Top 10 Drug Court Best Practices and the National Best Practice Standards

Judge Stephen Manley
Shannon Carey, Ph.D.
December 2013

Overview

• The Research and Best Practices Standards
• Top 10 Best Practices for reducing recidivism
• The 5 Standards that have been Identified

What We Already Know

Recidivism
• Drug Courts reduce recidivism
• Recidivism is decreased up to 14 years after participation
• Average reduction is about 10-18%
• Some courts more than 70%
Variable Effects

- Decrease crime (78%)
- No effect on crime (16%)
- Increase crime (6%)

Most drug courts work

(Carey et al., 2012; Wilson et al., 2006; Lowenkamp et al., 2005; Shaffer, 2006)

Variable Effects

- Decrease crime (78%)
- No effect on crime (16%)
- Increase crime (6%)

Some don’t work

(Carey et al., 2012; Wilson et al., 2006; Lowenkamp et al., 2005; Shaffer, 2006)

Variable Effects

- Decrease crime (78%)
- No effect on crime (16%)
- Increase crime (6%)

Let's do the math:

2,734 drug courts (as of 6/30/12) 
\times .06 = 164 harmful drug courts!

(another 437 ineffective drug courts)

(Carey et al., 2012; Wilson et al., 2006; Lowenkamp et al., 2005; Shaffer, 2006)
What is Working?

• Looked at 101 drug courts around the nation (detailed process studies/10 KG)
• 69 included recidivism and cost evaluations
• In total, this study included 32,719 individuals (16,317 drug court participants and 16,402 comparison group members).

What are the best drug courts doing?

Found over 50 practices that were related to significantly lower recidivism or lower costs or both.

Drug Court Top 10

• Top 10 Best Practices for Reducing Recidivism
• Top 10 Best Practices for Reducing Cost (Increasing Cost Savings)
10. The results of program evaluations have led to modifications in drug court operations had 85% greater reductions in recidivism.
9. Drug Courts where Law Enforcement is a member of the drug court team had 88% greater reductions in recidivism

![Bar chart showing the comparison between Law Enforcement as a member of the drug court team and not as a member.]

**Standard:** Multidisciplinary team

---

8. Drug Courts that allow Non-Drug Charges had 95% greater reductions in recidivism

![Bar chart showing the comparison between programs that allow non-drug charges and those that do not.]

**Standard:** Target Population

---

Drug Court Top 10 *Recidivism*

8. Drug Courts that allow Non-Drug Charges had 95% greater reductions in recidivism

![Bar chart showing the comparison between programs that allow non-drug charges and those that do not.]

**Standard:** Target Population
Drug Court Top 10 *Recidivism*

10. The results of program evaluations have led to modifications in drug court operations
9. Law Enforcement is a member of the drug court team
8. Drug Court allows non-drug charges
7. A representative from treatment attends court sessions

7. Drug Courts Where a Treatment Representative Attends Court Hearings had 100% greater reductions in recidivism

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>38%</td>
<td>19%</td>
</tr>
</tbody>
</table>

Standard: Multidisciplinary Team

Drug Court Top 10 *Recidivism*

10. The results of program evaluations have led to modifications in drug court operations
9. Law Enforcement is a member of the drug court team
8. Drug Court allows non-drug charges
7. A representative from treatment attends court sessions
6. Review of the data/program stats has led to modifications in drug court operations
6. Drug Courts Where Review of the Data and/or Program Statistics Led to Modifications in Program Operations had 105% greater reductions in recidivism

Drug Court Top 10

5. A representative from treatment attends drug court team meetings (staffings)

5. Drug Courts Where a Representative From Treatment Attends Drug Court Team Meetings (Staffings) had 105% greater reductions in recidivism
Drug Court Top 10
*Recidivism*

4. Drug Courts Where Treatment Communicates with the Court via Email had 119% greater reductions in recidivism.

<table>
<thead>
<tr>
<th>Treatment communicates with court via email</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction in % of clients</td>
<td>0.46</td>
<td>0.31</td>
</tr>
</tbody>
</table>

Standard: Multidisciplinary Team

Drug Court Top 10
*Recidivism*

5. A representative from treatment attends drug court team meetings (staffings)
4. Treatment communicates with court via email
3. Judge spends an average of 3 minutes or greater per participant during status review hearings.
3. Drug Courts Where the Judge Spends an Average of 3 Minutes or Greater per Participant During Court Hearings had 153% greater reductions in recidivism.

**Standard:** Roles and Responsibilities of the Judge

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

**Standard:** Roles and Responsibilities of the Judge

**Drug Court Top 10**

5. A representative from treatment attends drug court team meetings (staffings)
4. Treatment communicates with court via email
3. Judge spends an average of 3 minutes or greater per participant during status review hearings
2. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation

*Recidivism*
2. Drug Courts Where Participants are expected to have greater than 90 days clean (negative drug tests) before graduation

Had 164% greater reductions in recidivism

Reduction in Recidivism

- 0-90 days clean: 25%
- 91-180 days clean: 35%
- 181-365 days clean: 45%

Standard: Incentives, Sanctions and Therapeutic Responses

Drug Court Top 10 "Recidivism"

1. Program caseload (number of active participants) is less than 120
2. Participants are expected to have greater than 90 days clean (negative drug tests) before graduation
3. Judge spends an average of 3 minutes or greater per participant during status review hearings
4. Treatment communicates with court via email
5. A representative from treatment attends drug court team meetings (staffings)
1. Drug Courts with a Program Caseload (Number of Active Participants) of less than 125 had 567% greater reductions in recidivism

In larger drug courts:

- The Judge spent less time per participant in court (nearly half the time)
- Tx and LE were less likely to attend staffings
  (All team members were less likely to attend staffings)
- Tx and LE was were less likely to attend court hearings
- Tx was less likely to communicate with the court through email
- Greater number of Tx agencies (8 vs 3)
- Drug tests were less frequent
- Team members were less likely to be trained

*All findings above were statistically significant (p < .05)
Why Standards??

- Put null findings in context (10-18%)
- Disown harmful programs (6-9%)
- Prevent regression to old habits (model drift)
- Protect “brand name” from incursions
- Define standard of care for ourselves
  - Limit appellate review to conformance with standards rather than creating standards
  - Congressional committees, agencies, etc.

Why Standards? (cont.)

- Reduce legal & constitutional errors
  - Procedural due process requires standards, rational basis, and notice of rights being waived
  - Reduce disparate impacts (violations of Equal Protection)
- Provide support for needed services and expenditures
- Demonstrate maturity of our profession

Standards

BASED ON THE RESEARCH

- Research Quality
  1. Matched-comparison
  2. Research in Drug Court or Related Setting
Volume I

I. Target Population

II. Historically Disadvantaged Groups

III. Roles & Responsibilities of the Judge

IV. Incentives, Sanctions, & Therapeutic Adjustments

V. Substance Abuse Treatment

Target Population

- Eligibility & exclusion criteria are based on empirical evidence
- Assessment process is evidence-based
  - A. Objective eligibility criteria
  - B. High-risk & high-need participants
  - C. Validated eligibility assessments
  - D. Criminal history disqualifications
    - “Barring legal prohibitions...”
  - E. Clinical disqualifications
    - “If adequate treatment is available...”

Drug Courts That Accepted Participants With Non-Drug Charges had 96% Greater Reductions in Recidivism

- Percent reduction in recidivism
  - Drug court accepts non-drug charges N=42: 41%
  - Drug court does NOT accept non-drug charges N=24: 21%

Note 1: Difference is significant at p<.05
Note 2: Non-drug charges include property, prostitution, forgery, etc.
Drug Courts That Accepted Participants with Prior Violence Had Equal Reductions in Recidivism

Note: Difference is NOT significant

Hx Disadvantaged Groups

Equivalent opportunities to participate and succeed in Drug Court
A. Equivalent access (intent & impact)
B. Equivalent retention
C. Equivalent treatment
D. Equivalent incentives & sanctions
E. Equivalent legal dispositions
F. Team training (remedial measures)

Hx Disadvantaged Groups

<table>
<thead>
<tr>
<th>Variable</th>
<th>Graduated</th>
<th>Terminated</th>
<th>Stat Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender (Percent Male)</td>
<td>50%</td>
<td>80%</td>
<td>Yes</td>
</tr>
<tr>
<td>Age</td>
<td>43.5</td>
<td>35.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Ethnicity (Percent White)</td>
<td>80%</td>
<td>40%</td>
<td>Yes</td>
</tr>
<tr>
<td>Percent Married</td>
<td>22%</td>
<td>15%</td>
<td>No</td>
</tr>
<tr>
<td>Years of Education</td>
<td>12.8</td>
<td>13.3</td>
<td>No</td>
</tr>
<tr>
<td>Prior Number of Felonies</td>
<td>1</td>
<td>2.4</td>
<td>Yes</td>
</tr>
<tr>
<td>% with Prior MH Tx</td>
<td>11%</td>
<td>20%</td>
<td>Yes</td>
</tr>
<tr>
<td>Number of Sanctions</td>
<td>3.33</td>
<td>9.70</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Roles of the Judge

- Contemporary knowledge: active engagement; professional demeanor; leader among equals
  A. Professional training
  B. Length of term
  C. Consistent docket
  D. Pre-court staff meetings
  E. Frequency of status hearings
  F. Length of court interactions
  G. Judicial demeanor
  H. Judicial decision-making

The Longer the Judge Spent on the Drug Court Bench, the Better the Client Outcomes

- Different judges had different impacts on recidivism
- Judges did better their second time

The graph shows the percentage of improvement in # of re-arrests for different judges:

Judge 1A: 27%
Judge 2: 28%
Judge 3A: 42%
Judge 3B: 30%
Judge 1B: 34%
Judge 4: 30%
Judge 5: 35%

The Longer the Judge Spent on the Drug Court Bench, the Better the Client Outcomes

- Different judges had different impacts on recidivism
- Judges did better their second time
The Longer the Judge Spent on the Drug Court Bench, the Better the Client Outcomes

- Different judges had different impacts on recidivism
- Judges did better their second time

Incentives & Sanctions

- Predictable, consistent, fair, and evidence-based
  A. Advance notice
  B. Opportunity to be heard
  C. Equivalent consequences
  D. Professional demeanor
  E. Progressive sanctions
  F. Licit substances
  G. Therapeutic adjustments
  H. Incentivizing productivity

Drug Courts Where Team Members are Given a Copy of Written Guidelines For Sanctions And Rewards Had 72% Higher Cost Savings

Note 1: Difference is significant at p<.15 (Trend)
Drug Courts Where Sanctions Are Imposed Immediately (e.g., prior to scheduled court hearing) After Non-compliant Behavior had a 100% Increase in Cost Savings

Note 1: Difference is significant at p<.05
Note 2: Immediately = Before the next regular court hearing (or one week of less to court hearing)

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

More jail time is related to higher costs
Substance Abuse Treatment

Based on treatment needs and evidence-based
A. Continuum of care
  • “if adequate care is unavailable . . .”
B. In-custody treatment
C. Team representation
D. Treatment dosage and duration
E. Treatment modalities
F. Evidence-based treatments
G. Medications

Substance Abuse Tx (cont.)

Based on treatment needs and evidence-based

H. Provider training and credentials
I. Peer support groups
J. Continuing care

Drug Courts Where a Treatment Representative Attends Court Hearings had 100% greater reductions in recidivism

- Treatment attends court hearings: 38% reduction in recidivism (N=57)
- Treatment does NOT attend court hearings: 19% reduction in recidivism (N=10)

Note 1: Difference is significant at p<.10
Drug Courts Where Treatment Communicates with the Court via Email had 119% greater reductions in recidivism (Note 1: Difference is significant at p<.10)

Drug Courts Where a Representative From Treatment Attends Staffings had 105% greater reductions in recidivism (Note 1: Difference is significant at p<.10)

Drug Courts That Used One or Two Primary Treatment Agencies Had 76% Greater Reductions in Recidivism (Note: Difference is significant at p<.05)
Questions?

Contact Information

Judge Stephen Manley
smanley@scscourt.org

Shannon Carey, Ph.D.
carey@npcresearch.com
www.npcresearch.com

Acknowledgements

Thank you to the judges, coordinators and staff at numerous drug courts who welcomed us to their program, answered our un-ending questions and helped us find and collect mountains of data!