

ALTERNATIVE TRACKS FOR LOW-RISK AND LOW-NEED PARTICIPANTS IN A MISDEMEANOR DRUG COURT: PRELIMINARY OUTCOMES

Karen L. Dugosh — David S. Festinger
Nicolle T. Clements — Douglas B. Marlowe

[6] Low-Risk and Low-Need Participants—Participants assessed as low risk or low need may require reduced supervision or treatment services in Drug Court.

[7] Alternative Tracks for Low-Risk and Low-Need Participants—Outcomes were favorable for low-risk and low-need participants assigned to alternative tracks with reduced services in a misdemeanor Drug Court.

IN JULY OF 2013, the National Association of Drug Court Professionals (NADCP) released the first volume of the *Adult Drug Court Best Practice Standards* (Standards; NADCP, 2013). The *Standards* promotes measurable and enforceable practices in Drug Courts, which have been demonstrated through scientific research to improve outcomes and reduce negative side effects for participants. The first standard, on target population, provides that Drug Courts should seek offenders for admission who meet diagnostic criteria for dependence on drugs or alcohol and who are at substantial risk for reoffending or failing to complete a less-intensive disposition, such as standard probation or pretrial supervision. These individuals are commonly referred to as *high-risk and high-need offenders*. If a Drug Court is unable to target only high-risk and high-need offenders, the *Standards* provides that the program should develop alternative tracks with services modified to meet the risk and need levels of its participants.

The empirical justification for the targeting standard is well documented (Andrews & Bonta, 2010; Marlowe, 2012a). Providing substance abuse treatment to nonaddicted substance abusers has been shown to increase rates of criminal recidivism and substance abuse (Lovins et al., 2007; Lowenkamp & Latessa, 2005; Wexler et al., 2004). Moreover, treating participants with different risk or need levels together in counseling groups or residential treatment programs can make outcomes worse for the low-risk and low-need participants by exposing them to antisocial peers or interfering with their engagement in productive activities such as work or school (DeMatteo et al., 2006; Lowenkamp & Latessa, 2004; McCord, 2003; Petrosino et al., 2000).

Many resources provide evidence-based recommendations for designing alternative tracks in Drug Courts (DeMatteo et al., 2006; Marlowe, 2009, 2012b). To date, however, no one has conducted an empirical evaluation of the effects of an alternative track for low-risk and low-need participants in a Drug Court. This article describes one Drug Court's efforts to develop alternative tracks for low-risk and low-need participants. The Drug Court placed participants meeting clearly defined eligibility criteria into tracks with reduced requirements for court hearings, treatment services, or urine drug testing. For our pilot study, we examined preliminary outcomes including participants' graduation rates, rearrest rates, and the average time required to graduate from the Drug Court.

METHODS

Setting

We conducted this study in a misdemeanor Drug Court located in a northeastern metropolitan city. Because supervision and treatment requirements were reduced for some of the study participants, we felt that beginning this research with low-level misdemeanor offenders was the prudent choice.

At the time of this study, eligibility criteria for this Drug Court were as follows:

- Defendants were at least 18 years of age.
- Defendants were residents of or had committed their offenses in New Castle County, Delaware.
- Defendants were charged with misdemeanor drug offenses, including possession or consumption of cannabis, possession of drug paraphernalia, or possession of a hypodermic syringe.
- Defendants had no histories of violent offenses involving serious injuries to victims or the use of deadly weapons.

The Drug Court required defendants to plead guilty to the initial charges and held the guilty pleas in abeyance pending graduation or termination from the program. Graduates had pleas and charges withdrawn and were eligible to have arrest records expunged if they remained arrest free for an additional six months. If a participant failed to complete the program, the guilty plea was formally entered as a conviction. The offender was then sentenced based on the original charge and lost his or her driver's license (if he or she had one) for two years. Participants who were terminated from the program were typically sentenced to probation.

The Drug Court's Standard Program

The Drug Court designed its original standard program to be a minimum of eighteen weeks (approximately four months) long with no maximum time limit for enrollment. The minimum requirements for graduation from the standard program included attending at least twelve weekly psychoeducational group classes, providing drug-negative urine specimens for at least fourteen consecutive weeks, remaining arrest free, obeying the program's rules and procedures, and paying a \$200 court fee. The psychoeducational group sessions were didactic and covered standard topics such as the pharmacology of drug and alcohol use, progression from substance use to dependence, the impact of addiction on the family, treatment options, HIV/AIDS risk reduction, and relapse prevention strategies. Participants also attended individual and group therapy sessions based on their assessed clinical needs.

Participants delivered urine specimens on a random, weekly basis under the direct observation of a same-gender treatment staff member. An independent, certified laboratory performed the drug screens using the enzyme multiplied immunoassay technique (EMIT) with gas chromatography/mass spectrometry (GC/MS) to confirm positive results on a 6-panel screen for cannabis, alcohol, opiates, amphetamines, cocaine, and phencyclidine (PCP). They also performed additional drug screens on an individualized basis for any other substance believed to be abused by the participant. The judge was authorized to administer sanctions or therapeutic consequences for inadequate performance in the program, including verbal reprimands, homework assignments, additional treatment or supervisory obligations, daylong attendance in Drug Court as an observer, and community service. The team also administered incentives for good performance, including verbal praise, certificates of recognition, and reductions in participants' supervisory obligations.

Participants were required to appear in Drug Court for status hearings no less frequently than once per month, to attend outpatient or intensive outpatient therapy sessions based on their clinical needs (in addition to the psychoeducational classes), and meet individually with a clinical case manager during the first phase of the program.

Alternative Tracks

Because previous studies demonstrated that low-risk and low-need participants performed as well or better with less frequent court hearings (Festinger et al., 2002; Marlowe et al., 2006), the Drug Court created alternative tracks for low-risk and low-need participants.

Low-Risk and Low-Need Track

The Drug Court adopted a standardized assessment instrument called the Risk and Needs Triage (RANT), which participants complete upon entry into the program. The RANT is a screening tool that provides a reliable and valid measure of an offender's risk of recidivism and need for treatment services (Marlowe et al., 2011). Participants who were assessed as being both low risk and low need were assigned to an alternative low-risk and low-need track (LR/LN track).

Like most others in the Drug Court, participants in the LR/LN track were required to provide random, weekly urine specimens and complete a basic sequence of twelve psychoeducational group sessions. However, they were not required to attend court hearings after the initial entry hearing unless they failed to attend psychoeducational sessions or to provide valid, drug-negative urine samples. In addition, participants in this track were not required to attend therapy sessions or clinical case-management sessions unless they requested them or performed poorly in the program.

Accelerated Track

Previous research by DeMatteo and colleagues (2009) in this same Drug Court revealed that approximately 30% of participants rarely provided a drug-positive urine sample or missed a psychoeducational group session during their enrollment. The Drug Court determined that reducing the graduation requirements even further for very low-risk individuals might save valuable resources without risking public health or safety; therefore, they created an accelerated track in addition to the LR/LN track for participants with a well-documented absence of risk factors for failure in Drug Court. In addition to being assessed as low risk and low need on the RANT, accelerated-track candidates needed to have the following:

- No current or prior charges for crimes involving alcohol or drugs other than marijuana
- A high school diploma (a General Educational Development, or GED, credential was not sufficient)
- A minimal history of police contacts, regardless of whether or not those contacts resulted in arrests or formal charges

Participants meeting these stringent criteria were required only to provide eight (as opposed to fourteen) consecutive drug-negative urine screens and attend eight (as opposed to twelve) psychoeducational classes as a condition of graduation.

The Drug Court adopted a zero-tolerance policy for the accelerated track. Participants were reassigned to the LR/LN track if they had or provided the following:

- An unexcused failure to provide a scheduled urine specimen
- A drug-positive, diluted, or tampered-with urine specimen
- An unexcused failure to attend a psychoeducational class

Outcome Measures

The Drug Court implemented the accelerated track on June 1, 2011. We examined outcomes for participants who entered the program between June 1, 2011, and January 9, 2013. We analyzed the percentage of participants retained in the accelerated track, the percentage who graduated from the LR/LN and accelerated tracks, and the average time required to graduate from the LR/LN and accelerated track. In addition, we examined rearrest data for a subsample of participants ($n = 79$) in the accelerated track who graduated on or before November 30, 2012, and were thus out of the program for at least six months. We obtained the arrest records for these participants from the Delaware Justice Information System (DELJIS), a statewide criminal justice database. Arrests were classified as drug offenses, crimes against persons, property and theft offenses, driving under the influence (DUI), weapons offenses, and other criminal offenses. Unfortunately, rearrest data were not available to the research team for participants in the LR/LN track.

RESULTS

The results are summarized in the flowchart depicted in Figure 1. A total of 473 participants entered the Drug Court between June 1, 2011, and January 9, 2013. Of those, 43% ($n = 205$) met criteria for at least one of the two alternative tracks. Twenty-five percent ($n = 121$) of the participants met the stringent criteria for the accelerated track. An additional 17% ($n = 84$) met criteria for the LR/LN track because they were assessed as low risk and low need on the RANT but did not satisfy the more stringent requirements for the accelerated track.

Seventeen percent ($n = 20$) of the participants in the accelerated track transferred to the LR/LN track as a result of missed or failed urine tests or missed psychoeducational classes. All of the 101 participants who remained in the accelerated track graduated from the Drug

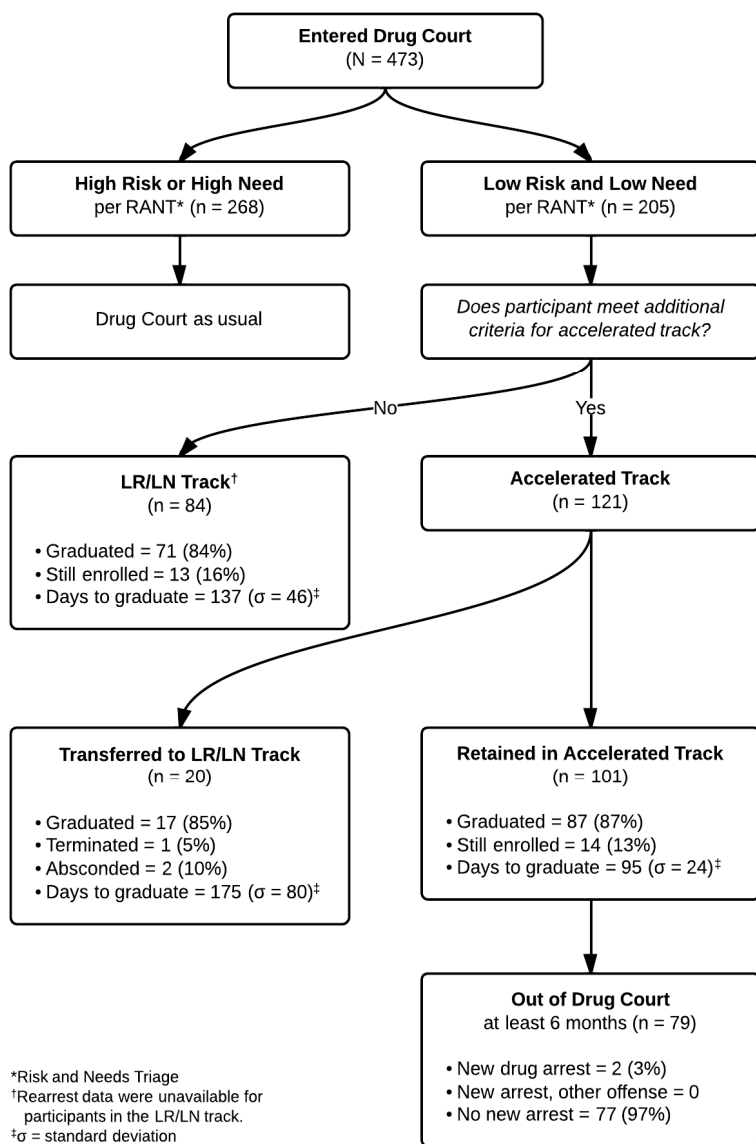


Figure 1. Outcomes for LR/LN and Accelerated Tracks in Drug Court

Court ($n = 87$, 87%) or were still actively enrolled at the time of the data analyses ($n = 14$, 13%). Of the 20 participants who transferred to the LR/LN track, 85% ($n = 17$) ultimately graduated from the Drug Court. The remaining 3 participants were terminated from Drug Court or were on a bench warrant because they absconded from the program. Similarly, 84% ($n = 71$) of the participants assigned to the LR/LN track graduated, and 16% ($n = 13$) were still enrolled at the time of the analyses.

On average, participants assigned to the accelerated track graduated within 95 days ($SD^1 = 24$ days) of entering the Drug Court. Participants assigned to the LR/LN track graduated within 137 days ($SD = 46$ days). These results compared favorably with the average time required to graduate for the Drug Court as a whole, which was approximately 200 days (six to seven months) in another recent evaluation (Marlowe, Festinger, et al., 2012). Participants in the accelerated track graduated in significantly less time than did participants in the LR/LN track, $t(170) = 7.53$, $p < .0001$. Of the 17 participants who transferred out of the accelerated track but ultimately graduated, the average time to graduation was 175 days ($SD = 80$), which was comparable to the typical graduation rate for the Drug Court as a whole.

Seventy-nine participants in the accelerated track graduated prior to November 30, 2012, and thus were out of the program for at least six months. Three percent ($n = 2$) of these individuals were rearrested for new offenses (marijuana possession) within six months of graduating from the Drug Court. This recidivism rate compared favorably to the overall recidivism rate for this Drug Court, which a recent study reported to be 22% at six to twelve months postdischarge (Marlowe et al., 2013).

DISCUSSION

This article reports preliminary outcomes from two alternative tracks for low-risk and low-need participants in a misdemeanor Drug Court: the LR/LN track and the accelerated track. Participants in the

¹ Standard deviation

alternative tracks were not required to attend court hearings or therapy sessions unless they requested those services or were performing poorly in the program. In addition, participants in the accelerated track were required to attend fewer psychoeducational classes than other participants (8 versus 12) and were required to provide fewer consecutive drug-negative urine tests as a condition of graduation (8 versus 14).

The results were favorable as evidenced by high graduation rates, reduced times to graduation, and a negligible recidivism rate at six months after graduation. Nearly all of the participants in the alternative tracks graduated or were still enrolled in the Drug Court at the time of the analyses. Compared with the typical duration of enrollment for the Drug Court, the average time to graduation was approximately two months less for participants in the LR/LN track and three months less for participants in the accelerated track. Although the Drug Court maintained a zero-tolerance policy for any infractions in the accelerated track, approximately 83% of accelerated participants had graduated or were active in the track at the time of analysis. Of importance to note is that 97% of the participants who graduated from the accelerated track remained arrest free for at least six months after graduation. Finally, most of the participants (17 out of 20) who were transferred out of the accelerated track into the LR/LN track ultimately graduated.

Limitations

This study has several important limitations to consider when interpreting the results. First, this pilot study did not include a control condition involving low-risk and low-need participants assigned to Drug Court as usual. We therefore had no way of estimating how participants might have performed had they not been assigned to the alternative tracks. Still, participant outcomes appear to have been favorable with minimal evidence of negative effects to the participants or risks to public safety.

Second, the alternative tracks were evaluated in a single Drug Court that served low-level misdemeanor drug offenders and, as such, did not apply some of the traditional key components of the Drug

Court model. For example, the standard program was only four months long and required status hearings on an infrequent monthly basis. Whether the alternative tracks would elicit comparable effects in Drug Courts that administer the full range of best practices as identified in the research literature is unclear. Future studies should examine the generalizability of the findings to other programs including felony and postadjudication Drug Courts.

Third, the study examined recidivism for only six months following graduation. Future research should follow recidivism over longer intervals.

Conclusion

The results of this study may have important implications for Drug Courts. Nearly one half (43%) of these misdemeanor drug offenders met criteria for one of the two alternative tracks, and 25% of them met the more stringent criteria for the accelerated track. Reducing the average duration of enrollment by two to three months for this sizeable minority of participants, without sacrificing graduation rates or recidivism rates, might reduce the costs of a Drug Court considerably. Future studies should investigate the cost-effectiveness of such alternative tracks to determine whether they produce net cost savings for Drug Courts or permit Drug Courts to serve more participants at the same cost. If our findings can be replicated in controlled studies, they may promote new practical and evidence-based strategies that can substantially improve the efficiency and cost-effectiveness of Drug Courts.

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Karen L. Dugosh, PhD, is a research scientist in the Treatment Research Institute's (TRI's) Section on Law and Ethics. She has been involved in Drug Court research and evaluation for over a decade. In addition, she conducts research examining ethical issues surrounding research participation. Her current research focuses on informed consent in the doubly vulnerable population of substance-abusing offenders.

David S. Festinger, PhD, is a senior research scientist and director of TRI's Section on Law and Ethics and faculty member in the Department of Psychiatry at the University of Pennsylvania School of Medicine. His research focuses primarily on empirically isolating the active mechanisms of Drug Courts, developing empirically based tools and procedures for substance-abusing offenders, and bringing experimental research methods to bear on major ethical questions involving human subjects in substance abuse research.

Nicolle T. Clements, PhD, is a data analyst at TRI and assistant professor at Saint Joseph's University in the Department of Decision System Sciences. She has expertise in the analysis of cross-sectional and longitudinal data from substance abuse treatment trials. Her current research focuses on large-scale multiple testing procedures.

Douglas B. Marlowe, JD, PhD, is the chief of Science, Policy & Law for the NADCP and was formerly a senior scientist at TRI. His research focuses on the role of coercion in drug abuse treatment, the efficacy of Drug Courts and other specialized programs for drug-abusing offenders, and behavioral treatments for drug abusers and criminal offenders.

Direct correspondence to Karen L. Dugosh, PhD, Treatment Research Institute, 600 Public Ledger Bldg., 150 South Independence Mall West, Philadelphia, PA 19106. (215) 399-0980. kdugosh@tresearch.org