The Impact of Drug Courts on Justice: Lessons from Studying Drug Courts

John Goldkamp

Contact: goldkamp@temple.edu

Temple University
Department of Criminal Justice

The Drug Court Innovation

- Drug court movement since 1989 (Miami)
- Currently 1262 operating drug courts and 575 in planning in the U.S.
- Spin-off innovation: problem-solving/good courts
  - Community courts
  - Domestic Violence courts
  - Mental Health Courts
  - Reentry Drug Courts
- Integrated into overall court systems in some states (no longer isolated special courts)

Implications for Justice and Role of Courts

- Traditional court v. social service institution of “last resort”
- The judicial role (therapeutic v. arbiter)
- Re-emergence of judicial discretion
- Courts and crime control
- Vehicle for deterrence or re-emergence of treatment
- Resources
- Geography and drug courts

Some Basic Issues for Research

- Do drug courts work (as crime prevention/reduction)?
- How do drug courts work (drug court model)?
- Methodology/design issues

Drug Court/Problem-Solving Court Research Studies

- Miami Drug Court
- Miami Domestic Violence Court
- Philadelphia Drug Court
- Participants' Perspectives (focus groups) in Miami, Las Vegas, Portland, Brooklyn, Seattle, San Bernardino, San Francisco
- Portland and Las Vegas Drug Courts
- Mental Health Courts (Seattle, Ft. Lauderdale, Anchorage, San Bernardino)
- Clark County Juvenile & Delinquency/Neglect Drug Court
- Hartford Community Court
- Rural Nevada Drug Courts
- Nevada Reentry Drug Court

Whether Drug Court's Work

General literature conclusion: *kind of…yes*

- The general literature, reviews, meta-analysis, GAO reports: mixed to slightly supportive

- Issues:
  - Research definition of drug court
  - Variation in courts
  - Method approach and rigor
  - Measuring outcomes

Key Questions: Illustrating with Portland and Las Vegas Findings

- Longitudinal study of two of the nation's pioneering and longest-lived drug courts
- In-depth data describing successive cohorts of drug court participants and comparison groups in
  - Las Vegas (1993-1997) and
  - Portland (1991-1997)
- Follow-up of one, two, & three years

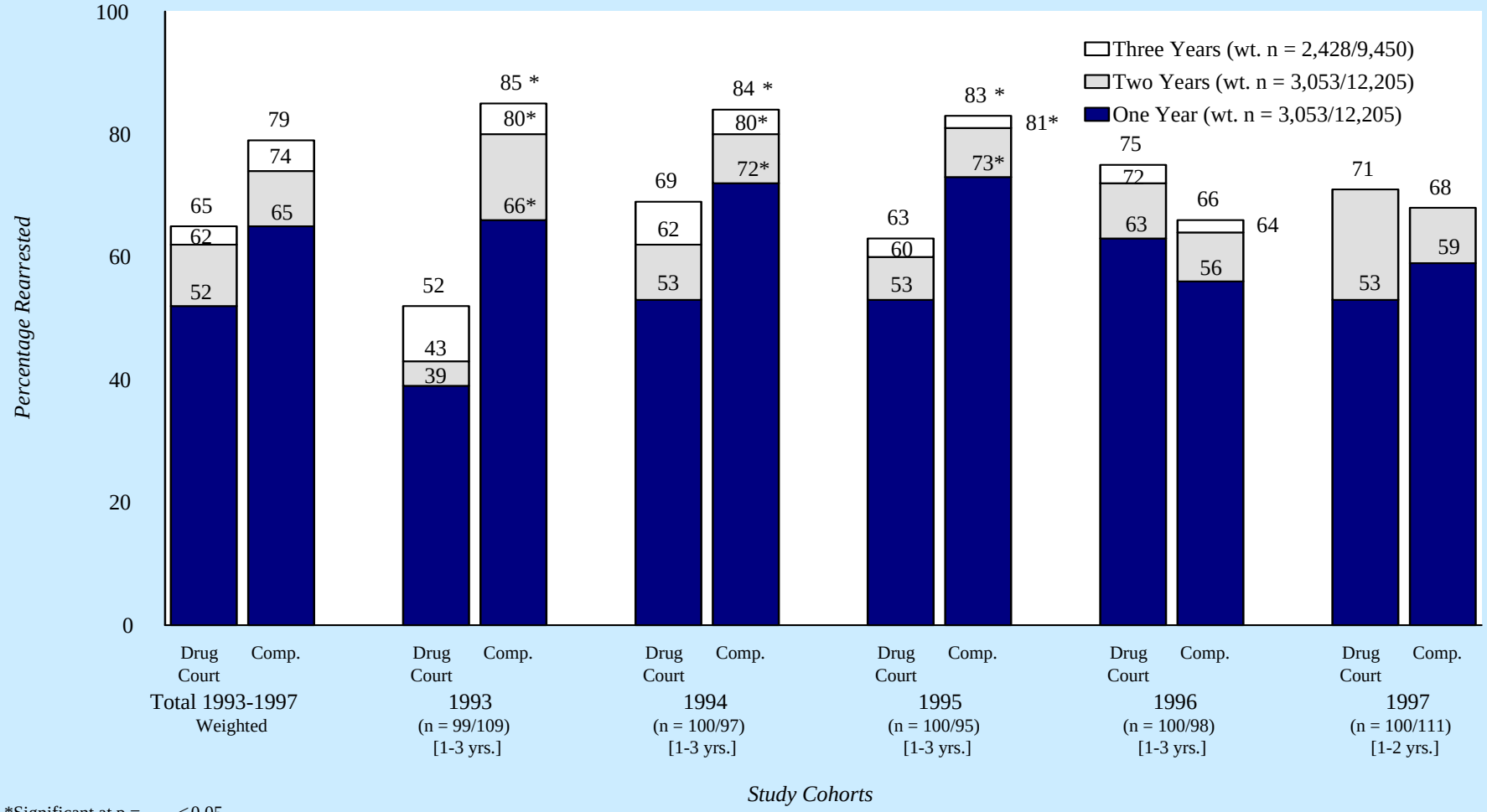
Whether Drug Courts Work: Portland Las Vegas Findings

- Overall, general level: favorable effects
- Drug courts enrolled large portions of eligible defendants
- Lower rearrest rates during follow-up among drug court participants than non-participants
- Longer participation in treatment among drug court participants than comparisons
- Lower fugitive rates for drug court participants

Whether Drug Courts Work (II): But Questions Raised

- Favorable outcomes (rearrest, length of participation, graduation) varied:
  - Within a single jurisdiction by year
  - By court
  - By type of participant (participant “risk”)
- The importance of the methodology and design:
  - Field experiment or cross-sectional v. longitudinal and multi-jurisdictional
  - External validation

Figure 4 Clark County (Las Vegas): (Any) Rearrest of Drug Court Participants and Comparison Group over One, Two, and Three Years



*Significant at p = ≤0.05

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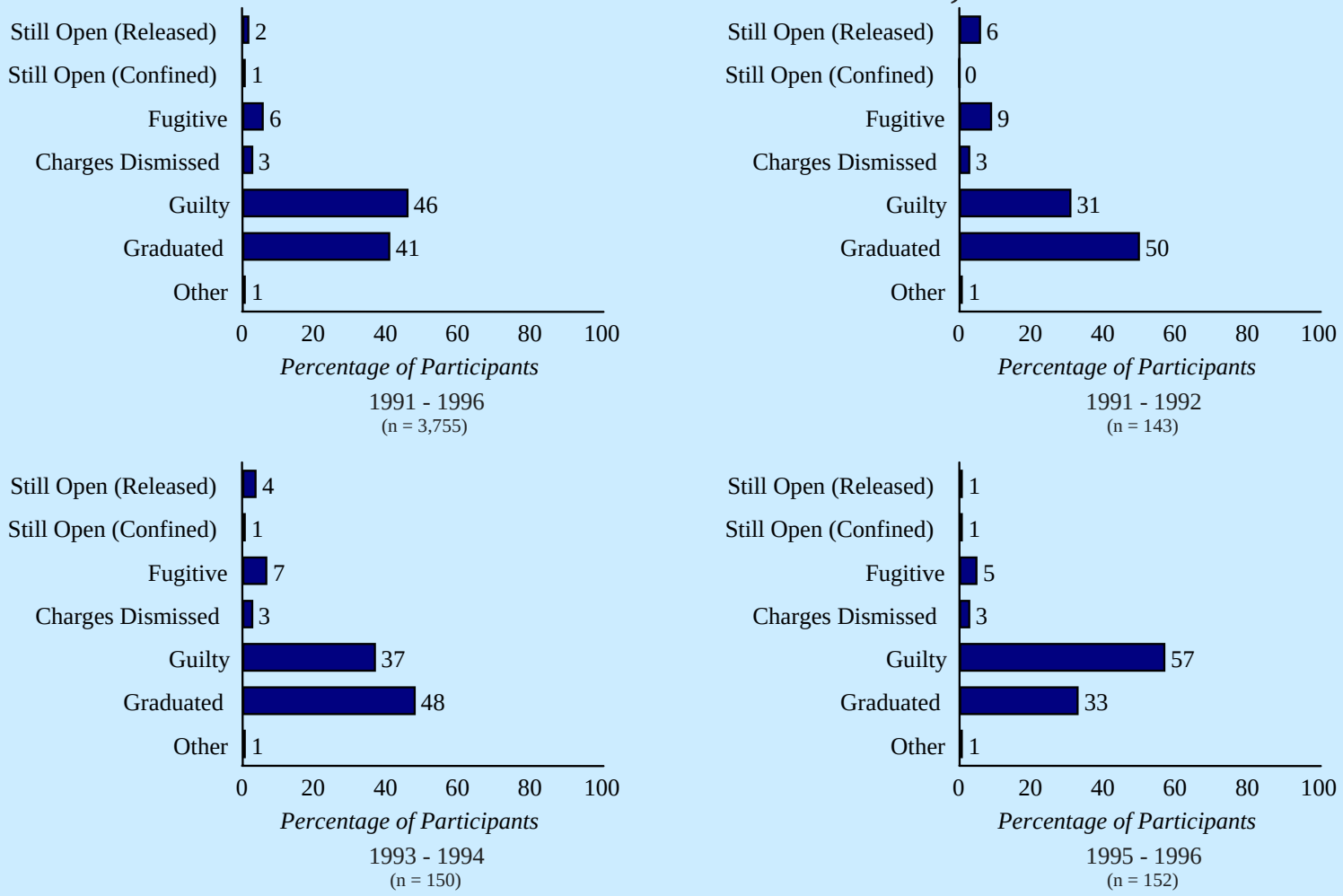
Status of Cases among Multnomah County Drug Court Participants at the End of a Two-Year Observation Period, 1991-1996



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How Do Drug Courts "Work"? Explaining Variation in Outcomes

- Need to understand how effect is produced
- Factors "internal" to drug court:
  - ***A Drug Court Model***
- Factors internal to larger courts but external to drug courts
- Outside factors and forces

Figure 97 Measuring Offender Attributes, Drug Court Treatment Elements and Drug Court Outcomes with Overall Outcomes in a Model Explaining Offender Behavior (Model 6)

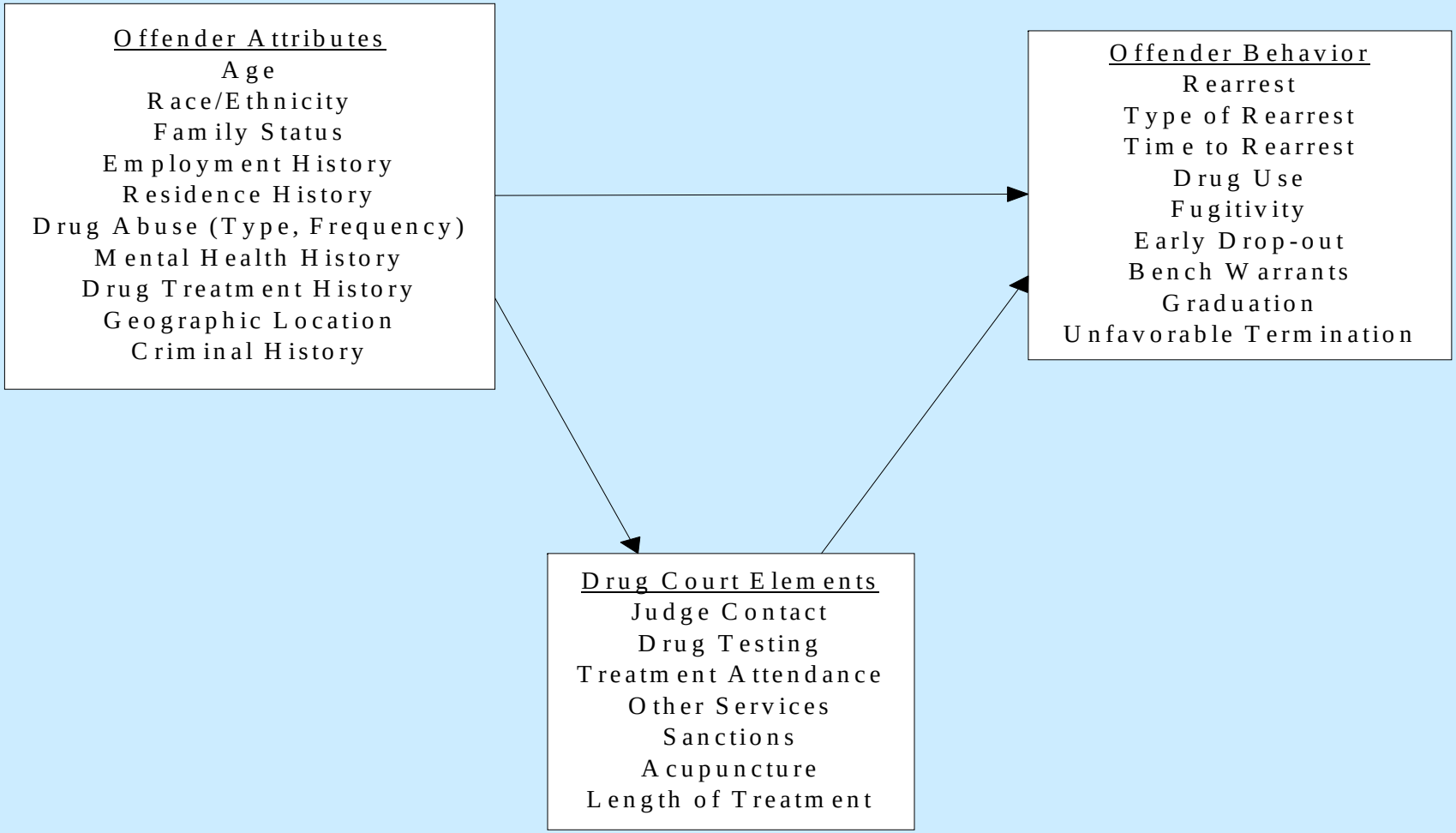

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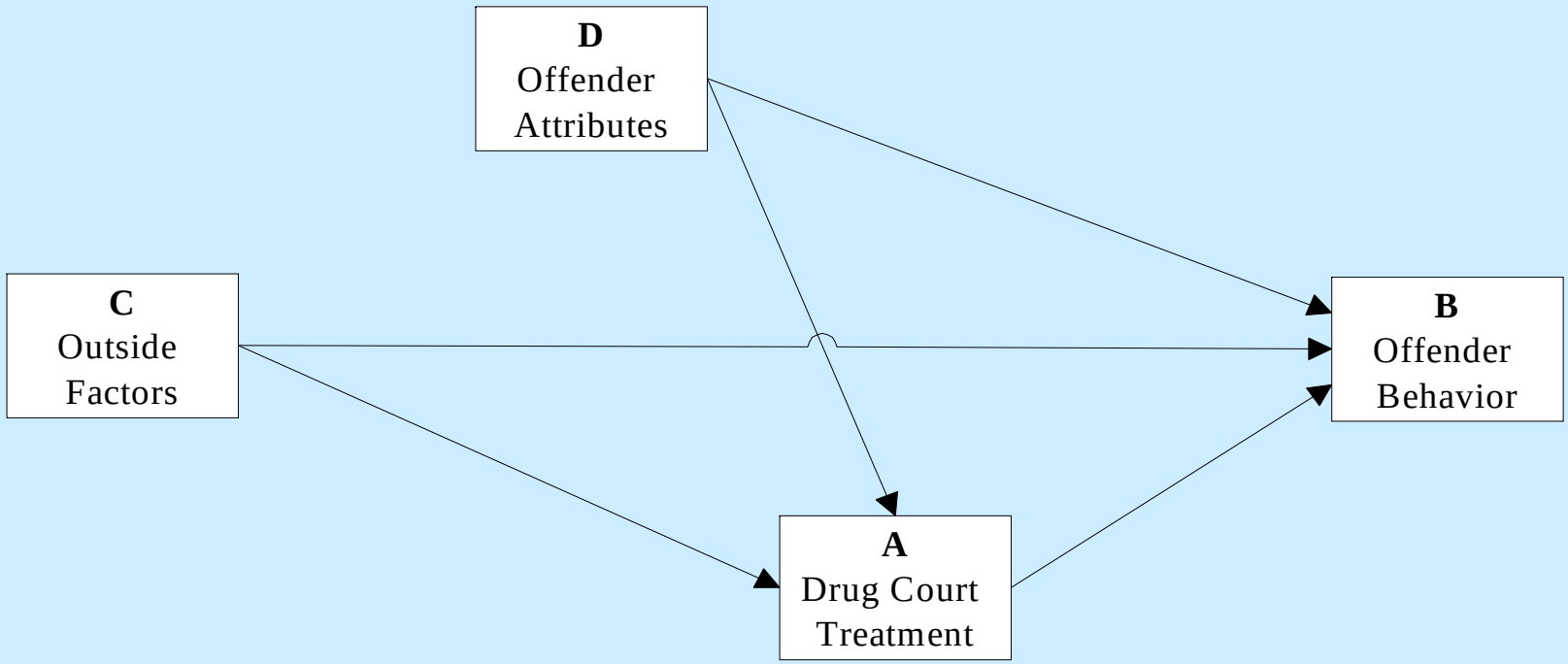
Figure 94 Offender Attributes and Outside Factors Shape Drug Court Outcomes and Offender Behavior (Model 4)



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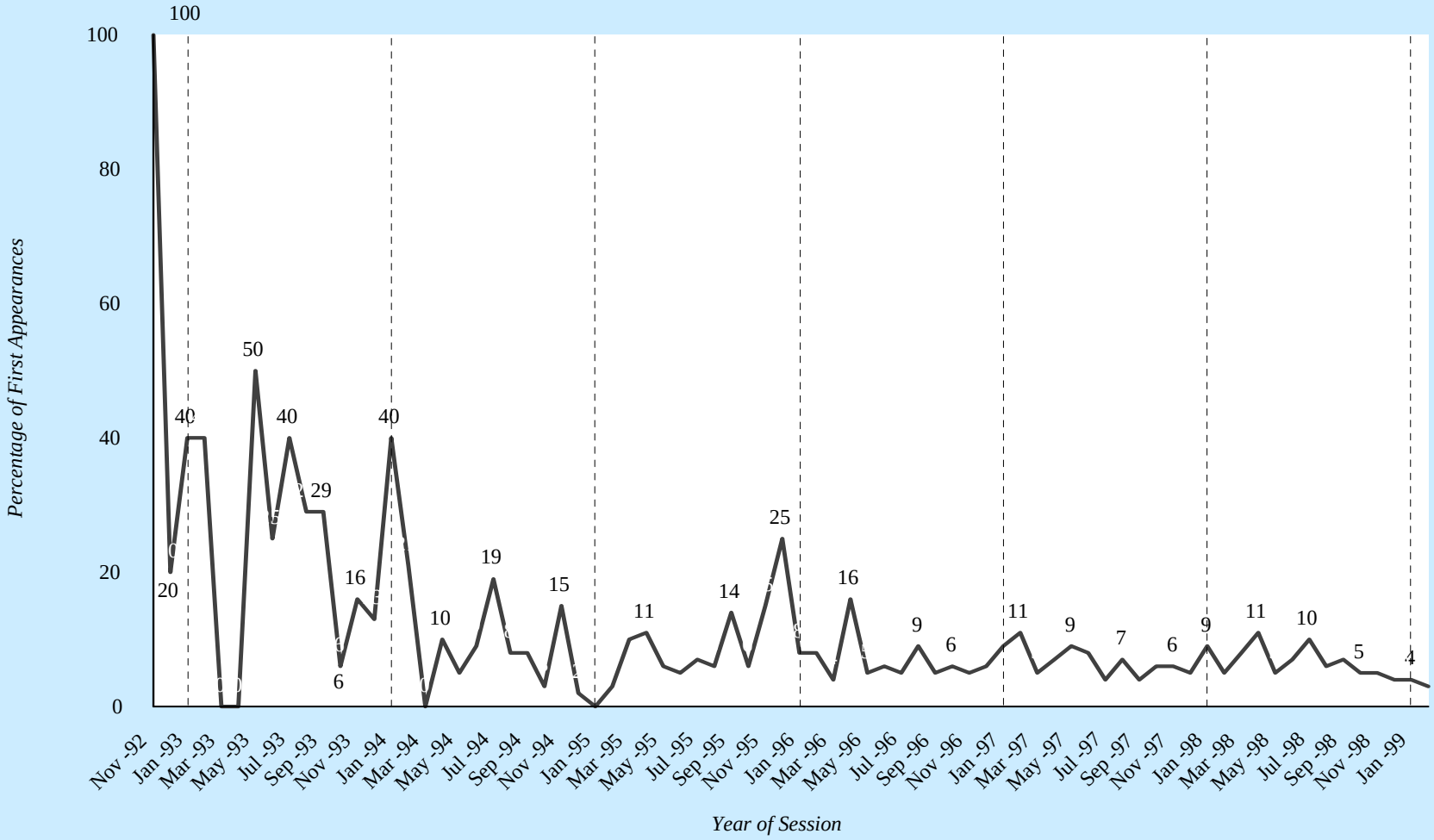
Factors Explaining Variation in Outcomes

- Court factors:
  - Judge role, judicial assignment, contacts
  - Content of drug court workload (new vs. continuing)
  - Prosecutor policy (plea v. diversion)
  - Change in tolerance for non-compliance/non-performance of participants
- Other/external factors:
  - Jail crowding emergency orders
  - Change in drug law (less punitive)
  - Change in behavioral health care public funding law
  - Geography/neighborhood within locality

Court Factors Example: the “Recycling” of the Drug Court Caseload

As volume of drug court cases grows, the ratio of non status (“new”) case appearances to status reviews (returning) case appearances shrinks dramatically to about 1 to 10 in last years studied

Percentage of First Appearances among Total Weekly Session Business in the Clark County Drug Court, November 1992 to February 1999



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“Judge Effects” on Outcomes

- The “dedicated judge effect” confounded by the length in the program and historical effects
- The longer the time seeing a single judge, the lower the chances for unsuccessful termination
- The more judges seen per 100 days in the program, the greater the probability of unsuccessful termination

Drug Court Model Elements Analysis: What accounts for Drug Court "Effect" after Controlling for Participant Risk?

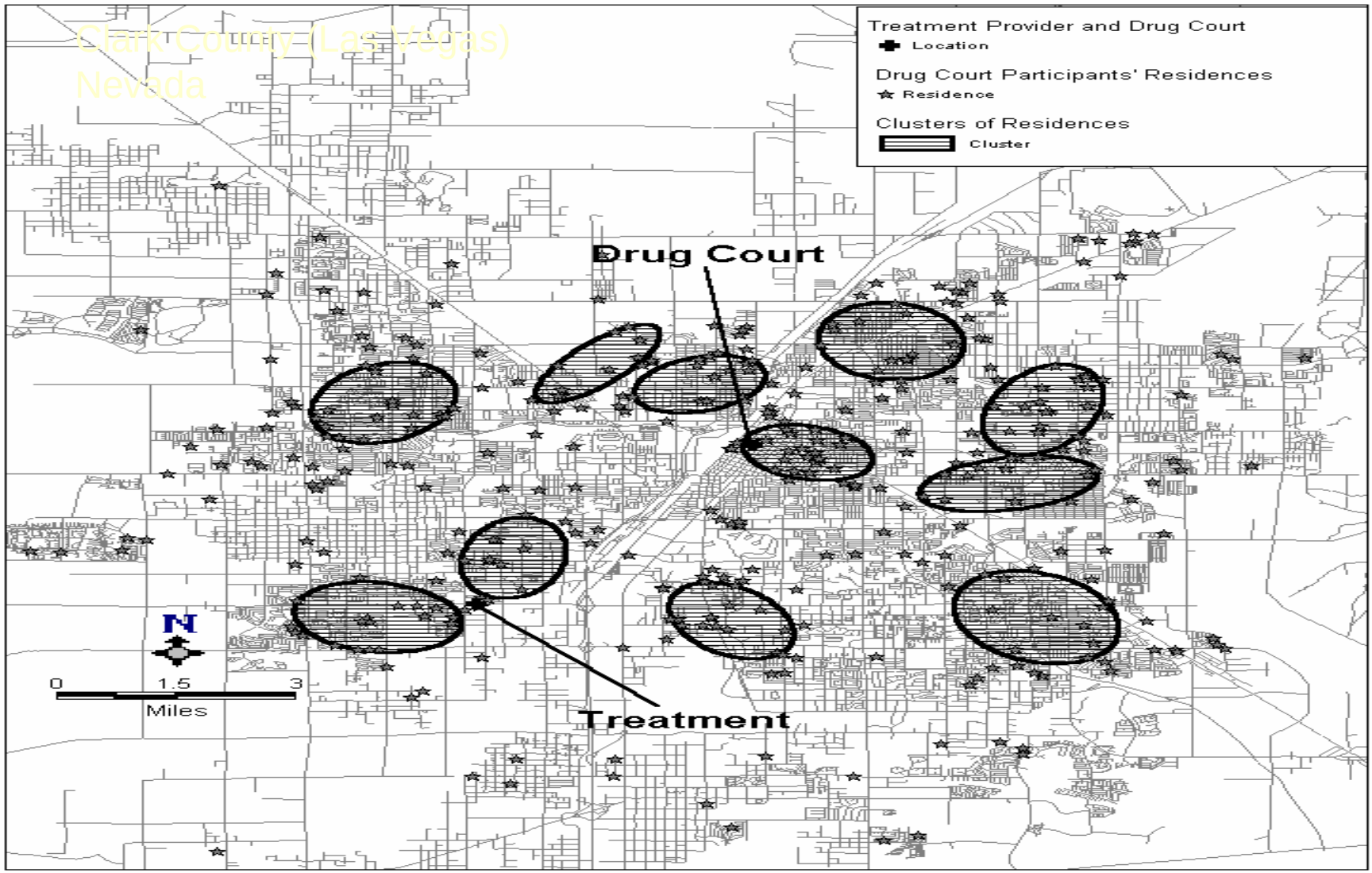
- Dependent Variables: Reoffending, Successful Completion
- Elements Examined:
  - Drug Court Judge, In Court Appearances, Use of Sanctions (and Jail), Treatment, Acupuncture, Drug Testing (multiple measures of each)
- Multnomah County (Portland)
  - Use of Jail Sanction (no other)
- Clark County (Las Vegas)
  - Treatment, Sanctioning, Attendance at Drug Court sessions
- Risk measures always significant predictors of outcomes in both sites

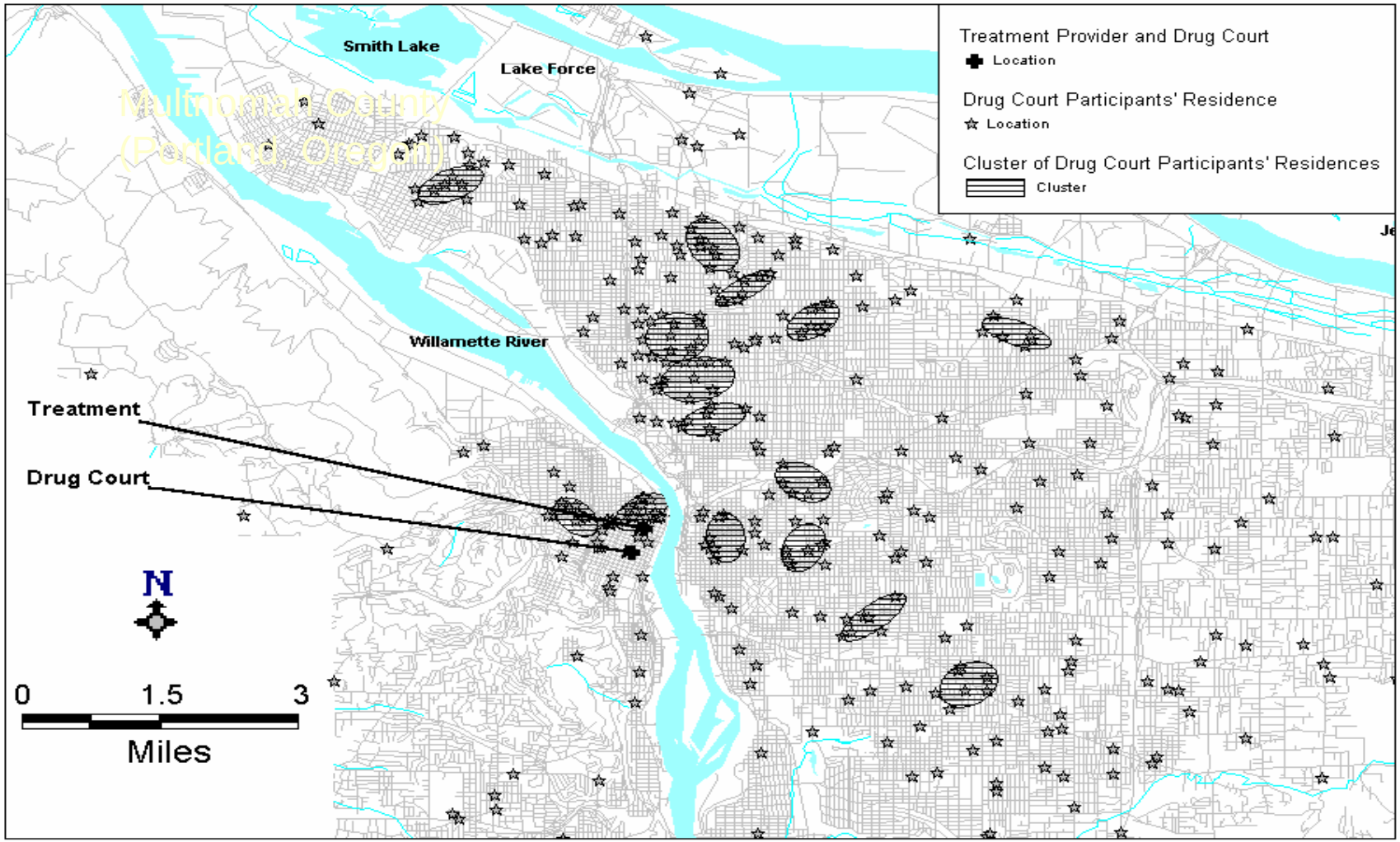
Understanding the "Drug Court Effect"

- Drug Court Model developed to examine the drug court effect and how it is produced
- Elements of the model come into play differentially, separately and in combination, over time and by location
- Overall, key elements of the model (judge, sanctions, treatment) are supported
- Elements of the model are affected by outside/contextual factors
- The findings are more or less confirmed by focus groups with drug court participants in six cities

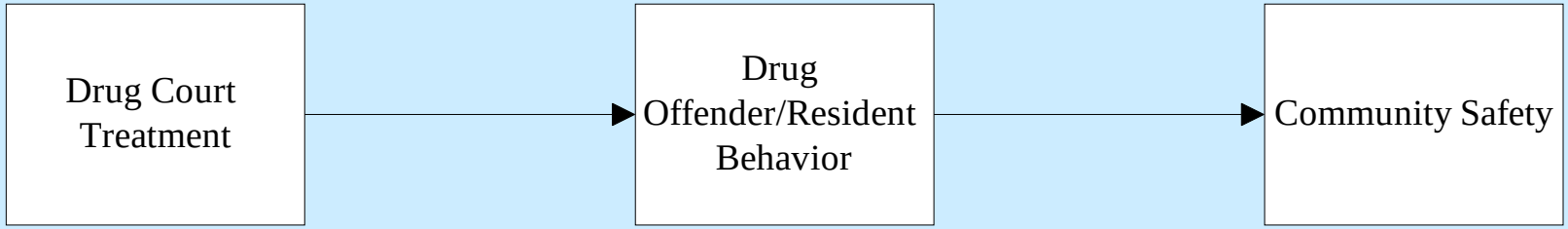
Some Implications: The Importance of Community Context for "Downtown" (and All) Drug Courts

- Drug courts disproportionately serve a small number of principal locations (neighborhoods)
- Drug courts have implications for neighborhood conditions
- Neighborhoods and geographic context have important implications for drug court effectiveness


Clark County (Las Vegas)
Nevada
Treatment Provider and Drug Court
Location
Drug Court Participants' Residences
Residence
Clusters of Residences
Cluster
Drug Court
Treatment
N
0
1.5
3
Miles

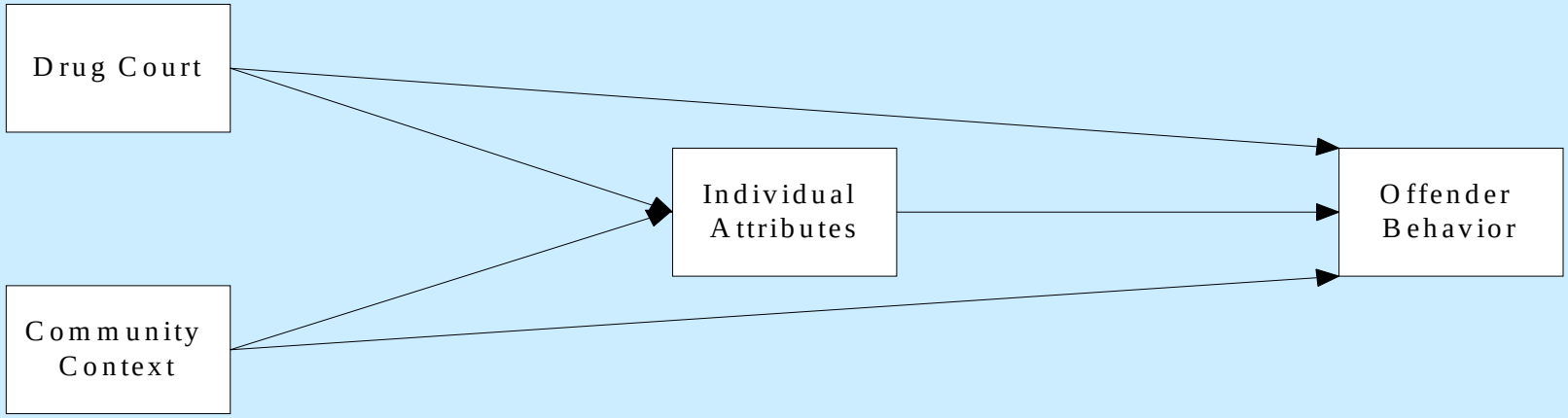

Treatment Provider and Drug Court
Location
Drug Court Participants' Residence
Location
Cluster of Drug Court Participants' Residences
Cluster
Smith Lake
Lake Force
Multnomah County
(Portland, Oregon)
Willamette River
Treatment
Drug Court
N
0
1.5
3
Miles

The Effect of Drug Courts on Neighborhoods



Drug court affects community safety through treating behavior of drug-involved residents.

Community Context as a Determinant of Drug Court Participant Performance



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Implications: Beyond "Whether Drug Courts Work"

- The importance of the larger court system and external environment context
- The role and function of the judge as a central factor in explaining outcomes
- The role of risk attributes of targeted individuals in explaining outcomes
- Neighborhood/community context as a factor affecting the court's effectiveness

Larger Implications

- The role of courts
  - Traditional adjudication v. “root causes” focus
  - How much change has drug courts really brought to courts?
    - Alternatives to adjudication
    - How informal, how efficient, how broad in scope
    - Role of empirical evidence in innovations
- The judicial role (discretion, training)
- Drug courts as crime control: treatment, deterrence, or combination

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