivism for participants and nonparticipants are collected across a broad range of programs, it will not be possible to respond to issues raised by Congress and others or to reach firm conclusions about whether drug court programs work, or whether some work better than others. With such data, and additional data on program operations and treatment characteristics, researchers would be in a better position to rigorously analyze how drug court program outcomes are affected by participant and program characteristics.

As discussed in chapter 4, although most drug court programs reported that they had the capability to demonstrate adequate program management through ongoing monitoring and tracking of program operations and that they were maintaining most of the data DOJ, CSAT, and the NADCP Drug Court Standards Committee suggested they maintain, nearly half of the programs were not maintaining follow-up data on rearrests, and about two-thirds were not maintaining data on relapse. In addition, many of the evaluation studies we reviewed did not include follow-up information on rearrest and none on relapse after participants left the program, including some that were federally funded. Many of them also lacked comparative data on similar offenders who did not participate in the program. Without such data, it will be difficult to draw conclusions in the future on the overall impact of drug court programs and their effect on program participants.

We recognize the difficulties inherent in collecting follow-up data on criminal recidivism and particularly drug relapse, as well as comparable data on nonparticipants. Drug court program participants, and comparable nonparticipants, may move to other jurisdictions following the completion of the program, or after completing their sentence, and may be difficult to follow. Neither group can be expected to volunteer for drug tests to determine relapse after they have left the court's purview, and arrests for new drug offenses are fallible measures of drug relapse (since not all drug offenses or criminal offenses generally result in arrests), just as arrests are fallible indicators of criminal recidivism in general. Ultimately, drug court programs may have to be quite innovative in their strategies for collecting such data and may need to resort to sampling and surveying participants and nonparticipants. The more that different sources of data are brought to bear on the question of drug court efficacy, the more likely firm conclusions can be made about those questions.

We also recognize that the need for and benefits of having data must be balanced against the cost of collecting and maintaining it, as well as against any logistical and legal implications, including existing statutory limitations. Nevertheless, if meaningful impact evaluations are to be done in the future on the growing number of drug courts, more of them must collect and maintain data on factors affecting program operations and outcomes, including data on participants after they leave the program. Further, whether drug court programs are effective would be demonstrated more definitively by following up on participants and nonparticipants (i.e., eligible offenders who chose not to participate) for

some period after they leave the program to see if they committed new crimes or relapsed into drug use.

In addition to its planned evaluations of selected drug court programs, DOJ, in conjunction with various stakeholders in the drug court community as noted in chapter 4, is undertaking efforts that are expected to address some of the factors associated with existing studies that did not enable us to draw firm conclusions. However, the outcomes of these efforts and any future evaluations of drug court programs may be hindered by the lack of available follow-up data. Drug court programs currently are not required to collect such data, and studies of drug court programs generally are not required to assess participants' postprogram recidivism or drug relapse or compare participants with similar nonparticipants. Moreover, certain statutory restrictions may limit DOJ's authority to require drug court programs receiving funding from formula or block grants to collect critical follow-up data.

Recommendations

To help ensure more effective management and evaluation of drug court programs, we recommend that the Attorney General and the Secretary of HHS

- require drug court programs funded by discretionary grants administered by DOJ and HHS to collect and maintain follow-up data on program participants' criminal recidivism and, to the extent feasible, follow-up data on drug use relapse; and
- require drug court programs funded by formula or block grants administered by DOJ and HHS, to the extent permitted by law, to collect and maintain follow-up data on program participants' criminal recidivism and, to the extent feasible, follow-up data on drug use relapse. Where no statutory authority exists to impose such requirements, we recommend that DOJ and HHS include in their respective grant guidelines language to suggest that drug court programs funded by these sources similarly collect and maintain such data.

To better ensure that conclusions about the impact of drug court programs on participants' criminal recidivism and/or drug use relapse can be drawn, we recommend that the Attorney General, the Secretary of HHS, and the Executive Director of SJI require that the scope of future impact evaluations of drug court programs funded by their respective agencies include an assessment of program participants' postprogram criminal

recidivism and drug use relapse and, whenever feasible, compare drug court participants with similar nonparticipants.

Agency Comments and Our Evaluation

Agencies and other organizations commenting on a draft of our report generally agreed with our findings, conclusions, and recommendations relating to the collection and maintenance of follow-up data on program participants and impact evaluations of these programs. However, DOJ, SJI, and NADCP raised some concerns with our recommendations.

DOJ expressed concerns about its ability to impose mandatory requirements on congressionally authorized entitlement grants—formula or block grant programs. DOJ said that drug courts are among many programs that can be funded under the BJA Byrne formula block grant and Local Law Enforcement Block Grants programs. Although BJA requires an evaluation component for all programs funded through formula grants and supports these efforts through an array of policies and practices, BJA does not have statutory authority to compel states to collect specific program data or to evaluate any particular program or programs.

Given DOJ's concerns about its authority, we have modified our recommendations for data collection and maintenance to accommodate any statutory limitations that may be associated with formula and block grant programs. In response to DOJ's comment relating to drug court program evaluations, we modified our recommendation to make it clear that we are recommending that DOJ require the scope of any evaluations of drug court programs funded by grants administered by DOJ to include an assessment of program participants' postprogram drug relapse and criminal recidivism and not that DOJ require drug court programs or states to evaluate such outcomes.

Similarly, SJI expressed concerns about its ability to impose requirements on programs for which it only provides short-term funding, commenting that there are practical limitations associated with how much of the recommended information can be collected under any SJI grant. SJI officials noted that they have sponsored two ongoing drug court program evaluations that are attempting to collect short-term recidivism data, but commented that obtaining a more thorough and meaningful assessment of recidivism and relapse data would require a much longer grant period and, accordingly, a much larger grant than SJI resources permit.

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We acknowledge SJI's efforts to collect short-term recidivism data. However, adequately designed evaluation studies should enable longer term recidivism and drug use relapse data to be obtained by assessing postprogram outcomes of drug court participants who have already completed a drug court program(s). Such an approach should better enable evaluators receiving short-term funding to gather more long-term research data without having to monitor or follow the progress of currently enrolled program participants and then subsequently assessing the outcome of the participants 12 to 24 months after completing the program.

SJI also notes that once a grant-supported project ends, SJI can encourage the jurisdiction operating the drug court to maintain the requisite data, but it no longer has the authority to require it. We are not recommending that SJI require any drug court program and/or jurisdiction funded by an SJI grant to collect or maintain follow-up data on drug court program participants. Rather, we recommend that SJI require that the scope of any future impact evaluations of drug court programs that are funded by SJI grants include postprogram data on criminal recidivism and drug use relapse, which we deem to be critical elements to providing Congress and other interested parties with answers to questions relating to drug court program impact and effectiveness.

DOJ and NADCP also indicated that one of the difficulties associated with our recommendation that evaluations of drug court programs include follow-up data and comparison groups is the lack of ongoing technical assistance and sufficient resources available to drug court programs to enable them to develop the capacity for data collection and program evaluation. NADCP stated that drug court programs and courts in general often lack the resources, funding, and expertise to both collect and evaluate program data and pointed out that it will be necessary either to provide funding for professionally implemented evaluations or to assist local jurisdictions in developing the capabilities to do them. DOJ noted that ongoing technical assistance and guidance in the area of data collection and evaluation are greatly needed in the drug court community and that DOJ must address these technical assistance needs if drug court programs are to be expected to develop the capacity for data collection and to produce effective impact evaluations. DOJ reiterated that it has taken a number of steps to develop the capacity for data collection and evaluation among its drug court grantees, and DOJ stated that it will work with Congress to increase its funding for technical assistance.

Chapter 5
Existing Evaluations Provide Some Limited
Information but Do Not Permit Firm
Conclusions Regarding Drug Court Impact

Although we identified various sources of technical assistance available to the drug court community and guidelines suggesting that certain data on program participants be collected, maintained, and made available for future impact evaluations, we did not systematically review and cannot comment on the sufficiency and adequacy of technical assistance and related resources that are currently being provided to drug court programs or research evaluators planning to do future impact studies.

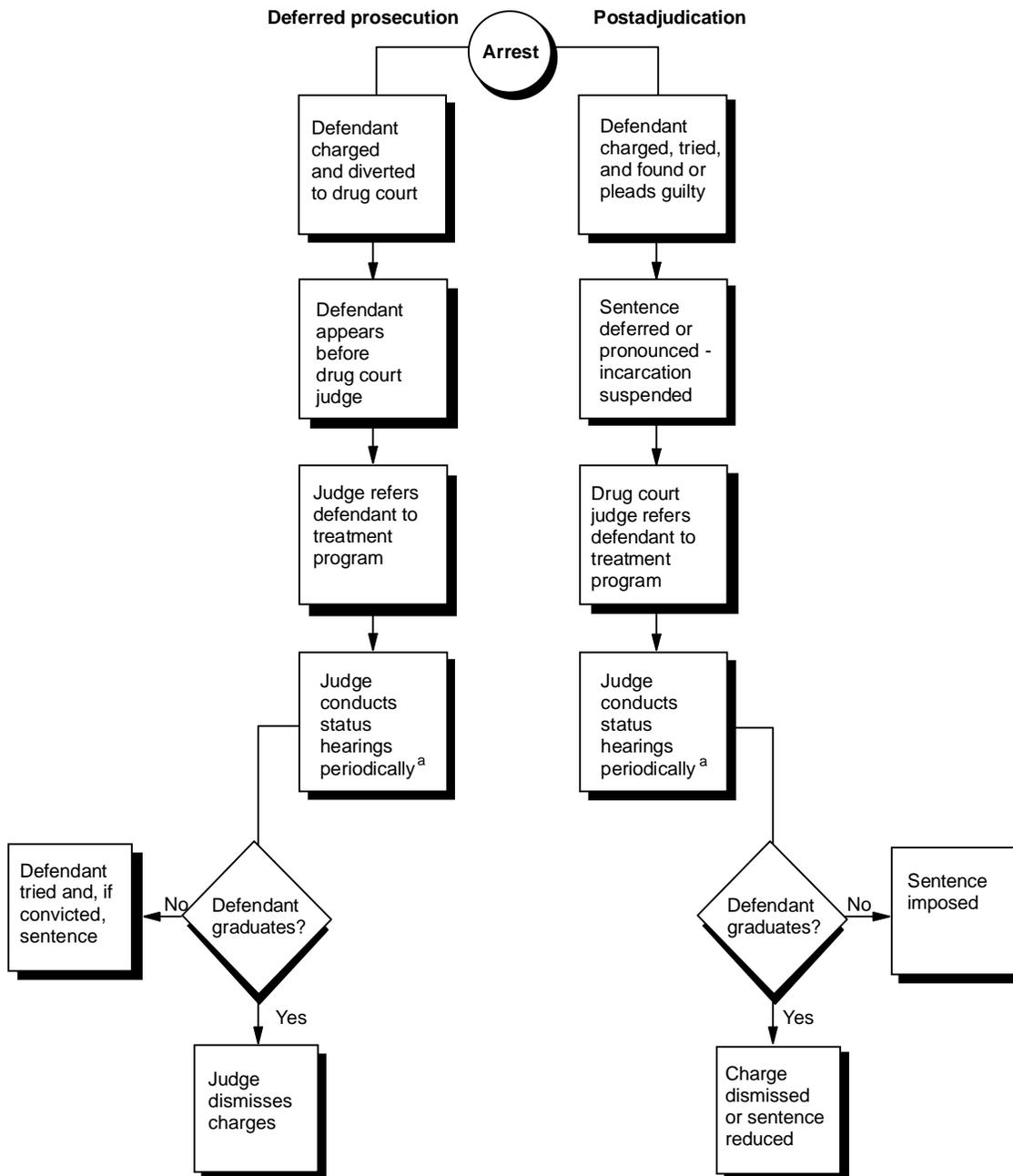
NADCP and the Drug Court Clearinghouse also commented that, while it may be too early to reach firm conclusions, results from our survey and evaluation synthesis in their views permit a more positive conclusion about drug court programs than we arrive at in our report. NADCP stated that the data from our survey, from the evaluation studies we reviewed, and from more recent unpublished preliminary findings involving the Maricopa County (AZ) and D.C. Superior Court drug court programs, were consistent with a preliminary finding that drug court programs are having a positive impact. As evidence of this, NADCP offered information on (1) the numbers of studies, overall and among those that employed comparison groups, that showed positive results; (2) the numbers of studies that reported cost savings; and (3) the retention and completion rates derived from our survey, which NADCP asserts favorably compare with other programs in the treatment community. The Drug Court Clearinghouse pointed out that the average retention rate for drug court program participants, resulting from our survey of 134 operating programs, is significantly higher than program retention rates noted for nondrug court program participants and that the average completion rate, also coming from our survey of these programs, is more than twice that encountered in traditional treatment programs. The Drug Court Clearinghouse also noted that it is important to draw on additional evaluative measures to assess societal benefits drug court programs are achieving in addition to reductions in recidivism and drug usage. As evidence, the Drug Court Clearinghouse stated that over 400 drug-free babies have been reportedly born to drug court program participants; that families have been reunified, including situations in which former drug-using parents have regained custody of their children; and that drug court program graduates are required to have at least a high school diploma or general equivalency degree certificate.

We note in this report that many of the studies we reviewed provide positive evidence of the merits of drug court programs. We do not believe, however, that all of these studies are equally sophisticated in their design and methods, or that the results of these studies can be simply summed to

Chapter 5
Existing Evaluations Provide Some Limited
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Conclusions Regarding Drug Court Impact

provide firm conclusions. Many of these studies are lacking in comparison groups, and those that include them are often lacking in necessary statistical controls between groups compared, or lacking follow-up data. Therefore, we continue to believe that the shortcomings associated with many of the evaluations of drug court programs that have been done provide good reasons for withholding final judgment on the overall effectiveness of drug court programs and aspects of the program until more and better data are collected and additional evaluation studies are completed.

Flowchart of Two Drug Court Approaches



Appendix I
Flowchart of Two Drug Court Approaches

^aJudges may reward progress and impose sanctions for noncompliance with program requirements.
Source: Drug Court Clearinghouse.

Survey of Drug Court Programs

GAO

United States General Accounting Office

Survey of Drug Court Programs

Official Name of Drug Court Program: _____

Name of Principal Person Completing Survey: _____

Title of Person Completing Survey: _____

Address of Person Completing Survey: _____

Telephone Number: (_____) _____

Introduction

The U.S. General Accounting Office (GAO), an agency of Congress, is required by the Violent Crime Control Act of 1994 to review drug court programs. In May 1995, we issued a preliminary report on drug courts (GAO/GGD-95-159BR), which included information provided by drug courts in operation at the time that responded to our previous questionnaire. As part of a followup review, we are soliciting information from all drug court programs operating as of December 31, 1996. *It should be noted that this questionnaire is independent of one you recently may have received from the Drug Court Clearinghouse.*

This questionnaire should be completed by the person(s) most knowledgeable about the drug court program. Your responses will help us complete our follow-up review. It may be necessary for this person to consult with others to answer some questions. To verify information provided on this questionnaire, at a later date, we may request that your drug court provide GAO with supporting documentation.

Please fax or mail your responses to GAO. The fax number is (202) 512-4516. A prepaid return envelope is included. If the envelope is misplaced, the mailing address is:

U.S. General Accounting Office
Administration of Justice Issues
441 G Street NW--Room 2A38
Washington, D.C. 20548
Attn: Chas. Michael Johnson

If you have any questions, please call Chas. Michael Johnson at (202) 512-7331 or Donald Jack at (202) 512-8714. We would appreciate your response by February 5, 1997.

We welcome any comments you may have on the questionnaire, either by telephone or in writing. Thank you for your cooperation.

**Appendix II
Survey of Drug Court Programs**

<p>1. On what date did your jurisdiction's drug court program become operational (i.e. when did the drug court program in your jurisdiction first begin processing drug offenders)? <i>(Enter month and year.)</i></p> <p>Month: _____ Year: 19_____</p> <p>2. Including treatment provided by your court or under contract, does your drug court program have a treatment component? <i>(Check one.)</i> N=134</p> <p>1. <input type="checkbox"/> Yes <i>Continue with Question 3.</i> 100 %</p> <p>2. <input type="checkbox"/> No <i>Skip to Question 5.</i> 0 %</p> <p>3. In general, does your drug court program have a waiting list for treatment? N=134</p> <p>1. <input type="checkbox"/> Yes 20 %</p> <p>2. <input type="checkbox"/> No 80 %</p> <p>4. After entering your drug court program, when do participants generally start the treatment phase? <i>(Check one.)</i> N=134</p> <p>1. <input type="checkbox"/> Within the first 7 days 82 %</p> <p>2. <input type="checkbox"/> 8-30 days 16 %</p> <p>3. <input type="checkbox"/> 31-60 days 2 %</p> <p>4. <input type="checkbox"/> 61-100 days 0 %</p> <p>5. <input type="checkbox"/> Over 100 days 0 %</p> <p>5. In general, which approach does your drug court follow: <i>(Check one.)</i> N=134</p> <p>1. <input type="checkbox"/> Deferred prosecution - adjudication is deferred and the defendant is diverted to the treatment program after being charged 44 %</p> <p>2. <input type="checkbox"/> Post-adjudication - adjudication occurs, but the sentence is deferred or pronounced and the defendant enters the treatment program 38 %</p> <p>3. <input type="checkbox"/> Other-specify: 8 %</p> <p>_____</p> <p>Both Deferred Prosecution/ Post-adjudication 10 %</p>	<p>6. What types of participants are eligible to participate in your drug court program? <i>(Check all that apply.)</i> N=134</p> <p>NOTE: Percentages equal more than 100% due to multiple responses.</p> <p>1. <input type="checkbox"/> Adult men 87 %</p> <p>2. <input type="checkbox"/> Adult women 88 %</p> <p>3. <input type="checkbox"/> Juveniles 16 %</p> <p>4. <input type="checkbox"/> Non-violent Offenders 93 %</p> <p>5. <input type="checkbox"/> Offenders whose <u>current conviction</u> includes a violent offense <i>(use your jurisdiction's definition of a violent offense.)</i> 6 %</p> <p>6. <input type="checkbox"/> Offenders convicted of any <u>previous</u> violent offense <i>(use your jurisdiction's definition of a violent offense)</i> 16 %</p> <p>7. <input type="checkbox"/> Offenders <u>with</u> substance (i.e., controlled or other addictive substances) addiction 96 %</p> <p>8. <input type="checkbox"/> Offenders <u>without</u> substance addiction 17 %</p> <p>9. <input type="checkbox"/> First-time Offenders 84 %</p> <p>10. <input type="checkbox"/> Repeat Offenders 78 %</p> <p>11. <input type="checkbox"/> Probation Violators 63 %</p> <p>12. <input type="checkbox"/> Other-specify: 8 %</p>
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**Appendix II
Survey of Drug Court Programs**

7. As of December 31, 1996, how many persons were:

a. enrolled in your program and were actively participating

N = 134 **Min = 3**
Median = 65
Max = 1,800
Total = 19,901

b. enrolled in your program but were not participating (i.e., persons who do not attend or are wanted on bench warrants for failure to appear)

N = 128 **Min = 0**
Median = 5
Max = 1,200
Total = 6,564

8. From the time your program became operational (refer to question 1 response) to December 31, 1996, how many persons:

	<u>N</u>	<u>Min</u>	<u>Median</u>	<u>Max</u>	<u>Total</u>
a. had been admitted to your drug court program?	134	3	108	11,600	65,921
b. had completed your program?	133	0	9	7,770	20,594
c. had failed to complete the program because they . . .					
had been terminated	132	0	14	2,690	13,679
had voluntarily withdrawn	119	0	2	552	2,272
had died while in your program?	122	0	0	11	100

**Appendix II
Survey of Drug Court Programs**

9. Since your program began, what is the total amount of funding for each of the following types that your program has received? (Check all sources that apply and enter amount of funding.)

NOTE: Percentages equal more than 100% due to multiple responses.

N = 134	<u>Percent</u>	<u>Min</u>	<u>Median</u>	<u>Max</u>	<u>Total</u>
a. <input type="checkbox"/> Federal Government:	78 %				
1. <input type="checkbox"/> Violent Crime Control Act of 1994 (Crime Bill), \$ _____	34 %	\$8,650	\$204,000	\$1,000,000 *	\$13,334,776 *
2. <input type="checkbox"/> Local Law Enforcement Block Grant, \$ _____	22 %	\$10,000	\$76,648	\$1,250,000 *	\$4,170,624 *
3. <input type="checkbox"/> Edward Byrne Memorial Grant, \$ _____	35 %	\$20,000	\$153,172	\$1,369,275 *	\$14,128,915 *
4. <input type="checkbox"/> Comprehensive Communities Grant, \$ _____	7 %	\$75,000	\$189,000	\$346,550	\$1,794,884
5. <input type="checkbox"/> Corrective Options Grant, \$ _____	2 %	\$189,615	\$500,000	\$1,000,000	\$1,689,615
6. <input type="checkbox"/> Center for Substance Abuse Treatment (CSAT) Substance Abuse Prevention & Treatment Block Grant, includes CSAT Technical Assistance, \$ _____	4 %	\$5,000	\$162,113	\$168,000 *	\$335,113 *
7. <input type="checkbox"/> CSAT Criminal Justice Treatment Assistance, \$ _____	2 %	\$1,145,507	\$3,099,219	\$5,500,000 *	\$9,744,726 *
8. <input type="checkbox"/> CSAT Target Cities, \$ _____	1 %	\$700,000	\$700,000	\$700,000	\$700,000
9. <input type="checkbox"/> Medicaid, \$ _____	3 %	\$1,368	\$13,466	\$20,661	\$48,961
10. <input type="checkbox"/> Other - Please specify: _____, \$ _____	13 %	\$8,749	\$29,000	\$1,176,630 *	\$2,030,415 *
9A-Total Federal Government N = 99	100 %	\$10,000	\$190,490	\$6,500,000 *	\$47,978,029 *
b. <input type="checkbox"/> State/Local Government, \$ _____	83 %	\$1,800	\$90,606	\$9,100,000 *	\$38,276,580 *
c. <input type="checkbox"/> Private, (i.e. grants/donations from foundations, corporations or charitable organizations, etc.) \$ _____	21 %	\$100	\$20,000	\$1,152,000 *	\$2,707,045 *
d. <input type="checkbox"/> Participant fees, \$ _____	65 %	\$55	\$6,250	\$450,000 *	\$2,508,347 *
NO SPECIFIC DRUG COURT FUNDING	1 %				

* NOTE: RESPONDENTS RECEIVED ADDITIONAL FUNDS BUT AMOUNTS ARE UNKNOWN. AMOUNTS REFLECT RESPONDENTS KNOWN FUNDING.

**Appendix II
Survey of Drug Court Programs**

10. Which of the following statements best describes any fees charged to participants (by your court or any contractors providing services), either currently or in the past? *Fees would include those paid by the participant, by personal insurance, or by Medicaid? (Check one.)*

N = 134

- 1. Participant fees are charged currently *Continue with Question 11.* 73 %
- 2. Participant fees were charged previously, but are not currently *Continue with Question 11.* 0 %
- 3. Participant fees have never been charged *Skip to Question 12.* 27 %

11. What is/was the purpose and amount of each individual fee?

<u>Description/Purpose of fee</u>	<u>Amount of fee</u>			
	<u>N</u>	<u>Min</u>	<u>Median</u>	<u>Max</u>
_____ LOWEST FEE CHARGED	42	\$0	\$20	\$520
_____ HIGHEST FEE CHARGED	42	\$5	\$80	\$4,625
_____ ONE TIME FEE CHARGED	109	\$1	\$50	\$2,000
TOP THREE PER FEE CHARGE:		WEEK	34 %	
		MONTH	15 %	
		PER TEST	10 %	

12. Does your drug court program have the capability to assure adequate program management through ongoing tracking and monitoring? *(Check one.)*

N = 134

- 1. Yes *Continue with question 13.* 94 %
- 2. No *Skip to question 15.* 6 %

13. Through which of the following means does your program have this capability? *(Check all that apply.)*

N = 134

NOTE: Percentages equal more than 100% due to multiple responses.

- 1. A fully computerized data collection system 20 %
- 2. A partly computerized data collection system 59 %
- 3. Some other means Please describe: _____ 37 %

14. Is this data collection system or other means actually used to manage (i.e., track/monitor) drug court operations? *(Check one.)*

N = 126

- 1. Yes 93 %
- 2. No 7 %

**Appendix II
Survey of Drug Court Programs**

15. Does your drug court program maintain any of the following information on participants?
(Check "Yes" or "No" in column 1 for each row. If "yes" in column 1, answer column 2.)

	Column 1 Is information maintained?	Column 2 Is information computerized?
a. Demographic data on the program participants (e.g., age, sex, race, income, education, etc.)	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 92 % <input type="checkbox"/> No 8 %	N=123 <input type="checkbox"/> Yes 68 % <input type="checkbox"/> No 32 %
b. Criminal justice history (i.e., arrest and/or conviction record) prior to entering the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 94 % <input type="checkbox"/> No 6 %	N=126 <input type="checkbox"/> Yes 70 % <input type="checkbox"/> No 30 %
c. History of substance (i.e., controlled or other addictive substances) abuse prior to entering the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 90 % <input type="checkbox"/> No 10 %	N=119 <input type="checkbox"/> Yes 34 % <input type="checkbox"/> No 66 %
d. Level of use of controlled or other addictive substances at the point of entry into the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 90 % <input type="checkbox"/> No 10 %	N=120 <input type="checkbox"/> Yes 33 % <input type="checkbox"/> No 67 %
e. Data on recurring substance abuse while in the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 94 % <input type="checkbox"/> No 6 %	N=126 <input type="checkbox"/> Yes 44 % <input type="checkbox"/> No 56 %
f. Data for rearrest and/or conviction for a non-drug crime while in the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 90 % <input type="checkbox"/> No 10 %	N=120 <input type="checkbox"/> Yes 60 % <input type="checkbox"/> No 40 %
g. Completion/noncompletion of drug court program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 97 % <input type="checkbox"/> No 3 %	N=130 <input type="checkbox"/> Yes 71 % <input type="checkbox"/> No 29 %
h. Follow-up data on substance abuse after completing the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 33 % <input type="checkbox"/> No 63 % N/A 4 %	N=49 <input type="checkbox"/> Yes 31 % <input type="checkbox"/> No 57 % N/A 12 %
i. Follow-up data on rearrest and/or conviction for a non-drug crime after completing the program.	N=134 <input type="checkbox"/> Yes <i>Answer col. 2</i> 53 % <input type="checkbox"/> No 44 % N/A 3 %	N=74 <input type="checkbox"/> Yes 65 % <input type="checkbox"/> No 30 % N/A 5 %

**Appendix II
Survey of Drug Court Programs**

16. Does your drug court program have a data collection system that can be used to evaluate (i.e., assess/study) your program? (Check one.) N = 134
1. Yes *Continue with Question 17.* 70 %
2. No *Skip to Question 19.* 30 %

17. Has your data collection system been used to evaluate your drug court program? N = 94
1. Yes *Continue with Question 18.* 67 %
2. No *Skip to Question 19.* 33 %

18. Please identify whether the data collection system was used by internal program officials and/or external users (e.g., academics, consultants). (Check all that apply.) N = 134
1. Internal program officials 39 %
2. External users (Please provide name/organization/phone number for external users) 27 %
- (a) _____ (_____) _____
- (b) _____ (_____) _____
- (c) _____ (_____) _____

19. Please identify any published or unpublished evaluations or assessments involving your drug court program that have been completed, are ongoing, or planned? [Please specify title/date/author or contact person (if different)/ phone number.]
- (a) _____
- (b) _____

Please mail a copy of any published or unpublished evaluations or assessments including your drug court program to the address provided on page 1 of this questionnaire.

If you have any additional information or comments you would like to provide, please attach additional pages as necessary.

65 % of respondents had additional comments.

Thank you for your assistance.

Please return by fax to (202) 512-4516 or return by mail using the enclosed envelope.

Outcomes Reported in and GAO's Assessment of Available Evaluations of Drug Court Programs

Maricopa County First Time Drug Offender Program (Deschenes et al., 1996)

Program Start Date	1992.
Participant Restrictions	The program was limited to first-time offenders convicted of drug possession or use (not selling) and sentenced to 3 years of probation. Participants were randomly assigned to one of four groups: (1) the drug court program, which involved testing, treatment, and sanctions; (2) standard probation with no drug testing; (3) standard probation with random monthly drug tests; and (4) standard probation with testing scheduled biweekly.
Participation Rate	Participation was determined by random assignment. Of the 176 persons assigned to the drug court program, only 19 (11 percent) never received the drug court program.
Program Length	Six to 12 months.
Program Costs	The drug treatment court program costs were similar to the costs of standard probation, which were estimated at \$2,795 per offender per year; the original first-time drug offender drug court cost was \$2,541 per offender per year, but under a new contract with Maricopa County Adult Probation, it increased to \$2,926 per offender per year.
Treatment Components	The drug court program was designed to include status hearings before the drug court judge every 2 months, but the judge could increase or decrease the frequency of hearings at each hearing. It was also designed to include at least one drug test per month, though anecdotal evidence suggests that tests were not done on a scheduled basis, and averaged one test every 2 months. The treatment program consisted of three phases (orientation, stabilization, and transition) and included drug education, social skills training, relapse prevention, and attendance at 12-step meetings and process group meetings.
Graduation Rate	At the end of 12 months, 18 percent were still active in the program; among those not still active, 49 percent had graduated and were discharged from the program. The primary reasons for failing to complete

the program were technical violations, new arrests, bench warrants, and absconding. Some of the offenders with technical violations or arrests may have returned to the program later, as technical violations and arrests do not necessarily mean they were terminated from the program.

Evaluation

Our 1995 report¹ described an earlier version of this evaluation, which at that time involved a 6-month follow-up and showed no significant differences across groups in rearrest rates and technical violations. This evaluation shows similar differences (or lack of differences) after 12 months. Thirty-one percent of the drug court program group had been rearrested versus 30 percent to 37 percent in the standard probation groups. Thirty-nine percent of the drug court program group were involved in technical violations versus 40 percent to 55 percent in the standard probation groups. While the likelihood of at least one technical violation did not differ across groups, the average number of technical violations for the drug court group was lower than for the other three groups. Roughly half of the offenders in each group involving drug tests tested positive at least once over the 12-month period.

Assessment

The design here, involving random assignment to groups that varied in terms of testing and treatment, is quite strong. These results, especially those involving recidivism, fail to establish strong effects of testing and treatment. Part of the reason for this may be due to the fact that the various programs were not always implemented as designed.

**Los Angeles County
Drug Courts (Los
Angeles County
Municipal Courts
Planning and
Research Unit, 1996)**

Program Start Date

Los Angeles Municipal Court, May 1994; Rio Hondo Municipal Court, July 1994; Pasadena Municipal Court, May 1995; and Santa Monica Unified Municipal and Superior Court, January 1996.

¹GGD-95-159BR.

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Participant Restrictions	The drug court program was restricted to nonviolent felony drug offenders. Defendants charged with drug trafficking or sales, or who had prior convictions for those offenses, were not eligible.
Participation Rate	Participation was voluntary. No information was provided on the percentage of eligible offenders who chose to participate.
Program Length	At least 12 months.
Program Costs	No information was provided.
Treatment Components	Program participants made frequent appearances before a designated judicial officer and were subject to random drug testing. The three-phase treatment program included individual and group counseling, attendance at 12-step programs such as NA, and vocational and educational guidance.
Graduation Rate	Between May 1994 and June 1996, 413 offenders were admitted to the drug court program. One hundred sixteen offenders were still in the program. Of the remaining 297 offenders, 86 (29 percent) graduated, and the others were terminated. Married participants and participants between the ages of 40 and 49 were the most likely to complete the program. Information provided in the report suggests that terminations were more frequent in 1994 than in 1995 and 1996. Dismissal from the program resulted in reinstatement of the original criminal charges and prosecution.
Evaluation	No information was provided on drug relapse, and no comparisons are made to program nonparticipants. To describe recidivism, the report compares the first 47 defendants who graduated from the Los Angeles Drug Court program to a group of 47 defendants who were terminated from the program. Five of the 47 (11 percent) graduates had been rearrested, compared to 30 of the 47 (64 percent) offenders who were terminated.
Assessment	Comparisons of graduates and nongraduates are of limited value. This particular comparison is difficult to assess because no information was provided on whether the two groups were at risk of rearrest for the same amount of time and whether rearrest was a factor in terminations.

Los Angeles County Drug Courts (Deschenes and Torres, 1996)

Program Start Date	See Planning and Research Unit report, 1996 (above).
Participant Restrictions	See Planning and Research Unit report, 1996 (above).
Participation Rate	Like the Planning and Research Unit report, 1996 (above), this report notes that the program was voluntary, but provides no information on the percentage of eligible offenders who chose to participate.
Program Length	While the Los Angeles County Municipal Courts Planning and Research Unit report on these same drug courts indicates that the program length was 12 months, this report indicates that the treatment might have been as short as 6 months. See Planning and Research Unit Report, 1996 (above).
Program Costs	No information was provided.
Treatment Components	See Planning and Research Unit report, 1996 (above).
Graduation Rate	This report states that 504 offenders were admitted to the 4 Los Angeles County drug courts between May 1994 and May 1996. It does not disclose how many offenders were participating at the time the report was written, nor does it allow an accurate estimate of graduation rates. It does note that there were 64 graduates at the time the study began and that the termination rate was relatively high. It also notes that there were a myriad of sanctions available for program noncompliance, that sanctions were progressive, and that all four courts seemed to be tolerant of relapse among participants.
Evaluation	This evaluation looks at a subsample of 35 individuals from among 79 current program participants and 16 graduates interviewed by the authors. Self-reported drug use and criminal behavior were found to be significantly higher in an unspecified number of months before entering the program than after entering the program. Also, both graduates and current participants gave high ratings to the drug court program.

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Assessment	The sample employed here is primarily representative of current program participants, and the number of graduates for whom data were collected (n = 16) is too small to generalize. The evidence provided is preliminary, based on potentially biased self-reports, and insufficient to establish program effectiveness.
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**Oakland (F.I.R.S.T.)
Drug Court (Tauber,
1995)**

Program Start Date	Fall 1990.
Participant Restrictions	The program targeted felony drug defendants. There was no information about whether certain offenders were excluded.
Participation Rate	Participation in drug diversion was statutorily mandated for defendants in California who were eligible. In January and February of 1991, 87 percent of defendants referred were granted diversion.
Program Length	The diversion term was 24 months, and the treatment component of the diversion program appeared to involve roughly 5 months.
Program Costs	This report states that a conservative estimate of savings to Alameda County law enforcement agencies during the 3-year study period would be \$3,000,000. Two-thirds of this savings was accounted for by the 33,869 fewer days in custody spent by program participants. Also noted was that the County Sheriff's Department was able to rent unused jail cells to San Francisco and the U.S. Immigration and Naturalization Service at \$60.80 per day.
Treatment Components	The program consisted of three phases: phase 1 (3 days) involved diversion placement, phase 2 (2 months) involved intensive evaluation and supervision, and phase 3 (3 months) involved supervision and treatment. During phase 2, offenders were required to attend five group probation sessions, take three urine tests with negative results, and attend four drug education and one AIDS class. During phase 3, offenders were required to attend eight group probation sessions and to meet individually with the probation officer twice, to take four urine tests with negative results, and to participate in community counseling for 8 weeks.

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Graduation Rate	Fifty-four percent of a sample of drug court program participants admitted during 1991 successfully completed the program and earned diversion dismissals. The only reason indicated for program failure was failure to appear for report hearings, which could be sanctioned by incarceration for at least 1 week, after which the participant was reinstated. Only two reinstatements were permitted before termination from the program. Terminees had criminal proceedings reinstated.
Evaluation	The first 110 defendants referred to the F.I.R.S.T. Diversion Program in January and February of 1991 were compared to the first 110 defendants referred to diversion between January and March of 1990, before the F.I.R.S.T. Program. Relapse rates are not reported, but after 3 years the average number of new felony arrests per defendant was 44 percent lower for the F.I.R.S.T. Program participants (.75 per defendant versus 1.33 per defendant), and the average number of days in custody on felony offenses was 44 percent lower as well (44 days versus 78 days).
Assessment	While the length of follow-up is considerably higher here than in most studies, it is not clear how similar the two groups of divertees being compared were on characteristics relevant to recidivism, and there was no information on drug relapse.

**Santa Clara County
Drug Treatment Court
(Peters, 1996)**

Program Start Date	September 1995.
Participant Restrictions	The program included both felony and misdemeanor narcotics offenders, and targeted offenders with a lengthy history of substance abuse and criminal involvement, and a history of unsuccessful abuse treatment or lack of prior treatment. Violent offenders and offenders with other pending cases were excluded.
Participation Rate	Participation was voluntary; the percentage of eligible offenders who chose to participate is not indicated.
Program Length	Twelve months.
Program Costs	No information was provided.

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Treatment Components	Participants appeared before the treatment court team “frequently” and were subject to drug tests on a “frequent” basis. (Specific times or intervals are not specified.) Both residential and outpatient treatment were provided, and treatment included counseling and therapy, educational and vocational training, and acupuncture.
Graduation Rate	This preliminary study was done 9 months after the beginning of the program. Eighty-seven percent were still participating. No offenders had graduated. Offenders could be terminated for positive drug tests; sanctions for those who failed to complete the program were not specified.
Evaluation	In considering rearrests, 87 treatment court participants were compared to 24 randomly selected defendants who were eligible to participate but declined. None of the treatment court participants were rearrested after 9 months, compared to 21 percent of the comparison group. These same two groups were compared with respect to real jail time served during the 9 months; treatment participants averaged 56 days, while the comparison group averaged 122 days. Treatment court participants were also compared to defendants under formal probation and in intensive supervision, electronic monitoring supervision, and general supervision over a 3-month period, with respect to drug relapse rates. In the treatment group, 7 percent of drug tests were positive. Among formal probationers, the percentage of positive drug tests ranged from 14 percent (intensive supervision) to 28 percent (general supervision).
Assessment	While these results appear promising, the small number of drug court participants (87), the smaller number in the control group (24), and the short time of follow-up (9 months), preclude firm conclusions about the effect of the drug court on recidivism. Moreover, the fact that no drug court participants had been rearrested results partly from the fact that participants who were terminated from the program as a result of rearrests (3 percent of participants) were excluded from the comparison.

Ventura County Drug Court (Oberg, 1996)

Program Start Date	April 1995.
Participant Restrictions	Nonviolent offenders charged with a misdemeanor drug offense.

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Participation Rate	Participation was voluntary. The percentage of eligible offenders who chose to participate is not indicated. The report states that drug court offenders were similar, demographically and in terms of drug offenses committed, to the comparison group of offenders who applied for entrance into the drug court program but were not accepted.
Program Length	Twelve months.
Program Costs	No systematic cost/benefit analysis is provided, but the study reports that "as of April 1, 1996, participants in the program have been ordered to serve a total of 4,981 days in custody, resulting in a savings of 4,839 days and a tremendous cost savings in incarceration costs." (p. 24.) ²
Treatment Components	Offenders appeared before the drug court judge monthly, met with probation officers on a regular basis, and submitted to random drug tests. The treatment phase of the program lasted about 8 months and involved counseling and attendance at AA/NA meetings. Both residential and outpatient treatments were employed.
Graduation Rate	This report evaluated the first 8 months of a 12-month program, so none of the offenders had graduated. Of the 75 offenders accepted into the program between April and December 1995, 26 (35 percent) had been terminated. Terminations resulted from new crime charges, three dirty urine samples, and other acts of noncompliance with program guidelines. Terminees served their sentences. Males and Hispanics were reportedly less likely to complete the program.
Evaluation	Of the 966 drug tests submitted by the 75 drug court participants during the first 8 months of the program, 86 (9 percent) were positive. In terms of recidivism, 9 of the 75 drug court participants (12 percent) were rearrested during the 8-month period. By comparison, over the same period, 32 percent of a control group of offenders who had applied for but not been accepted into the drug court program were rearrested. The report also notes that fewer of the arrests of drug court offenders involved drug-related offenses (58 percent versus 75 percent in the control group).
Assessment	While these results are positive, they are restricted to offenders who were still in the program and offer no information on what recidivism and relapse looked like after program completion. Also, it is not clear whether the drug court offenders and the control group were similar with respect to time at risk of rearrest.

²Page references in this appendix refer to pages in the specific evaluation study cited.

Denver Drug Court (Granfield and Eby, 1997)

Program Start Date	July 1994.
Participant Restrictions	This report does not indicate what types of offenders were included or excluded from the drug court program.
Participation Rate	The drug court was established in response to Colorado House Bill 91-1173, which mandated that all persons convicted under the Controlled Substances Act be evaluated for substance abuse. It appears that participation in the drug court program was mandatory.
Program Length	Twenty-four months.
Program Costs	The report states that the Denver Drug Court had reduced case processing time by more than half, and significantly reduced the amount of time offenders spent in presentence confinement. "At an average of \$60 per day in jail, the court is saving between \$360 to \$840 on each drug offender. Multiplying these individual savings by the total dollar value saved for 3,000 drug offenders brings the total savings to between \$1.8 to \$2.5 million per year." (p. 32.)
Treatment Components	Treatment was individualized, based on offenders' drug use patterns and levels of criminal risk. Treatment varied across seven levels. Level 1 involved judicial supervision but no treatment; level 2 involved the use of education and intense urine testing; level 3 entailed weekly outpatient treatment and acupuncture; level 4 required intensive outpatient treatment, including group therapy; level 5 required intensive residential treatment; level 6 required the use of therapeutic communities; and level 7 involved intensified surveillance but no treatment. Most participants in the program fell into the first 5 categories. Offenders appeared "frequently" in front of the drug court judge. The frequency with which they were required to submit to drug tests is not indicated.
Graduation Rate	This report does not indicate the numbers or percentages of offenders who graduated from the program.
Evaluation	A random sample of 100 drug court defendants from December 1994 to March 1995 was compared to two control groups, consisting of 100

subjects each, from predrug court years 1992/1993 and 1993/1994. Twenty-two percent of drug court offenders, compared to 15 percent and 14 percent of the 1992/1993 and 1993/1994 offenders, had revocations for violations of probation after 6 months, and 58 percent of drug court offenders, compared to 53 percent and 58 percent of the 1992/1993 and 1993/1994 offenders, were rearrested in 12 months. None of these differences were statistically significant.

Assessment

Data for the evaluation were for participants who had not had time to complete the program, and the short follow-up time precluded firm conclusions.

**D.C. Superior Court
Drug Intervention
Program (Harrell and
Cavanagh, 1996)**

Program Start Date

1992.

Participant Restrictions

Drug felony defendants, some of whom had an extensive history of arrests and convictions and faced high risks of incarceration if convicted, were randomly assigned to one of three dockets: (1) the treatment docket, which included regular drug testing, judicial monitoring of drug use, and "intensive day treatment"; (2) the sanctions docket, which included drug testing, judicial monitoring of drug use, and referrals to treatment; and (3) the standard docket, which included drug testing and judicial monitoring. The report offers no information about whether violent offenders, or other types of offenders, were excluded from the program.

Participation Rate

Participation in the treatment and sanctions dockets was voluntary. Of offenders who were sentenced before October 15, 1996, 37 percent of eligible offenders chose to participate in the treatment docket, and 75 percent chose to participate in the sanctions docket. Participants in the sanctions docket were older than participants in the treatment docket and the standard docket. Participants in the treatment docket were less likely to be male and employed than nonparticipants; participants in the sanctions docket were more likely to be older, unemployed, and stronger drug users than nonparticipants.

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Program Length	The six-stage treatment program for offenders in the treatment docket lasted at least 6 months, depending on the speed with which offenders met the criteria for progressing to the next stage. On average, offenders in the sanctions docket were in the program for 5 months.
Program Costs	No information was provided.
Treatment Components	Offenders in the sanctions and standard dockets were tested for drugs twice weekly, and those in the treatment docket were tested three times weekly. All dockets involved judicial monitoring, but how often offenders appeared before the judge is not indicated. The daily treatment for all treatment docket participants included acupuncture, structured treatment activities, and additional support services. Thirty percent of the offenders in the sanctions docket were referred to community-based treatment, though the nature of the treatment they received is not described. Seventy-four percent of the sanctions docket offenders were sanctioned during their participation; 71 percent spent 3 days in the jury box, 44 percent spent 3 days in jail, 30 percent were sent to detoxification, and 14 percent spent a week or longer in jail.
Graduation Rate	Nineteen percent of the 88 offenders who entered the treatment docket graduated from it. The large majority of the offenders who did not complete the program were rearrested, discharged for lack of progress, or dropped out. Sixty-five percent of the 194 sanctions docket program participants remained in the program until sentencing. Terminees were either doing poorly in the program or rearrested.
Evaluation	The program was a pretrial program, which was evaluated in terms of the likelihood of offenders assigned to the three dockets testing clean in the month before sentencing. Twenty percent of the defendants assigned to the treatment docket, 32 percent of the defendants assigned to the sanctions docket, and 13 percent of the defendants assigned to the standard docket tested clean. Multivariate analysis reveals that sanctions program participants were four times as likely to test clean in the month before sentencing as standard program participants, while treatment program participants were twice as likely. Differences between offenders who chose not to participate in the treatment and sanctions dockets and those participating in the standard docket were not significant.
Assessment	While the multivariate analysis undertaken here is as sophisticated as any we uncovered, the outcome is restricted to relapse in 1 month, and does not take into account whether program participants graduated from the

programs they were participating in. The authors note too that the apparent positive effect of sanctions may entirely disappear once defendants are not facing sentencing.

Broward County Drug Court (Terry, 1993; Terry, 1996)

Program Start Date	July 1991.
Participant Restrictions	The program targeted first-time offenders arrested for possession or purchase of cocaine. It excluded violent offenders, offenders involved in drug trafficking, and offenders with prior drug or felony arrests, or prior felony arrests or convictions that resulted in (a) disposition by adjudication and sentence, (b) probation, or (c) participation in pretrial intervention. It also excluded offenders with prior felony charges who had appeals pending at the time of their current arrest.
Participation Rate	Participation was voluntary. The percentage of eligible offenders who chose to participate was not indicated. The average age of program participants was slightly higher than for all persons arrested for drug offenses in the county, and participants were somewhat more likely than all persons arrested for drugs to be female and white.
Program Length	Twelve months.
Program Costs	No information was provided.
Treatment Components	The treatment program consisted of three phases (phase I = 3 weeks, phase II = 23 weeks, phase III = 26 weeks), which varied in terms of treatment type and intensity. Offenders appeared at probation monthly and submitted to urine tests five times per week during phase I and three times per week during phase II. Treatment included group and individual therapy, fellowship meetings, and acupuncture.
Graduation Rate	Seven hundred eighty-seven persons entered the program in its first year; 307 (39 percent) graduated. Many offenders failed to complete the program because the cases against them were dropped, they were transferred to other districts, they requested trials or regular probation, or they no longer met eligibility criteria. No clear information is provided on

how many offenders failed to complete the program due to program noncompliance, nor whether they faced sanctions. The report notes, however, that almost two-thirds of the program noncompleters left because the state attorney decided to drop the case against them.

Evaluation

The evaluation compares rearrest rates for persons who were admitted to and graduated from the program in its first year and to persons who met the eligibility requirements of the program but did not participate. After 25 to 37 months since entering the program, 39 percent of the persons admitted, 25 percent of the graduates, and 30 percent of the nonparticipants had been rearrested for a new felony. Fifty percent of the persons admitted, 48 percent of the graduates, and 43 percent of the nonparticipants had been rearrested for a new felony or misdemeanor. Some differences in the types of offenses committed were found, with treatment graduates being somewhat less likely than nonparticipants to be rearrested for new drug offenses and violent offenses. There were also some differences in the timing of arrests between groups.

Assessment

There is no systematic evaluation of treatment effects in terms of drug relapse in this study, though the 1993 report indicated that 79 percent of the persons who graduated from the program or were still active in it had at least one positive cocaine test. The lack of significance tests and possibility of selection bias in the report makes it difficult to evaluate the rearrest differences presented.

**Broward County Drug
Court (Commission
Auditor's Office, 1995)**

Program Start Date

See Terry, 1996 (above).

Participant Restrictions

See Terry, 1996 (above).

Participation Rate

Participation was voluntary. The percentage of eligible offenders who chose to participate during the 3 years (July 1, 1991, through September 30, 1994) covered by this report is not clearly indicated, but it appears that as many as 27 percent of offenders may have declined treatment.

Program Length

See Terry, 1996 (above).

Program Costs	This report indicates that the cost to complete the 12-month drug court program ranged from \$3,215 to \$5,834 (with the treatment portion of this cost ranging from \$247 to \$449 per month). The report's authors offered, as a point of reference, the cost of a 6-month jail sentence, which was \$8,400.
Treatment Components	See Terry, 1996 (above). This report states that the extent of treatment may have been overstated due to the ongoing failure of defendants to attend treatment, though this finding appears to be based on a very small sample of defendants.
Graduation Rate	Adjusting for the defendants remaining in treatment, this report indicates a 35-percent graduation rate over the 3 years, which is similar to Terry's estimate for the first year (see Terry, 1996, above). Contrary to McNeece and Daly, however, this report states that arrests for driving under the influence, cannabis possession, or any felony while participating in the program resulted in immediate termination.
Evaluation	This report provides information on rearrests for a random sample of 30 drug court graduates who had graduated between 4 and 25 months before the arrest search. Six of the 30 (20 percent) were rearrested during the program and 3 of the 30 (10 percent) were arrested after graduation. This report also shows, for a sample of 29 drug court graduates and similarly small samples of probation and nonprobation drug court participants, that positive drug tests declined with time in treatment. No comparisons were made to nonparticipants.
Assessment	Small samples and the lack of comparison data make these results difficult to assess.

Broward County Drug Court (McNeece and Daly, 1993)

Program Start Date	See Terry, 1996 (above).
Participant Restrictions	See Terry, 1996 (above). This report states that at some point eligibility requirements were modified to include drug offenders involved in drugs other than cocaine (such as possession of marijuana and barbiturates), and those with previous felony drug convictions.

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Participation Rate	Participation was voluntary. The percentage of eligible offenders who chose to participate during the year of operation described by this report (1992) is not indicated, but the report notes as a disturbing trend that almost all clients with private attorneys chose not to participate. It also notes that many clients requested transfers to other courts, where they were almost certain to receive probation with no treatment.
Program Length	See Terry, 1996 (above).
Program Costs	No information was provided.
Treatment Components	See Terry, 1996 (above). This report indicates that during Phase III of treatment, urine tests were performed once a week and that treatment during this phase emphasized educational and work skills. Vocational evaluation, on-the-job training, and job skills and readiness classes were also provided.
Graduation Rate	This report notes that of the 1,008 defendants who appeared in this drug court in 1992, only 48 (or 5 percent) graduated. This figure greatly underestimates the graduation rate, however, as roughly half the participants entering in that year were still active, and about a third were either not accepted or were transferred to other courts. While rearrests appeared to be responsible for some portion of terminations, the report notes that, in most cases, rearrests did not lead to dismissal from the program. The report notes that African-Americans were less likely than others to complete treatment.
Evaluation	This report provides information on rearrests for the 1,008 offenders who appeared in the court in 1992, but is not clear about how long they had been at risk of rearrest. (Since half were still active, we can assume that for many offenders the time at risk was less than 1 year.) Eleven percent were rearrested, jailed, sent to prison, or had warrants issued for their arrest. Eleven percent also had one or more violations of probation while in the program. Drug test results were available for only 323 of the 1,008 participants; 52 (16 percent) were "dirty" on one or more occasions.
Assessment	This information does not distinguish graduates from program termines in assessing rearrests and relapse, nor does it compare program participants with nonparticipants. Also, the length of follow-up was short, and for some participants involved only a matter of months.

Dade County Drug Court (Goldkamp and Weiland, 1993)

Program Start Date	1989.
Participant Restrictions	The drug court was initially designed to accept offenders charged with third-degree felony drug possession who had no prior convictions, but has shown some flexibility in its admissions criteria. This study focuses on a sample of offenders (n = 326) admitted in August and September 1990. Among them, one-third had prior felony arrests, and 11 percent had prior arrests for serious crimes against persons.
Participation Rate	Participation appeared to be voluntary. The percentage of eligible offenders who chose to participate is not clearly indicated. It appears that the drug court participants were more likely than eligible offenders who chose not to participate to be male and to have fewer prior arrests, including drug arrests.
Program Length	Twelve months.
Program Costs	No information was provided.
Treatment Components	Judicial monitoring and drug tests were components of the program, which proceeded through three phases: phase 1 (detoxification), phase 2 (counseling), and phase 3 (educational/vocational assessment). On average, participants took 24 drug tests while in the program; how frequently they appeared before the drug court judge is not indicated. Acupuncture was used on a voluntary basis.
Graduation Rate	Of the 326 offenders in the study group, 28 percent were still active after 18 months, and 14 percent had their charges dropped or were transferred out of the program. Of the remaining 189, 110 (or 58 percent) graduated or successfully completed diversion. The report states that "motivational jail" terms of 2 weeks were sometimes used to sanction offenders who failed to comply or were rearrested. Roughly half of the drug court defendants failed to appear in drug court at least once, compared to from 6 to 10 percent of other felony offenders who were not assigned to the drug court program.

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Evaluation	The 326 offenders admitted to the drug court program were compared to four other samples: (1) felony drug defendants in the same period who were not eligible for the program because of more serious offenses (n = 199), (2) nondrug felony defendants in the same period (n = 185), (3) felony drug defendants from a period several years earlier (n = 302), and (4) felony nondrug defendants from a period several years earlier (n = 536). Data were collected from a fifth comparison sample of offenders who were assigned to the drug court but did not participate. These data, however, were not employed in the evaluation involving rearrests. After 18 months, drug court defendants had a significantly lower rearrest rate than the other 4 groups (33 percent versus 40 percent to 53 percent), and a significantly longer period before rearrest (median of 235 days versus 52 to 115 days for the other groups).
Assessment	These results are quite positive but, as we stated in our previous report, must be viewed with caution as a result of a lack of comparability between groups, especially in terms of offense seriousness and criminal history.

**Dade County Drug
Court (Smith, Davis,
and Goretzky, 1991)**

Program Start Date	June 19, 1989.
Participant Restrictions	See Goldkamp and Weiland, 1993. This report notes that eligible offenders had to admit to having a drug problem for which they wanted treatment. The report also notes that eligibility requirements were relaxed over time.
Participation Rate	Participation was voluntary. This report does not indicate what percentage of eligible offenders chose to participate. It does note that of 1,100 cases that had been referred to the drug court, 300 were transferred out, 200 were nollied, 100 resulted in bench warrants, 100 were prosecuted in some other way, and 411 (or 15 percent) "received the 'drug court' stamp. Thus, those who made it to the drug court are a very select group." (p. 5.)
Program Length	This report states that while a 12-month program was envisioned, the length of time it took an offender to complete it varied, depending on the individual's progress.

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Program Costs	No systematic cost/benefit analysis is provided. The report states that the drug court treatment program cost \$700 per year compared with the \$17,000 cost of housing inmates in the local jail, and that the county paid the cost of treatment.
Treatment Components	See Goldkamp and Weiland, 1993. This report notes that in general, offenders appeared before the drug court judge every 30 to 60 days. It also indicates that individual and group counseling, and attendance at AA/NA meetings, were frequently employed.
Graduation Rate	No information was provided on the percentage of offenders who completed the drug court program.
Evaluation	The evaluation involves a comparison of rearrest rates for persons assigned to the drug court in January 1990 through March 1990 (n = 318), and a subgroup of persons assigned to the drug court who actually participated in it (n = 148), with a sample of predrug court narcotics cases from early 1988 (n = 99). Persons assigned to the drug court were similar to predrug court offenders with respect to rearrests (32 percent versus 33 percent), while the participants had lower rearrest rates (15 percent).
Assessment	The authors note that the differences between drug court participants and predrug court cases should be viewed cautiously, due to the selective nature of the latter group.

**Hillsborough County
Drug Court (McNeece
and Daly, 1993)**

Program Start Date	June 1992.
Participant Restrictions	The program was targeted for first-time offenders charged with simple possession or purchase of cocaine. The report states, however, that in actual practice offenders charged with other types of drug offenses and who had previous records could be considered.
Participation Rate	Participation was voluntary, but the percentage of eligible offenders who chose to participate is not indicated. The report states, however, that self-selection could have been at work, as African-Americans were underrepresented among program participants. While they accounted for

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54 percent of all drug arrests, they comprised only 33 percent of drug court participants.

Program Length

Twelve months.

Program Costs

No information was provided.

Treatment Components

The frequency with which participants appeared before the drug court judges varied, depending on progress and ranged from once every 2 to 4 weeks to once every 2 or 3 months. The treatment program consisted of three phases. During phase 1 (first 3 weeks), random urine tests were done three times a week, and treatment consisted of acupuncture and individual and group counseling. During phase 2 (weeks 4 through 12), random urine tests were done twice a week, participants received acupuncture and attended group therapy sessions, and were encouraged to attend AA/NA meetings. During phase 3 (weeks 13 through 52), random urine tests were done three times a month, and participants were required to participate in a structured aftercare support group, encouraged to attend AA/NA meetings, and given individual counseling as needed.

Graduation Rate

The report states that as of November 1993, only 23 participants had been discharged from the program (thus implying that all but those 23 participants were still active in the program). Twelve (52 percent) were discharged as successful. The 11 terminees were discharged due to new drug arrests (2), new nondrug felony arrests (2), or persistent noncompliance (7).

Evaluation

The program had not been formally evaluated, but the report states that it had been selected for a longitudinal study to track relapse and recidivism among participants over a period of several years. The only evaluation provided here involves responses from a random sample of program participants interviewed, the size of which is not indicated. Sixty-three percent and 37 percent reported being very satisfied or pretty satisfied with the program (only one participant was dissatisfied), and 70 percent and 26 percent found it to be very or somewhat effective.

Assessment

The lack of systematic information on what percentage of offenders eligible for the program entered it, the very preliminary information on the percentage who successfully completed it, and the absence of information on relapse and rearrests after program completion for participants and a comparison group makes it impossible to determine the efficacy of the

program. It is not indicated whether the planned longitudinal study was to include a comparison group of nonparticipants.

Baltimore City Drug Treatment Court (Gottfredson, Coblentz, and Harmon, 1996)

Program Start Date	March 1994.
Participant Restrictions	The program was targeted toward nonviolent offenders with drug abuse problems. The "instant" offenses that led to assignment to drug court were most often drug-related or property crimes.
Participation Rate	It appears that participation was voluntary for some offenders but not for others. Offenders were diverted from prosecution contingent upon an agreement to participate in a drug treatment program. Others who were not deemed eligible for diversion from prosecution were required to participate in a drug treatment program as a condition of parole or probation. The percentage of eligible offenders who entered the drug court treatment program is not indicated. The report notes that drug court clients were historically frequent offenders compared to other eligible probationers and that the offenses for which they were convicted were as serious or more serious in nature than those in the comparison group.
Program Length	Not indicated.
Program Costs	No information was provided.
Treatment Components	The report states that intensive supervision and frequent drug testing were used but does not provide specific information on frequency of contacts with the courts or drug tests. The program services (treatment) may have included education, unspecified substance abuse treatment, job readiness and placement, life skills training, and housing assistance. Graduated sanctions and incarceration were used to induce program compliance.

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Graduation Rate	The program completion rate is not indicated. Incarceration could be imposed when offenders failed to comply with program requirements. The nature and extent of sanctions were not examined.
Evaluation	To determine whether the drug court program services were more effective than those provided under traditional probation and parole, 145 offenders who were assigned to the drug court treatment in its first year of operation were compared to offenders not assigned. Rearrests after 180 days were compared, separately for offenders from (1) the district court (n = 84 in the treatment group and 351 in the control group), (2) the circuit court (n = 34 in the treatment group and 125 in the control group), and (3) the district court for violations of probation (n = 27 in the treatment group and 53 in the control group). Twenty-three percent, 26 percent, and 18 percent of the district, circuit, and violations of probation treatment cases were rearrested, respectively, compared to 27 percent, 30 percent, and 30 percent of controls. While none of these differences were statistically significant, a significantly lower rearrest rate among drug court cases emerged when other factors affecting rearrests (i.e., criminal history, characteristics of the instant offense, and demographic variables) were statistically controlled.
Assessment	These preliminary results appear positive, but firmer conclusions await a lengthier follow-up with a more diverse group of treatment court participants, including those who enter through the diversion track.

**Clark County Drug
Court (Choices
Unlimited Las Vegas,
1996)**

Program Start Date	October 1992.
Participant Restrictions	Initially, most participants were offenders charged with possession of a controlled substance or under the influence of a controlled substance, who had no prior felony convictions and no noncriteria offense currently in the system. Persons who wished to participate but did not meet admissions criteria could be allowed to conditionally participate. Such persons might not receive a dismissal of underlying criminal charges and might be required to pay treatment costs. It appears that many participants

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in the most recent year covered by the report (1995-1996) were charged with possession with intent to sell, low-level trafficking, and nondrug-related property offenses such as burglary. The report is unclear about whether violent offenders were excluded as well.

Participation Rate

Participation was voluntary. The percentage of eligible offenders who chose to participate is not indicated.

Program Length

Twelve months.

Program Costs

No information was provided.

Treatment Components

Participants appeared in the drug court frequently—between weekly and monthly—depending on progress. Urine tests were taken every other day in the first phase of the program, and periodically in phases 2 through 4. Participants could not proceed from phase 1 to 2 or from phase 2 to 3 until they had five consecutive negative tests, could not proceed from phase 3 to phase 4 until they had 6 months of negative tests, and had to test clean for a minimum of 3 months to graduate. Treatment components varied by phase and included detoxification; individual, group, and family counseling; wellness education sessions; and job training.

Graduation Rate

As of April 1, 1996, 1,544 offenders had been referred to the program. Seventy-eight offenders never actually started treatment, and 795 offenders were still active in the program. Of the remaining 671 offenders, 382 (57 percent) had graduated. Reasons for termination included new arrests, positive urine tests, and noncompliance with program requirements. Similar termination rates among ethnic groups and between male and female participants were reported. However, termination rates were higher for participants entering the program under the influence or in possession of a controlled substance offense, particularly cocaine and amphetamine. The report does not indicate what happened to program terminees.

Evaluation

The only evaluation component of the report involved a calculation of rearrests among the 382 graduates over the 42 months of the court's operation. Only 24 (6 percent) of the graduates had been rearrested on new charges since their release.

Assessment

While the absence of a control group makes the rearrest information difficult to interpret, the 6-percent recidivism rate seems remarkable, especially since many graduates would have had substantial periods at

risk of rearrest. It is not clear whether these figures included arrests during program participation, or whether such arrests automatically triggered termination.

**Multnomah County
S.T.O.P. Program
(American University
Courts Technical
Assistance Project,
1994)**

Program Start Date

August 1991.

Participant Restrictions

The S.T.O.P. (Sanction-Treatment-Opportunity-Progress) program was targeted for defendants charged with felony drug possession offenses with no involvement in significant drug dealing, no holds from other jurisdictions, no other felony or Class A person misdemeanor charges pending, and no driving under the influence charges in the same charging instrument. A defendant's criminal history was no barrier to participation provided other qualification criteria were met. Since the program was first implemented, criminal history requirements were relaxed and gang affiliation was abandoned as a restriction on program participation. The report indicates that because of the relaxed eligibility criteria and Oregon's relatively lenient sentencing provisions, the drug court handled a significantly larger percentage (26 percent) of the total drug caseload than most courts. "Drug courts programs in other jurisdictions generally account for less than five percent of their jurisdiction's total drug caseload."

Participation Rate

Participation was voluntary, but the percentage of eligible offenders who chose to participate is not indicated.

Program Length

Twelve months.

Program Costs

While the report states that "costs per case for STOP cases . . . have been substantially reduced compared with the costs per cases handled in the traditional adjudication process," dollar values were left blank in the draft of the report we reviewed.

Treatment Components	S.T.O.P. program participants appeared before the program judge monthly during this four-phase program. In phase 1 (4 weeks), they submitted six drug tests per week and received acupuncture and drug education classes. During phase 2 (4-1/2 months), they submitted to random drug tests, acupuncture, and group counseling three times a week. In phase 3 (approximately 6 months), they submitted to random drug tests and counseling tailored to their needs. Phase 4, added in the program's second year, involved biweekly urine tests and participation in AA/NA meetings five times a week for 2 months.
Graduation Rate	Between August 1, 1991, and June 9, 1994, 1,611 defendants were admitted to the program. Seven hundred three were still active, and of the remaining 908, 367 (or 40 percent) had graduated. There is no indication of what factors were primarily responsible for failure to complete the program (i.e., rearrests, positive urine tests, etc.), though it is noted that, on average, program completers had longer histories of drug use and were older, more likely to be married and residentially stable, and more likely to have consistently attended acupuncture and other treatment sessions. Program completers had their criminal indictments dismissed, while terminees stood for trial before the S.T.O.P. program judge at the same status hearing in which the termination occurred. Failures to appear were sanctioned by program suspensions, appearances before the court, and bench warrants.
Evaluation	The evaluation provided is very preliminary, and it appears that many of the numbers provided were in need of updating or verification. The information provided involves a comparison of 105 S.T.O.P. participants who had graduated from the program and 78 participants who had been terminated, and is restricted to numbers and percents in the two groups who had positive drug tests and bench warrants. It appears that, in each of the four phases of the program, graduates were more likely than terminees to show for drug tests, and in at least the second and third phases, less likely to test positive (i.e., dirty). There was also a smaller average number of bench warrants issued for program graduates (0.73) than terminees (2.15).
Assessment	These results are preliminary. It is not clear why the evaluation done involved only 105 of the 367 graduates, and only 78 of the 542 terminees. It appears that the urine tests and bench warrants were considered only for the period of their participation in the program, so these figures provide no information on long-term effects. The study also provides no information on nonparticipants.

Sodat-Delaware, Inc. Drug Court Diversion Program (Reed, 1995)

Program Start Date	April 1994.
Participant Restrictions	Participants were first-time drug offenders with no prior drug convictions. Offenders who were excluded are not indicated, except for repeat drug offenders.
Participation Rate	Not indicated.
Program Length	Five to 6 months.
Program Costs	The only information on cost savings from the program was the statement that "For the cost of keeping just 8 offenders in prison for 1 year, SODAT has successfully diverted and treated 219 drug offenders in the community and started them on the road to recovery from their addictions."
Treatment Components	Participants appeared before the drug court judge, usually once a month, and were required to submit to random urine screening throughout their stay in the program. Treatment was not well described—"three counselors provide active substance abuse counseling." (p. 1.)
Graduation Rate	After 1 year, 71 percent (90 of 127) of the program participants who were not still active in the program and had not been transferred to more intensive treatment had graduated. Men had slightly higher graduation rates than women, and whites and blacks with less severe drug problems had higher completion rates. The report also states that age, education, and employment were related to program success.
Evaluation	Approximately 80 percent of program participants had been drug tested during the program, and roughly half of those tested had one or more positive urines. Program graduates were less likely than nongraduates to have one or more positive urines (35 percent versus 80 percent). Only 4 percent of program participants, and 8 percent of participants not still active in the program, had been discharged due to rearrests. Participants were not compared to offenders who did not participate in the program.
Assessment	This program was just 1 year old at the time of this report, and the few details offered about program effects do not permit firm conclusions.

Travis County Drug Diversion Court (Kelly, 1996)

Program Start Date	August 1993.
Participant Restrictions	The Travis County SHORT (System of Healthy Options for Release and Treatment) Program was modeled after the Dade County Drug Diversion Program and targeted drug offenders who exhibited evidence of addiction and had a limited criminal history. It excluded offenders who were involved in significant drug dealing, had holds from other jurisdictions, had prior felony convictions for violent crimes, or had other felony charges pending.
Participation Rate	Participation was voluntary. The report notes that a significant number of eligible defendants either refused entrance or failed to participate from the outset. No information was provided on the percentage of eligible offenders who chose to participate.
Program Length	Twelve months.
Program Costs	No information was provided.
Treatment Components	While the report indicates that court appearances and urine testing were components of the program, it does not indicate how frequently either occurred. The treatment program consisted of three phases, which varied in terms of intensity of supervision and treatment. Treatment components included counseling, acupuncture, and AA/NA and drug education meetings.
Graduation Rate	Four hundred fifty-five defendants had entered the program since its inception; 232 were still active, and of the remaining 223, 74 (or 33 percent) had graduated. The primary reasons stated for not completing the program were failure to appear, requesting to withdraw and have their case indicted, failure to comply with the program, and rearrests. The report states that noncompliance (including positive urine tests, missed meetings and court appearances, and rearrest), was tolerated in an effort to retain program participants. Noncompliance was sanctioned in a variety of ways, including by increasing urine tests, court appearances, and jail time.

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Evaluation	The evaluation involves only information on rearrests, for a small sample of 22 program graduates and a sample of 27 individuals who were arrested before the program was established but would have been eligible for it. After 1 year, 6 of the 22 program participants (27 percent) had been rearrested, compared to 16 of the 27 individuals (59 percent) in the comparison group.
Assessment	These preliminary results are positive, though the authors note problems in the comparability of the two groups, in the small sample sizes, and in the short period of follow-up.

**Jackson County Drug
Court Diversion
Program (Jameson
and Peterson, 1995)**

Program Start Date	October 1993.
Participant Restrictions	The report states that individuals charged with possession of drugs or drug paraphernalia, sale of controlled substances (under specified amounts), fraudulent prescriptions, and prostitution were presumed to be drug users and eligible to participate. Other offenders were eligible if they and/or their family, friends, or attorney stated that they were a drug user or tested positive for drugs at the time of arrest. Relative to persons admitted to the Jackson County Department of Corrections, the program may have been overrepresentative of blacks and females.
Participation Rate	Participation was voluntary. The percentage of eligible offenders who chose to participate is not indicated.
Program Length	Twelve months.
Program Costs	While no formal cost/benefit analysis is provided, the report states that, "if it assumed that the 257 active clients would otherwise have been incarcerated for 21 days . . . the savings to the county may be estimated to be approximately 5,400 inmate days at a minimum cost savings of \$246,000."

**Appendix III
Outcomes Reported in and GAO's
Assessment of Available Evaluations of
Drug Court Programs**

Treatment Components	This was a three-phase program. Phase 1 (3 weeks) involved assessment. Phase 2 (14 weeks) included acupuncture; individual, group, and family counseling; and attendance at AA/NA/CA meetings. Finally, phase 3 (36 weeks) included reduced treatment and continued meeting requirements. Judicial monitoring and drug testing were included throughout; participants met with the drug court judge monthly and submitted urine tests twice weekly during phase 2. (Frequencies are not given for the other phases.) The report notes that compliance rates (the percentage of appointments made that were kept) varied by program components, from 34 percent for 12-step meetings to 49 percent for acupuncture to 81 percent for diversion management sessions.
Graduation Rate	Of the 450 offenders processed in the first year of operation of this 12-month program, 257 were still active. Of the remaining 193 cases, only 1 (0.5 percent) had graduated from the program. The majority of participants terminated were for noncompliance with program requirements (52 percent); 19 percent opted out of the program after beginning it and took their cases through the traditional criminal processing procedures.
Evaluation	Negative (clean) urine test rates were indicated for program participants and shown to vary by phase; phase 1 (22 percent), phase 2 (53 percent), and phase 3 (81 percent). Rearrest rates for the 450 program participants were compared to rearrest rates for a group of 4,755 offenders admitted to the Jackson County Department of Corrections between 1991 and 1994 who had comparable eligibility and were at risk of rearrest. Four percent of the program participants versus 13 percent of the comparison group were rearrested after roughly 6 months.
Assessment	It is unclear whether urine test rates refer to the percentage of negative tests or the percentage of participants with negative tests. It is also unclear whether program participants were included among the comparison group, which would diminish slightly the difference in rearrests between groups. It is not clear how many of the program participants rearrested were still in the program at the time of their rearrest, and it is too early to tell how different program completers would be from noncompleters and eligible nonparticipants in the long-term.

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Jurisdiction	Start date		Status			Funding sources				
	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Alabama										
Atmore (juvenile/Creek tribe)					•		•			
Birmingham (adult)	01/96		•				•	•		•
Birmingham (juvenile)	01/96		•				•	•		
Cullman					•		•			
Mobile	02/93		•				•	•		•
Montgomery					•		•			
Tuscaloosa	03/97		•				•			
Alaska										
Gambell ^a	12/95						•			
Juneau					•		•			
Arizona										
Globe (juvenile)					•		•			
Peach Springs (Hualapai tribe)					•		•			
Phoenix	03/92		•				•	•		•
Sacaton (Gila River Indian Community)					•		•			
Scottsdale (Salt River Pima-Maricopa Indian Community)		10/97		•			•			
Tucson (adult)		07/97		•			•			
Tucson (juvenile)					•		•			
Yuma					•		•			
Arkansas										
Little Rock	06/94		•				•	•	•	•
California										
Bakersfield	07/93		•				•	•	•	•
Chico	06/95		•				•	•	•	•
El Cajon					•		•			
El Monte	07/94		•				•		•	•
Eureka ^p	02/97		•							
Fairfield	03/97		•				•			

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Summary Data on the Status of Drug Court
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Jurisdiction	Start date		Status				Funding sources			
	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Fresno	03/96		•					•		•
Hayward ^b		07/97		•						
Huntington Park ^b		05/97		•						
Indio					•		•			
Inglewood ^b		05/97		•						
Kern County-East Municipal ^b	02/95		•							
Kern County-North Municipal ^b	07/94		•							
Laguna Niguel	01/97		•				•	•		•
Los Angeles (adult)	05/94		•				•	•		•
Los Angeles (juvenile)					•		•			
Martinez					•		•			
Modesto	06/95		•				•	•		•
Oakland (adult/diversion)	01/91		•				•	•		
Oakland (adult/postadjudication)	01/95		•				•	•		
Pasadena	05/95		•				•			•
Porterville	04/96		•					•		•
Prosserville ^c	04/96									
Redlands ^b	04/95		•							
Richmond ^b	01/97		•							
Riverside	09/95		•				•	•		
Roseville	09/95		•				•	•	•	•
Sacramento	03/96		•				•	•	•	•
Salinas	07/95		•					•	•	
San Bernardino	11/94		•				•	•	•	•
San Diego ^b	03/97		•							
San Francisco (adult)	03/95		•				•			
San Francisco (juvenile)		10/97		•			•			
San Jose (adult)	09/95		•				•			•
San Jose (juvenile) ^d	08/96		•							
San Luis Obispo					•		•			

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Jurisdiction	Start date		Status				Funding sources			
	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
San Mateo	10/95		•				•	•		•
Santa Ana (adult)	03/95		•				•	•		•
Santa Ana (juvenile) ^b					•					
Santa Barbara	03/96		•				•			•
Santa Cruz (juvenile)					•		•			
Santa Maria	03/96		•				•			•
Santa Monica	01/96		•				•			•
Santa Rosa	02/96		•				•	•	•	•
Stockton	07/95		•				•	•		•
Tulare (juvenile)	10/95		•				•	•	•	
Tulare (adult)	05/96		•					•		•
Ukiah	09/96		•				•	•	•	•
Van Nuys Regional ^b					•					
Ventura	04/95		•				•			
Visalia	03/96		•				•	•		•
Vista	01/97		•				•			
Woodland	03/95		•				•	•		•
Yosemite National Park-Federal Court	01/95		•				•			•
Colorado										
Denver	07/94		•				•	•	•	•
Connecticut										
Bridgeport		07/97		•			•			
Hartford						•	•			
New Haven	07/96		•					•		
Delaware										
Dover	04/96		•				•	•		•
Georgetown	04/96		•				•	•		•
Wilmington (adult)	10/93		•				•	•	•	•
Wilmington (juvenile)	09/95		•					•		
District of Columbia										
Washington (adult)	07/94		•				•	•		

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Jurisdiction	Start date		Status				Funding sources			
	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Washington (juvenile)					•		•			
Florida										
Bartow	12/94		•				•	•		•
Crestview	10/93		•				•	•		•
Daytona ^p		07/97		•						
Fort Lauderdale (adult)	06/91		•				•	•		•
Fort Lauderdale (juvenile)		10/97		•			•			
Gainesville	03/94		•				•	•		•
Jacksonville	09/94		•				•			
Key West (adult)	05/93		•				•	•		•
Key West (juvenile)	04/96		•				•	•		•
Marathon (adult)	06/95		•				•	•		•
Marathon (juvenile)	05/96		•				•	•		•
Miami	06/89		•				•	•		•
Moore Haven					•		•			
Ocala		04/97		•			•			
Opa-Locka						•	•			
Orlando (adult) ^b		06/97		•			•			
Orlando (juvenile)		07/97		•			•			
Panama City ^p	01/97		•							
Pensacola (adult)	06/93		•				•	•	•	•
Pensacola (parents)	02/96		•					•		•
Pensacola (juvenile)	04/96		•				•	•		
Plantation Key (adult)	05/95		•				•	•		•
Plantation Key (juvenile)	05/96		•				•	•		•
Sarasota	02/97		•				•			
Tallahassee	01/94		•				•	•		
Tampa (adult-diversion)	06/92		•				•	•	•	
Tampa (adult-postadjudication)	07/94		•					•		•
Tampa (juvenile)	02/96		•				•	•		•

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	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Viera	10/94		•				•	•		•
Georgia										
Atlanta	03/97		•				•			
Brunswick					•		•			
Covington (juvenile)					•		•			
Macon	01/94		•				•	•		•
Guam										
Agana (juvenile)					•		•			
Hawaii										
Honolulu	01/96		•				•	•		•
Idaho										
Boise ^b						•				
Illinois										
Bloomington					•		•			
Chicago (adult) ^{b e}	05/89									
Chicago (neighborhood model) ^b	02/97		•							
Cook County (juvenile)	10/96		•				•			
Decatur					•		•			
Edwardsville	03/96		•				•	•		
Kankakee (adult) ^b	02/97		•							
Kankakee (juvenile)		10/97		•			•			
Markham	03/94		•					•		•
Peoria					•		•			
Rockford	10/96		•				•	•		
Saint Charles					•		•			
Indiana										
Fort Wayne					•		•			
Gary (juvenile)	06/95		•				•			
Gary (adult)	09/96		•				•			•
Lafayette ^b		04/97		•						
Lake County	09/96		•				•	•		•
Lawrenceburg (juvenile)					•		•			
South Bend	02/97		•				•			

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	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Terre Haute	10/96		•				•	•		•
Iowa										
Des Moines	09/96		•				•	•		•
Kansas										
Wichita	07/95		•				•	•		•
Kentucky										
Bowling Green		04/97		•			•			
Frankfort					•		•			
Hickman					•		•			
Louisville	07/93		•				•	•		•
Louisiana										
Alexandria					•		•			
Baton Rouge (adult)	01/95		•				•	•		•
Baton Rouge (juvenile)					•		•			
Franklin	01/97		•				•			
Gretna		06/97		•			•			
Harvey (juvenile)					•		•			
Lafayette					•		•			
Lake Charles ^b	02/97		•							
Monroe		01/98			•		•			
Monroe (Ouachita)					•		•			
New Orleans					•		•			
Oberlin						•	•			
Thibodaux					•		•			
Vidalia (juvenile)					•		•			
Maine										
Alfred						•	•			
Maryland										
Annapolis ^b					•					
Baltimore (adult-District)	03/94		•				•	•		
Baltimore (adult-Circuit)	10/94		•				•	•		
Baltimore (juvenile-Circuit)		10/97		•			•			

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	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Montgomery County ^b					•					
Massachusetts										
Dorchester	06/95		•				•		•	•
Framingham (juvenile)					•		•			
Franklin County (family) ^b	01/97		•							
Lawrence					•		•			
Lynn					•		•			
New Bedford		12/97		•			•			
Salem (juvenile)					•		•			
Springfield ^b						•				
Worcester	02/96		•				•	•	•	
Michigan										
Detroit					•		•			
Kalamazoo (females)	06/92		•				•	•		•
Kalamazoo (males) ^b	01/97		•							
Kalamazoo (juvenile)					•		•			
Mt. Clemens					•		•			
Pontiac ^b	03/93		•							
St. Joseph	10/91		•				•	•		•
Minnesota										
Minneapolis	01/97		•				•			
Mississippi										
Gulfport						•	•			
Jackson		07/97		•			•			
Jackson (juvenile) ^b					•					
Missouri										
Benton (juvenile)					•		•			
Clayton ^b						•				
Jefferson City (juvenile)					•		•			
Kansas City	10/93		•				•	•		•
Lexington	06/96		•					•		•
St. Louis		04/97		•			•			
Montana										

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	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Browning (Blackfeet tribe)					•		•			
Missoula (juvenile)	10/96		•				•	•		•
Nebraska										
Omaha		04/97		•			•			
Nevada										
Las Vegas (adult)	10/92		•				•	•	•	•
Las Vegas (juvenile)	04/95		•					•		•
Reno (family)	08/94		•					•	•	•
Reno (adult)	07/95		•					•		•
Reno (juvenile)	07/95		•					•		
New Jersey										
Camden	04/96		•				•			•
Jersey City (juvenile)					•		•			
Long Branch		07/97		•			•			
Newark (superior)		05/97		•			•			
Paterson					•		•			
New Mexico										
Albuquerque	09/95		•				•	•		•
Aztec (juvenile)					•		•			
Las Cruces (adult-Magistrate)	04/95		•				•	•		•
Las Cruces (adult-Municipal)	12/95		•				•	•		•
Mesilla	04/95		•				•	•		•
Santa Fe					•		•			
Sunland Park ^f	02/95						•	•		•
New York										
Amherst ^b	09/96		•							
Bronx					•		•			
Brooklyn	06/96		•				•	•	•	
Buffalo	01/96		•				•	•	•	
Ithaca					•		•			
Lackawanna ^b	01/96		•							
Manhattan ^b					•					
Niagara Falls					•		•			

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	Actual	Planned	Operating	About to start	Being planned	Studying feasibility	Federal	State/Local	Private	Fees
Oswego					•		•			
Queens					•		•			
Rensselaer (juvenile)					•		•			
Rochester	01/95		•				•	•	•	•
Rockland County					•		•			
Suffolk County	09/96		•				•	•		•
Syracuse	01/97		•				•			
North Carolina										
Charlotte	02/95		•					•	•	•
Cherokee (juvenile/ Cherokee tribe)					•		•			
Person/Caswell Counties	07/96		•						•	•
Raleigh	05/96		•					•		
Warrenton	12/96		•					•		•
Wilmington ^b		05/97		•						
Winston-Salem	06/96		•					•		•
Ohio										
Akron	06/95		•				•	•	•	
Butler County	09/96		•					•		•
Canton					•		•			
Chillicothe (juvenile)					•		•			
Cincinnati	03/95		•				•	•		•
Cleveland (juvenile)		08/97		•			•			
Cleveland (adult)					•		•			
Dayton (adult)	01/96		•				•			
Dayton (juvenile)					•		•			
Mansfield					•		•			
Saint Clairsville (juvenile)					•		•			
Sandusky	04/96		•					•		
Toledo					•		•			
Uhrichville					•		•			
Youngstown					•		•			
Oklahoma										

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Canadian County (juvenile) ^b					•					
Chickasha ^b					•					
Claremore					•		•			
Drumright		05/97		•			•			
Elk City (juvenile)					•		•			
Guthrie	03/95		•				•			•
Muskogee					•		•			
Oklahoma City (adult) ^b					•					
Oklahoma City (juvenile)					•		•			
Okmulgee (Muscogee Nation)						•	•			
Pontotoc County ^b		07/97		•						
Seminole		07/97		•			•			
Stillwater (adult)	03/95		•				•			•
Stillwater (juvenile)					•		•			
Tahlequah					•		•			
Tulsa	05/96		•				•	•		
Oregon										
Eugene	09/94		•				•	•		•
Grants Pass	03/96		•				•	•		•
Klamath Falls	03/96		•					•		•
McMinnville ^b					•					
Pendleton (Confederated Tribes of the Umatilla Indian Reservation)					•		•			
Portland	08/91		•				•	•		•
Roseburg	01/96		•				•	•		•
Pennsylvania										
Philadelphia	03/97		•				•			
Pittsburgh ^b					•					
Williamsport					•		•			
York					•		•			
Puerto Rico										

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Arecibo	04/96		•				•	•		
Carolina	04/96		•				•	•		
Ponce	04/96		•				•	•		
San Juan		08/97		•			•			
South Carolina										
Charleston (juvenile)					•		•			
Columbia	11/96		•				•			•
Lexington	07/96		•				•	•		•
Orangeburg ^b					•					
South Dakota										
Flandreau (juvenile/Sioux tribe)					•		•			
Lower Brule (Sioux tribe)					•		•			
Pine Ridge (Oglala Sioux tribe)					•		•			
Tennessee										
Clarksville					•		•			
Decaturville (juvenile)					•		•			
Maryville					•		•			
Memphis ^b	02/97		•							
Nashville		05/97		•			•			
Texas										
Austin	08/93		•					•		•
Beaumont	03/93		•					•		•
Conroe					•		•			
Dallas		06/97		•			•			
Fort Worth	09/95		•				•	•		
Houston					•		•			
Utah										
Provo					•		•			
Salt Lake City (juvenile)	10/95		•				•		•	•
Salt Lake City (adult)	07/96		•				•			•
Vernal					•		•			

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Vermont										
Montpelier					•		•			
Newport ^b					•					
Virginia										
Charlottesville		07/97		•			•			
Fredericksburg					•		•			
Newport News					•		•			
Richmond (juvenile)					•		•			
Roanoke	09/95		•				•	•		
Suffolk					•		•			
Washington										
Mount Vernon					•		•			
Olympia					•		•			
Port Angeles					•		•			
Port Orchard					•		•			
Seattle	08/94		•				•	•	•	•
Spokane	01/96		•				•	•		•
Tacoma	10/94		•				•	•		•
Wisconsin										
Madison	06/96		•				•	•		•
Milwaukee					•		•			
Wyoming										
Gillette						•	•			
Sheridan					•		•			
Total			161	32	112	10				

^aDrug court opened 12/95, closed 06/96.

^bNo specific information on funding available.

^cDrug court opened 04/96, closed 11/96.

^dDrug court program or jurisdictional official reported no specific drug court program funding.

^eDrug court opened 05/89, closed 05/94.

^fDrug court opened 02/95, closed 06/96.

Sources: GAO analysis of its survey of drug court programs and information obtained from federal agencies and the Drug Court Clearinghouse.

Comments From the Department of Justice

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

July 9, 1997

Norman J. Rabkin
Director, Administration of Justice Issues
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Rabkin:

We appreciate the opportunity to comment on the draft of the General Accounting Office's Report, *Drug Courts: Overview of Growth, Characteristics, and Results* (the "Report"). We are in general agreement with the recommendations of the Report, and have previously discussed with your staff our comments on the Recommendations and Principal Findings and provided you with a list of factual corrections and points needing clarification. Below is a summary of our discussions about the Recommendations.

We have one overarching comment that applies to the entire Report. While it discusses the broad range of Department of Justice grant programs in support of drug courts, the Report does not distinguish between the Office of Justice Programs (OJP) drug court discretionary grant program authorized by the Crime Act and the two Bureau of Justice Assistance (BJA) formula programs -- the Edward Byrne Memorial State and Local Law Enforcement Program, and the Local Law Enforcement Block Grant Program -- which also provide funds to state and local jurisdictions for drug courts. These various federally-funded programs have distinct statutory requirements and restrictions. Thus, we recommend that, throughout the Recommendations and Findings, the GAO distinguish between the OJP Crime Act Program for drug courts and the two BJA formula grant programs.

RECOMMENDATIONS

With regard to the first recommendation of the GAO Report, the Department of Justice agrees with GAO that it is important "to collect and maintain follow-up data on program participants' criminal recidivism and, to the extent feasible, follow-up data on drug use relapse." If grantees are to be required to collect certain data, the necessary technical assistance resources must be provided to develop capacity and competence among drug court grantees. OJP will work with Congress to increase the level of funds allocated to technical assistance from Crime Act drug court program funds.

See comment 1.

Page 2
July 9, 1997

The extent to which this recommendation can be implemented by BJA in its formula programs, the Edward Byrne Memorial State and Local Law Enforcement Program, and the Local Law Enforcement Block Grant Program, is governed by the statutory authority of the respective programs.

The Report drafters have noted that OJP has taken a number of steps to develop the capacity for data collection and evaluation among its drug court grantees. The OJP Crime Act Drug Courts Program Office convened a meeting in March 1997 of various drug court stakeholders that focused on, among other things, the need for program evaluation and ways to overcome obstacles associated with obtaining data on program participants to adequately monitor and evaluate the impact of drug court programs. The drug court professionals who attended this focus group developed a basic data set of information that drug courts should maintain. This data set is similar to the one outlined in the OJP drug court *Program Guidelines and Application Kit*. A written report of the consensus reached at this meeting, including the data set, will be distributed to the drug court field in the Fall. The data set is incorporated in the draft of a form that will be used by OJP to collect data from current and future OJP Crime Act discretionary drug court grantees.

OJP is aware that drug court programs are continuously working through issues relating to data collection and program evaluation. Ongoing technical assistance and guidance in this area are greatly needed by the field. OJP must address these technical assistance needs if programs are to be expected to produce effective impact evaluations. Congress has placed a funding cap each year on the OJP Crime Act drug court funds that can be spent for technical assistance, training, and evaluation. With the enhanced need for specialized technical assistance and training in data collection and program evaluation, local drug court professionals need additional technical assistance resources. OJP will work with Congress to increase the technical assistance funding allotment to respond to this pressing need.

Drug courts are among the many programs that can be funded under the BJA formula Edward Byrne Memorial State and Local Law Enforcement Program (Byrne Memorial), and the Local Law Enforcement Block Grant Program (LLEBG). (Please note, the BJA Correctional Options Program was zeroed out in fiscal year 1996 and further federal financial support of this initiative is not anticipated. Also fiscal year 1996 saw significant reductions in BJA's Comprehensive Communities Programming, with no significant increases anticipated in the future. These two programs were past sources of funding for drug courts.) Although BJA requires an evaluation component for all programs funded through formula grants and supports these efforts through an array of policies and practices, it does not have statutory authority to compel states to collect specific program data or to evaluate any particular program or programs.

Page 3
July 9, 1997

With regard to the second recommendation, the Department of Justice further agrees that there is a need for ongoing impact evaluations of drug court programs and will continue to support such efforts.

Post-program data on rearrests and substance abuse are important for assessing the long-term success of drug courts. Since the first GAO Report in 1995, *Drug Courts: Information on a New Approach to Address Drug-Related Crime*, the OJP has significantly influenced the development of drug courts with respect to data collection and evaluation. As noted by the GAO Report, the OJP drug court *Program Guidelines and Application Kit* provides guidance on data collection and evaluation; OJP drug court grantees are expected to include an evaluation plan in their program implementation plans; and, all drug court planning grantees are provided with training that includes an introduction to program evaluation planning. There are considerably more drug court program evaluations today than there were two years ago. As a result of OJP efforts, indeed, program evaluation has become a part of the culture of drug courts. The OJP will continue to fund national evaluations through the National Institute of Justice and will continue to build capacity for evaluation at the local level.

As a matter of policy, BJA encourages and supports State and local evaluation of the Byrne Memorial formula-funded programs. Technical assistance, training, and challenge grants (partnerships with program administrators and local researchers) are provided by BJA to foster evaluation and evaluation capacity at the State and local levels. BJA provides and supports training and technical assistance on conducting evaluations and facilitates peer technical assistance, through which States obtain assistance from other States that have demonstrated experience or expertise in evaluating particular programs.

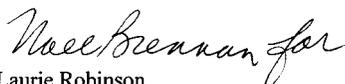
Finally, to respond to the need of local programs, the OJP has developed a strong training and technical assistance capacity upon which drug court programs can and are relying throughout their developmental stages. OJP is working with BJA to develop a coordinated training capacity that will reach all DOJ program grantees in the design, implementation and evaluation stages of drug court programs.

Appendix V
Comments From the Department of Justice

Page 4
July 9, 1997

Thank you for the opportunity to comment. We share the views of the drafters regarding the recommendations from GAO and appreciate their acknowledgment of the work of the Office of Justice Programs with the drug court field through the Crime Act drug court program. We believe the changes to address our comments will strengthen the Report.

Sincerely,



Laurie Robinson
Assistant Attorney General

cc: Stacy Worthington
OJP/GAO Audit Liaison
Office of the Comptroller, OJP

The following is GAO's comment on DOJ's letter dated July 9, 1997.

GAO Comment

1. DOJ commented that this report does not distinguish between the OJP drug court discretionary grant program authorized by the Crime Act and the two BJA formula and block grant programs. We have modified chapter 2 of our report to identify which grant programs are formula, block, or discretionary grant programs. Since nearly 60 percent of the federal support has been derived from federal grants other than those administered under the Violent Crime Act, and formula and block grant programs have contributed a significant portion (at least one-third) of the federal funds, we have chosen to include them in the scope of our recommendation intended to improve data collection and maintenance and the scope of future impact evaluations of drug court programs. We have modified our recommendation to consider any statutory limitations.

Comments From the Department of Health and Human Services

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Substance Abuse and Mental
Health Services Administration
Rockville MD 20857

JUL 18 1997

TO: Director, Administration of Justice Issues
U.S. General Accounting Office

FROM: Administrator, Substance Abuse and Mental Health
Services Administration

SUBJECT: GAO Report - "Drug Courts: Overview of Growth,
Characteristics, and Results"

The Substance Abuse and Mental Health Services Administration (SAMHSA) supports the GAO finding that, among the programs surveyed, more information is needed before a conclusion may be reached on the impact of drug courts and that Federally-funded programs should be required to collect and maintain relevant data. In keeping with the role of government and its specific mandate, SAMHSA is actively engaged in data collection, and requires its grantees to monitor program performance, track clients' progress, and to conduct outcome data analysis and evaluation. The Federal government is charged with researching effective treatments and concepts, and with applying and testing those findings on a diverse group of populations among an array of representative communities. Research, application and testing serve the national goal of replicating those practices found to be most successful in serving the objectives of each participating system or discipline.

Since the concept of treatment-based drug courts has not yet been tested and proven, there is a need for evaluation and analysis relevant to both the judicial system and the substance abuse treatment system. Data collection, therefore, is essential to replicating what has been proven to succeed, and the rate at which drug courts succeed in their purpose is dependent on the quality and effectiveness of the substance abuse treatment provided. As explained in the July 10, 1997 memorandum to you from the Director of the SAMHSA Center for Substance Abuse Treatment, a credible evaluation of the impact of drug courts would include an examination of the extent to which drug court treatment meets the accepted guidelines for effective substance abuse treatment.

**Appendix VI
Comments From the Department of Health
and Human Services**

For these reasons, SAMHSA concurs with the GAO recommendations and has offered its assistance to the Department of Justice and to the GAO in preparation for any future reports to Congress.


Nelba Chavez, Ph.D.

**Appendix VI
Comments From the Department of Health
and Human Services**



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Substance Abuse and Mental
Health Services Administration
Rockville MD 20857

TO: Director, Administration of Justice Issues, U.S. General Accounting Office
Through: Administrator, Substance Abuse and Mental Health Services
Administration md

FROM: Director, Center for Substance Abuse Treatment

Thank you for the opportunity to review the report "*Drug Courts: Overview of Growth, Characteristics, and Results*", which is mandated under The Violent Crime Control and Law Enforcement Act of 1994. The Center for Substance Abuse Treatment (CSAT) believes drug courts, when based on a partnership combining the authority of the judiciary with the clinical expertise of the substance abuse treatment and public health systems, offer benefits and savings from reduced substance abuse and the subsequent decreases in drug-related crime and other avoided associated-costs. The mandate for this report serves the nation's need for information about innovative programs that succeed, and those factors which lead to success.

It is with this in mind that CSAT raises concerns about the scope of the study, which specifically did not include an examination of the clinical aspects of drug court programs. The report states the purpose of the programs is to use the authority of the court to reduce crime by changing defendants' drug-using behavior, and the drug court concept is unique solely because of the court's formalized and structured integration with substance abuse treatment. Without treatment, the concept is little more than a mechanism for efficient judicial case processing. It is clear that the rate at which drug courts succeed in their purpose -- reducing drug-related crime -- is dependent on the quality and effectiveness of the substance abuse treatment provided as part of the court program.

For these reasons, CSAT is understandably concerned that the study omitted a closer examination of this essential function of treatment-based drug court programs. As the report states, under the Violent Crime Control Act, the Attorney General is required to coordinate with the Secretary, Department of Health and Human Services on substance abuse treatment matters. CSAT, as mandated by Title I of the ADAMHA Reorganization Act (P.L. 102-321), is required to conduct activities evaluating the effectiveness of substance abuse treatment and services delivery, develop standards and guidelines for effective treatment, and disseminate that knowledge in a way that improves upon and expands treatment services (Part B, Sec. 507 (3), (9), (11), and (12).

Effective treatment for substance abuse is a science based on clinical practices and procedures whose success has been tested and validated. The Federal government has for many years invested substantial sums in learning more about treating substance abuse, and the knowledge and technology for success are available right now. However, many myths about the causes of and treatments for chemical dependency and addiction continue, and intrude upon even the most promising innovations. At this point, anything less than a total commitment to what has been

**Appendix VI
Comments From the Department of Health
and Human Services**

Page 2 - Director, Administration of Justice Issues, U.S. General Accounting Office

shown to succeed would be to disregard the Government's investment in treatment research as well as the many innovative applications of the knowledge and advances gained from that research.

CSAT urges that all future studies conducted under this mandate recognize the inter-dependency among the several participating disciplines. The effectiveness of any program whose success depends on the use of proven clinical practices cannot be realistically evaluated without also evaluating the level at which those practices were incorporated and able to function. Evaluation criteria must address the goals and objectives of both the judiciary and the treatment systems, and managed and presented as to be credible to each. Questions critical to overall success must be asked: To what extent did the courts access effective treatment methods, and rely on the expertise of trained treatment clinicians for making therapeutic decisions?

Addictive disorders are first a health problem and, when left untreated, the associated drug-seeking and high-risk behaviors commonly become a law enforcement problem. For this reason, cost-offset studies show that, when appropriately implemented, treatment is highly successful in reducing the costs of crime, violence and law enforcement, as well as welfare, health care, social services and even costs to corporate business. Acknowledging these findings, many States have committed to implementing effective methods for treating substance abuse. Client-tracking at the end of the first year after completing such treatment shows the following:

Ohio	arrests down 90%
Minnesota	arrests down 90%
Hawaii	arrests down 87%
Florida	arrests down 82%
Colorado	arrests down 80%
Texas	arrests down 80%
Maine	arrests down 79%
California	arrests down 60%
Oregon	saved \$83.1 million in avoided costs
Iowa	saved \$87 million in avoided costs
Minnesota	saved \$28.7 million in avoided costs

The Center for Substance Abuse Treatment stands ready to share these data with Congress, the GAO, and the Department of Justice. CSAT is also prepared to assist in the development of program evaluation criteria and client-tracking mechanisms for substance abuse treatment in preparation for GAO's next mandated annual report on treatment-based drug courts.

Sincerely,



David J. Mactas

See comment 1.

The following is GAO's comment on HHS' memorandum dated July 10, 1997.

GAO Comment

1. In commenting, HHS referred to our next mandated annual report on treatment-based drug courts. However, we were only mandated under Title V of the 1994 Violent Crime Act to do a one-time study of the impact and effectiveness of federal grants administered under this act.

Comments From the State Justice Institute

Note: GAO comments supplementing those in the report text appear at the end of this appendix.

State Justice Institute

July 7, 1997

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Executive Director

RICHARD VAN DUIZEND
Deputy Director

Norman J. Rabkin
Director, Administration of
Justice Issues
General Government Division
United States General Accounting Office
Washington, DC 20548

Dear Mr. Rabkin:

I am writing to offer the Institute's comments on your Draft Report to the Senate and House Judiciary Committees on Drug Courts. Several of the comments offered below suggest ways that the report might better clarify SJI's unique organizational status, as well as the nature of its grants in the drug court area. We also would like to respond to your recommendation that drug court-related grants from SJI (and the Federal agencies cited in the report) "include an assessment of program participants' post-program criminal recidivism and drug use relapse and, whenever feasible, compare drug court participants with similar nonparticipants."

With respect to the Institute's organizational status, the draft report notes, in two places, that the Institute is a "federally funded private organization" (page 18, fn 14, and page 37). Although this is technically correct, it implies that SJI is a grant recipient of a Federal agency rather than a Federal grantor itself. In order to better inform your readers about what SJI really is (and to better explain why its grants are included in the report), we suggest that the Institute be described as a "non-profit organization created by Federal law."

With respect to the nature of SJI's grants, we are concerned about how the report depicts the \$1.3 million that the Institute has awarded in the drug court area. The pie chart on page 50 purports to show that SJI has provided approximately 1% of the funding for drug court programs. The narrative on page 61 states that the Institute has provided "about \$1.3 million in support of drug court programs." The chart on page 63 lists SJI among agencies providing funds "to Drug Court Programs."

Now pages 11, Fn 16, and 26.

See comment 1.

See comment 2.



1650 King Street, Suite 600, Alexandria, Virginia 22314
(703) 684-6100

Norman J. Rabkin
Page 2

In fact, only a very small percentage of SJI's drug court-related grants have supported any aspect of the operation of any drug court program. Its largest grant in the area (\$355,000) supported a National Symposium on Drug Courts conducted by American University. Other significant grants were made to the Crime and Justice Research Institute at Temple University to evaluate the Dade County Drug Court (\$228,344); the Dade County Board of Commission to evaluate the county's domestic violence/substance abuse dual diagnostic treatment model (\$170,274); and the Florida Office of the Court Administrator to evaluate two drug court programs in Florida (\$225,044). Other grants supported judicial education programs about drug courts.*

The remaining grants in the area were awarded under the Institute's Technical Assistance (TA) Grant program, which supports small-scale planning, implementation, and enhancement projects in specific courts. TA grants may not exceed \$30,000; the six grants awarded in the drug court area since FY 1994 totaled approximately \$165,000. You may wish to modify your charts to note this sum as the more accurate level of "support of drug court programs" from SJI, or explain somewhere in the text that "support" also includes educational programs and external evaluations of drug courts.

With regard to your recommendation that Institute grants include an assessment of post-program recidivism and relapse and, when feasible, compare drug court and non-drug court defendants in those respects, we are sympathetic to your objectives. There are, however, practical limitations on how much of that information can be collected under any SJI grant.

The SJI-sponsored evaluations of the Dade County initiatives, the Florida State Court Administrator grant, and two ongoing drug court evaluations under TA grants are all attempting to obtain short-term recidivism data. Obtaining a more thorough and meaningful assessment of recidivism and relapse, however, would require a much longer grant period and, accordingly, a much larger grant than SJI resources permit. Once a grant-supported project ends, the Institute can encourage the jurisdiction operating the drug court to maintain the requisite data, but it no longer has the authority to require it.

In addition, even the best-intentioned court may find it impossible to obtain the suggested information. Recidivism data may be obtainable only from a myriad of law enforcement agencies and prosecutors, or from other courts. Relapse data

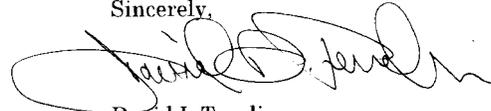
* Subsequent to your collection of data from SJI, the Institute also awarded a grant to the Fund for the City of New York to evaluate the Brooklyn Drug Court's unique approach to court-community collaboration (\$230,000).

Norman J. Rabkin
Page 3

may be available only from treatment providers, who may not know about the abuser's prior criminal history. Local courts across the country are currently struggling to obtain specific information from community treatment providers about defendants in active cases; the difficulty in obtaining information from unknown providers about individuals whose cases are closed would be far greater.

Thank you for including SJI in the scope of your project. I hope the information and recommendations provided above will strengthen the final report.

Sincerely,

A handwritten signature in black ink, appearing to read "David I. Tevelin". The signature is fluid and cursive, with a large loop at the beginning and end.

David I. Tevelin
Executive Director

The following are GAO's comments on SJI's letter dated July 7, 1997.

GAO Comments

1. SJI commented that the report should describe it as a "federally funded private organization." We have modified the report to reflect this comment.
2. SJI raised concerns with the presentation of SJI's level of funding in support of drug court program operations. We have revised our graphic presentation of funding in chapter 2 to show SJI's percentage of the federal sources of funding and have further clarified that, with respect to drug court programs, SJI has provided grants primarily in support of evaluation studies of drug court programs.

Comments From the National Association of Drug Court Professionals



National Assn. of Drug Court Professionals

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Executive Assistant Director,
Division of Probation and Parole,
Baltimore, MD

Memorandum

To: Norman J. Rabkin, Director
Administration of Justice Issues
U.S. General Accounting Office

From: Judge Jeff Tauber
NADCP President

Subject: Comments on Draft Report: *Drug Courts: Overview of
Growth, Characteristics and Results*

Date: July 9, 1997

I appreciate the opportunity to comment on the GAO Draft report on drug courts. I would first like to congratulate you on the completeness of the data search and the thoroughness of the report. We note, for example, that the GAO sent comprehensive surveys to all 137 drug courts identified as operational as of December 31, 1996 and obtained responses from all but three programs. Additionally, the GAO did an evaluation synthesis of 20 studies done on drug court programs and interviewed dozens of persons knowledgeable about the drug court field.

After this exhaustive research and study the GAO report concluded that the data available was insufficient "to draw any firm conclusions on the overall impact of drug court program because evaluations available" (1) involved programs that were relatively new at the time of the evaluations and were diverse in nature (2) had differences and limitations in their objectives, scopes, and methodologies..... and (3) showed varied results regarding program impact."

While it may be too early to reach "firm conclusions" as the GAO has noted, we believe the GAO's own data is consistent with a preliminary finding of the positive impact of drug courts.

Appendix VIII
Comments From the National Association of
Drug Court Professionals

A. That conclusion is supported by the GAO's own analysis of 20 studies that the GAO found relevant:

- 18 of 20 studies showed positive results
- 6 of 7 studies that used comparison groups to study recidivism after program completion showed positive results.
- 4 of 5 studies that used comparison groups to study the criminality of offender during the program showed positive results (1)

B. That conclusion is supported by the GAO's own collection of drug court retention and completion rates which compare favorably with any in either the criminal justice or non-criminal justice treatment community.

- A retention rate of 71% for the field (131 of 134 drug courts reporting)
- A completion rate of 48% + for programs in existence 18 months or longer (56 of 62 drug courts reporting)

C. That conclusion was supported by GAO collected data that all but one drug court reporting to the GAO on their cost-effectiveness reported that there were savings inherent in their drug court program. Several noted that offenders spent fewer days in custody, making jail beds available for more serious offenders.

D. Although difficult to measure, drug courts also have shown remarkable success in providing substantial, non-quantifiable benefits to their communities:

- Increased levels of energy, dedication and innovation by program personnel,
- Sharing of resources and information by all involved agencies and organizations.
- The development of comprehensive supervision and treatment systems that involve the participation of the courts, other governmental agencies and community organizations.
- A greater degree of accountability required of governmental agencies, their staffs, as well as the offender

Footnote: (1): updated information from two of the 20 programs is used in this analysis. The Urban Institute reports on the Washington, DC drug court in a May 1997 update that participants in the sanctions track of its drug court program had 2/3 fewer arrests during the six months after sentencing than the control group, while the treatment track has 1/3 fewer arrests than the control group during that same period. The Rand Corporation reports on the Maricopa County (Phoenix) Arizona drug court program in a three year update that drug court participants have 25% fewer arrests during the 3 year follow up period than the control group.

Appendix VIII
Comments From the National Association of
Drug Court Professionals

We endorse the GAO's recommendations as to the future collection of data and the development of appropriate evaluation designs by drug courts.

Drug courts must maintain a substantial database on their programs and participants. While this report may have a significant effect to that end, further encouragement and training of drug court practitioners will be necessary to achieve this goal.

It should be noted that drug courts, and courts in general, often lack the resources, funding and expertise to both collect and evaluate program data. It will be necessary to either provide funding for professionally implemented evaluations or to assist local jurisdictions in developing the capabilities to do them themselves. Education and training would be enormously helpful in assisting jurisdictions to develop both the expertise and capacity to conduct evaluations. Uniform guidelines developed in a similar fashion as NADCP's Drug Court Standards could provide the parameters and standards necessary for developing a uniform framework for evaluation data.

Comments From the Drug Court Clearinghouse and Technical Assistance Project

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



AMERICAN UNIVERSITY

WASHINGTON, D.C.

SCHOOL OF PUBLIC AFFAIRS

JUSTICE PROGRAMS OFFICE

Memorandum

To: Norman J. Rabkin, Director
Administration of Justice Issues
U.S. General Accounting Office

From: Caroline Cooper, Director, OJP Drug Court Clearinghouse and Technical Assistance Project, American University *Caroline Cooper*

Subj: Comments on Draft Report: *Drug Courts: Overview of Growth, Characteristics and Results*

Date: July 8, 1997

Thank you for providing us the opportunity to review the draft of GAO's report: *Drug Courts: Overview of Growth, Characteristics and Results*.

This memorandum provides general comments relevant to the report as a whole, including the two principal recommendations. Attached to this memo are comments relating to designated sections of the text of the report.

1. Findings from Evaluative Information Compiled to Date

I share GAO's concerns regarding the quality and consistency of drug court evaluations and the degree to which they treat major evaluation issues, including how the drug court compares with traditional adjudication outcomes for similar cases. Some evaluators also do not appear to understand what a drug court is and how it differs from conventional adjudication processes. To this end, we have tried to make available to drug courts and evaluators, both through our web-site and in hard copy, a report produced for the SJI 1995 National Drug Court Symposium: *Evaluating Drug Courts: Alternative Strategies*.

However, I do believe that some substantial conclusions can be drawn from the evaluative information that has been compiled to date, including the 20 evaluations GAO reviewed as part of this study and the on-going evaluative information the OJP Drug Court Clearinghouse has been compiling.

First, in terms of program completion and retention rates, the average drug court program retention rate of 71% resulting from the GAO study (also identical with our findings), is significantly higher than program retention rates noted for nondrug court participants in the limited number of programs that make this data available. This figure is all the more telling when one factors in the rigid requirements for drug court retention (e.g., getting job training, GED

**Appendix IX
Comments From the Drug Court
Clearinghouse and Technical Assistance
Project**

certification, etc. in addition to treatment program participation) compared with traditional treatment-only programs. While drug court completion rates are necessarily affected by the length of time drug court programs have been operating and the limited historical period of drug court operations precludes extensive data on this matter, I think it is widely acknowledged that the 48% completion rates GAO reports at this juncture in the history of drug court programs is more than twice that encountered by traditional treatment programs.

Second, recidivism rates for drug court graduates in virtually every program that have tracked this data are significantly lower than the recidivism rates for comparable offenders handled through the traditional adjudication process. I believe this finding is consistent with most of the 20 evaluations GAO reviewed and is reflected in the May 15, 1997 *Summary Assessment of the Drug Court Experience*, which summarizes recidivism data provided to the OJP Drug Court Clearinghouse by approximately 30 drug courts. The *Summary Assessment* data also demonstrates that, within gross recidivism rates, almost all new offenses have involved recurring drug possession and very few have involved violent crimes.

2. Compiling Follow-up Data on Participants' Recidivism and Drug Usage Relapse (GAO Recommendations)

We strongly support the GAO recommendations relating to the importance of maintaining on-going follow-up data on participants' recidivism and drug usage relapse. If you feel it appropriate, it might be useful if you could provide some commentary relating to the complexity as well as urgency of this task -- not simply for drug courts, but for court systems generally. One of the most difficult problems drug courts have encountered in attempting to conduct evaluations is to have access to a "comparison" group. Simply obtaining recidivism data for a "comparison" group of offenders similarly charged, for example, is an extremely difficult task for most jurisdictions and impossible for some. Access to recidivism information for court cases is generally through law enforcement information systems for new arrests or probation records for recidivism and/or drug usage relapse that is treated as a probation violation. When other factors are also considered in constructing "comparison" groups, such as the extent of drug usage of the offender, the data is all the more difficult to obtain. The challenges associated with compiling follow-up and comparison data relating to recidivism and drug usage of drug court participants therefore mirrors those for compiling comparable data for court defendants, generally. The need for justice system and support agencies -- including treatment agencies -- to develop compatible data systems, with common identifiers and procedures for accessing confidential information for specifically defined purposes, is critical for both documenting the impact of drug courts as well as justice system functions generally.

3. Drawing on Additional Evaluation Measures to Assess the Societal Benefits Drug Courts are Achieving in Addition to Reductions in Recidivism and Drug Usage.

In addition to reductions in recidivism and drug usage, many of the drug courts are noting other significant indicators of their impact which have both cost and community benefit implications: the birth of drug free babies (over 400 reported to date); reunification of families, including situations in which a drug-using parent has regained custody of his/her child following

See comment 1.

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drug court graduation; the ability of participants to either maintain or obtain employment; the educational progress of participants (almost all drug courts require graduates to have a high school diploma or GED certificate), etc. There is also a great deal of anecdotal information that supports the varied impacts of drug courts, not to mention the continued commitment of virtually every drug court judge -- many of whom are former prosecutors -- who have been involved with drug court programs, often at substantial personal sacrifice. (In many jurisdictions, drug court judges take on the drug court docket in addition to their other judicial duties.)

These benefits are being achieved, I believe, because drug courts are performing far more than a pretrial or probation supervision function; one of the major contributions that drug courts are making is that they are: (1) focussing on the long-term rehabilitation of the participant through the variety of community resources and mentors they are using; and (2) making every element in the system significantly more accountable than in traditional adjudication processes, in terms of the services being provided and their impact. Drug testing, for example, doesn't simply test the participant but, in addition, tests, to some extent, the treatment services being provided and mechanisms for monitoring participant compliance with court orders.

It might, therefore, be helpful if you include some comment on the community and rehabilitation components of drug courts and the requirements of most programs that, after a participant has made progress in becoming "clean" and "sober", (generally during the first few months), he/she must then begin the process of re-entering society -- getting a GED, vocational training, job, stable living environment, become current in program fees, pay back child support, etc. Just getting "clean" and "sober" isn't enough, in most programs, to graduate from a drug court, although it may have been adequate to complete probation in the traditional adjudication process.

As an example of the societal impact being realized by drug court programs, I am enclosing two drug court "impact" memos we prepared for the Drug Courts Program Office earlier this year. One addresses the impact of drug courts on children and families; the other summarizes impacts in areas in addition to recidivism and sobriety. The information included in these memos was derived from responses to the 1997 Drug Court Survey, various evaluation reports submitted to the Clearinghouse, and other data reported periodically by drug court programs.

4. Target Populations: Inclusion of (a) Violent Offenders and (b) Persons without Substance Abuse Problems

I am unaware of any drug courts that accept participants with current violent offense charges; there are some drug courts that have permitted individuals to participate who had a past violent offense conviction, but these courts have been very careful not to use any federal dollars they received through the Crime Bill for such persons. In fact, the increasing prevalence of "opt out" periods during the first few weeks of participation was generated in large part by the desire to conduct thorough criminal history checks in order to identify any violent criminal history that might not be readily available through local checks alone.

See comment 2.

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See comment 3.

I also know of no drug courts that permit individuals to participate who do not have substance abuse problems, with the possible past exception of Maricopa County (Phoenix), Arizona, since, according to the original research plan, I don't believe the extent of substance addiction was a criterion for being assigned to that drug court. But the Maricopa County program was an experimental program and not a classic drug court, and it has significantly changed its eligibility criteria and focus now to target persons with substance abuse dependency. The confusion may have arisen from the wording of the survey, which referred to "offenders" without substance addiction" rather than "problems". However, all of the drug court judges I've been in contact with are very careful to screen out persons without substance abuse problems for two reasons: (1) not to waste the limited resources of the drug court program; and (2) to be sure they are focussing on users rather than sellers.

Our 1997 Drug Court survey indicated that reporting programs are targeting individuals with at least moderate substance usage and use at least one screening devise (e.g., defendant's history of drug usage, self-reporting, urinalysis results and/or substance abuse assessment results) to assure that the programs are serving persons with substance dependencies.

5. Percentage of Federal Funding Provided to Drug Courts

The advent of specifically dedicated federal resources available to drug courts through the Crime Bill has provided a tremendous impetus for drug court development since 1996, when these funds first became available. However, even adding these funds to other DOJ resources (Byrne, Local Law Enforcement Grants, Comprehensive Communities Program Grants and Corrections Options Grants during 1994-6), I think GAO's estimate that federal funding accounts for 2/3 of drug court funding is much too high, given the extensive state, local, and private foundation support for drug courts, both prior to and subsequent to the availability of Crime Bill funds, and the local match required for federal funding.

I assume that the 2/3 figure was derived from the GAO survey of drug court judges. However, based on my contacts with them, I don't think they ever factored in this non-federal support, including the judicial system resources that provide the essential operational foundation for drug courts (judges, clerk's office, probation, courtroom/house facilities, etc.) that are never figured into budget requests or grants but simply contributed; drug court judges usually focus on treatment needs and it is to this purpose that almost all federal funding has been directed.

See comment 4.

I also believe the DHHS contribution to drug courts (not necessarily treatment) is quite low and whatever grants have been made for drug courts (admittedly larger than the typical DOJ grant) have gone to just a few programs, such as the District of Columbia's. I am not aware of any DHHS-funded Criminal Justice Treatment Networks that are actually serving drug courts although there may soon be some activity in Brooklyn and Philadelphia. The "Target Cities" situation is similar although I believe the San Francisco Drug Court utilizes some of the "Target Cities" resources made available to San Francisco.

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6. Importance of Distinguishing Sources of Funding -- Particularly Federal Funding -- for Drug Courts For Purposes of Assessing Evaluation and Other Data Reporting.

In terms of commentary and analysis, I think it would be useful if the report distinguished between drug courts that received federal support and those that did not; and, of those drug courts that received federal support, those that received funding under the Crime Bill and those that received funds through other federal programs. I think such distinctions are important if the purpose of the report is to provide Congress with information regarding the impact of the Crime Bill funds and the uses to which they were placed (e.g., for planning purposes or for implementation or enhancement). While information on other drug courts certainly contributes to the study, it would appear that non-Crime Bill funded programs can not be held to the same reporting and evaluation expectations as those that received Crime Bill grants for which suggested evaluation and management data were included in the grant award. Although all of the drug court programs with which I am familiar have, as their primary goals, the reduction of recidivism and increased sobriety, my experience has been that the Crime Bill-funded sites may be in a better position to more readily provide available data to support these goals than other programs because they have had the benefit of more systematic planning, training and technical assistance.

Thank you again for the opportunity of reviewing the draft report and providing our comments. Although the nature of our review entailed focussing on areas suggested for elaboration or clarification, there are many very interesting and insightful findings in the report which we haven't addressed because of the nature of this memo.

We appreciate the rigor and analytic approach with which your staff has conducted this study. Please feel free to contact us if we can provide any additional clarification or assistance.

encs.: Memorandum Re: Impact of Drug Courts on Children and Families (March 26, 1997)
Memorandum Re: Drug Court "Impact" Information (April 1, 1997)
Summary Assessment of the Drug Court Experience, with the May 15 1997 Update

See comment 5.

See comment 6.

The following are GAO's comments on the Drug Court Clearinghouse's memorandum dated July 8, 1997.

GAO Comments

1. The Drug Court Clearinghouse suggested that we include commentary in this report on the complexity and urgency of maintaining follow-up data on program participants. In chapter 4 of this report, we provided information on the complexity of collecting and maintaining follow-up data on drug court program participants. We also recognized the need on the part of the drug court community to work together to identify and take steps to collect and maintain such data. In addition, we provided information on legal and regulatory restrictions associated with accessing confidential information, including a discussion of exceptions granted to researchers, auditors, and evaluators.
2. The Drug Court Clearinghouse commented that it was unaware of any drug courts that accept participants with current violent offense charges. Information presented in chapter 3 of this report was derived directly from drug court program officials responding to our survey questionnaire, which in some cases included judges, program coordinators/directors, and/or court administrators. The responses only indicate the programs' policies regarding accepting violent offenders and not the extent to which they actually have such participants, if any, in their programs.
3. The Drug Court Clearinghouse commented that it did not know of any drug courts that permit individuals to participate who do not have substance abuse problems. We have corrected chapter 3 of this report to accurately reflect that 17 percent of the 134 drug court programs we surveyed said that they would admit offenders without a substance addiction.
4. The Drug Court Clearinghouse commented that it believed the level of funding contributions provided by HHS in support of drug court program operations to be lower than we presented. Information presented in our report was derived directly from HHS' CSAT.
5. The Drug Court Clearinghouse suggested that this report be revised to distinguish between drug courts that received federal support and those that did not; and, of those drug courts that received federal support, those that received funding under the Violent Crime Act and those that received other federal funding. Because Violent Crime Act funded programs were just emerging and relatively few studies, if any, had been completed at the

time of our review, we reached agreement with the Senate and House Judiciary Committees to expand the objectives and scope of this review to include an overview of growth, characteristics, and results of drug court programs, including assessing all sources of funding.

6. The Drug Court Clearinghouse commented that Violent Crime Act funded drug court programs may be in a better position to more readily provide available data to support recidivism and sobriety goals than other programs because they have had the benefit of more systematic planning, training, and technical assistance. As noted in chapter 4, the results from our survey showed no significant difference between the collection and maintenance of data for Violent Crime Act funded drug court programs and those receiving other sources of funding. Additionally, as we point out in our conclusions presented in chapter 5, until post-program data on program participants outcomes (criminal recidivism and/or relapse) are made available for future impact evaluations, and/or until the scope of impact evaluations includes post-program assessments, program officials, researchers, and/or evaluators will not be able to adequately provide Congress and other interested parties with answers on the overall impact and effectiveness of drug court programs in comparison to other traditional adjudication systems. Therefore, as we conclude and recommend in chapter 5 of this report, it is essential that follow-up information be collected and maintained not only for Violent Crime Act funded programs but all federally funded drug court programs, regardless of federal funding source.

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