

## **RESEARCH UPDATE**

### **REPORTS ON RECENT DRUG COURT RESEARCH**

*This issue of the Drug Court Review synthesizes reports on three studies in the field of drug court research and evaluation: Evaluation of Program Completion and Rearrest Rates across four Drug Court Programs; Evaluation of Outcomes in Alaska's Three Therapeutic Courts; and Process Evaluation of Maine's Statewide Adult Drug Treatment Court Program.*

### **ARTICLE SUMMARIES**

#### **FOUR DRUG COURT SITE EVALUATION**

**[14]** This evaluation of four drug courts across the country seeks to identify those factors that specifically impact program completion status (graduation or expulsion) and post-program rearrest rates. Overall findings indicate that offenders who successfully complete the drug court program through graduation are less likely to be arrested within a 12-month post-program period than expelled participants.

#### **ALASKA'S THERAPEUTIC COURT EVALUATION**

**[15]** In 2004, the Alaskan State legislature funded an evaluation of the effectiveness of the State's three therapeutic drug court programs. Preliminary findings indicate that graduates of the programs show significant reductions in incarceration days, fewer remands to custody, and fewer convictions two years after participation in comparison to non-participants.

### **MAINE'S ADULT DRUG COURT PROGRAM**

**[16]** Maine is one of two pioneer states to have successfully implemented a statewide adult drug court program. This report summarizes how key components of the drug court model—drug testing, sanctions, and treatment—operate in Maine, and presents an evaluation of the effectiveness of these components across a variety of process measures including how they contribute to participant success.

## **EVALUATION OF PROGRAM COMPLETION AND REARREST RATES ACROSS FOUR DRUG COURT PROGRAMS<sup>1</sup>**

*Donald F. Anspach, Andrew S. Ferguson,  
and Vincent Collom*

### **EXECUTIVE SUMMARY**

The findings presented in this research report are from a larger study to test the efficacy of substance abuse treatment provided as part of a drug court program. In this update, results from an evaluation conducted in four drug courts across the country (California, Louisiana, Oklahoma, and Missouri) are presented. This study seeks to identify those factors that specifically impact program completion status (graduation or expulsion) and post-program rearrest rates. Data were collected from a sample of 2,357 drug court participants in four drug court sites and were analyzed using multivariate and step-wise regression methods.

While there are site variations in program completion rates and post-program rearrest rates, the most significant factor found to be associated with variations in recidivism rates in this study is program completion status; and differences by discharge status are statistically significant in all four sites. Findings indicate that offenders who successfully complete the drug court program through graduation are three times less likely to be arrested within a 12-month post-program period than expelled participants. In sum, while these four drug court programs are contributing to

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<sup>1</sup> Taken from Anspach & Ferguson (2003) "Assessing the Efficacy of Treatment Modalities in the context of Adult Drug Courts," funded by the National Institute of Justice (NIJ Grant No. DC VX 0008). Dr. Donald Anspach, Dr. Faye Taxman, Dr. Jeff Bouffard, and Andrew Ferguson conducted the research reported on in this update.

reductions in recidivism rates overall, it appears they are having their greatest effect on those individuals who successfully complete the program.

## **METHODOLOGY**

[14] The findings presented here, which are drawn from the larger study conducted to assess the efficacy of substance abuse treatment in the context of adult drug courts<sup>2</sup>, focus on the retrospective analysis of factors—specifically, drug court participation, treatment, and drug testing—found to affect program completion and post-program arrests. Employing multivariate and step-wise regression methods, findings provide information on compliance with drug court program requirements, those factors that contribute to the likelihood of graduation or expulsion, and the extent to which these combined measures affect post-program rearrest rates.

Fieldwork was conducted between February 2001 and May 2002 with a sample of 2,357 participants enrolled in one of four drug court programs who were either terminated or had graduated, for whom both a minimum amount of follow-up time (12 months) had elapsed since graduation or discharge, and for whom National Crime Information Center (NCIC) criminal history information was available.

**The Four Drug Court Study Sites.** The four drug court sites include two located in relatively rural areas and two located in more urban settings. These sites were selected because their programs had been in operation long enough to have institutionalized their procedures. Site 1, is a relatively large, long-running court in a medium-sized California city,

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<sup>2</sup> Findings from the treatment component of the study consisting of an analysis of observations of substance treatment sessions, and surveys of treatment counselors are available elsewhere, e.g., Bouffard & Taxman (2003, 2004).

which utilizes existing drug treatment providers within the local community. Site 2 is a rural court operating in Louisiana with a dedicated treatment provider that is part of the local county government. Site 3 is also a small, rural court operating in Oklahoma, which at the time of the evaluation was using two private treatment providers within the community. Finally, Site 4 is a large court operating in a medium-sized city in Missouri. This court, similar to Site 2, made use of a dedicated treatment provider that was part of the court itself and operated by local government.

**Data Collected.** Participant level data collected includes general demographics, treatment attendance, outcomes of drug and alcohol testing, program completion status, and NCIC post-program arrest information. Program information collected on participants includes drug court program start and end dates, frequency of treatment sessions attended, number of drug tests administered, and corresponding drug test results. Information on drug court participation, compliance with program expectations, and demographic information was linked with NCIC rearrest data to assess the impact of drug court participation on post-program rearrests in a twelve month post-program follow-up period.

**Clients.** The majority of participants in the study are males (65%). This is consistent across sites with the exception of Site 1 where there are more females (54%). There are also few age differences across sites and participants' ages range between 17 and 64 with a mean age of 31 years. Approximately half of all drug court participants are white (51%). Non-white participants are predominately found at the Site 2 (46%) and Site 4 (68%) programs. The majority of drug court participants are not married (86%) ranging from a low of 77% at Site 3 to a high of 92% at the Site 1 drug court. Less than half of the participants across sites (42%) have dependents. Participants with dependents range from a low of 13% at Site 1 to a high of 59% at Site 3. With the exception of Site 3, where most participants were employed

at the time of their admission (63%) and had completed their high school education (63%), participants at the three other sites were typically unemployed and most had neither completed high school nor obtained their GED. Participants who completed high school or obtained a GED range from a low of 29% (Site 1) to a high of 63% (Site 3).

## **FINDINGS**

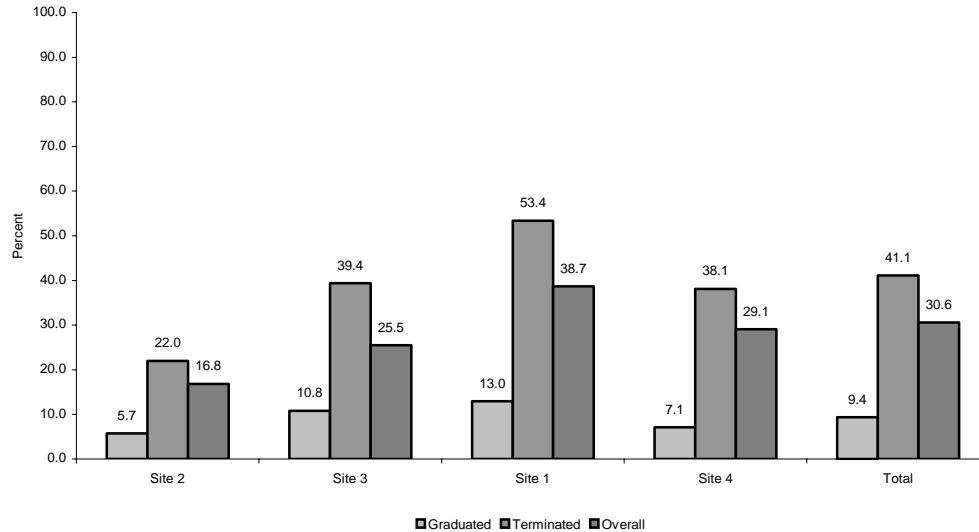
Overall, 779 (33%) of the 2,357 participants successfully completed the drug court program through graduation and 1,578 (67%) were terminated or expelled. Graduation rates range between a low of 29% at Site 4 to a high of 48% at Site 3. Program completion rates in this study are somewhat lower than reported nationwide. For example, in his review of 37 drug court research evaluation studies, Belenko (2001) reports that graduation rates across eight drug court programs averaged 47%, and range between 36% and 60%.

A total of 31% of the 2,357 participants had one or more post-program arrests during the twelve-month follow-up period. As shown in Figure 1, cross-site variations in the percent of post-program arrests range from a low of 17% at Site 2 to a high of 39% at Site 1. Post-program recidivism rates reported here fall within the range of recidivism rates reported nationally. In comparison with other sites, the Site 2 drug court has the lowest rate of recidivism for both graduates (6%) and terminated participants (22%). Conversely, the Site 1 drug court has the highest rate of post-program arrests for both program graduates (13%) and terminated participants (53%).

The most significant factor found to be associated with variations in recidivism rates in this study is program completion status. Overall, 41% of terminated participants but only 9% of graduates had a post-program arrest. Differences by discharge status are statistically significant in

all four sites. Simply stated, only 73 of the 779 graduates from the drug court programs were involved in a criminal offense leading to an arrest within one year after graduation. Furthermore, program graduates show substantially lower post-program arrests than terminated participants, as 90% of the 722 arrested participants had been expelled and 10% were program graduates. This finding indicates that offenders who successfully complete the drug court program through graduation are three times *less* likely to be arrested within a 12-month post-program period than expelled participants. Moreover, it was found that drug court graduates who were arrested had a longer period of exposure beforehand. In sum, while these four drug court programs are contributing to reductions in recidivism rates overall, it appears they are having their greatest effect on those individuals who successfully complete the program.

This report examines how variations in post-program arrests during the 12-month follow-up period are related to differences in participant characteristics, various program compliance requirements such as drug use and treatment attendance, as well as program discharge status. The results of a series of logistic regression models and path analyses indicate that participant compliance with key components of the drug court model operate through program completion, thereby affecting post-program recidivism. Other factors associated with post-program recidivism at one or more sites include: treatment attendance, with participants with lower attendance at treatment sessions having a greater likelihood of being arrested following program discharge; having an in-program arrest, with participants with in-program arrests being twice as likely to have a subsequent post-program arrest; race/ethnicity, with racial and ethnic minorities being more likely than white non-Hispanics to be arrested; age at first arrest, with participants who have prior arrests at

**Figure 1. 12-Month Follow-up Post-Program Arrest Outcomes**



younger ages being more likely to be rearrested; and gender, with males being more likely to have a post-program arrest.

Since the findings are site dependent, there is no one overall “best fitting” logistic model. At each drug court site, a specific set of variables—primarily related to participant compliance with the expectations of the program as distinct from participant demographic characteristics—are operant. Operant factors affecting the recidivism outcomes at one or more sites revealed by the path analysis include: program completion, treatment attendance, in-program arrests, positive drug tests, race, age, and prior treatment experiences. That is, participants who comply with the performance expectations of drug court programs and attend treatment sessions are less likely to recidivate than non-compliant participants.

At the Site 2 drug court, where discharge status was not a significant predictor of recidivism, the low overall rate of recidivism found may be related to the high overall rate of treatment attendance. The Site 1 drug court program had the highest rates of recidivism with the highest percent of post-program arrests for drug related offenses. In-program arrests at the Site 3 drug court were related to post-program arrests. And, participants at this drug court with in-program arrests were six times more likely to recidivate during the post-program follow-up period. Finally, at the Site 4 drug court, positive in-program drug tests were related to post-program recidivism.

## **CONCLUSION**

Overall, the findings from this research confirm what has been found in other studies—namely that drug court graduates “succeed” and terminated participants “fail.” This finding has important policy implications nationally, as it suggests that improvements in program retention and program completion should remain focal points of drug court programs.

The drug court program is defined by a collaborative process to assemble and direct a variety of resources from numerous agencies toward the achievement of mutual goals. In this respect, drug courts are not intended to provide a “quick fix,” rather, they are designed to overcome the boundaries of historically independent systems (Hartmann & Rhineberger 2002). As documented in this paper, the adult drug court model can be an effective intervention to reduce recidivism for substance abusing offenders. However, results of this study and others should also remind policy makers that drug courts are effective for only some offenders. As Harrell (2003) points out, drug courts are not a magic bullet—many drug court participants fail. Yet, findings of this and other major studies of drug court programs have not identified theoretical flaws in the ‘drug court’ model, and thus, continued enthusiasm for drug treatment courts is warranted.

## **EVALUATION OF OUTCOMES IN THREE THERAPEUTIC COURTS IN ALASKA: PRELIMINARY FINDINGS**

*Alaska Judicial Council*

Report submitted to the Legislature and the Alaska  
Department of Health and Social Services  
with the cooperation of the Alaska Court System  
April 2005

### **EXECUTIVE SUMMARY**

In 2001, the Alaska state legislature created two new therapeutic courts for felony defendants with alcohol problems to supplement a federally funded therapeutic drug court that has been in operation since 2000. In 2004, the legislature funded the Alaska Department of Health and Social Services to conduct an evaluation of the effectiveness of all three therapeutic courts.<sup>3</sup> Effectiveness of the therapeutic court process was measured using three criteria: number of incarceration days, number of remands, and number of convictions within two years following entry into the therapeutic court as compared to the two years prior to entering the program. Data was collected on every defendant who had voluntarily chosen to participate in one of the three court programs (N = 154), and was compared to data collected on a comparison group of defendants with similar

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<sup>3</sup>The completion of outcome evaluation studies for these three courts was a condition of the receipt of federal funds. The U.S. Department of Justice required evaluations of all felony drug courts created with its grants (such as the Anchorage Felony Drug Court). HB172, section 1 (k) requires that “The Council shall evaluate the effectiveness of the pilot therapeutic courts programs by developing baseline information and comparing that data with on-going program results as reported by the therapeutic courts, and prepare a report to the legislature, courts, and affected agencies.”

characteristics who did not participate in one of the three therapeutic courts (N = 104).

Components of the therapeutic court programs include participating in outpatient treatment, frequent testing for drug and alcohol use, maintaining steady employment or educational pursuits, making restitution to victims, and regularly appearing before the judge. Across the three courts, findings show that participants of the therapeutic courts, in comparison to non-participants, exhibit an improved quality of life including more stable family situations, better education and employment outcomes, and improvements for their children. Additionally, program graduates show significant reductions in incarceration days, fewer remands to custody, and fewer convictions.

## **METHODOLOGY**

[15] The preliminary findings presented in this report are from an evaluation of three therapeutic drug courts to compare outcomes of participating defendants [including graduates (N = 32), current participants (N = 63), and those who had started the program but withdrew before completion (N = 59)] to outcomes from a similar group of defendants who did not participate in the court programs. Specifically, for drug court participants, secondary data was coded from the drug court database to compare changes in days of incarceration, numbers of remands, and convictions. This data was compared to baseline data from a 1999 sample of felony drug court participants to compare the measures of interest two years following entry into the therapeutic court program to the two years prior; thus providing a ‘before’ and ‘after’ time frame for comparison within each drug court participant/non-participant comparison group.

**Data Collection.** In the Site 1 court, data was collected on 30 participants and a comparison group of 20 non-participants identified by the court and prosecutor as defendants who were

considered for participation in the drug court program but chose not to enroll. In the Site 2 court, data was collected on 73 participants and 54 non-participants (34 of whom had chosen not to participate in the program and 20 randomly selected defendants from the same time period who had not considered the therapeutic court option). Finally, in the Site 3 court, data was collected on 51 participants and 30 non-participants.<sup>4</sup> Data sources include interviews with court officials, court case files, Department of Public Safety records of prior offenses, and Department of Corrections' records on remands to custody and days of incarceration for all defendants. Information specific to therapeutic court participants that was not available from court records was also collected from the felony probation officers assigned to the Site 1 and Site 2 courts at the time<sup>5</sup>—information includes defendant's employment status, educational status, and other measures of improvement in accountability and quality of life. Baseline data was extrapolated from data previously collected by the Alaska Judicial Council on felony defendants.<sup>6</sup>

**Client Groups.** Of the 258 defendants (154 drug court and 104 comparison), there are no significant differences between the groups in age (overall mean of 35 years), gender (78% male), ethnicity (44% white; 44% Alaskan Native/American Indian), level of offense, and seriousness of charged offense. In comparison to the 1999 baseline sample, the therapeutic

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<sup>4</sup> Ideally, with more resources, a matched control group of defendants who had not been referred to, or shown interest in, the therapeutics courts would be preferable. Given the Council's presented findings that the current group tended to be well matched except on prior criminal history, future evaluators should pay particular attention to matching defendants on criminal history.

<sup>5</sup> The Department of Corrections has since withdrawn the federal probation officers from the therapeutic courts programs.

<sup>6</sup> See Carns, T.W., Cohn, L. & Dosik, S.M. (2004). *Alaska Felony Process: 1999* ([www.ajc.state.ak.us](http://www.ajc.state.ak.us), under "Publications.")

court sample (defendants and non-participants) tends to be older, with about one-third of this group being over the age of 40 as compared to only 22% of the baseline sample. There are also differences across sites with respect to gender, with the Site 1 court having the highest number of female defendants (50%) and the Site 3 court having the fewest (12%).

The whole therapeutic court sample includes somewhat more Native defendants than does the 1999 baseline group. In the therapeutic court group, Natives comprise 44% of defendants, as compared to 30% of the 1999 group. Whites also comprise 44% of the therapeutic group as compared to 50% of the 1999 group. And, while white defendants predominated in the Site 1 and Site 2 courts, they comprised only 10% of the Site 3 court; in this court, 88% of defendants are Native.

There is a difference between the groups with respect to criminal history in that the comparison group has fewer recorded serious offenses. In addition, prior criminal histories of defendants vary by site. While the majority of participants at Site 1 and Site 2 have prior felony convictions (73% and 60% respectively), only 49% of the Site 3 defendants do. These numbers are even lower in the comparison group: only 40% of the Site 1 comparison defendants, 43% of the Site 2 comparison defendants, and 23% of the Site 3 comparison defendants have a prior felony.<sup>7</sup>

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<sup>7</sup> One possible reason for this is that the comparison groups were largely comprised of people who had been interested in the court, but who chose not to participate. Based on interviews with attorneys and judges, the differences between the two groups on prior record could be explained by the fact that the comparison group defendants with less serious criminal histories may have believed that the program was too lengthy and difficult, and that the time and conditions required by the program were substantially more onerous

In general, though differences are evident between the drug court and comparison groups, they are not substantial enough to preclude a comparison of outcomes between the groups.

## **FINDINGS<sup>8</sup>**

The data show that comparison defendants in all three programs spent significantly more days incarcerated during the two years after their offense, while graduates and active participants spent fewer days incarcerated during the same period. Differences were also found when examining the number of remands and the number of convictions. Graduates and active participants had fewer remands and convictions after joining the program than in the two years prior to participating, while those in the comparison group had either more remands or showed no change.

**Days of Incarceration.** The days of incarceration before and after starting the therapeutic court program (or, for the comparison group, entering a plea) changed in expected ways for each group of defendants. Across the three drug court programs, graduates and those still active in the program have substantially fewer days of incarceration in the two years after joining the program, while the comparison group has significantly more days of incarceration during this same time period (Table 1). Results vary somewhat by site for those defendants who either opted out of the program or began the program and then dropped out. In the Site 1 and Site 2 courts, those who opted out or dropped out of the program also have more days of incarceration in the two year follow-up period; however, in the Site 3 court, this group of defendants has significantly fewer days of incarceration (at

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than any possible penalties than they would occur in a straight sentencing.

<sup>8</sup> The data presented in this section are based on analyses by the Institute for Social and Economic Research at the University of Anchorage under contract with The Judicial Council.

$p \leq .10$ ) in the two years post as compared to the two years prior to opting out of or dropping out of the program.

**Table 1. Mean days of incarceration by court, defendant group, and program status**

Site	Days 2 Years Prior	Days 2 Years Post	Sig.	N
<i>Site 1</i>				
Graduated	142	66	.12	10
Active	100	60	.62	7
Opted out/dropped out	187	249	.37	13
Not in program	104	208	.03	20
<i>Site 2</i>				
Graduated	71	31	.00	15
Active	177	88	.01	34
Opted out/dropped out	233	313	.07	24
Not in program	158	311	.00	50
<i>Site 3</i>				
Graduated	140	7	.07	7
Active	124	22	.00	22
Opted out/dropped out	243	155	.08	22
Not in program	115	182	.01	30

**Remands to Custody.** Remands to custody (for a probation or parole violation, or for a new offense) are considered part of the therapeutic court process, used if a defendant has a positive drug test or other violation of conditions of the program. As a result, it is expected that defendants in the drug court might have a higher number of remands to custody after beginning the program. However, the opposite result is found.<sup>9</sup> Across the three drug court sites, graduates and

<sup>9</sup> This result is due to the fact that participants in the therapeutic drug court program are so carefully supervised; problems are discovered earlier and handled with progressive sanctions rather than immediate remands to custody. The progressive sanctions, according to one interviewed policy-maker, give participants learning opportunities and reduce the need for remands. The fact that all of those active in or graduated from the drug court programs



active participants show fewer remands in the two years post-program in comparison to the two years before beginning the program (Table 2). For those who opted out or dropped out of the program, remands are either constant or higher in the two years post as compared to the two years prior. For those not in the program, however, remands are also either constant or lower in the two years post in all three sites (though these changes are not significant).

**Table 2. Mean of remands by court, defendant group, and program status**

Site	Days 2 years prior	Days 2 years post	Sig.	N
<i>Site 1</i>				
Graduated	2.5	0.8	.02	10
Active	2.7	2.4	.78	7
Opted out/dropped out	2.9	3.9	.16	13
Not in program	2.4	1.9	.55	19
<i>Site 2</i>				
Graduated	2.0	0.8	.00	15
Active	2.7	1.2	.00	34
Opted out/dropped out	3.4	3.3	.87	24
Not in program	3.1	2.1	.11	53
<i>Site 3</i>				
Graduated	7.7	1.0	.25	7
Active	5.2	3.9	.42	22
Opted out/dropped out	4.1	5.8	.09	20
Not in program	3.3	3.6	.77	30

**Number of convictions.** The third measure used to test the effectiveness of the therapeutic courts is a comparison of the change in the mean number of convictions between the periods before and after the program dates.<sup>10</sup> A conviction

had lower numbers of remands suggests that the programs are successful in preventing problems for a substantial number of defendants.

<sup>10</sup> For all groups, including the comparison groups, the instant offense was excluded from the analysis.

was coded as a charge for a new offense for which the defendant pled guilty (or was found guilty at trial). The process of arriving at a conviction is lengthier than that of a remand to custody, so there are fewer convictions across all groups in the two-year follow-up period (with the exception of the comparison group in the Site 1 court, though this increase was not significant). There are some variations by site and program status of the defendants as shown in Table 3.

**Table 3. Mean of convictions by court, defendant group, and program status**

Site	Days 2 years prior	Days 2 years post	Sig.	N
<i>Site 1</i>				
Graduated	1.0	0.5	.03	10
Active	1.7	0.4	.04	6
Opted out/dropped out	2.1	1.4	.43	13
Not in program	1.3	1.6	.52	20
<i>Site 2</i>				
Graduated	0.7	0.1	.07	15
Active	1.5	0.1	.00	33
Opted out/dropped out	2.0	1.0	.08	23
Not in program	1.4	0.3	.00	54
<i>Site 3</i>				
Graduated	0.7	0.2	.10	7
Active	2.3	0.2	.00	21
Opted out/dropped out	2.7	0.7	.00	22
Not in program	1.3	0.6	.14	30

### **Qualitative Changes for Therapeutic Court Participants.**

The statistically measurable outcomes for therapeutic court participants are not the only valid way to assess the effectiveness of the programs. Other information about changes in educational and employment status, stability in family situations, and benefits to the children of participants is just as important. Information on these measures was gathered through a review of client case files by probation

officers responsible for the Site 1 and Site 2 clients.<sup>11</sup> These observations were then combined with data drawn from the court case files to demonstrate the other types of benefits gained by individual participants and the larger community. These data, however, are not reported consistently in the case files, and thus, should not be used to make definitive statements regarding relative improvements; however, because this data is from objective sources and not from self-report data, they provide a reliable perspective on the experiences of program participants. Therefore, this information helps inform our understanding of the types of benefits that many therapeutic court participants have experienced. Examples of changes experienced by Site 1 and Site 2 participants include:

- 16% of graduates and 6% of those active in the programs appear to have improved their child support situations in terms of either providing more child support to non-custodial children or for those with custodial children, receiving more child support payments;
- 81% of graduates and 32% of those active in the programs have more stable family situations during or after participation;
- 63% of graduates and 46% of those active in the programs are holding a steady job following participation; and
- 41% of graduates and 21% of those active in the programs have improved their educational status following participation.

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<sup>11</sup> For this report, qualitative data was not available on the clients in the Site 3 court program.

## CONCLUSION

The findings from this evaluation of the three therapeutic courts that serve felony defendants suggest further steps for consideration by the courts, legislature, and participating agencies. In particular, findings demonstrate notable successes, both quantitative and qualitative, for the therapeutic court programs. Specifically, clear reductions in days of incarceration, the numbers of remands to court, and subsequent convictions were found for program participants, and probation officers noted improvements in the quality of life of program participants in the areas of employment, education, and family stability. Overall, the data support continuation and possible expansion of the therapeutic court programs.

Given that this evaluation suffered from a number of limitations, evaluations of court programs should be expanded. To address these limitations in future evaluations, studies should include a longer follow-up period, the establishment of baseline data drawn from the same sample of clients, and more data sources from which to draw information to analyze.

Finally, this evaluation largely found that most successful graduates of these therapeutic drug court programs have become employed, sober citizens, equipped with the tools to help prevent relapse and to remain accountable to their community. If defendants owed restitution to victims, these payments were made as part of the program. Sustaining and building on these accomplishments following participation in the drug court program through community support systems will benefit not only the defendants, but also their families and communities in the long term.

## **PROCESS EVALUATION OF MAINE'S STATEWIDE ADULT DRUG TREATMENT COURT PROGRAM**

*Donald F. Anspach and Andrew S. Ferguson*

Report submitted to Kimberly Johnson, Director  
Maine State Office of Substance Abuse, Division of  
Behavioral and Developmental Services  
Augusta, ME (04333-0159)

### **EXECUTIVE SUMMARY**

**M**aine is one of two pioneer states to have successfully implemented both a statewide adult drug court program and a statewide juvenile drug court program. The adult drug court program, begun in 2001 and implemented in five of the state's 16 counties, is a court-supervised, *post-plea* (but pre-final disposition), deferred sentencing program requiring weekly court appearances before a designated program judge.

This first report in a three-part series<sup>12</sup> summarizes how key components of the drug court model—drug testing, sanctions, and treatment—established by the National Drug Court Institute operate in Maine, and presents an evaluation of the effectiveness of these components across a variety of process measures including how they contribute to participant

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<sup>12</sup> The second report focuses specifically on the delivery of treatment services and examines the implementation of the manualized treatment program, Differentiated Substance Abuse Treatment (DSAT). The third report is concerned with drug court outcomes. Specifically, using a comparison sample of substance abusing offenders who did not participate in the drug court program, the third report examines the overall impact of Maine's drug court program with a focus on recidivism outcomes and cost savings.

success. The key components of the drug court model evaluated include whether:

- eligible participants are identified early and promptly placed in the drug court program;
- drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitative services;
- abstinence is monitored by frequent alcohol and other drug testing;
- a coordinated strategy governs drug court responses to participants' compliance.

Maine's adult drug courts have incorporated these components in the daily operations of their programs. Moreover, findings reported here indicate positive program effects along all four dimensions. This report also outlines improvements that should be considered to increase program effectiveness at each of the five drug court sites.

## **METHODOLOGY**

[16] To examine the efficacy of the core components of the drug court model including client supervision, drug testing, and sanctions—and how effectively sanctions and incentives, case management supervision, drug testing, and the delivery of ancillary services are integrated into program operations—this study draws on offender-level data obtained on 1,127 individuals referred to the drug court between April 1, 2001 and November 30, 2004; findings are presented both for this larger group as well as for a smaller group of 111 participants admitted to the program between December 1, 2003 and November 30, 2004. This data includes demographic characteristics, outcomes of drug and alcohol

testing, treatment attendance, and utilization of ancillary services.

**Participant Characteristics:** Of the 111 participants across the five drug courts admitted between December 1, 2003 and November 30, 2004, most are male (77%) and white (93%), with an average age of 31 years old. The majority of participants were employed at the time of their admission (64%; except in one site where only 41% were employed), and nearly half of the participants (47%) had neither completed high school nor obtained their GED. More than two-thirds (68%) of participants had a prior treatment episode for alcohol or drug use, and most offenders (85%) currently have a very serious substance abuse problem according to scores on the Computerized Screening Assessment.<sup>13</sup> The predominant drugs of choice are opiates and alcohol, and the median age of first substance use is 14 years in the aggregate, as well as within each of the five sites,. Additionally, the mean age at which these participants first became involved with the criminal justice system is 20 years old (with an age range from 8 to 56). These participants also report a substantial volume of criminal activity, obtaining, on average, \$554.00 per week in illegal funds to support their drug habits; the amount of money reported spent to support their habit varied significantly by site from a low of \$124 per week to a high of \$1,195.

## **FINDINGS**

One key component of the drug court model requires that eligible participants are promptly identified, screened, and admitted to the drug court program. Following is an examination of the relationship between referrals and

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<sup>13</sup> The Computerized Screening Assessment is an instrument used to provide an initial substance abuse screen to identify the severity of an offender's substance abuse problem. In this study, over 85% received substance abuse scores in the moderate to severe range.

admissions to determine the extent to which Maine's drug court program comports with this key component.

**Enrolling Participants.** During the most recent reporting period (December 1, 2003 through November 30, 2004), the program received a total of 327 new referrals—a 26% increase in referrals over the previous year. Of these referrals, only 111 (34%) new clients were accepted into the program. Across the five drug court sites, the number of referrals received and processed varies, with a low of 171 to a high of 266; the number of admissions ranges from a low of 73 to a high of 102. These findings suggest that efforts should be taken by the drug courts to increase the number of admissions, thereby expanding capacity. The variability found across sites in referral processing and admission rates—and the fact that there is a high rate of referrals as compared to a low rate of admissions—indicates that delays or log jams are occurring in the admissions process, thus reducing the state's overall capacity.

**Processing Participants.** Upon reviewing the basic steps that occur before a potential drug court participant is admitted to the program, as well as calculating the approximate amount of time (via state-wide averages) required to complete this process, clear delays in the length of time it takes for an offender to be admitted to the drug court program were found. Specifically, it was found that across the five sites it takes about 87 days between the date of initial referral and final admission to the program; this time frame not only exceeds the amount of time recommended by existing policies, but also fails to comport with the key component of drug court programs requiring early identification and prompt placement of participants.<sup>14</sup> Overall, these findings indicate

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<sup>14</sup> This time frame also represents an increase of 12% over findings from an earlier report (2003) that indicate the time from referral to admission was 78 days. It should be noted, however, that two sites



that the state's adult drug court program has been unable to reduce the amount of time it takes for new clients to be admitted.<sup>15</sup>

**Program Completion.** Since the inception of the drug court program in 2001, a total of 330 clients have either been favorably or unfavorably discharged. Of these, 183 (56%) participants successfully completed the program through graduation and 147 (44%) participants were expelled. Graduation rates do not differ significantly across sites, and the overall program completion/graduation rate is 56%, a number which is higher than most statewide drug courts nationally (48%) and higher than rates recently reported by the GAO<sup>16</sup> (46%).

Other key components of the drug court model include successful implementation of drug testing, supervision, sanctions and incentives, treatment, and ancillary services protocols. Following is a review of each of these components within Maine's drug court programs.

**Drug Testing.** Though state policy indicates a goal of two drug tests per person per week, the frequency of drug testing, as found in this evaluation period, has decreased. In fact, in

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have reduced the length of time it takes, though these reductions are minimal.

<sup>15</sup> In a more detailed analysis of the steps in the admission process to address where these log jams are occurring, the authors identified that the lengthiest step in the process (51 days) was between the completion of the comprehensive assessment interview (CAI) and final admission to the drug court—this represents an increase of 13 days over previous findings reported in 2003. The amount of time for determining final eligibility is clearly where the log jam is occurring.

<sup>16</sup> U.S. Government Accountability Office. (2005, February). *Adult drug courts: Evidence indicates recidivism reductions and mixed results for other outcomes*. Report to congressional committees. Washington, DC: Author.

2004, the frequency of drug tests *decreased* by 18%, reducing the statewide average to 1.4 tests per person per week (with a range from a low of only 0.8 drug tests per person per week to a high of 1.7); and, this pattern of decreased drug testing occurred in three of the five drug court sites.

Based on drug testing results obtained for the 111 program participants reported on in this evaluation, of a total of 6,449 drug tests administered, 387 (6%) were positive for one or more drugs. This particular finding compares favorably with rates of positive drug tests across drug court programs nationally (17%) as well as for adult offenders in other non-institutionalized programs (35%).<sup>17</sup> Across the five sites, 56% of participants did *not* test positive for drugs over the past year, 21% had one positive drug test, and 23% had two or more positive drug tests. Those testing positive averaged two positive tests with a range from one to nine. Furthermore, it was found that in the three sites where drug testing rates declined, rates of positive drug tests increased—suggesting that infrequent drug testing fails to serve as a deterrent, and that an increase in drug testing rates may result in more positive outcomes for participants.

**Supervision via Home Visits.** While improvements are evident in four of the five programs, overall, the drug court programs in the state are *not* in compliance with the new policy that requires a minimum of 2 unscheduled home visits per person per month. Controlling for length of program participation, findings indicate that participants, overall, received approximately 1.2 unscheduled home visits per month (with a range of a low of 0.5 visits to a high of 2.9)—an increase from the previous year, but still lower than the recommended policy. These findings are consistent across

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<sup>17</sup> American University Drug Court Clearinghouse and Technical Assistance Project. (2001, June 20) *Drug court activity update: Summary information on all programs and detailed information on adult drug courts*. Washington, DC: Author

sites with the exception of one program where participants receive 2.9 unscheduled home visits per month.

**Sanctions and Incentives.** Overall findings indicate that the drug court programs use of rewards and sanctions is consistent with a program of behavioral management in that it complies with the principle of providing more rewards ( $n = 690$ ) than sanctions ( $n = 413$ ). However, it was found that incarceration is the most heavily relied upon sanction (54%) in the program (and its use as a sanction increased by 15% from the previous reporting year), and the tendency for using incarceration as an initial rather than last sanction contradicts the principal of graduated sanctions. The most frequently used rewards are phase advancement (70%), followed by graduation (11%), and jurisdictional passes (8%).

**Substance Abuse Treatment.** Substance abuse treatment provided in the drug court programs is provided over the course of five phases. The first three phases include attending treatment sessions based on a formalized treatment curriculum, the DSAT program. The fourth phase also occurs during the one-year drug court program and consists of individualized treatment. The fifth phase occurs upon graduation from the drug court program and is a post-program aftercare phase. Upon examining the time spent in each phase of treatment prior to drug court graduation, wide variations in the total length of time spent in phases one through four (ranging from 34 weeks to 113 weeks) were found across sites in what is intended to be a standardized substance abuse treatment program.

**Ancillary Services.** This key component of drug court is designed to provide clients access to a continuum of alcohol, drug, and other related treatment, as well as rehabilitation services both during participation in the drug court and after program completion. To date, many drug court participants (37%) have been able to benefit from a number of ancillary services including crisis intervention, mental health

treatment, health care, and employment services. Of the 111 offenders in the current evaluation, 37% utilized at least one type of ancillary service and 20% utilized multiple types of these services. Conversely, 63% of clients did not utilize any ancillary services over the past year—a marked reduction of about 50% from previously reported findings. Significant variations in the utilization of ancillary services across sites were also found, with a range of a low of 9% utilization to a high of 96%. Overall, it was found that the use of psychiatric services and supplementary substance abuse treatment services are the most frequently utilized ancillary services.

## CONCLUSION

Over the past four years, Maine has successfully operated an adult drug treatment court in five sites across the state; the findings presented in this report show that program operations are proceeding as implemented. The report does support the *efficacy* of the drug court program (a test of whether this intervention *can* be successful when properly implemented), but not necessarily its effectiveness (a test of whether this intervention *typically is* successful in actual clinical practice).<sup>18</sup> Specifically, findings highlight broad variations in drug court practices and operations across the five sites. On the one hand, this suggests that the drug court model has been adapted to various local needs; on the other hand, some of the wide variations in practices and operations are actually in direct conflict with statewide protocols (e.g., drug testing, treatment, attendance, and home visits). Overall, drug court practices can be improved; the findings presented in this report suggest a number of ways to improve the operations (effectiveness) of various components of Maine's Adult Drug Court Program with goals of increased

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<sup>18</sup> See Marlow (2004, September 9) in Join Together Online for a discussion on the different standards of proof for establishing the efficacy of an intervention as opposed to its effectiveness ([www.jointogether.org](http://www.jointogether.org)).

graduation rates, reduced rates of recidivism, and lower overall operational costs.

