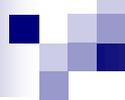




NIJ's Multi-Site Adult Drug Court Evaluation and Other Recent Research

Michael Rempel
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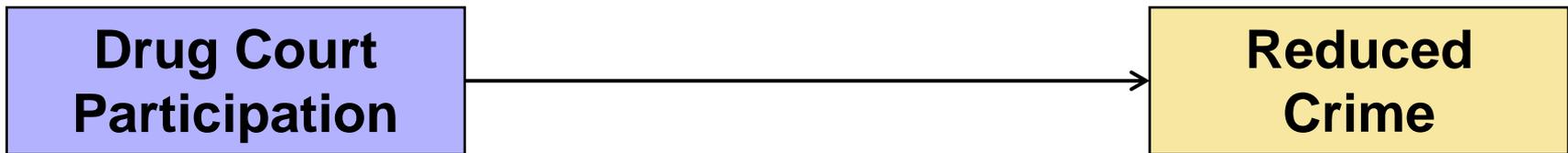
Presented at the Oklahoma Statewide Drug Court Conference, September 28, 2012, 9:15-10:30 a.m.



Questions for this Presentation

- 1. Do adult drug courts work?** (Do they reduce drug use, crime, and other associated problems?)
- 2. For whom do these courts work?** (For which categories of offenders are they especially effective?)
- 3. Why do these courts work?** (Which policies, practices, and perceptions explain their impact?)

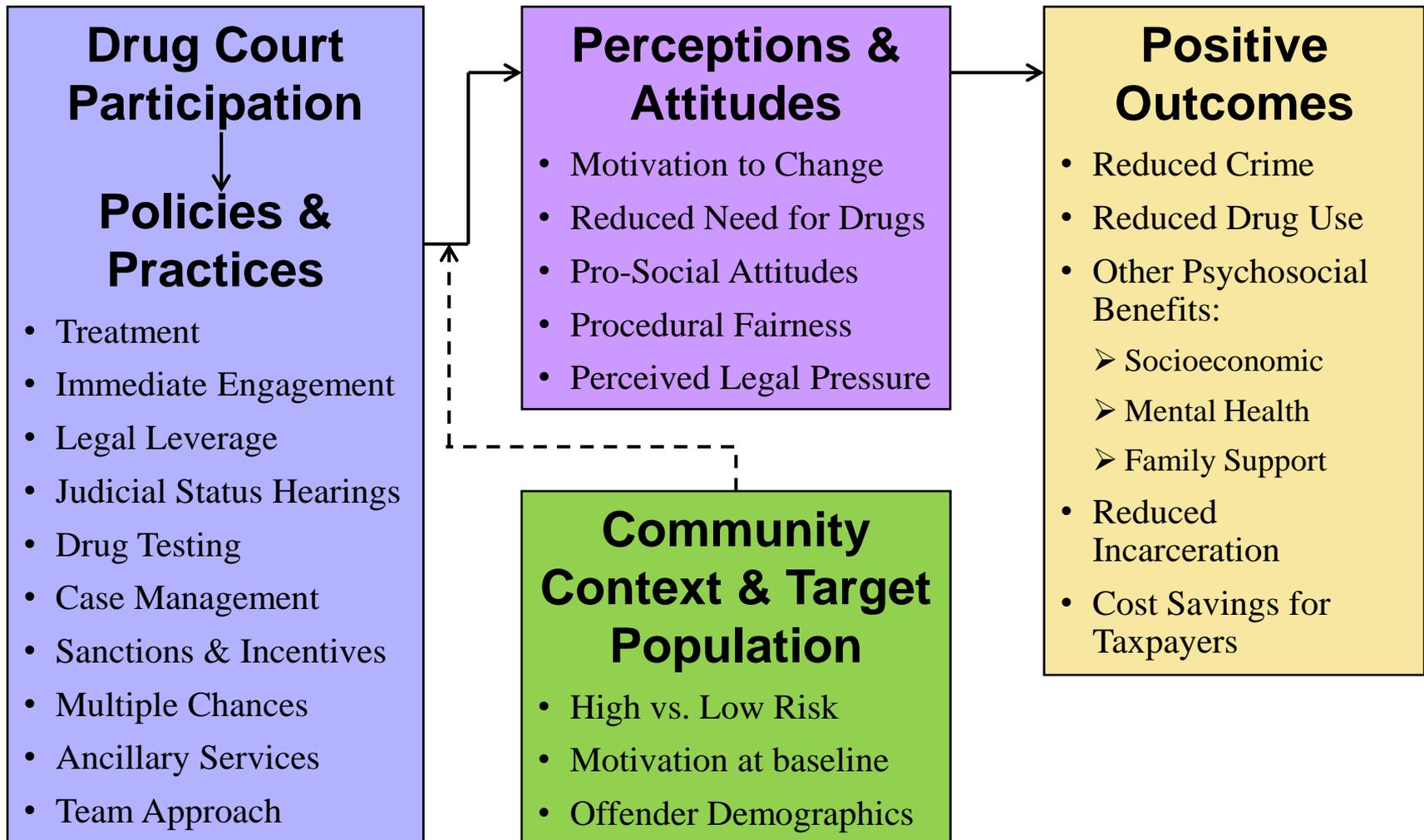
Most Drug Court Research



■ Meta-Analytic Findings:

- Of 92 adult drug court evaluations, 88% reduced the re-arrest or re-conviction rate (Mitchell et al. 2012)
- Average recidivism reduction = 8-13 percentage points (Gutierrez and Bourgon 2009; Mitchell et al. 2012; Shaffer 2011)
- Magnitude of impact varies substantially by site

The Drug Court Model





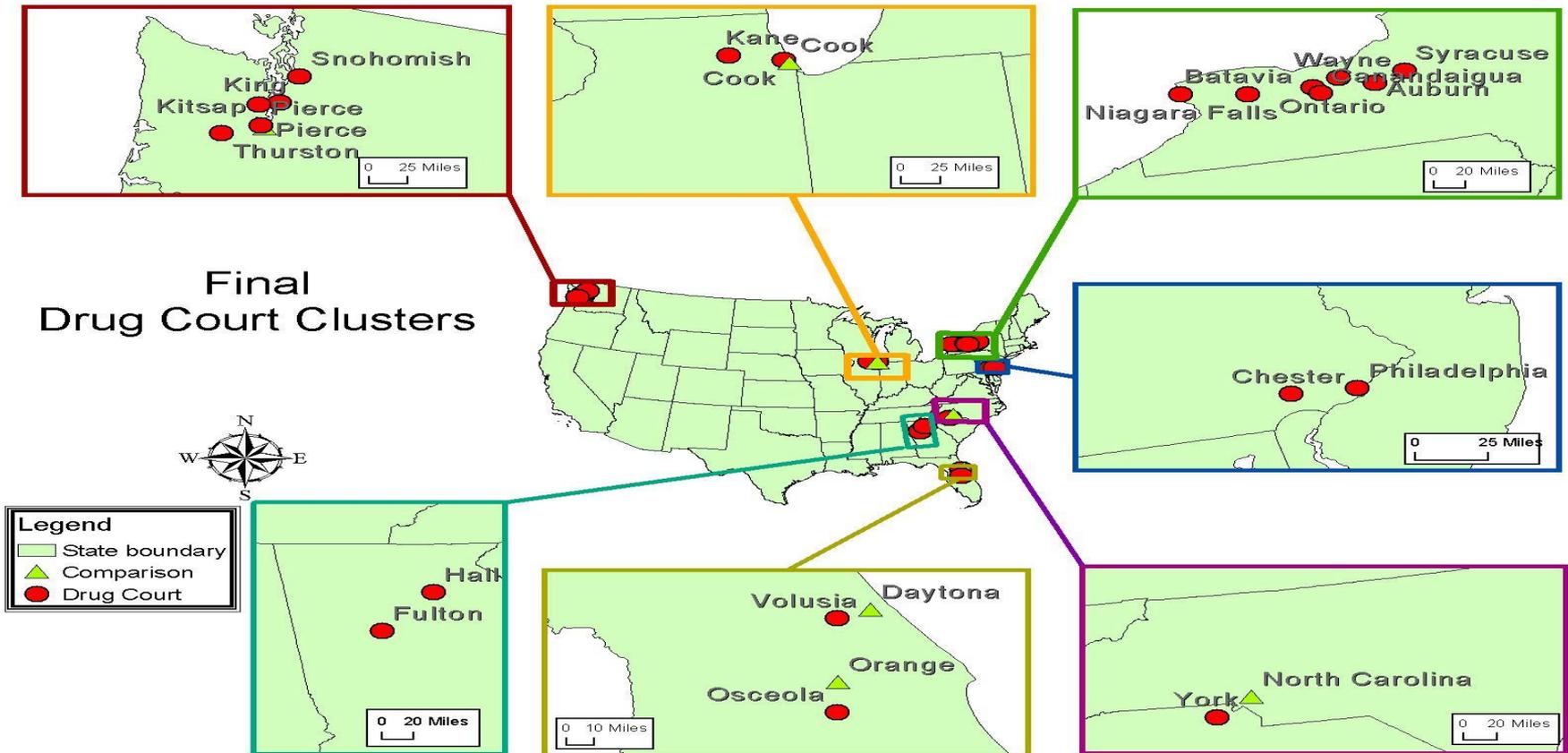
Core Theories of Change

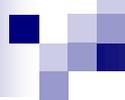
- **Community-Based Treatment**
- **Deterrence**
 - Drug testing
 - Judicial status hearings
 - Legal leverage (threat of jail or prison for failing)
 - Interim sanctions and incentives
- **Procedural Justice/Role of the Judge**
- **Collaboration**

The MADCE

- **Research Partnership:** Urban Institute, Center for Court Innovation, & Research Triangle Institute, with funding from the National Institute of Justice (NIJ)
- **Drug Court vs. Comparison Sites:**
 - Drug Court: 23 sites in 7 geographic clusters (n = 1,156)
 - Comparison: 6 sites in 4 geographic clusters (n = 625)
- **Repeated Measures:**
 - Interviews at baseline, 6 months, 18 months
 - Oral fluids drug test at 18 months
 - Official recidivism records up to 24 months

Study Sites



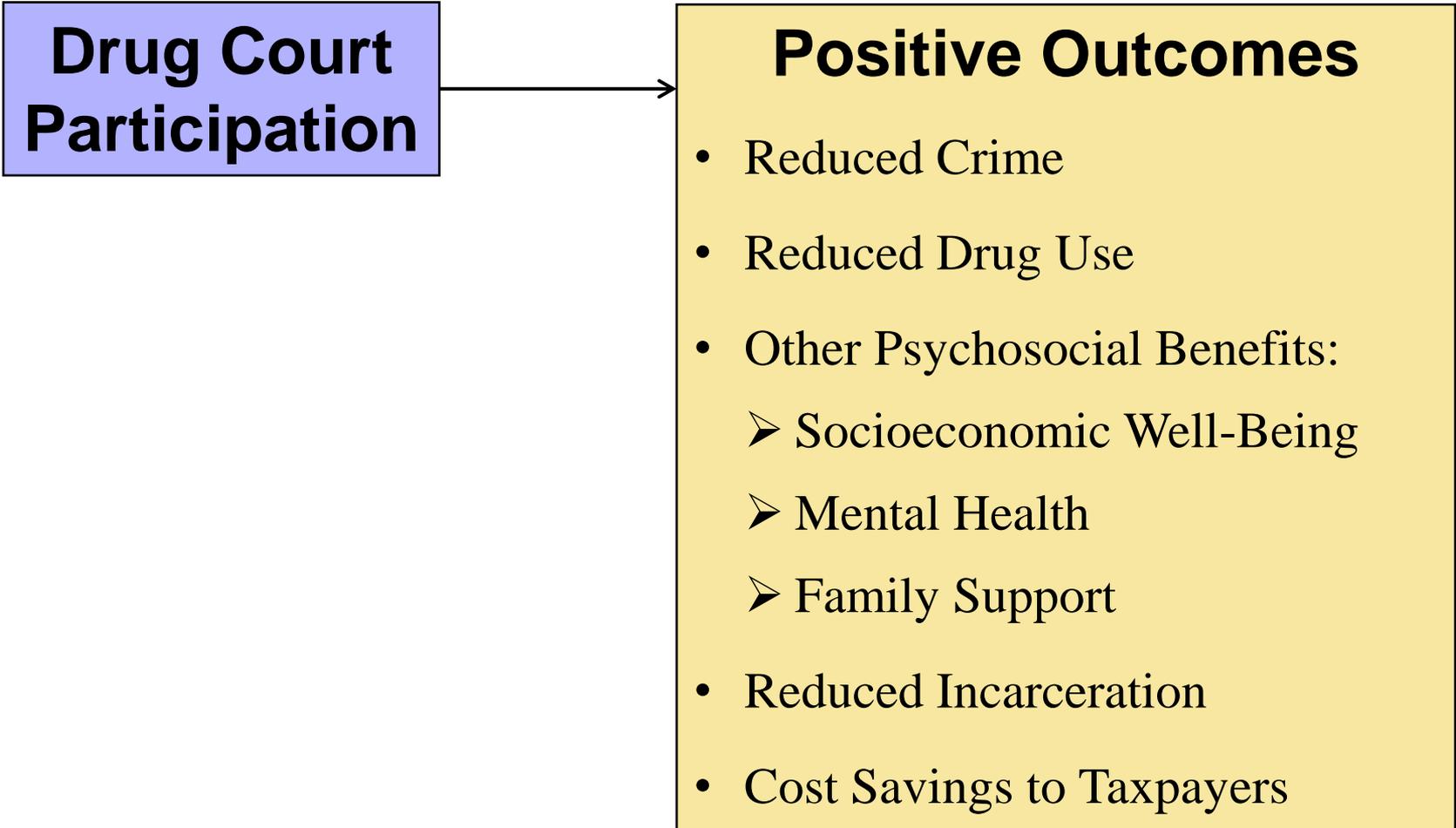


Questions for this Presentation

- 1. Do drug courts work?**
- 2. For whom do drug courts work?**
- 3. Why do drug courts work?**

Part 1. Do Drug Courts Work?

**Drug Court
Participation**



Positive Outcomes

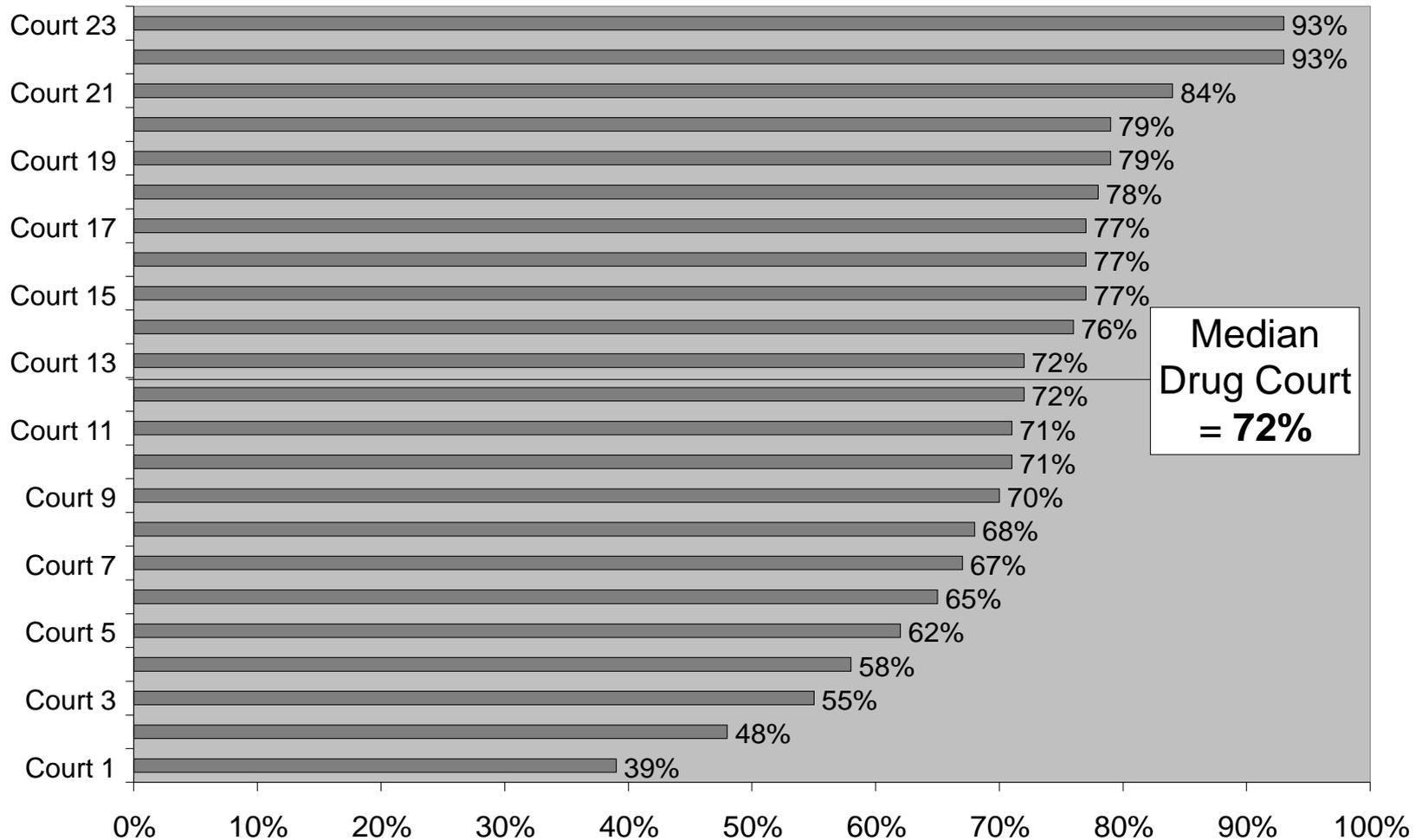
- Reduced Crime
- Reduced Drug Use
- Other Psychosocial Benefits:
 - Socioeconomic Well-Being
 - Mental Health
 - Family Support
- Reduced Incarceration
- Cost Savings to Taxpayers

Program Retention

- **Significance:** Extensive literature linking more time in treatment to less future recidivism and drug use
- **Treatment Generally:** Abysmal: one-year retention ranges from 10-30% (Condelli and DeLeon 1993; Lewis and Ross 1994; Stark 1992)
- **Adult Drug Courts:** One-year retention averages from 60-75% (Belenko 1998; Kralstein 2011; Rempel et al. 2003)
- **Likely Explanation:** Court oversight (deterrence and/or procedural justice)

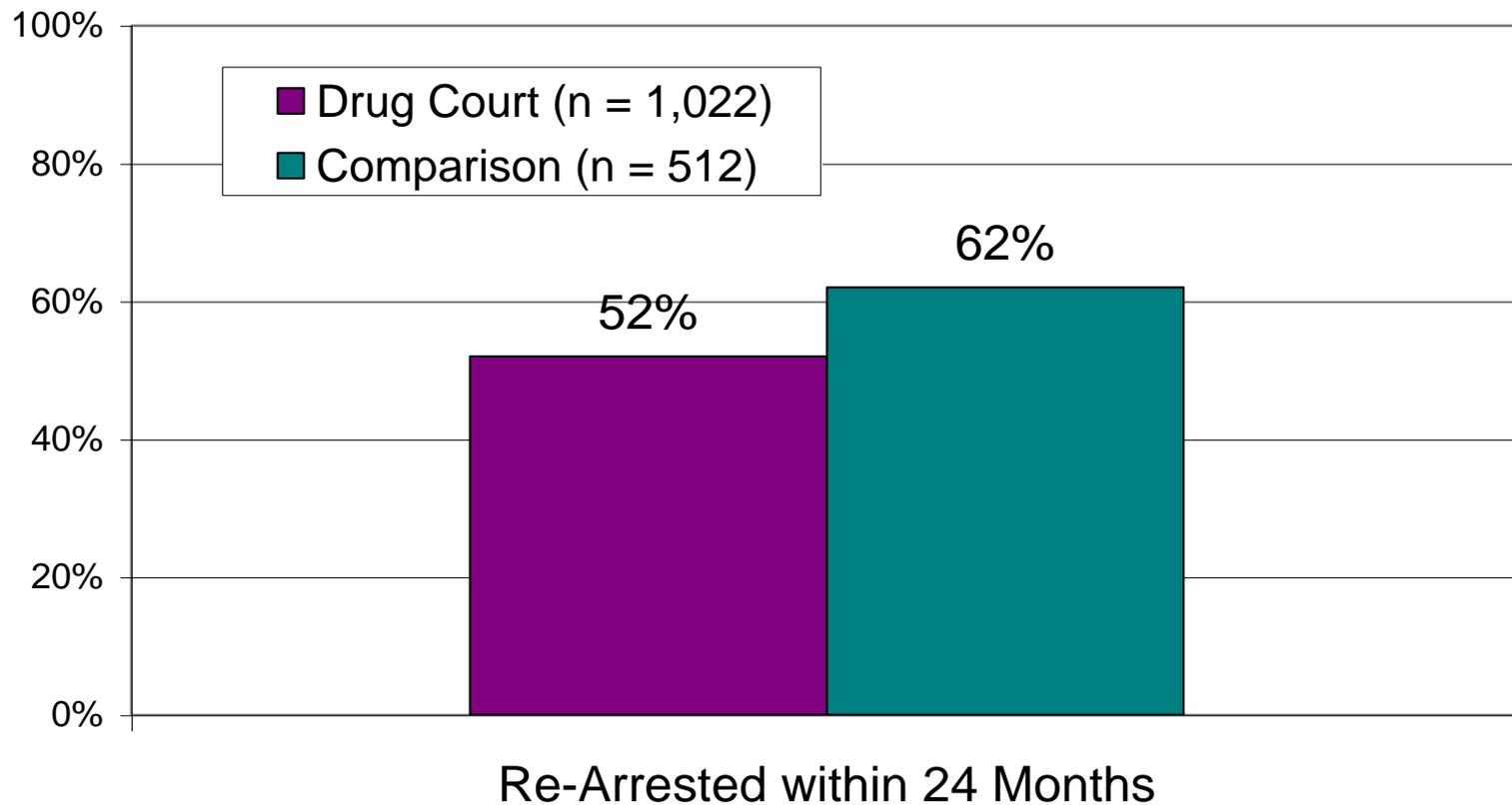
MADCE: 18-Month Retention

18-Month Retention Rates By Site (n = 951)



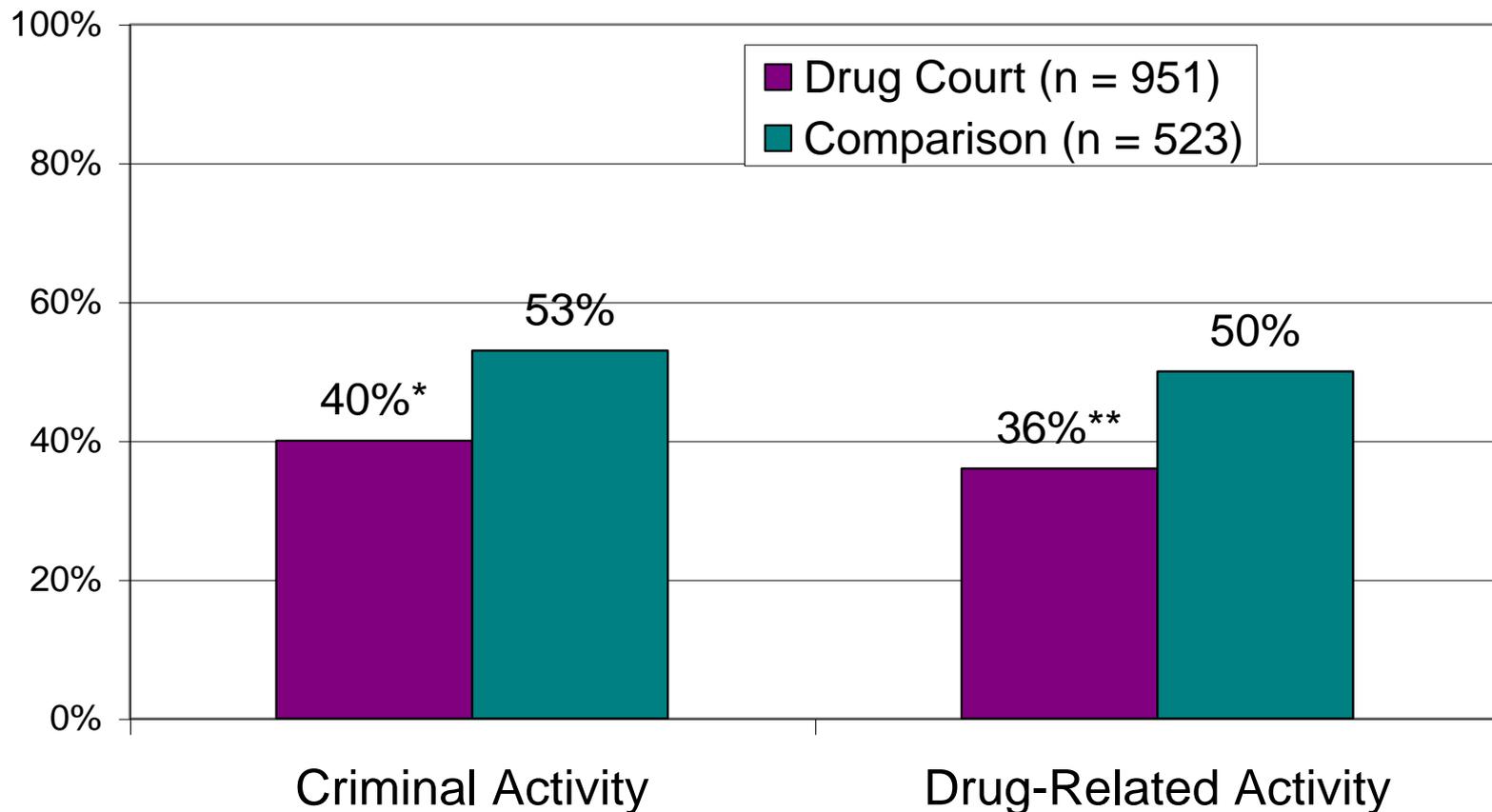
MADCE: Criminal Behavior #1

Percent with Re-Arrest:
24 Months Post-Enrollment



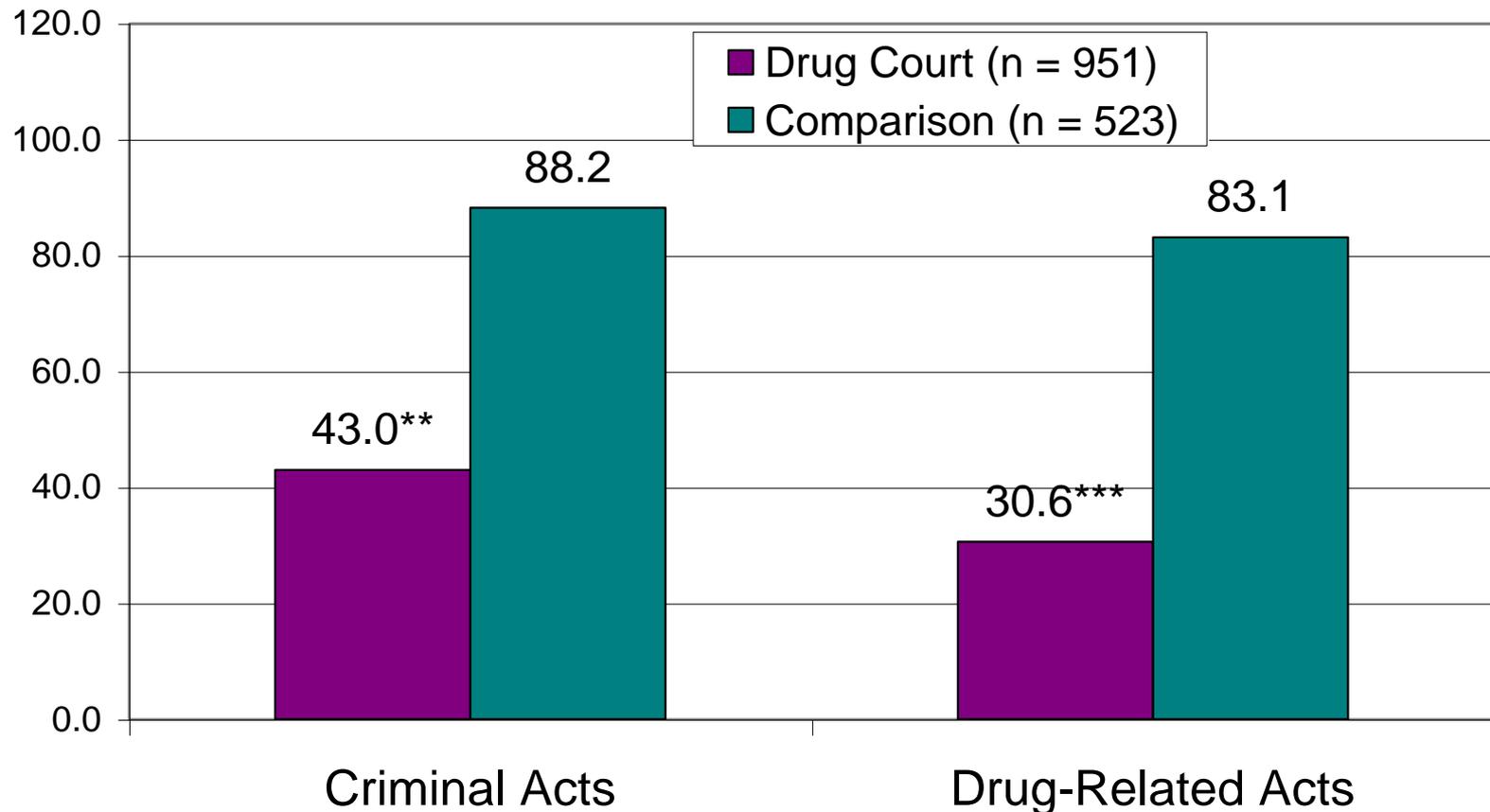
MADCE: Criminal Behavior #2

Percent with Criminal Activity:
One Year Prior to 18-Month Interview



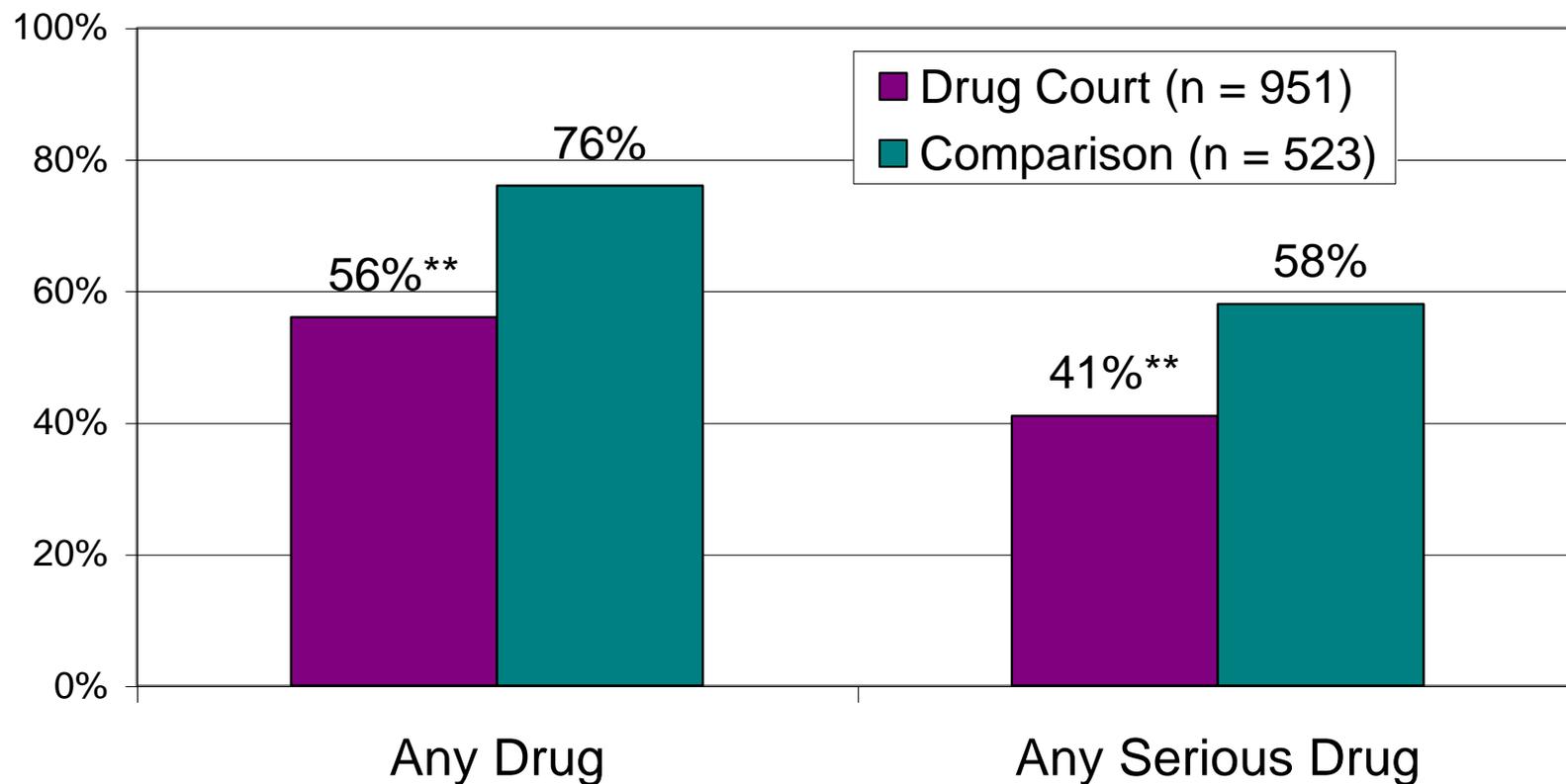
MADCE: Criminal Behavior #3

Number of Criminal Acts:
One Year Prior to 18-Month Interview



MADCE: Drug Use #1

Percent Used Drugs: One Year Prior to 18-Month Interview

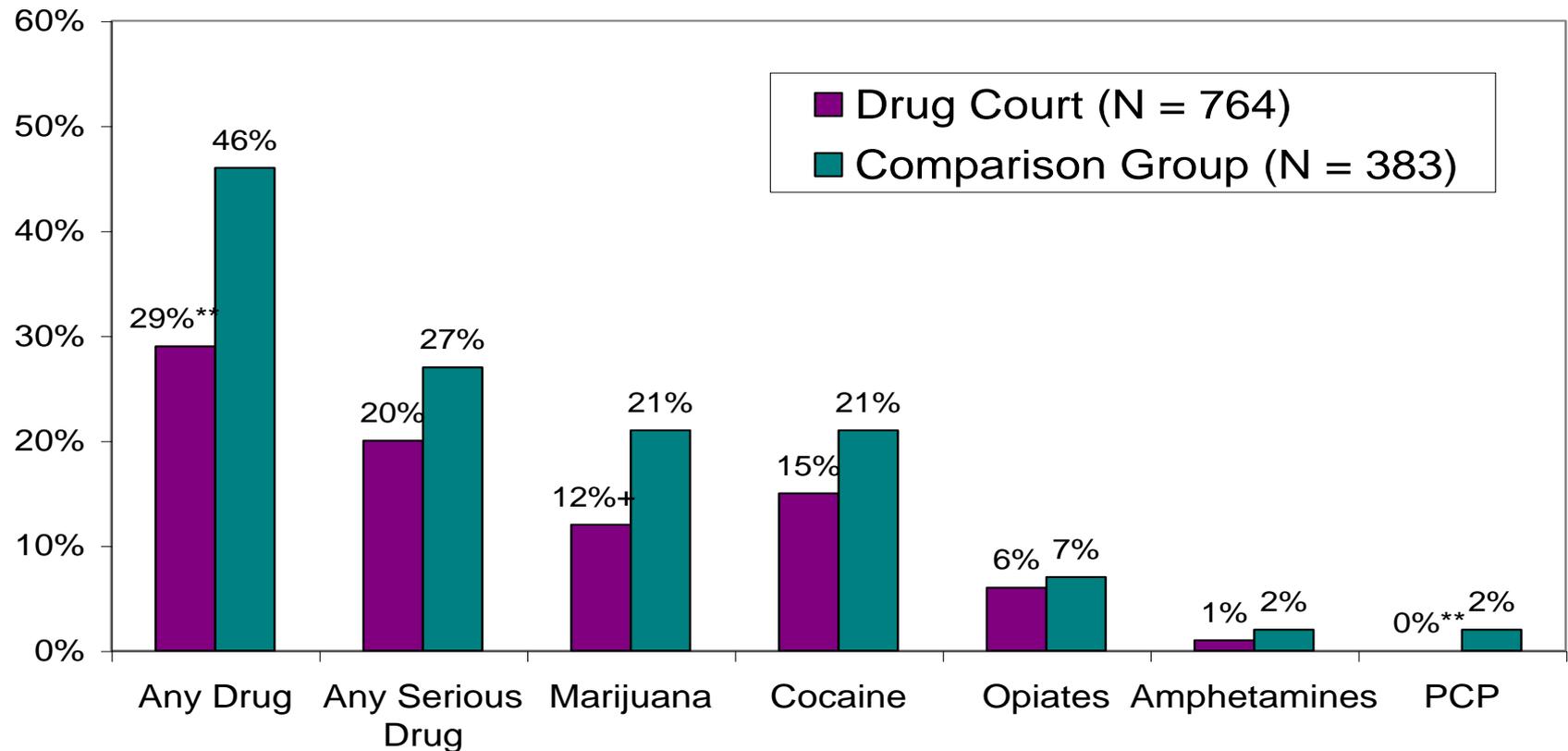


+ p < .10 * p < .05 ** p < .01 *** p < .001

Note: Measures are reported use of eight drugs: alcohol, marijuana, cocaine, heroin, amphetamines, hallucinogens, prescription drugs (illegal use), and methadone (illegal use). "Serious" drugs omit marijuana and light alcohol use (less than four drinks per day for women and less than five for men).

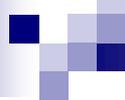
MADCE Drug Use Results #2

Drug Test Results at 18 Months



+ p < .10 * p < .05 ** p < .01 *** p < .001

Note: Serious drug use is defined to include any of the listed drugs except marijuana.

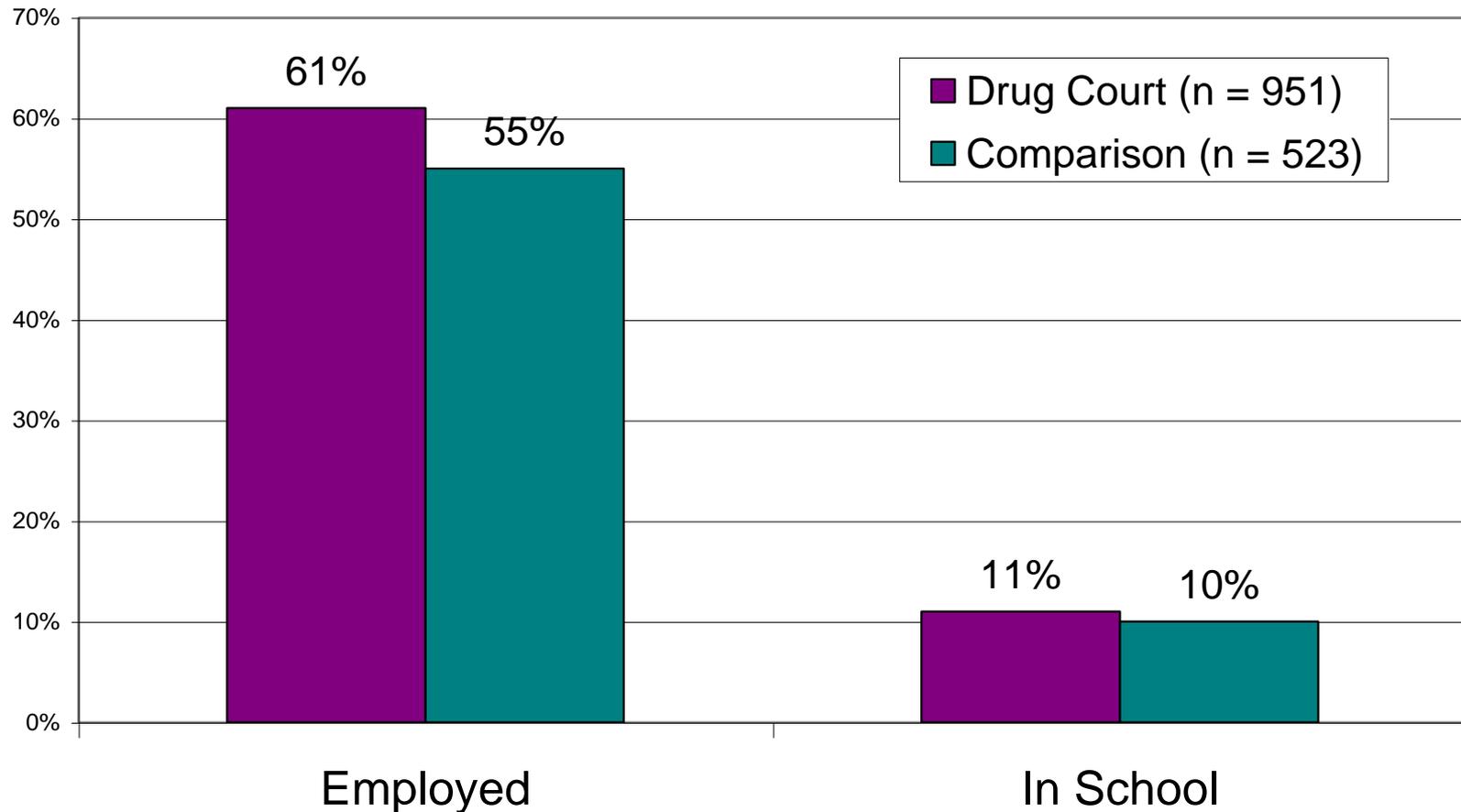


Other Psychosocial Outcomes

- **Socioeconomic Well-Being**
- **Mental Health (besides substance disorders)**
- **Family Support**

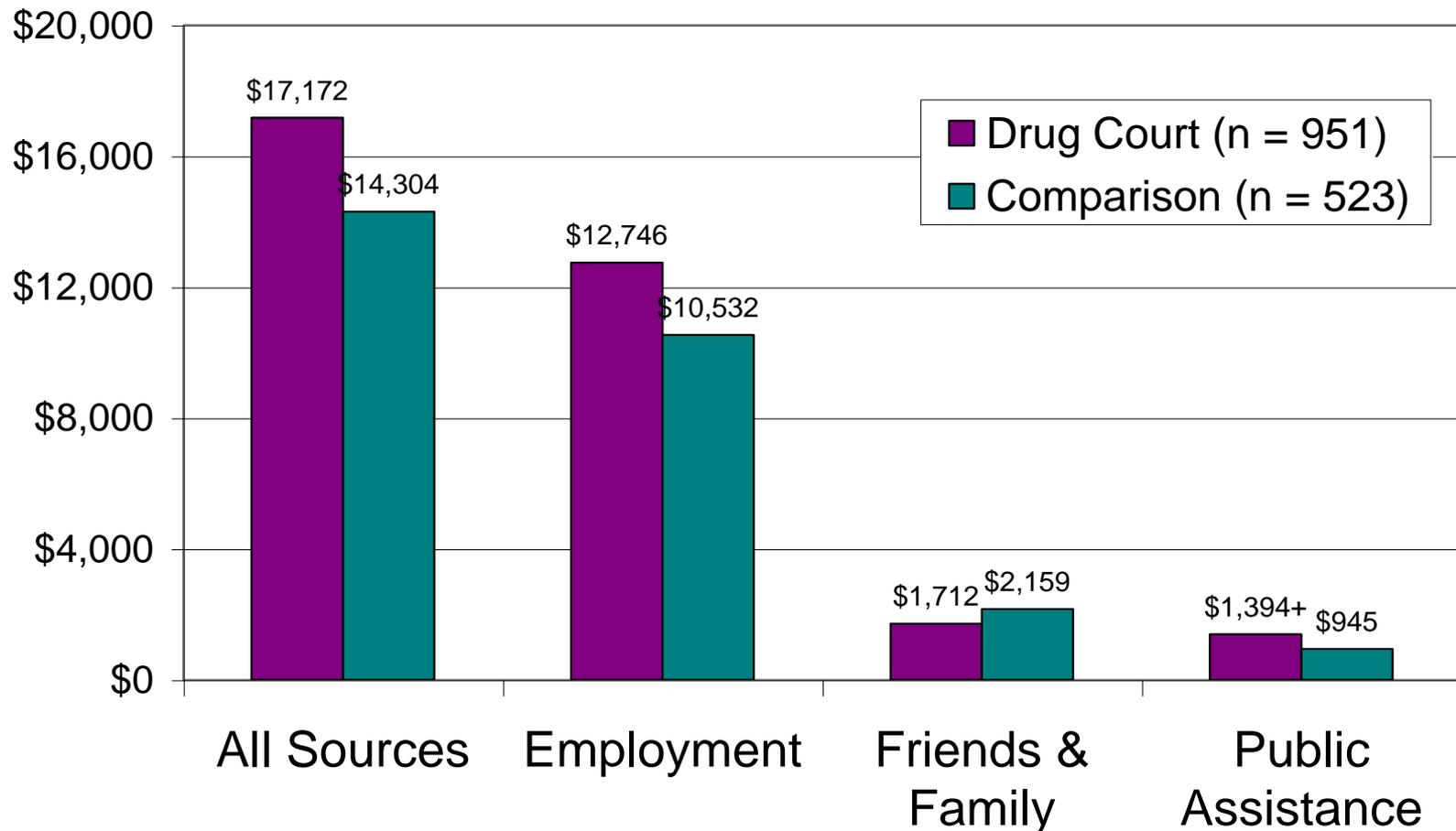
SES #1: Employment & School

Employment and School Status at 18 Months



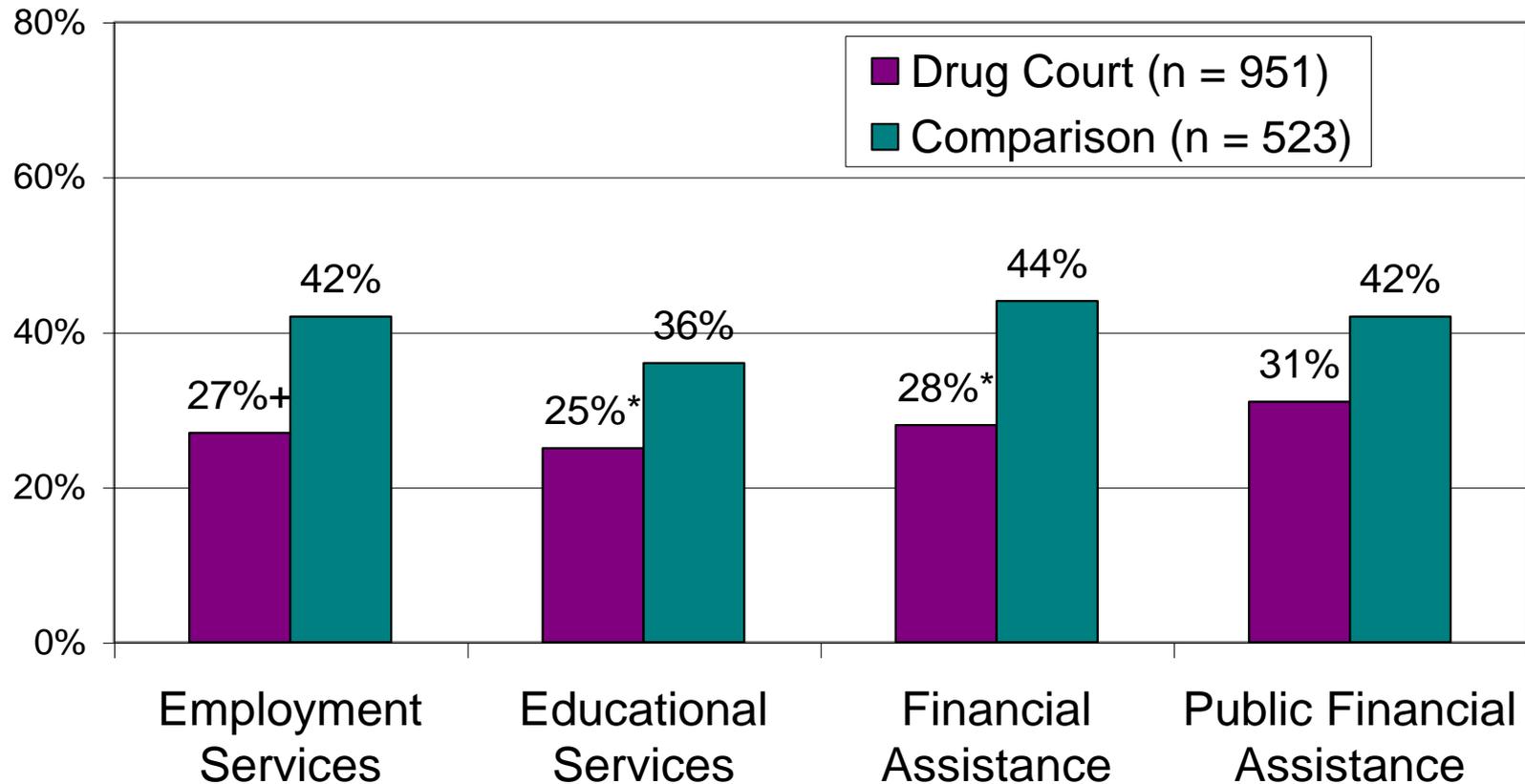
SES #2: Income

Annual Income at 18 Months



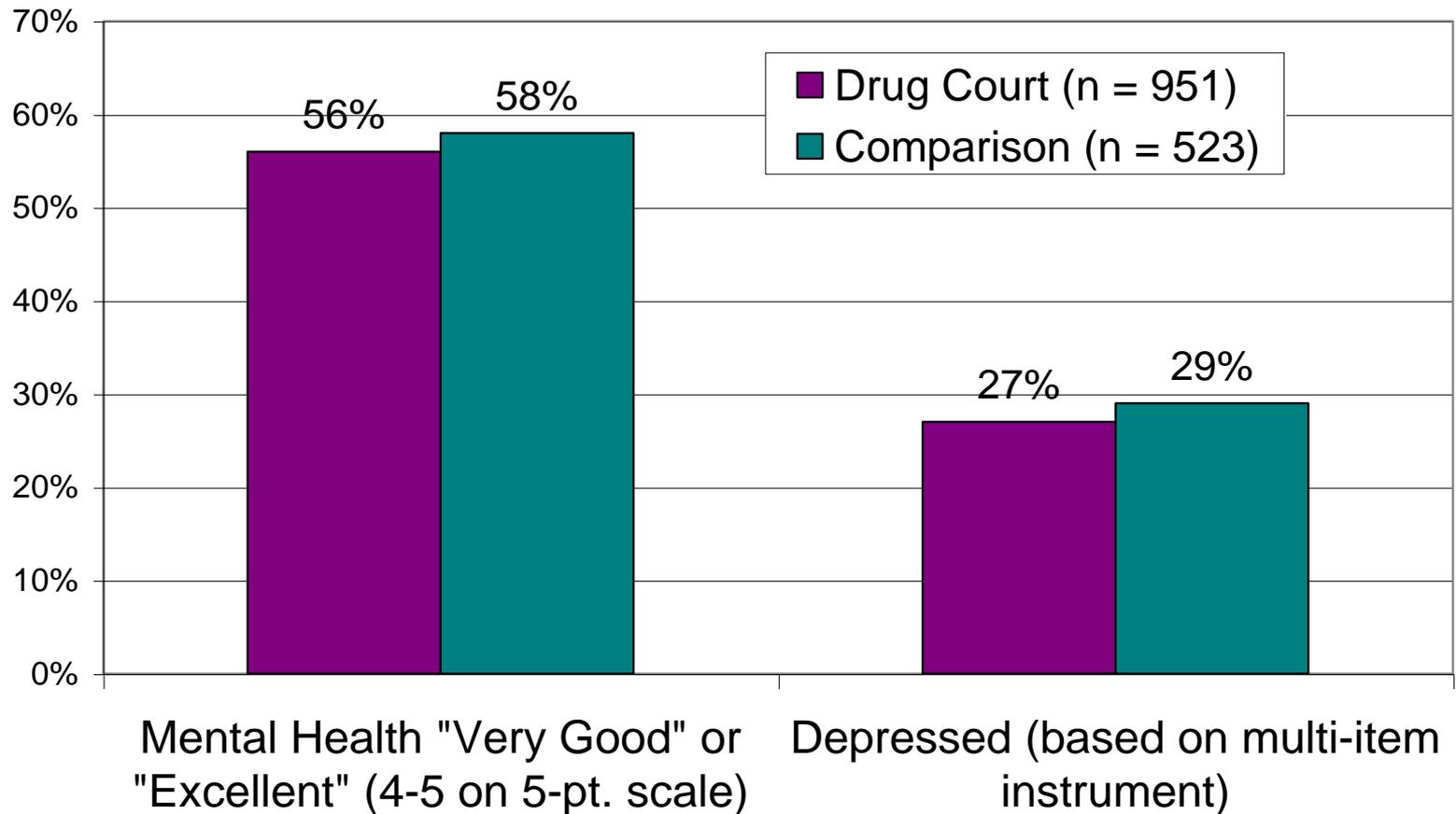
SES #3: Service Needs

**Service Needs at 18 Months:
(In the Past Year, Did the Offender Want or Need...)**



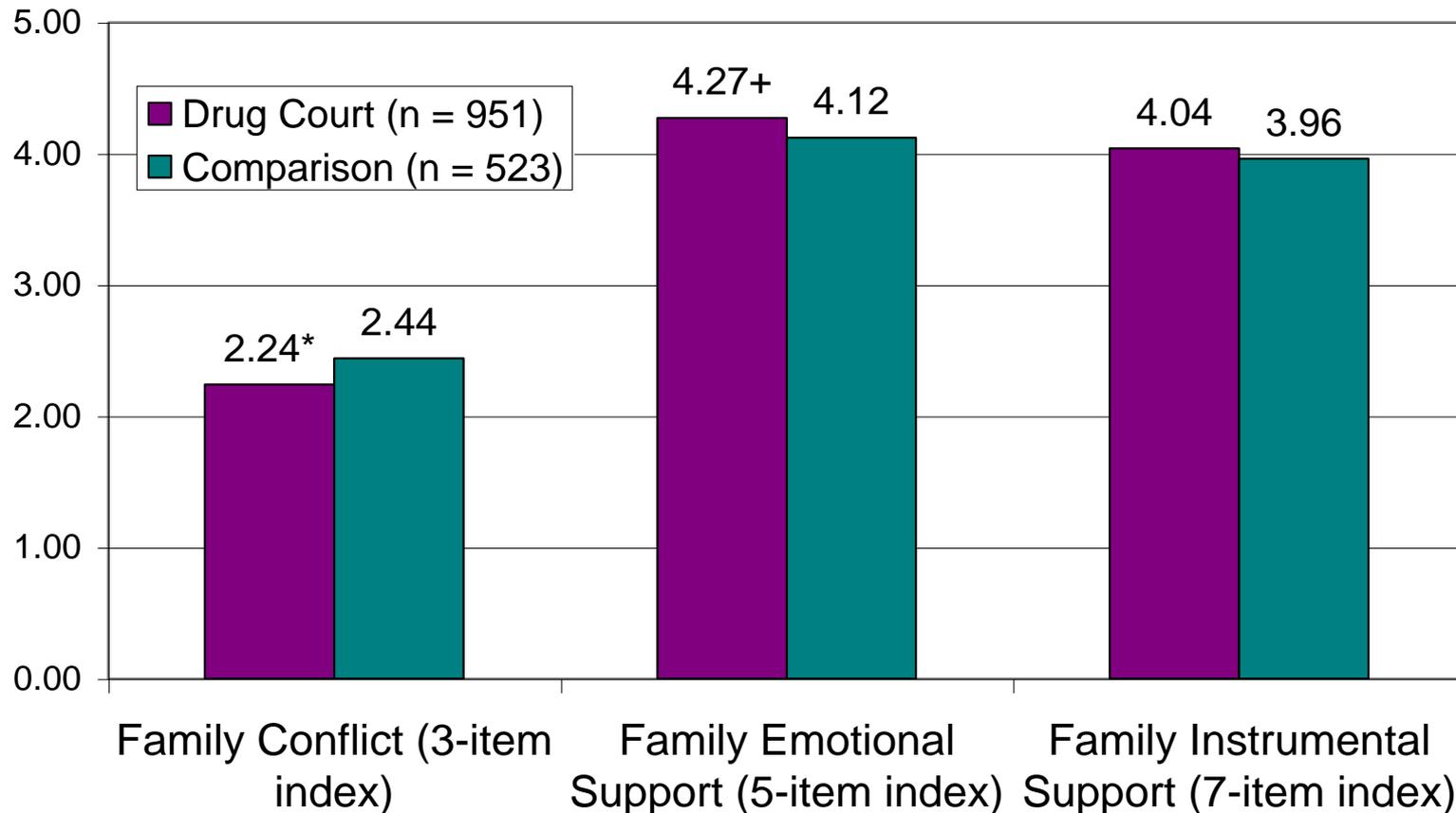
MADCE: Mental Health

Mental Health at 18 Months



MADCE: Family Support

Family Relationships at 18 Months (1-5 Scales)



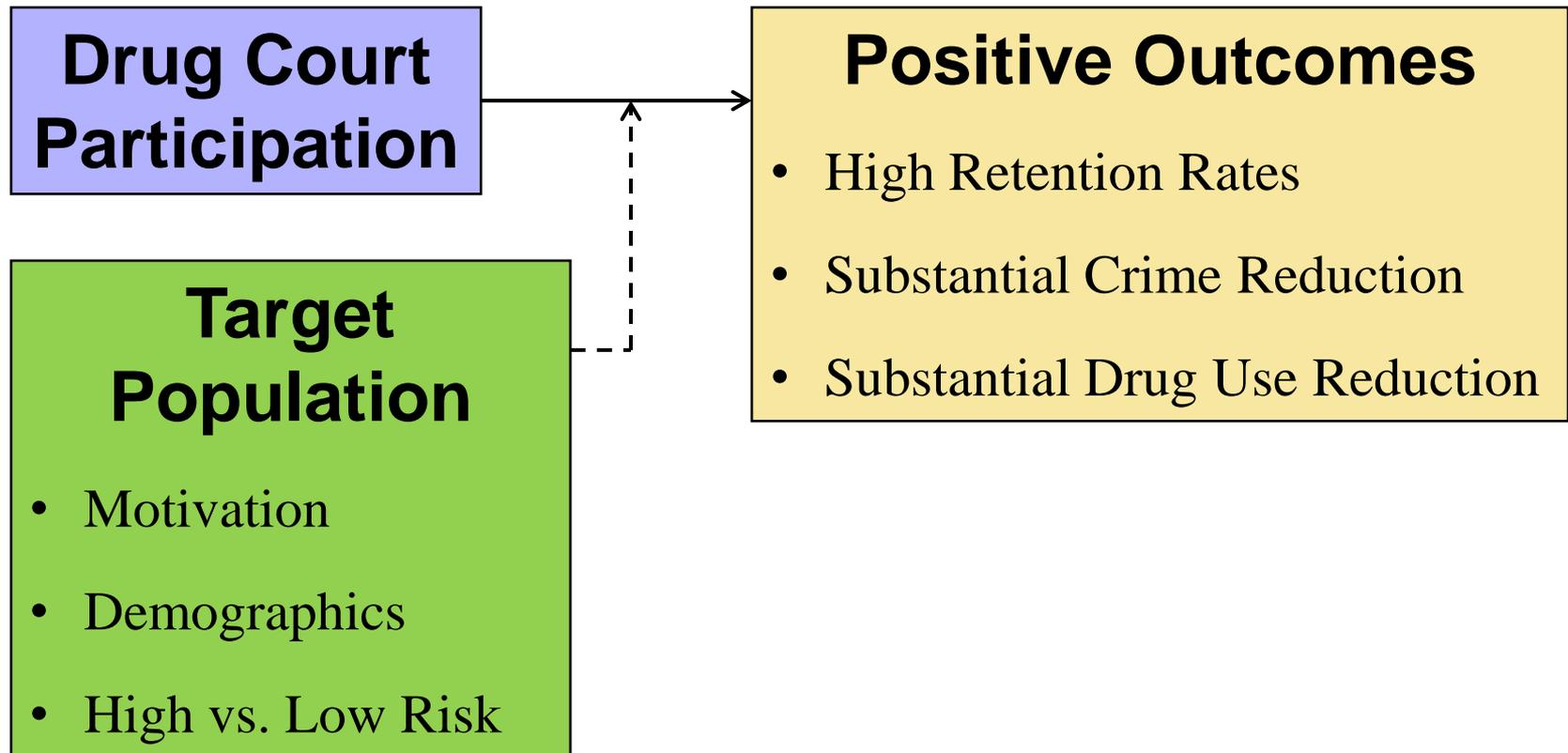
Cost Savings for Taxpayers

- **Consistent Cost Savings:** e.g., California, Maryland, Washington, Portland (OR), and St. Louis (MO)
- **Washington State:** Six sites: \$3,892 saved per participant in the five sites that reduced recidivism (Barnoski and Aos 2003)
- **California:** Nine sites: \$5,139 saved per participant in the median site across all nine (Carey et al. 2005)
- **MADCE:** 23 sites: \$5,680 saved per participant across the pooled 23-site sample (vs. the 6 comparison sites)
- **Essential Story:** Greater investments up front, followed by lower recidivism rates (and attendant savings)

MADCE: Cost Savings

	Hierarchical Results (over the full follow-up)		
	Treatment	Control	Net Benefits
Social Productivity	\$20,355	\$18,361	\$1,994
Criminal Justice	- \$4,869	- \$5,863	\$994
Crime/Victimization	- \$6,665	- \$18,231	\$11,566**
Service Use	- \$15,326	- \$7,191	- \$8,135**
Financial Support	- \$4,579	- \$3,744	- \$835
Total	- \$11,206	- \$16,886	\$5,680

Part 2. For Whom Do Drug Courts Work?



The Risk Principle

■ Vary intervention by offender risk.

- High Risk: Target for most intensive treatment (e.g., 200+ hours according to Latessa 2011)
- Low Risk: Treatment can be counter-productive; at minimum, less intensive intervention is indicated, e.g., fewer days of treatment, less frequent judicial status hearings, etc. (see Andrews and Bonta 2006)

Who is “High Risk”?

- **The “Big Four” Criminogenic Risks/Needs:**
 1. History of Criminal Behavior (static/cannot be changed)
Greater number and variety of prior criminal acts; onset at young age
 2. Antisocial Personality (largely static)
“Impulsive, adventurous, pleasure-seeking ... restlessly aggressive, callous disregard for others.” (Andrews and Bonta 2010)
 3. Criminal thinking (dynamic)
“Attitudes, values, beliefs, rationalizations, and a personal identity that is favorable to crime.” (Andrews and Bonta 2010)
 4. Antisocial peers (dynamic)
Pro-criminal friends; relative isolation from pro-social others.

What is Criminal Thinking?

- **The Concept:** Thoughts and attitudes that dispose individuals to crime:
 - Negative views of the law and authority
 - External locus of control: E.g., One's actions cannot lead to mainstream success
 - Lack of empathy and sensitivity to others
 - Neutralization techniques: e.g., blaming the victim; blaming the "system"; minimizing harm
- **Treatment Models:** e.g., Thinking for a Change (T4C), Moral Reconciliation Therapy (MRT), Reasoning and Rehabilitation (R&R), and Interactive Journaling

Who is “High Risk”?

- **The “Big Four” Criminogenic Risks/Needs:**
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 4. Antisocial peers (dynamic)
Pro-criminal friends; relative isolation from pro-social others.

Who is “High Risk? (*continued*)

■ Other “Big Eight” Criminogenic Risks/Needs:

5. Family or marital problems (partly static)
6. School or work problems (dynamic)
7. Lack of pro-social leisure/recreation activities (dynamic)
8. Substance abuse (dynamic)

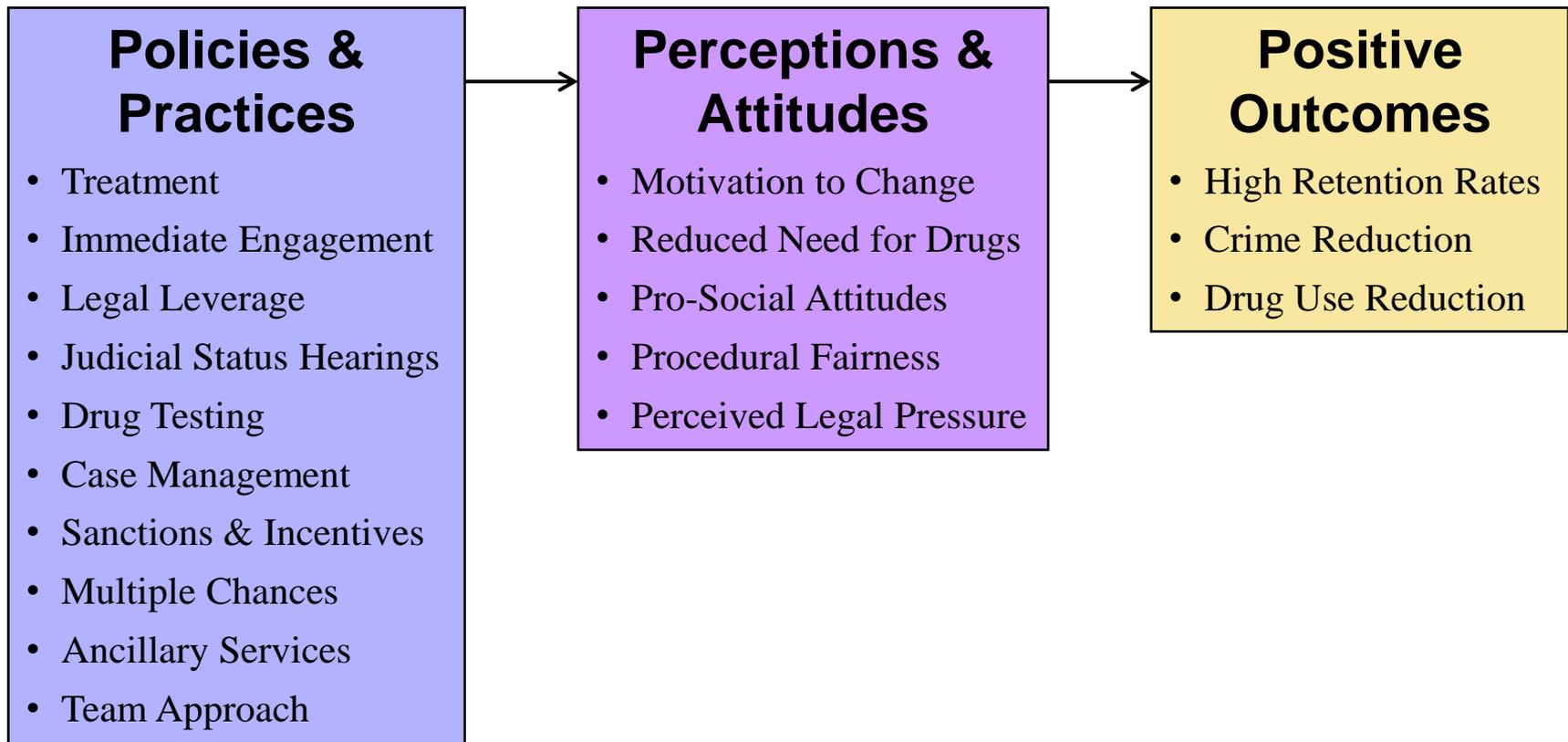
■ Non-Criminogenic Needs

- * Low self-esteem, depression, bipolar disorder, anxiety, lack of parenting skills, or medical needs (dynamic)
- * Assess for: (a) ethical reasons and (b) because if unmet, they can interfere with the efficacy of treatment for criminogenic needs

Key MADCE Findings

- **Motivation:** No impact (of baseline motivation)
- **Age and Sex:** No impact
- **Risk Level:** Greater impacts for high-risk
 - MADCE:
 - More days of drug use at baseline
 - Prior violent convictions
 - Los Angeles: Criminal history & community ties

Part 3. Why Do Drug Courts Work?





Core Theories of Change

- **Community-Based Treatment**
- **Deterrence:**
 - Drug testing
 - Judicial status hearings
 - Legal leverage (threat of jail or prison for failing)
 - Interim sanctions and incentives
- **Procedural Justice/Role of the Judge**
- **Collaboration**

Treatment: Principles

■ Risk-Needs-Responsivity (RNR) Principles:

1. Risk Principle: *Vary treatment intensity by risk level.*
 - HIGH-RISK: Target for intensive treatment
 - LOW-RISK: Treatment can be counter-productive; use less intensive intervention: e.g., fewer days of treatment, less frequent judicial status hearings.
2. Need Principle: *Assess and target criminogenic needs for treatment (i.e., needs that relate to the Big Eight)*
3. Responsivity Principle: *Provide cognitive-behavioral therapy (CBT) but tailor it to the learning style, motivation and other attributes of the offender*

Treatment Modalities

- **Medication-Assisted Treatment (MAT):** May help to reduce withdrawal symptoms (e.g., for heroin dependence)
- **Cognitive-Behavioral Therapy:**
 - Addresses thinking errors that can trigger crime or drug use (e.g., external locus of control, sense of hopelessness, victimization by the “system,” negative views of the law, etc.)
 - Seeks to replace impulsive reactions with rational decision-making
 - Can be adapted to sub-populations with particular diagnoses, needs, and learning styles (women, men, adolescents, young adults, etc.)

Is Treatment Working?

■ Treatment: Yes (with major caveats)

- Treatment retention too low without court oversight
- Most treatment programs:
 - Have inadequate staff training and high turnover
 - Are not manualized
 - Lack CBT: e.g., < 10 minutes of CBT per session; too much time on education and aftercare (Taxman and Bouffard 2003)
- *Note:* Even CBT effects are weaker with (see Lipsey et al. 2007):
 - Inadequate staff training
 - Inadequate fidelity monitoring
 - Low-risk offenders

Is Treatment Working? (*cont.*)

■ Treatment: Yes (with major caveats)

- Most drug courts: Do not follow RNR principles:
 - Do not use systematic risk-needs assessment
 - Do not vary treatment intensity by risk/need level
 - Do not address multiple criminogenic needs: e.g., do not focus on criminal thinking in particular

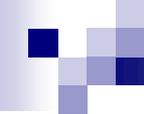
Public Safety Canada Review

■ Methodology:

- Rated drug court evaluations on quality of methodology and selected 25 strong studies
- Rated all 25 drug courts on adherence to the three RNR principles (based on review of program descriptions)

■ Findings:

- Drug courts that followed RNR principles produced greater recidivism reductions than drug courts that didn't
- Only 13 of 25 drug courts followed one RNR principle, and only 1 of 25 followed two principles



Core Theories of Change

- **Treatment:**

- **Deterrence:**

- Drug testing: Yes

- Judicial status hearings: Yes

Judicial Supervision: Results

- More judicial status hearings lead to reduced crime and drug use (e.g., Gottfredson et al. 2007; Marlowe et al. 2003)
- “High risk” participants (anti-social personality and/or previous failed treatment) benefit most (Marlowe et al. 2003)

Core Theories of Change

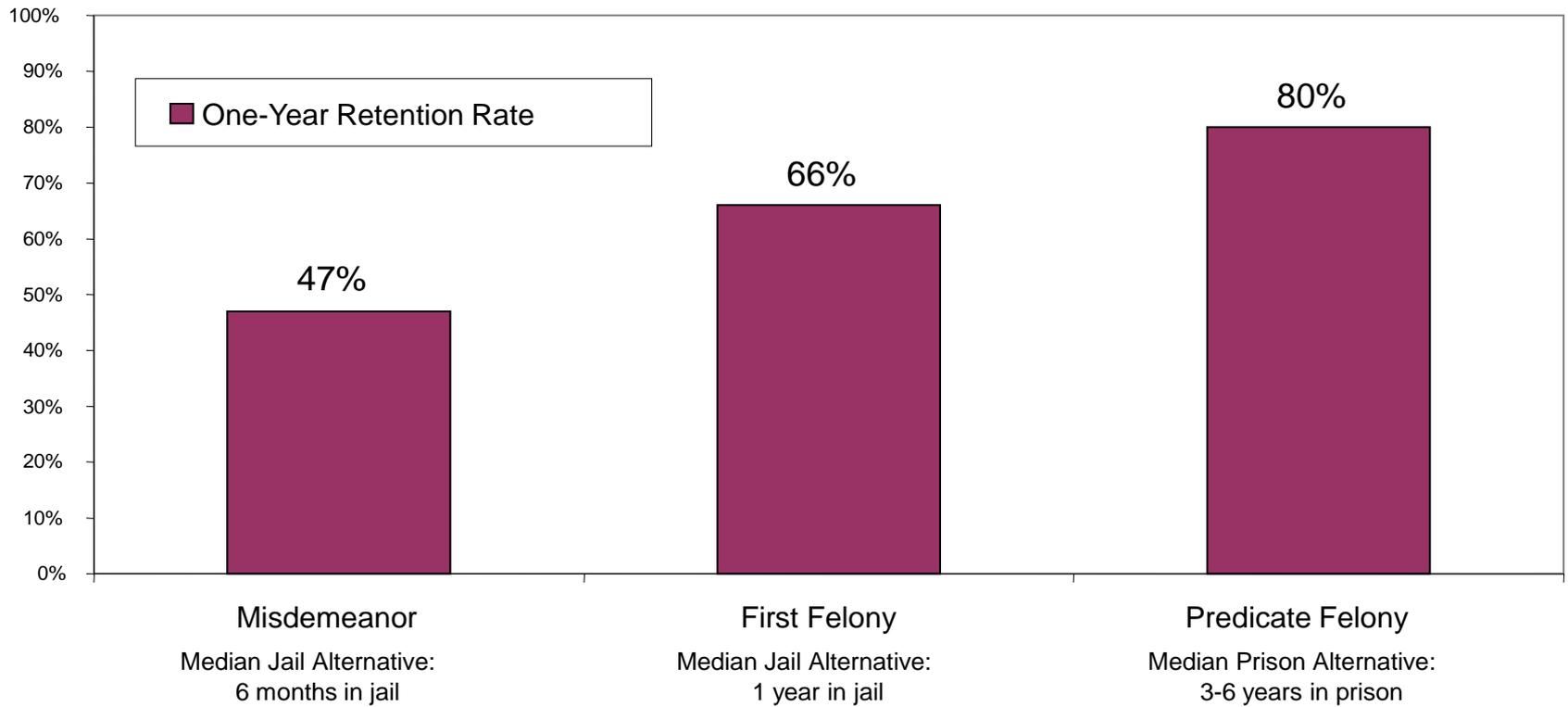
■ Treatment:

■ Deterrence:

- Judicial status hearings
- Drug testing
- Legal leverage (threat of jail or prison for failing): Yes
 - *General*: Extensive prior literature that greater leverage improves outcomes (e.g., Anglin et al. 1989; DeLeon 1988; Hiller et al. 1998)
 - *MADCE*: Participants who deemed consequences of program failure “extremely undesirable” engaged in less crime and drug use
 - *Other research*: support for the impact of leverage in drug courts (Rempel and DeStefano 2001; Young and Belenko 2002)

Legal Leverage

Impact of Legal Coercion on Retention (The Brooklyn Treatment Court, N = 2,184)



Source: Rempel and DeStefano (2001).

Legal Leverage: Perceptions

■ Information:

- Number of criminal justice agents (CJAs) who explained program rules*
- Number of CJAs who explained consequences of failure to the client*
- Number of times client made promises to CJAs to complete treatment*

■ Monitoring:

- A CJA would learn within a week if client absconded from the program*
- Number of CJAs who would learn if client absconded from the program**

■ Enforcement:

- Client expects warrant to be issued if absconds from the program**
- Client expects to be caught in a month or less of leaving treatment*

■ Severity:

- CJA told client s/he will serve severe penalty for absconding or failing*
- Length of time client expects to serve in jail/prison for program failure**

Core Theories of Change

■ Treatment:

■ Deterrence:

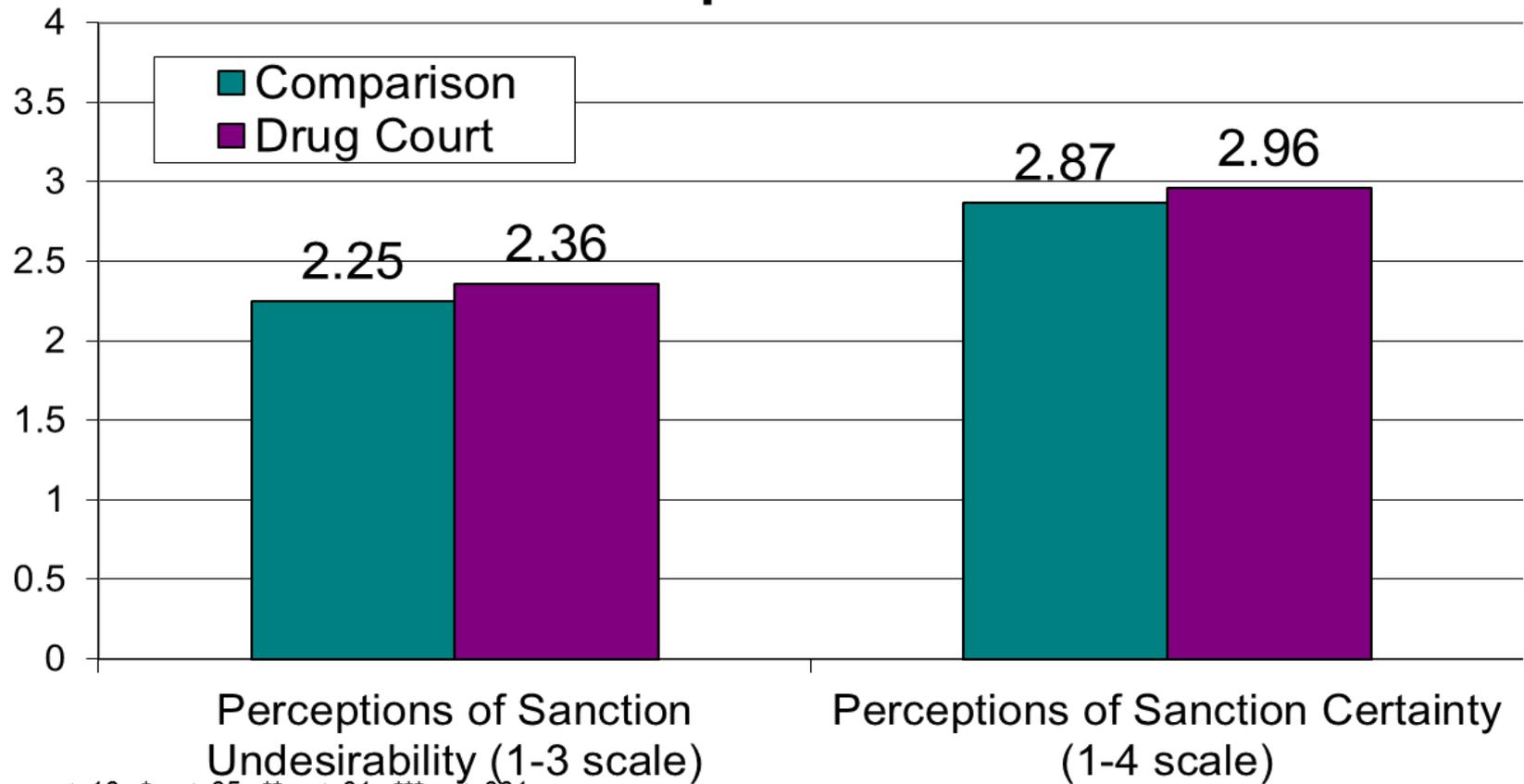
- Judicial status hearings
- Drug testing
- Legal leverage (threat of jail or prison for failing)
- Interim sanctions and incentives: *Not clear*

Sanctions

- **Best Practices** (e.g., Marlowe and Kirby 1999; Taxman et al. 1991):
 - Certainty: sanction for every infraction
 - Celerity: Impose soon after the infraction
 - Severity: sufficiently serious to deter future misconduct
- **Caveat**: Most drug courts do *not* apply best sanctioning practices (e.g., Marlowe 2004; Kralstein and Lindquist 2011; Rempel et al. 2003)

Perceived Threat of Sanctions

Offender Perceptions of Interim Sanctions



+ n < .10 * n < .05 ** n < .01 *** n < .001

Core Theories of Change

■ Treatment

■ Deterrence:

- Judicial status hearings
- Drug testing
- Legal leverage (threat of jail or prison for failing)
- Interim sanctions and incentives

■ Procedural Justice/Role of the Judge

A Simple Definition

- **Procedural justice** concerns the perceived fairness of court procedures and interpersonal treatment while a case is processed.

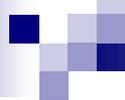
As contrasted with:

- **Distributive justice** concerns the perceived fairness of the final outcome (i.e., whether the litigant “won” or “lost”)

Role of Procedural Justice

■ Dimensions (e.g., see Tyler 1990):

- Voice: Litigants' side is heard.
 - Respect: Litigants are treated with dignity and respect.
 - Neutrality: Decision-making is unbiased and trustworthy.
 - Understanding: Litigants comprehend court language and decisions.
-
- Helpfulness: Court shows interest in litigants' needs



Procedural Justice: Examples

■ Voice:

- You felt you had the opportunity to express your views in the court.
- People in the court spoke up on your behalf.

■ Respect:

- You felt pushed around in the court case by people with more power.
- You feel that you were treated with respect in the court.

■ Neutrality:

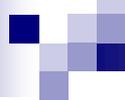
- All sides had a fair chance to bring out the facts in court.
- You were disadvantaged...because of your age, income, sex, race...

■ Understanding (highest rated area in MADCE study)

- You understood what was going on in the court.
- You understood...your rights were during the processing of the case.

Procedural Justice Findings

- **Compliance:** Perceived procedural justice can increase compliance with court orders and reduce illegal behavior (e.g., Lind et al. 1993; Paternoster et al. 1997; Tyler and Huo 2002)
- **Procedural Vs. Distributive:** Perceived procedural justice is more influential than perceptions of the outcome (win or lose) (see Tyler 1990; Tyler and Huo 2002)
- **Baltimore Study:** Shows positive procedural justice effect on crime and drug use (Gottfredson et al. 2009)
- **Role of the Judge:** Greatest influence on overall perceptions (Abuwala and Farole 2008; Curtis et al. 2011; Frazer 2006)



Measuring Impact of the Judge

The Judge:

- Is knowledgeable about your case
- Knows you by name
- Helps you to succeed
- Emphasizes the importance of drug and alcohol treatment
- Is intimidating or unapproachable
- Remembers your situations and needs from hearing to hearing
- Gives you a chance to tell your side of the story
- Can be trusted to treat you fairly
- Treats you with respect

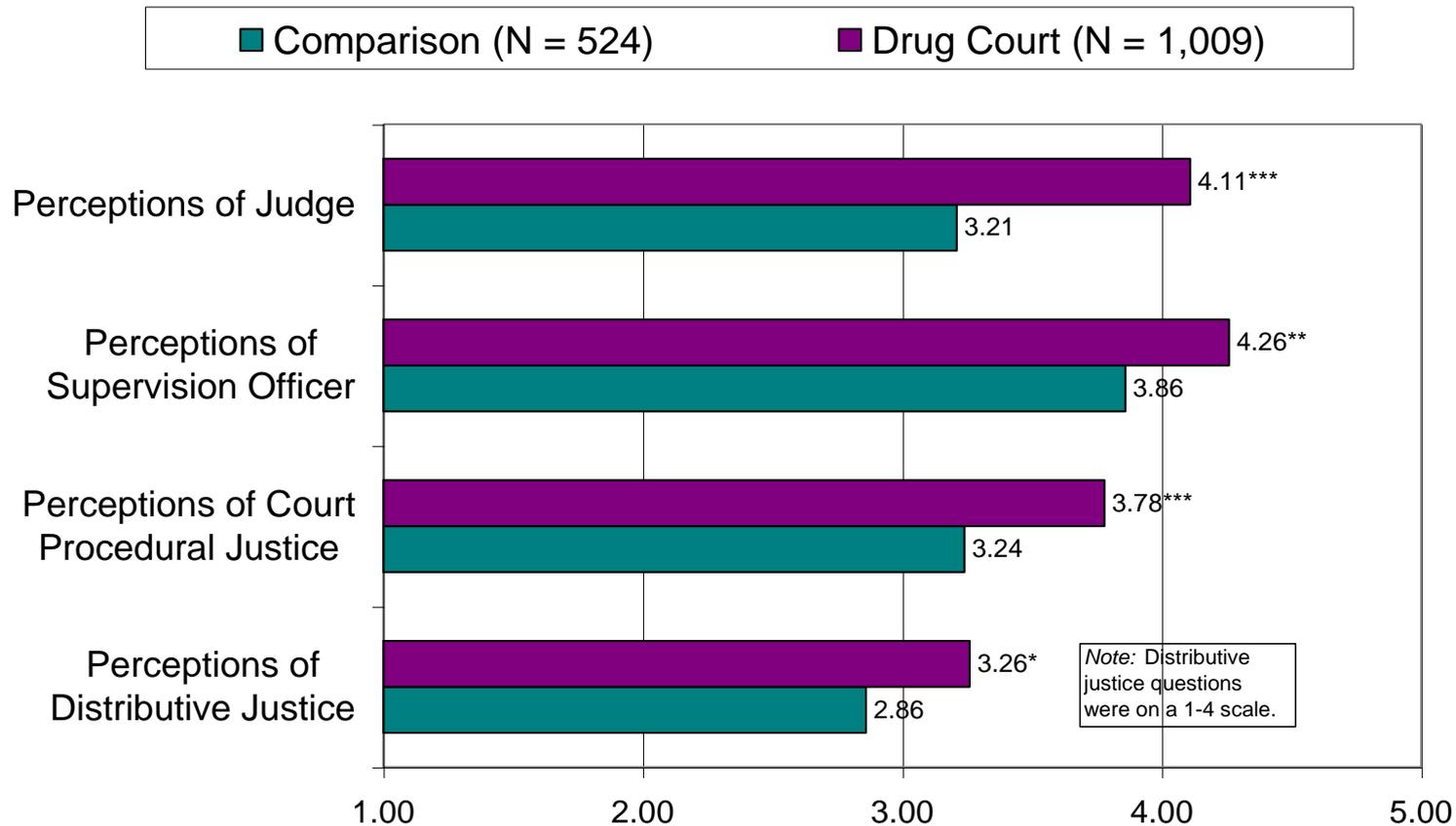
Role of the Judge: Results

■ MADCE:

- Perceived by offenders: Perceptions of the judge were the strongest predictor of reduced drug use and crime
- Observed by researchers: Drug courts whose judges were rated as more *respectful, fair, attentive, enthusiastic, consistent, caring, and knowledgeable* produced greater reductions in drug use and crime

MADCE Findings

Offender Perceptions of Fairness



* $p < .05$ ** $p < .01$ *** $p < .001$

Source: The Multi-Site Adult Drug Court Evaluation (MADCE), see Rossman et al. (2011).



Core Theories of Change

■ Treatment

■ Deterrence:

- Judicial status hearings
- Drug testing
- Legal leverage (threat of jail or prison for failing)
- Interim sanctions and incentives

■ Procedural Justice/Role of the Judge

■ Collaboration

Collaboration in Drug Courts

■ Collaboration Practices:

- Reduced adversarial approach in the courtroom
- Weekly staffings and consensus decision-making

■ Relevant Research

- Justice programs are better implemented with strong interagency collaboration (Farole, 2003; Lindquist et al. 2004; Swaner and Kohn 2011)
- One multi-site drug court study links involvement of treatment providers, law enforcement, and defense attorneys with greater recidivism reductions (Carey et al. 2012)

Take Home Messages

- **Adult drug courts reduce crime and drug use**
- **High-risk offenders may benefit most**
- **Judicial oversight is critical, especially:**
 - ✓ Procedural justice/role of the judge
 - ✓ Drug testing
 - ✓ Legal leverage (threat of jail/prison for noncompliance)
 - ✓ Collaboration
 - ☒ Vs. Interim sanctions, whose effects remain unclear
- **Treatment:** Most effective with risk-needs assessment, targeting multiple needs, and evidence-based treatment

Further Practice Implications

■ Screening and Eligibility

- Since drug courts work, improve screening protocols to identify and enroll more participants (less than 4% of eligible arrestees nationwide now enroll: 55,000 per year of an estimated 1.5 million eligible, Bhati et al. 2008)
- Consider broadening eligibility to higher-risk offenders, possibly to violent offenders with substance disorders
- Avoid exclusions based on demographics or perceptions about motivation or interest at baseline

Practice Implications

■ Assessment and Treatment Matching

- Validated Assessment: Consider assessing all participants with an instrument designed to capture the “Big Eight” (e.g., LSI-R, COMPAS, ORAS, RANT, TCU short drug screen or criminal thinking screen).
- Treatment Matching:
 - Consider varying program intensity (treatment, drug testing, judicial status hearings, etc.) by risk level
 - Consider programs for criminal thinking, dealing with anti-social peers, and other criminogenic needs
 - Target multiple criminogenic needs (3+)

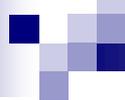
Practice Implications

■ The Role of the Judge

- Hold frequent judicial status hearings
- Train judges on best practices regarding judicial demeanor and how to communicate effectively with program participants.
- Consider increasing the frequency of status hearings for “high risk” participants in particular.

■ Legal Leverage

- Increase participant perceptions of the court’s leverage (ability to impose undesirable consequences for program failure).



Practice Implications

■ Conclusion

- Proceed with confidence that, on average, drug courts work as well as any criminal justice intervention and, from that starting point, can work even better.



The MADCE Team

■ The Urban Institute

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■ The Center for Court Innovation

Michael Rempel, Dana Kralstein, Mia Green, Kelli Henry, and Donald J. Farole, Jr.

■ RTI International

Christine H. Lindquist and Kristine Fahrney