

DEFINING DRUG COURTS

The Ten Key Components and Why
They Matter

by Hon. Marla Garrett, Magistrate

Background: The War on Drugs

- Beginning in the early 1980's, national drug policies emphasized punishment over treatment and greatly enhanced penalties for drug offenses in response to the rising problem of drug abuse.
- These policies led to the arrest and incarcerations of millions of Americans.
- As a result of the “war on drugs,” prison sentences became more likely for drug offenses and more severe. The Federal Sentencing Guidelines created a sentencing scheme in 1986 and 1988 under which the average drug offender served sentences three times longer than before.

FIGURE 1
DRUG ARRESTS, 1980-2005

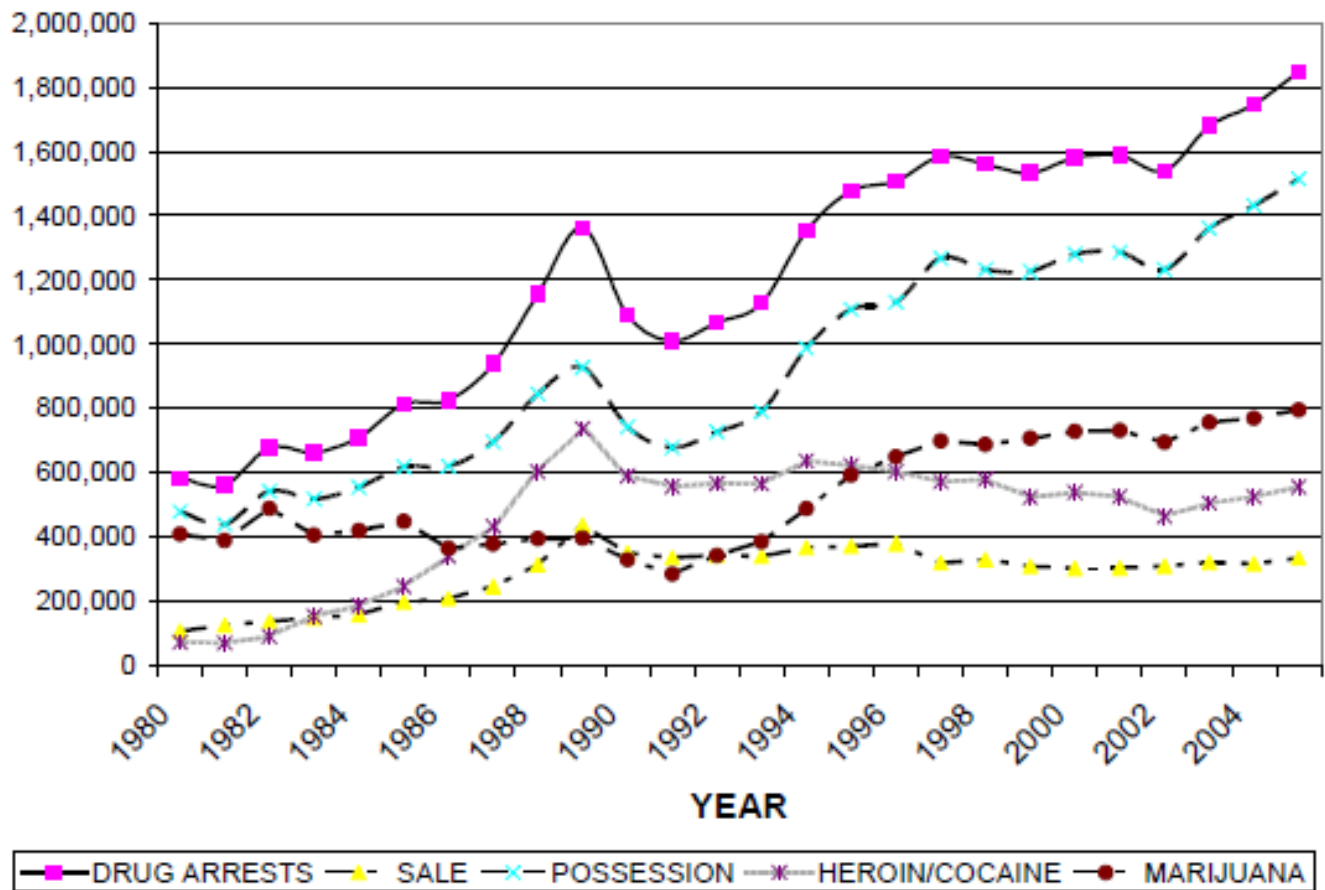


Chart by The Sentencing Project



Exploding Prison Populations

- From 1987 to 2008 the U.S. prison population nearly tripled, rising from 585,084 to 1,596,127. If you include persons incarcerated in county jails, the number rises to 2,319,258. (22,841 in Colorado prisons as of 1/1/08).
- This equals a rate of incarceration in the U.S. of **1 out of every 100 adults**.
- The U.S. now locks up more of its citizens than any other nation in the world.

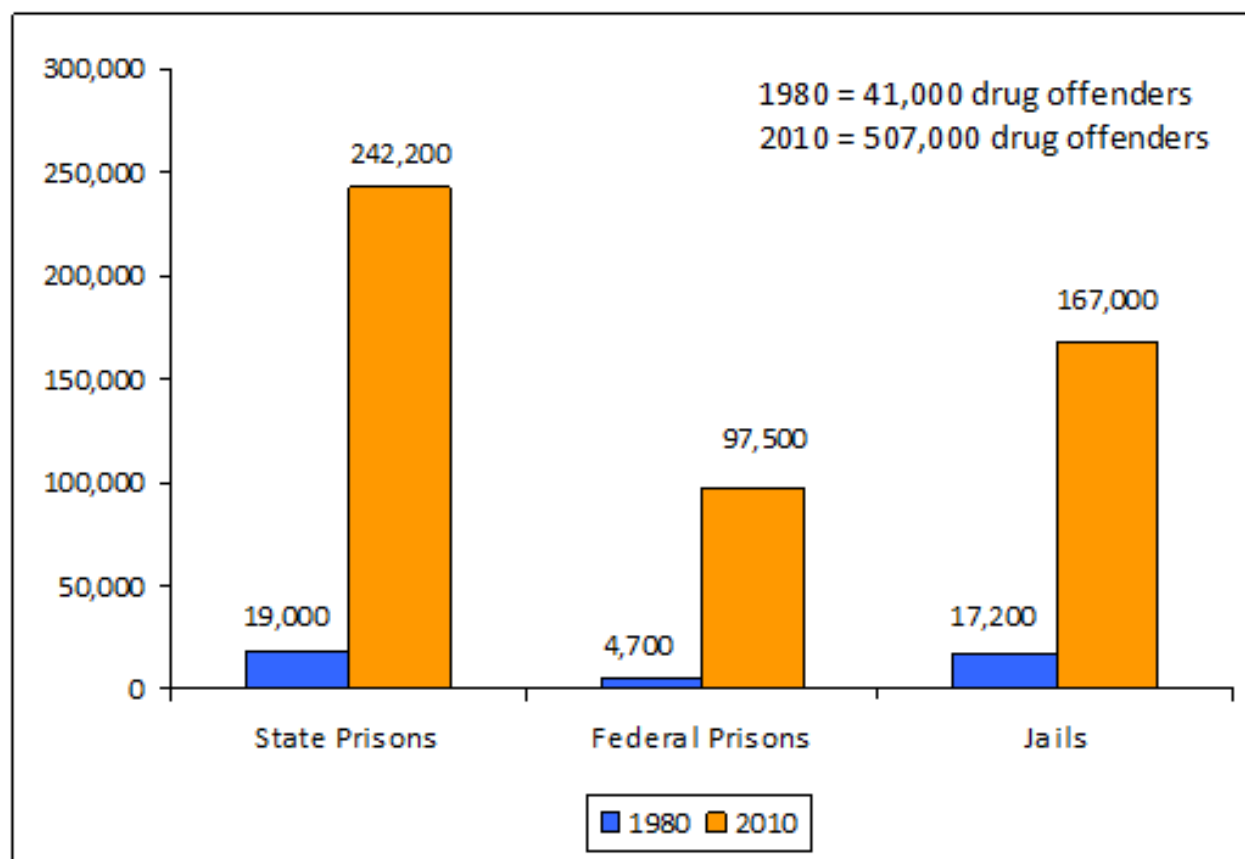
Exploding Costs

- Total state spending on corrections in 2007 was over \$49 billion – a 400% increase from 1987.
- The current nationwide average cost per prisoner is \$23,876 per year.
- It costs approximately \$65,000 per bed space to build a typical new prison.
- 13 states now devote more than \$1 billion per year to their corrections systems.
- In FY 2007, Colorado had the 4th highest corrections spending in the nation as a percentage of its total general fund expenditures. (8.8% = \$599,000,000).

Drug Offenders & Addicts in Prison

- Most drug offenders in prison are not high level dealers or traffickers, but are users or low level dealers with no history of violence. Nation-wide, more than 75% of all state inmates were incarcerated for a nonviolent offense and most have no history of violence anywhere in their record.
- The Bureau of Justice Statistics estimates that half of ALL prisoners in the U.S. clinically addicted to drugs or alcohol and approximately 80% have a serious history of substance abuse.
- Treatment is scarcely available to drug addicts and abusers in prison. In 2004, only 14% of people in state prisons with a history of regular drug use reported participating in treatment while in prison. In federal prison, the number was 15.2%.
- Upon their release from prison, **60-80%** of drug abusers will re-offend, and **90%** will relapse within a few months. More than half will be returned to prison within three years.

NUMBER OF PEOPLE IN PRISONS AND JAILS FOR DRUG OFFENSES, 1980 AND 2010



Sources: Guerino, P. M., Harrison, P., & Sabol, W. (2011). *Prisoners in 2010*. Washington, DC: Bureau of Justice Statistics; Mauer, M. and King, R. (2007). *A 25-Year Quagmire: The War on Drugs and its Impact on American Society*. Washington, DC: The Sentencing Project.

FIGURE 3
DRUG TREATMENT IN PRISON, 1991 and 2004

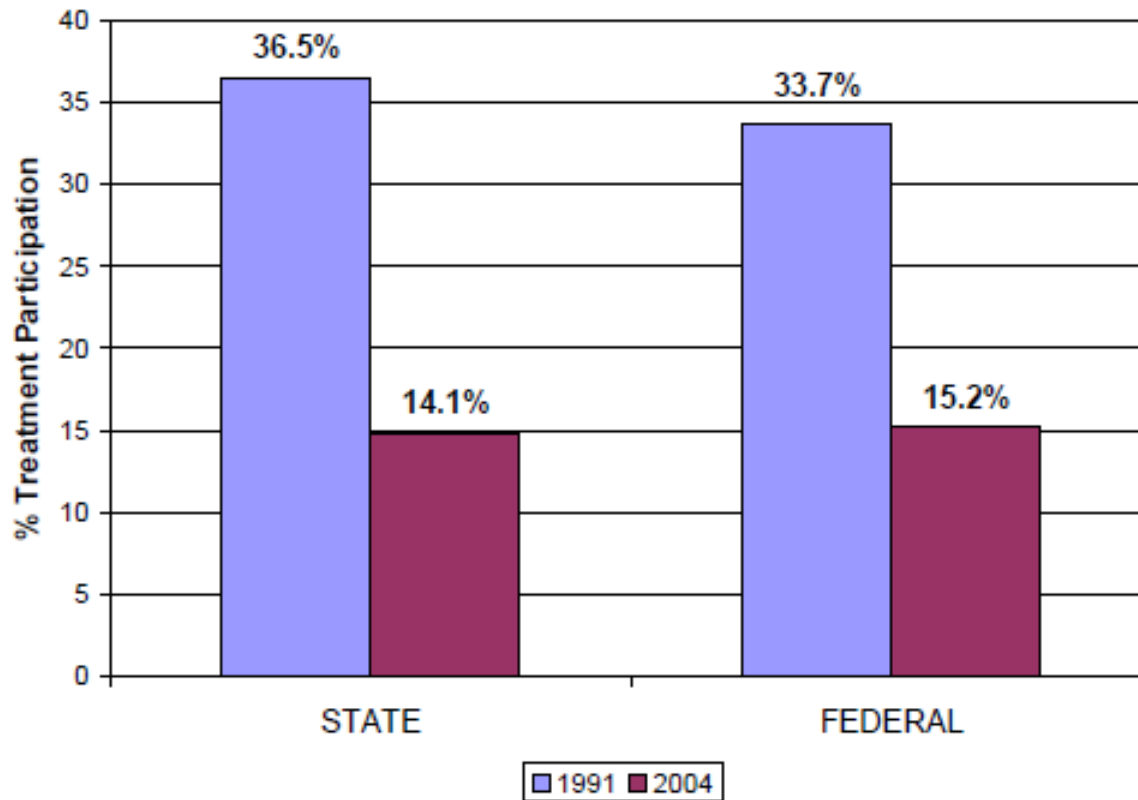


Chart by The Sentencing Project

A New Approach

The Rise of Drug Courts

- Dismayed by the number of drug offenders he was sending to prison, Judge Stanley Goldstein in Miami, Florida created the first Drug Court in 1989.
- The concept began to catch on around the country, and in 1994 Judge Bill Meyer and District Attorney Bill Ritter created Denver Adult Drug Court, the first in Colorado.
- Today there are more than 2,560 Drug Courts operating nation-wide.

Key Component #1

**Drug Courts integrate alcohol and other
drug treatment services with Justice
System case processing**

Key Component #1

Why It Matters

- Having Treatment Providers Attend Staffings: 119% greater reductions in recidivism and 81% increase in cost savings
- Including Treatment Provider in Court Sessions: 81% greater cost savings and 100% greater Reductions in recidivism

Key Component #2

Using a non-adversarial approach,
prosecution and defense counsel promote
public safety while protecting
participants' due process rights

Key Component #2

Why it Matters

- Where prosecution attends staffings: higher graduation rates (58% vs. 43%) and more than double the costs savings (38% vs. 14%).
- Where all team members attend all staffings: 50% better reductions in recidivism and 20% better cost savings.
- Where defense attends all staffings: 93% higher cost savings and higher graduation rates (59% vs. 37%) and 21% better reduction in recidivism!
- Where all team members attend all hearings: 35% better reductions in recidivism and 36% better cost savings.

Key Component #2: Why It Matters

- Drug Courts that Allow Non-Drug Charges have 95% greater reductions in recidivism and 30% better cost savings

Key Component #3

**Eligible participants are identified early
and promptly placed in the program**

Key Component #3

Why it Matters

- Programs with 20 days or less between arrest and program entry have investments costs that are half as much and outcome savings that are twice as high.
- Programs with 50 days or less between arrest and program entry have 63% better reductions in recidivism.

Key Component #4

Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services

Key Component #4

Why it Matters

- Programs longer than 12 months: 57% greater reduction in recidivism and 39% better cost savings.
- Programs that work with 2 or Fewer treatment agencies: 74% better reductions in recidivism and 19% better cost savings.
- Programs with Guidelines on the Frequency of Treatment: 52% better reductions in recidivism.
- Programs that offer mental health treatment: 80% reduction in recidivism

Drug Courts where the minimum length of the program was 12 months or more had 57% greater reductions in recidivism

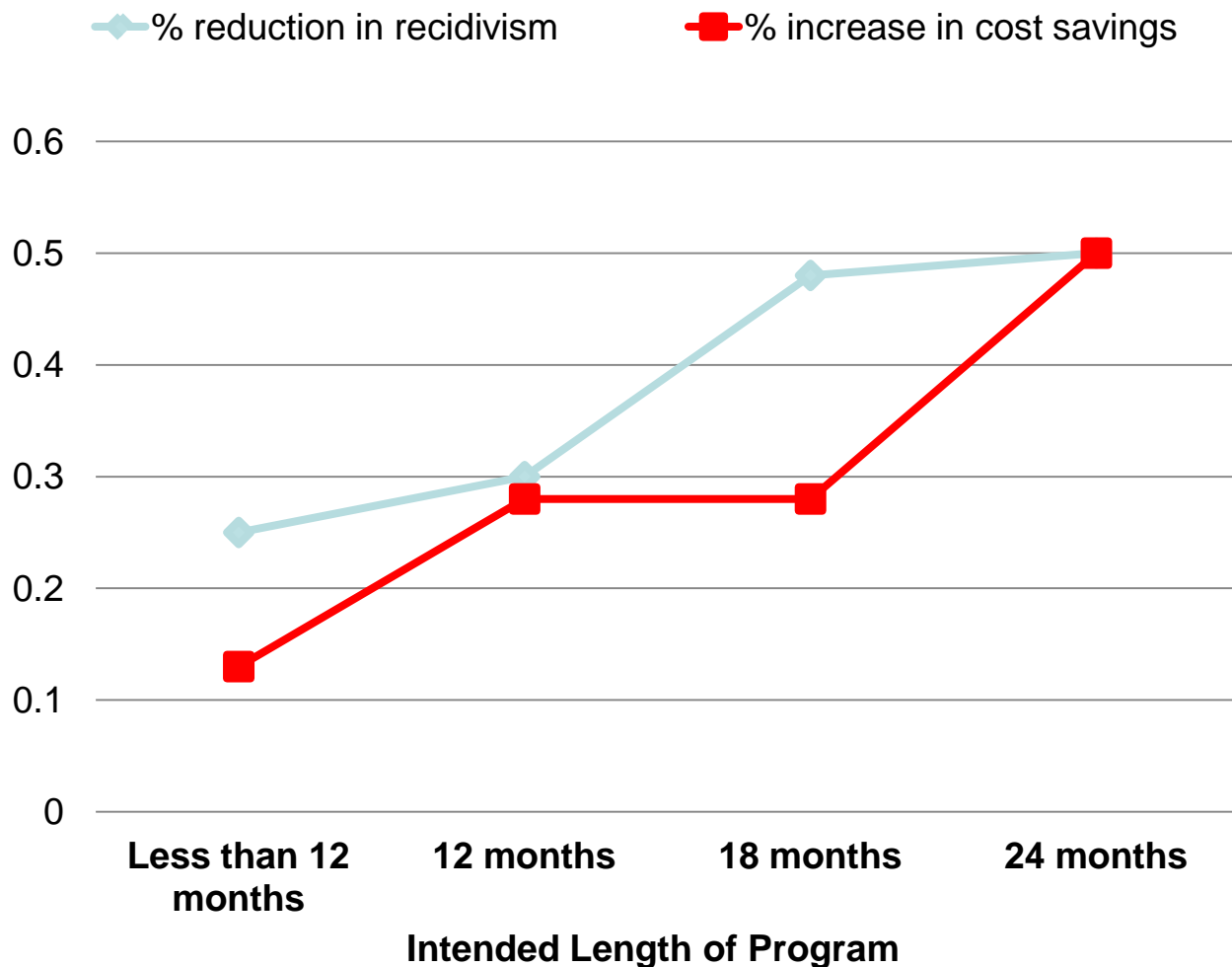


Chart by NPC Research

Key Component #5

Abstinence is monitored by frequent alcohol and other drug testing

Key Component #5

Why it Matters

- Programs with Testing at Least Twice per Week: 38% better recidivism reduction and 61% better cost savings.
- Programs with Test Results back in 48 Hours: 73% better reduction in recidivism and 68% better cost savings.
- Length of Clean Time before Graduation: at least 90 days = 164% greater reduction in recidivism.
- Reductions in recidivism continues to increase as the number of days clean prior to graduation increases.

Reduction in Recidivism

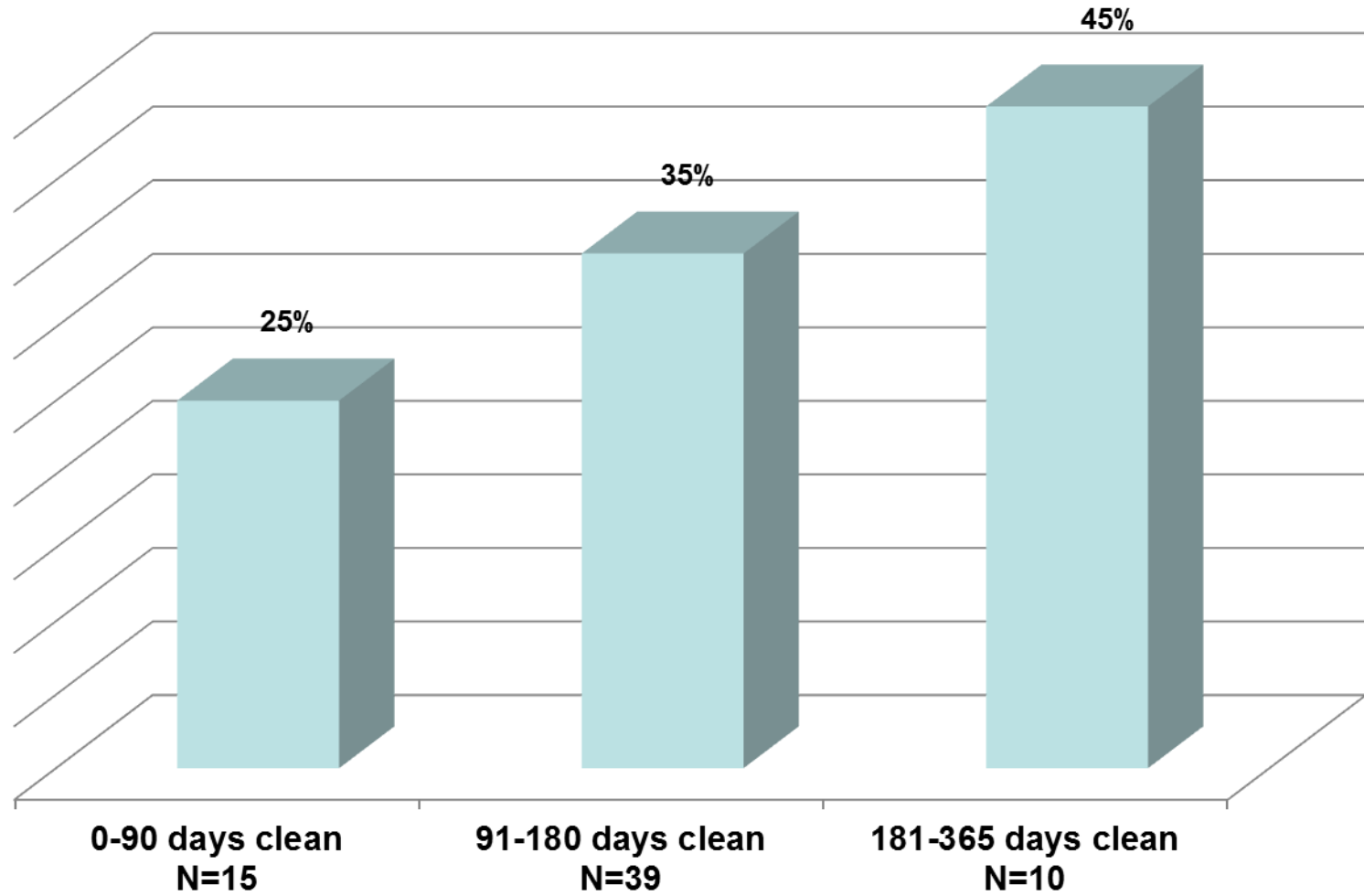


Chart by NPC Research

Key Component #6

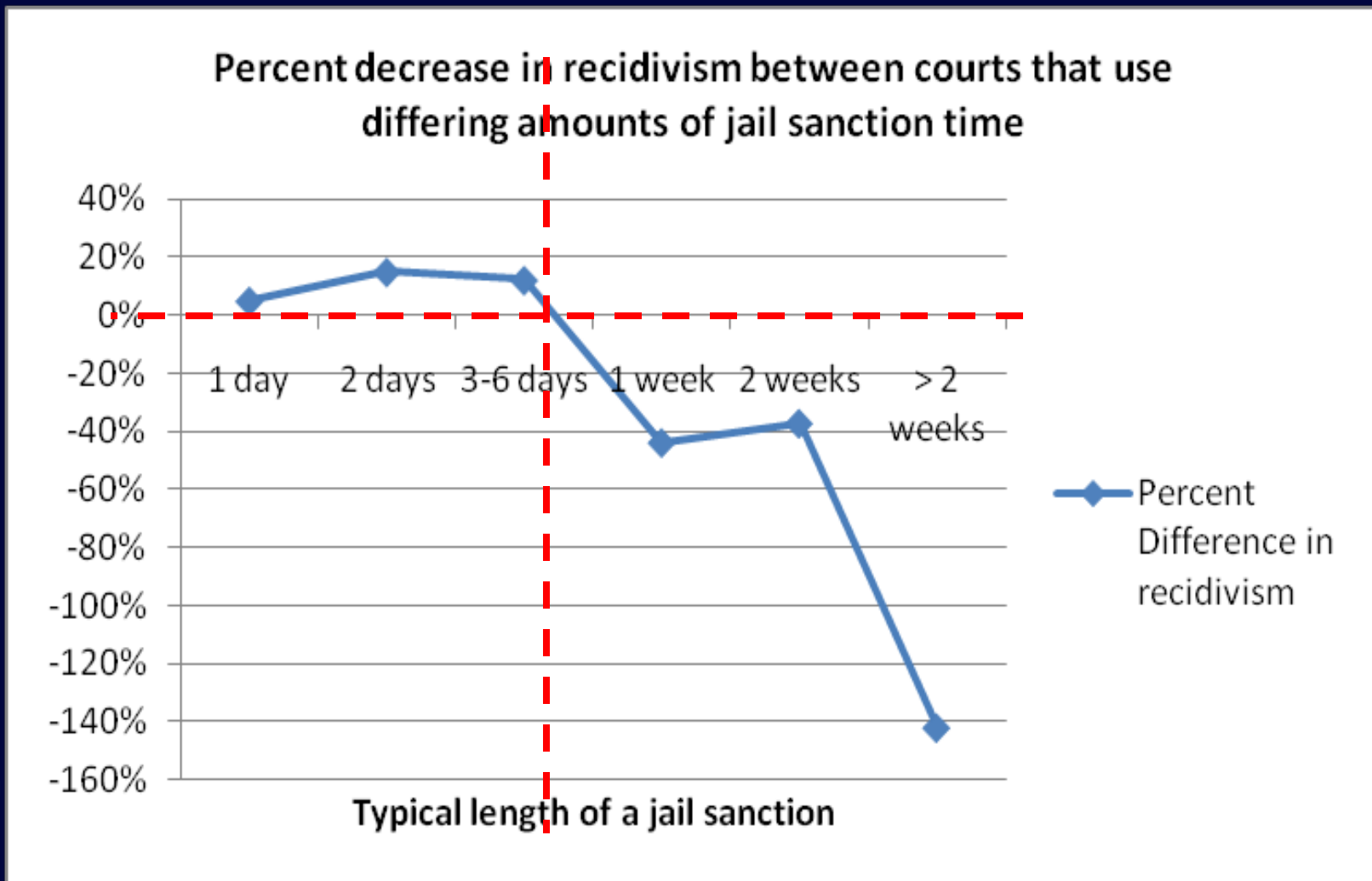
A coordinated strategy governs drug court responses to participants' compliance

Key Component #6

Why it Matters

- Imposing sanctions before the next scheduled court appearance, as noncompliant occurs, leads to higher graduation rates (55% vs. 43%), better reductions in recidivism (32%) and 100% better cost savings!!!
- ***Promising Practice:*** Courts with shorter jail sanctions have lower recidivism rates.

Courts that use jail greater than 6 days have **worse** (higher) recidivism



Key Component #7

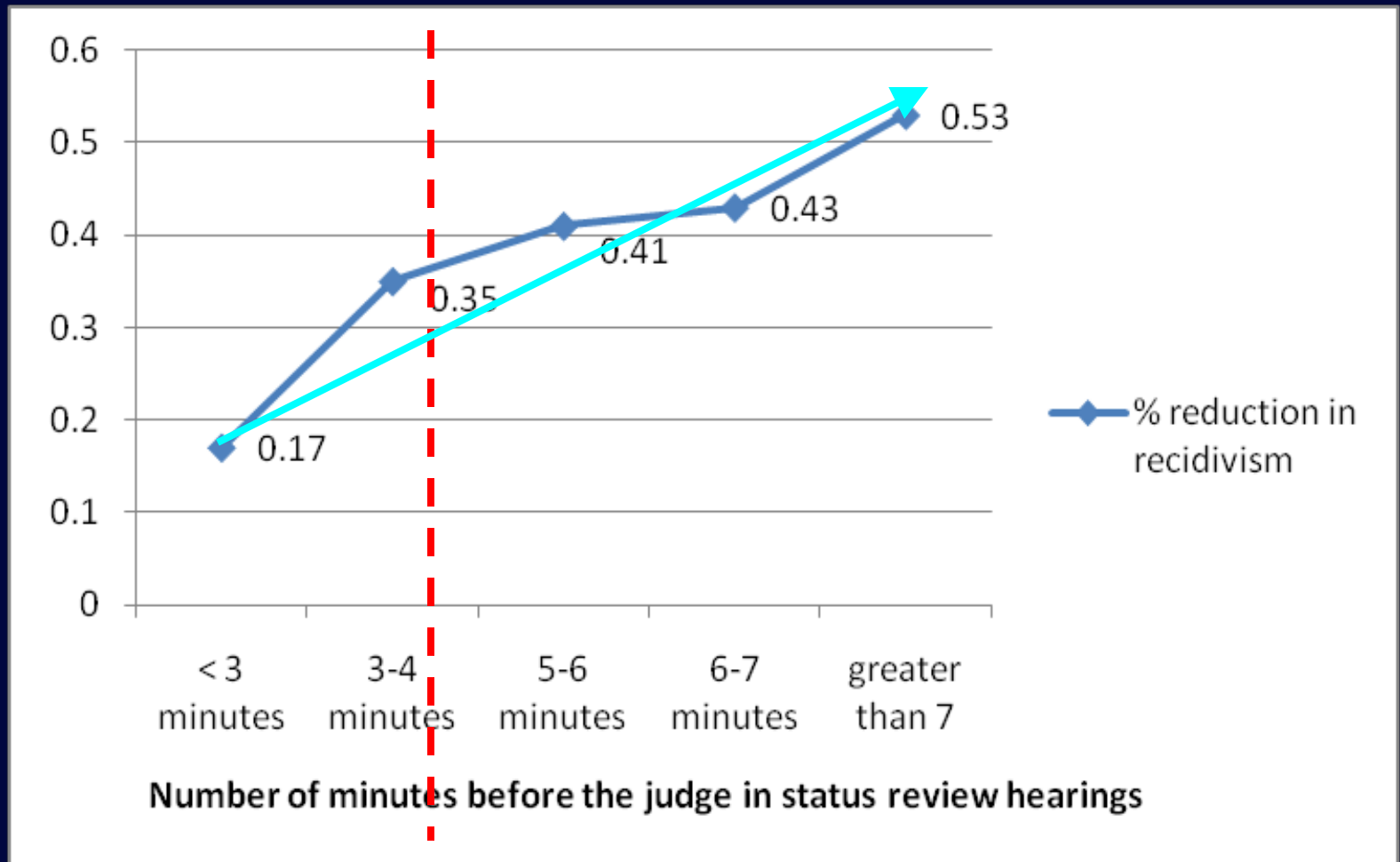
Ongoing judicial interaction with each drug court participant is essential

Key Component #7

Why it Matters

- Courts where new participants saw the judge every 2 weeks had 48% better reductions in recidivism rates and 30% better cost savings.
- Courts where Judge spends at least 3 minutes per defendant had 153% better reduction in recidivism and 36% better cost savings!

Drug Courts Where the Judge Spends an Average of 3 Minutes or Greater per Participant During Court Hearings had 153% greater reductions in recidivism



Note: Difference is significant at $p < .05$

Key Component #8

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #8

Why it Matters

- Courts that use program evaluations to modify operations have 85% better reductions in recidivism and 100% better cost savings!
- Courts that review data and report statistics to modify operations have 105% better reductions in recidivism and 131% better cost savings!!

Key Component #9

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations

Key Component #9

Why it Matters

- Courts with a formal training program for all new hires have 54% better reductions in recidivism.

Key Component #10

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness

Key Component #10

Why it Matters

- Drug courts that include a law enforcement team member have 54% better reductions in recidivism and 64% better cost savings!

BUT DO THEY WORK?

- Meta-analysis show drug courts reduce crime for their participants and save money for their communities.
 - California study showed 4 year re-arrest rates of 29% for all drug court participants, 17% for graduates.
 - Massachusetts study showed participants as 34% less likely to be convicted of new offense.
 - Portland, Oregon study showed 5 year crime rate reduced by 30%.
 - Washington State study showed drug court cost \$4333 per client but saved \$4705 for taxpayers and \$4395 for potential victims for a net benefit of \$4767.
 - California study showed net cost benefit of \$8000 per client.

Sources

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