

California Drug Courts: A Methodology for Determining Costs and Benefits

PHASE II: Testing the Methodology
Final Report



Submitted to:

**The Administrative Office of the Courts
Judicial Council of California**

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*Research designed to promote effective decision-making by
policymakers at the national, state and community levels*

Executive Summary

Background and Study Design

The economic consequences to society of drug and alcohol abuse have long been detailed. There is a well-researched link between substance abuse and criminal behavior that results in a profound fiscal impact on the criminal justice system. As in many other states throughout the country, the costs of the rising tide of drug arrests have been financially burdensome for California's trial courts.

One of the efforts to address this problem has been through drug court programs. Drug courts use the coercive authority of the criminal justice system to offer treatment to nonviolent addicts in lieu of incarceration. The research literature overwhelmingly indicates that retention and completion of treatment programs have a positive effect in reducing drug use and criminal behavior. Drug courts have proven to be an effective way to increase substance abuse retention rates and reduce criminal recidivism.

While several studies have shown drug courts to be effective in reducing crime, few have looked at the economic impact of these programs on either a local or statewide level. In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives including addiction treatment providers, district attorneys, public defenders, law enforcement officers and parole and probation officers who operate outside of their traditional adversarial roles and work together to provide needed services to drug court participants. This unique collaboration is perceived as expensive to implement and data are needed to demonstrate that such treatment reduces costs in the long run.

Since the first drug court began operation in Miami in 1989, several hundred thousand men, women and juveniles have participated in drug court programs that have involved federal, state and local taxpayer investments of billions of dollars. There are currently well over 1,000 adult drug courts operating in all 50 states. Over 12% of them are located in California (Cooper 2003). The rapid expansion of drug courts, coupled with an uncertain fiscal climate, highlights the need to collect definitive cost data on these programs.

The Judicial Council of California and its administrative unit, the Administrative Office of the Courts (AOC) were awarded a grant from the United States Department of Justice to explore the feasibility of a statewide cost/benefit evaluation of adult¹ drug courts. The AOC consulted with state and national drug court experts and Northwest Professional Consortium (NPC) Research was selected as the primary contractor for this project.

¹ This study focuses exclusively on *adult* drug courts, and any reference to drug courts included in this study is made exclusively to adult drug courts unless otherwise noted.

The purposes of this statewide evaluation are:

1. To develop a methodology that can be used by drug courts throughout California for ongoing cost-benefit evaluation beyond the conclusion of this project.
2. To answer two critical drug court policy questions:
 - a) Are adult drug courts cost beneficial?²
 - b) What adult drug court practices appear most promising and cost-beneficial?

The study was designed to address these questions in three phases. Phase I was completed in May 2002. In the first phase, NPC Research conducted an in-depth case study of **three** adult drug courts. Phase I consisted of both an outcome evaluation and a cost-benefit analysis, the purpose of which was to develop the preliminary methodology and protocols for cost evaluation. In Phase II, the focus of this report, the researchers tested the methodology and protocols in **six** additional courts and compiled the information necessary to develop a preliminary tool for drug court self-evaluation. Finally, in the third phase, the Drug Court Self-Evaluation Tool (DC-CSET) will be created, tested and then launched statewide.

Methodology

The nine study sites in Phases I and II were selected based on drug court maturity and data collection capabilities. In addition, an effort was made to select courts representing diverse demographic and geographic jurisdictions. The study design incorporated a longitudinal data collection approach that enabled researchers to track study participant over a four year time period. Drug court cohorts included all drug court participants that entered the specific program from January 1998 through December 1999, regardless of their program completion status. Comparison group cohorts were selected from the same time period based on site-specific drug court eligibility criteria. Individuals included in the comparison group were matched to the drug court group using a propensity score technique to correct for potential sampling errors.

This study relied upon a Transactional and Institutional Cost Analysis (TICA) approach. This methodological approach combines a process and outcome evaluation with organizational and cost analyses. The six key steps in TICA are as follows:

1. Document the drug court and non-drug court processes;
2. Identify the transactions that occur within these processes;
3. Identify the agencies involved in each transaction;
4. Determine the resources used during each transaction;
5. Isolate the cost of those resources;
6. Calculate overall costs.

The NPC Research approach relies on an examination of the cost results from four key perspectives in order to give the most accurate and useful interpretation of the data. Analyses from these four perspectives enable program staff and policy makers to make informed decisions that accurately reflect their individual points of view. These four perspectives are the drug court context (the demographics of the community that the drug court serves); drug court structure (type and level of

agency involvement in the drug court); drug court policies; and drug court participant characteristics.

Phase II Tasks

The main tasks for Phase II that are discussed in this report were:

1. Test and refine the methodology and protocols developed in Phase I.
2. Determine the costs and benefits of the six drug courts participating in this phase.
3. Determine drug court practices that are promising and should be the focus of research on best practices.

One of the main outcomes of Phase II was the compilation of information that would allow the development of the Drug Court Cost Self-Evaluation Tool, to be used by drug courts statewide in Phase III for self-evaluation of drug court costs and benefits. This task included the determination of the minimum amount of data collection necessary to conduct a drug court cost-benefit evaluation as well as the development of reasonable proxies for drug courts to use in place of direct measurement, when direct measurement is too difficult to accomplish or is not available. The tool is in final development and is contained in a separate document.

Results

The results from this study illustrate how the TICA approach and the cost tool can provide valuable data to drug court practitioners and policy makers at a level of detail that allows them to make informed decisions about effective drug court practices as well as the best use and allocation of resources. Individual drug courts can benefit from their own site-specific results, while a comparison across drug courts provides rich data for the determination of promising practices.

The cost results are discussed within the context of the four perspectives described in the methodology above. These perspectives add a more complete understanding of the results that is not possible without knowledge of the drug court context, structure, processes, and participant characteristics. Promising practices for drug courts emerge as a result of this discussion.

No two drug courts function in the same manner. Each drug court program operates in a different context, serves a different population, and involves multiple agencies contributing varying levels of resources. Each drug court is an independent program with unique practices and requirements. These differences in policies and practices influence the distribution of resources. This summary highlights how these differing practices can affect cost results.

Investment Costs. **Figure 1** provides the average investment cost per drug court participant in the drug court program and the average investment for each comparison group member in traditional court processing for the drug court eligible case (the case that could have led to participation in drug court). This figure demonstrates the wide range in investment between jurisdictions and counties both in the drug court process and in traditional court processing. Investment in drug court ranges from about \$5,000 to nearly \$19,000 per participant while the range in traditional court processing is surprisingly similar, from just under \$5,000 to over \$15,000 per offender.

Net Investment. **Figure 2** shows the net investment in the drug court program for each of the nine drug court sites that participated in the study. The *net investment*, rather than just drug court program investment, provides policy makers and practitioners with information on the actual

resources they have put into the drug court program over and above the resources that would have been spent anyway, had there been no drug court program. There is a wide range of net investment costs in the nine study sites, including between those drug court sites that reside within the same county (L.A. Central and El Monte (formerly known as Rio Hondo) Drug Courts in Los Angeles and Laguna Niguel and Santa Ana Drug Courts in Orange).

Examination of the net investment shows that San Joaquin actually saved money in processing cases through the drug court leading to a savings in investment rather than a cost. Three sites have large investment costs in drug court participants as compared to their normal case processing. San Diego has a large investment cost that reflects both a sizeable investment in treatment as well as lengthier jail sentences for those who fail drug court. L.A. Central has high investment costs that largely reflect the substantial cost of treatment in this drug court program.³ San Diego East's high investment cost is related to a high level of probation involvement as well as a high frequency of treatment sessions. Other courts have net investment costs that are only a few hundred dollars per case, differing only slightly from costs for more traditional case processing. This illustrates how important the organization and the structure of the drug court are in incurring investment costs. Drug court organization reflects both the availability of resources as well as the perceptions by the judge and the drug court team about the effectiveness of such resources as jail sanctions or the type of treatment.

Outcome Costs. Figure 3 presents the benefit (or savings) per participant due to the difference in outcomes between drug court participants and the comparison group over the four years covered in this study. Outcome benefits vary widely among sites. In Monterey the drug court does not produce any benefit over time, and actually loses money on drug court participants. However, the other eight sites all show outcome cost benefits ranging from about \$3,200 to over \$20,000 saved *per participant*.

Cost-Benefit. Table 1 presents the investment costs in the drug court eligible case, the outcome costs (over four years) and the cost-benefit ratios for each site. All “collaborative justice”⁴ courts, and indeed any innovative program, need to consider whether their investment costs are recovered in savings accrued from positive outcomes. This return on investment is illustrated through the use of a cost-benefit ratio that identifies the number of dollars saved for every dollar spent on the program.

³ See the final report from Phase I, “California Drug Courts: A Methodology for Determining Costs and Benefits Phase I – Building the Methodology” for a breakdown of the investment in treatment and jail as well as other transactions at the San Diego, L.A. Central and Butte County sites at www.npcresearch.com.

⁴ “Collaborative Justice” Courts is a term coined in California to describe treatment courts in general. This term includes adult drug courts, juvenile drug courts, DUI/DWI courts, domestic violence courts, and mental health courts as well as any other courts that collaborate with a treatment component of some kind.

Figure 1: Investment per Offender in Drug Court and “Business-as-Usual” (Comparison) at Nine Drug Court Sites

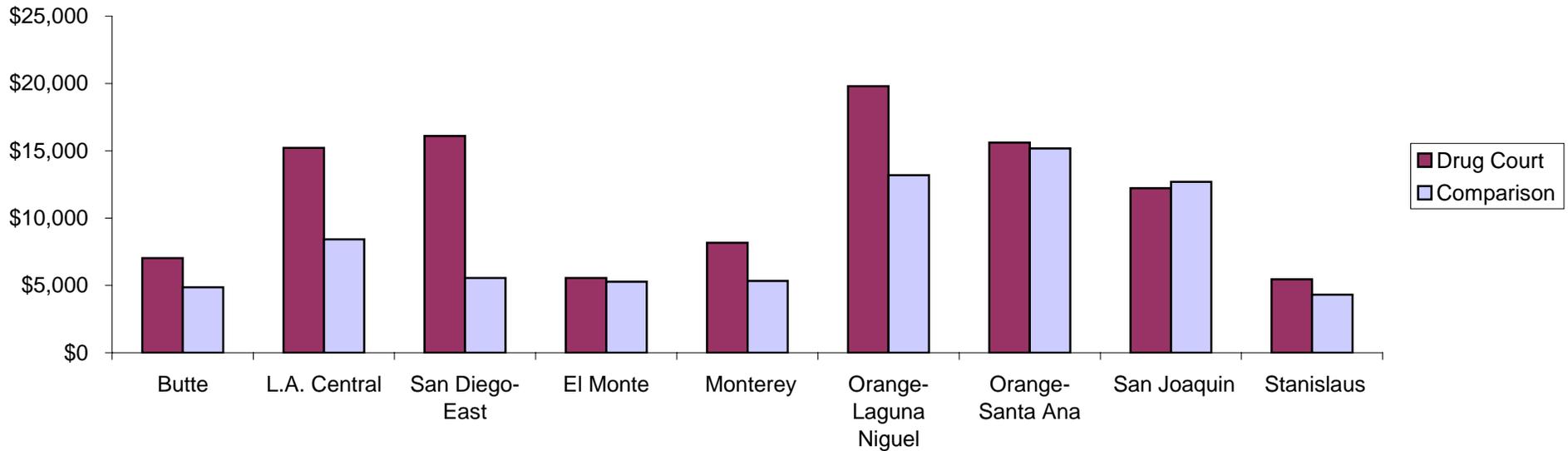


Figure 2: Net Investment in Drug Court per Participant at Nine Drug Court Sites

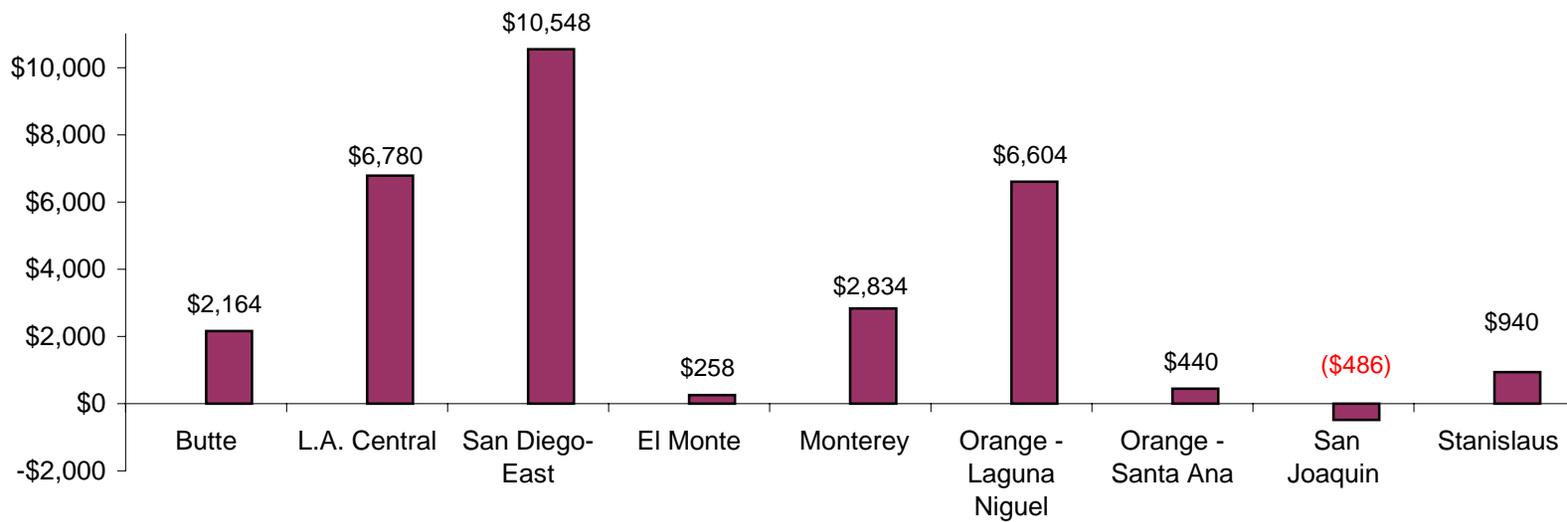


Figure 3: Outcome Benefits Over Four Years per Participant (Difference in Outcome Costs between Drug Court Participants and Non-Drug Court Comparison)

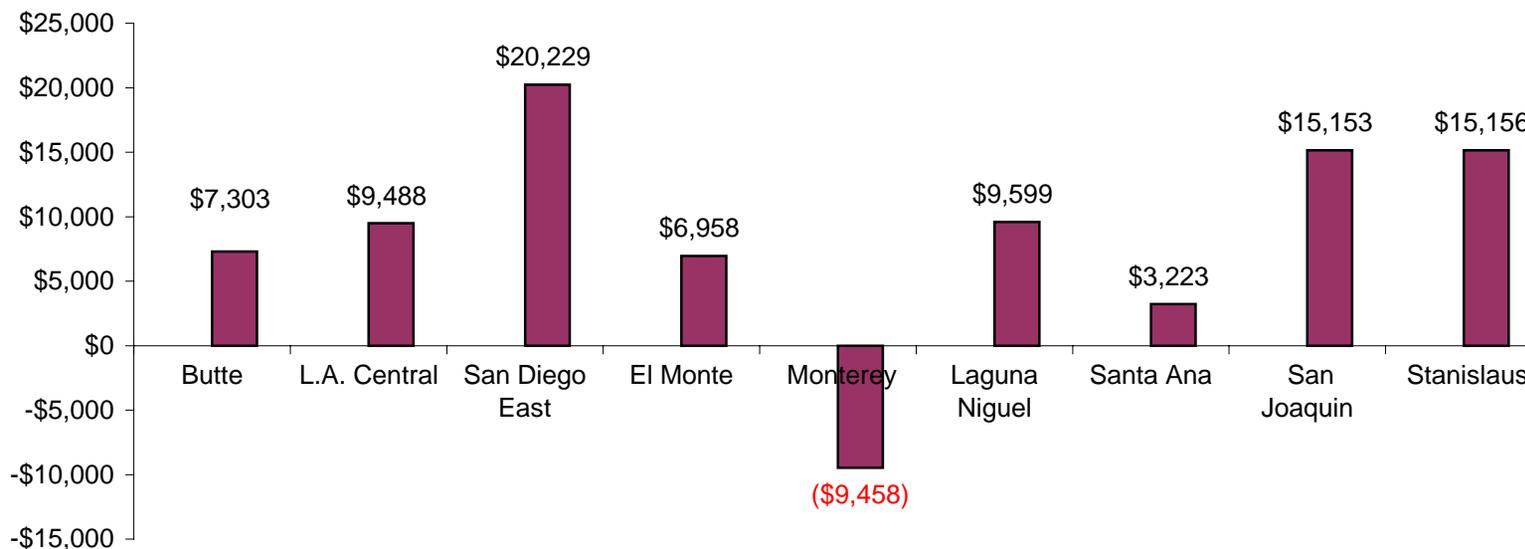


Table 1: Cost-Benefit Ratio

	Phase I Sites			Phase II Sites					
	Butte	L.A. (Central)	San Diego (East)	L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Net Investment	\$2,164	\$6,780	\$10,548	\$258	\$2,834	\$6,604	\$440	- \$486	\$940
Net Outcome (Savings)	\$7,303	\$9,488	\$20,229	\$6,958	- \$9,458	\$9,599	\$3,223	\$15,153	\$15,156
Cost-Benefit Ratio	1:3.4	1:1.4	1:1.9	1:27.0	NA	1:1.5	1:7.3	Savings only⁵	1:16.1

⁵ Because there is a negative net investment in the drug court program in San Joaquin, it is not possible to calculate a cost-benefit ratio using this formula.

Butte, L.A. Central, Santa Ana, Laguna Niguel and San Diego East all have significant cost-benefit ratios ranging from 1:1.4 to 1:3.4. Taxpayers not only recover their investments but also save additional money. Stanislaus and El Monte (formerly known as the Rio Hondo drug court) all produce very high returns on investment (1:16 and 1:36 respectively), in part because of their low investment costs. San Joaquin saves money immediately by having lower investment costs than standard court processing. Only Monterey does not have positive return on investments because this drug court did not produce positive outcome results. This is likely due to operational issues discussed later in this summary.

Agency Net Investment and Outcome Savings. Another way to look at the costs for each drug court site is the costs per agency that participate in or invest in drug court. **Table 2** provides the net investment and the net outcome benefits for each agency. The outcome savings per agency are the average outcome costs per agency for a comparison group member minus the average outcome costs for a drug court participant. A negative number in the outcome and total savings denotes a loss rather than a savings. This table demonstrates the variety of investments and savings experienced by agencies across sites. Across all sites, drug courts invest the most in treatment and law enforcement (most likely due to jail as a sanction and jail after termination from the program. The *net* investment in law enforcement is less for drug court participants). Nearly every agency experiences some degree of savings except for the Monterey drug court, where nearly all agencies experience a loss and there is an overall loss per drug court participant. Some agencies in the Santa Ana and San Joaquin drug courts also experience a loss, but the overall savings are still positive, showing that the investments occur more in some agencies while the benefit is accruing in other agencies. This is particularly true for the Department of Corrections, which incurs no investment costs at any site, yet realizes the largest benefit of any agency. In general, treatment agencies show more treatment use after drug court for drug court participants than for comparison group members.

Overall Cost Savings

Eight of the nine drug courts in this study produced substantial net benefits (savings) over the four-year period of this study. For each year a cohort of participants entered these drug courts, the state saw a combined net benefit of **\$9,032,626**.⁶ This number will continue to grow each year if the drug court participants in this cohort continue to experience positive outcomes. In addition, as long as these nine drug courts continue to operate, each new cohort of participants can be expected to generate similar net benefits.

⁶ This number is over and above the costs of investment. The costs are measured in 2004 dollars and include the losses for the Monterey County Drug Court.

Table 2: Net Investment Costs and Net Outcome Costs per Agency (per Drug Court Participant)

Agency		Phase II Sites					
		L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Superior Court	Net Investment	-\$898	-\$413	-\$79	-\$393	-\$351	-\$601
	Net Outcome Costs	-\$34	\$606	-\$227	-\$148	\$342	-\$161
District Attorney	Net Investment	-\$93	-\$418	-\$252	\$103	-\$411	-\$523
	Net Outcome Costs	-\$8	\$289	-\$58	-\$38	\$148	-\$106
Public Defender	Net Investment	-\$338	-\$410	-\$76	-\$203	-\$448	-\$329
	Net Outcome Costs	-\$14	\$346	-\$103	-\$67	\$171	-\$81
Probation	Net Investment	-\$632	\$152	\$2,143	\$1,260	-\$216	\$723
	Net Outcome Costs	\$19	-\$201	-\$650	\$474	\$104	-\$444
Treatment Agencies	Net Investment	\$1,933	\$3,193	\$3,808	\$706	\$812	\$2,332
	Net Outcome Costs	\$142	\$348	\$336	\$249	-\$31	-\$59
Law Enforcement	Net Investment	\$286	\$729	\$1,060	-\$1,033	\$128	-\$662
	Net Outcome Costs	-\$2,003	\$1,960	-\$953	\$620	-\$1,672	-\$3,619
Corrections	Net Investment	\$0	\$0	\$0	\$0	\$0	\$0
	Net Outcome Costs	-\$3,373	-\$1,664	-\$2,236	-\$4,934	-\$5,377	-\$541

Cost and Drug Court Context

California's drug courts continue to mature and become increasingly institutionalized elements of local criminal justice systems. Drug courts are responsive to the needs of the communities they serve. They also rely upon collaboration with other system partners and local communities. As a result, it is useful to consider the demographics of the communities that drug courts serve – the communities in which drug court participants live, work and are educated.

Although both L.A. Central and San Joaquin experienced *net* benefits due to positive outcomes for the drug court program participants, these two drug courts have relatively high costs associated with those outcomes for both drug court and comparison groups (L.A. Central outcome costs = \$30,000 per drug court participant and over \$40,000 per comparison group member, San Joaquin outcome costs = \$35,000 per drug court participant and \$51,000 per comparison individual.) The frequency and/or seriousness of recidivist crime, and/or the conflating effect of prior criminal history in these sites may be artifacts of poverty and related socioeconomic and cultural factors in these areas. According to a number of indicators of poverty, these two drug court service areas are the least economically advantaged among the sites we have studied.

Outcome costs in Butte and Laguna Niguel are relatively low (Butte = \$4,500 per drug court participant and \$11,863 per comparison individual; Laguna Niguel = \$8,846 per drug court participant and \$18,445 per comparison individual). The community demographics in both sites include relatively high educational attainment, low unemployment rates and high per capita income. These are all indications that social readjustment may be relatively less difficult for the offenders – resulting in fewer relapse episodes, fewer re-arrests and lower total costs during the study period.

Cost and Drug Court Organization

There is wide variation among the drug courts' structures and organization. The constant features of drug court are the existence of drug court sessions, the existence of substance abuse treatment and the use of drug tests. There is also generally a system of sanctions and rewards. Outside and within these constants, drug courts differ dramatically. Agency participation in the aforementioned activities, the policies around the frequency of these activities, and the types of other services and activities offered differ widely between courts.

Differences in agency participation include variations in both the types of activities and amount of time spent on drug court related work. Whether or not a particular agency attends drug court team meetings and/or attends drug court sessions can have consequences in several areas. Attending meetings and sessions uses more agency personnel time and is therefore more costly. However, higher attendance at meetings and sessions also creates a more team-like approach and can lead to better understanding and support of the program at each agency.

Although the investment costs in Monterey and El Monte are similar, and the level of agency involvement is relatively low, the outcome costs are quite different, with El Monte experiencing outcome benefits and Monterey experiencing the opposite. These outcome results may be explained by *how* each agency is involved. The agencies involved in El Monte all attend court sessions and team meetings, while only probation attends in Monterey with the other agencies attending rarely or not at all. The presence of agency support in the Monterey Drug Court

appears to be somewhat lacking, which may have an effect on participant outcomes and in turn, outcome costs.

Cost and Drug Court Policies

Drug court policies and procedures can have a profound effect on participant outcomes and on program and outcome costs. Policies that include frequent court and treatment sessions and large amounts of time spent on case management can increase investment costs. However, these same policies may increase participant success and decrease outcome costs.

For example, compared to the other sites, Butte and Stanislaus have the smallest number of drug court sessions, drug tests and treatment sessions during the first phase of their programs (e.g., drug court sessions are once every six weeks in Butte, once every four weeks in Stanislaus). Both programs also have lower per participant investment costs than the majority of the other drug courts (\$7,030 in Butte and \$5,455 in Stanislaus). Conversely, L.A. Central, San Diego East and San Joaquin all have relatively high frequencies of drug court sessions, drug tests and treatment sessions (e.g., group sessions start at 7 days per week in San Joaquin and 5 days per week in San Diego East) and all have higher investment costs (\$15,210 in L.A. Central, \$16,095 in San Diego East, and \$12,215 in San Joaquin). The sites with higher frequency requirements also appear to have higher net outcome benefits (e.g., a net benefit of just over \$7,000 per participant in Butte compared to a net benefit of about \$15,000 in San Joaquin). However, there also appears to be a point of diminishing returns, with courts requiring extremely frequent sessions (5 group treatment sessions per week) showing no difference in outcomes from those that require a more moderate frequency of sessions (3 groups sessions per week). This is discussed further in the section on promising practices for drug courts.

Another example of drug court policies and their effect on cost is the number of days “clean” (no positive drug tests) before graduation. The Butte drug court has lower total outcome costs (\$4,560 per drug court participant) than the other sites and also experiences quite positive *net* outcome benefits (\$7,303 per participant). The requirement of 270 clean days (the highest number among the research sites) may have positive effects in terms of relapse/recidivism avoidance and result in reduced costs.

A final example of drug court policy and cost results is the role of the drug court judge. A judge’s dedication and personal investment in drug court can have a strong effect on the program, particularly in determining interaction within the drug court team’s levels of communication with participants. The ability of the judge to be consistent and to become invested in the program is affected by the length of the judge’s term, his or her level of education and familiarity with substance abuse issues, and whether the drug court assignment is voluntary. A short-term assignment with different judges rotating through the position can make it difficult for a judge to become invested in the program or to get to know the position. Term length for drug court in most of the nine study sites is unlimited; the judge can continue running the drug court program as long as he or she wishes, though in some of these sites there is a suggested minimum term length of two years. In eight of the nine sites, the drug court judge volunteers for the drug court assignment. There were significant outcome benefits experienced in these eight sites. In Monterey, the site that experienced no outcome benefits, during the time of data collection for this study, judges were assigned and expected to rotate through the position yearly. In fact, there were three different drug court judges presiding over the Monterey Drug Court during the time this study was being conducted.

Cost and Drug Court Participant Characteristics

The type of client served by the drug court can (and should) have a profound effect on drug court operations. If a drug court does not adjust to the needs of its clients, it will be more difficult for the clients to succeed. Participants' drug of choice can affect their ability to succeed and the program's ability to treat. For instance, methamphetamines can create more organic damage and therefore involve a lengthier and more difficult recovery period than cocaine.⁷ Client characteristics can also be directly correlated with the drug court outcomes. For example, criminal recidivism tends to decrease with greater age, so older drug court clients tend to have better outcomes than younger clients. Also, unsurprisingly, prior criminal activity is correlated with subsequent criminal activity.

There does appear to be a correlation between cost and participant characteristics. For example, the use of methamphetamines and heroin tend to be the most difficult to treat. Seventy-four percent of San Diego East participants use methamphetamines, 64% of Santa Ana participants and 82% of Stanislaus participants use either methamphetamines or heroin. All three sites also have higher outcome costs (though all three sites still realize savings in their drug court participants).

Promising Practices

Promising practices in this study are defined as practices that appear to be associated with positive outcomes, greater savings and lower costs. The practices described here as *promising* require further research to determine whether these may be *best practices* for drug courts. Some caution should be taken in determining promising or best practices for drug courts, as practices that work for some populations of drug court participants may not be effective in other populations. The following practices are examples of those in this study that appear to be related to more positive outcomes and overall lower costs.⁸

Promising Practice 1: Those drug courts where more agency staff attended drug court meetings and courts sessions tended to have more positive outcomes.

The connection between agency participation in drug court and outcome benefits showed itself, not in how *much* time was spent on drug court, but in *how* the agencies spent that time; specifically, whether or not the agencies attended drug court team meetings and drug court sessions. It is beneficial for agencies involved in drug court to attend drug court sessions and team meetings.

Promising Practice 2: The courts that start participants at one court session every 2 or 3 weeks, 1 to 3 group treatment sessions per week and individual treatment sessions “as needed” appear to have the best outcomes.

⁷ For more information on the affects of methamphetamine use see the following websites:
http://www.drugabuse.gov/NIDA_Notes/NNV0115N4/Methamphetamine.html
<http://www.drugabuse.gov/Infobox/methamphetamine.html>

⁸ **Important Note:** There are currently only nine sites in this study. This sample size is too small to come to any definitive conclusions about promising practices. All possible promising practices described here should be tested and validated with further research. Some of this research will be conducted in Phase III when this study expands to drug courts statewide.

Finding the right balance for the drug court population is important for positive outcomes. Most of the nine drug court programs start with more frequent sessions (while the participant is most in need of close supervision) and then decrease the number over time, as participants begin recovery. The courts that start participants at one court session every 2 or 3 weeks, 1 to 3 group treatment sessions per week and individual treatment sessions “as needed” appear to have outcome benefits just as positive as courts that have participants do these activities more frequently. So, greater frequency did not add benefits. However, drug courts that have participants start treatment sessions at lower frequencies have less positive outcome benefits.

Promising Practice 3: Sites with either a single provider or with multiple referral options but a single overseeing provider had the most positive outcome benefits.

The benefit of multiple providers is that clients can (theoretically) be matched to the provider that best fits their needs. The drawback is generally found in the quality and amount of communication with the court. It can be difficult to induce all treatment providers to provide information to the court in a timely manner, particularly at the level of detail needed for the judge and the team to make an informed decision on how a participant is doing in the program. The sites that had either a single provider or that had multiple referral options but with a single overseeing provider had the most positive outcome benefits.

Promising Practice 4: Judges on voluntary assignment to drug court, with either no fixed term or a term of at least two years, help produce the most beneficial outcomes.

A fixed term length with judges that rotate often can make it difficult for judges to get to know the clients and also makes it difficult for judges to invest themselves in the program. The results of this study indicate that a judge who is invested in the program and who can maintain a relationship with participants throughout participants’ time in the program helps produce the most beneficial outcome.

Promising Practice 5: The sites that required participants to be “clean” for at least six months had lower outcome costs and higher net benefits.

The number of days that a client is expected to remain clean before graduation can affect participant outcomes. The longer participants are clean, the less likely it is that they will relapse and therefore the less likely they will re-engage with the criminal justice system. The sites that required greater than six months clean had low outcome costs and higher net benefits.

Promising Practice 6: Courts that required about 3 UAs per week in the first phase had the most positive benefits.

Drug test frequency greater than 3 per week did not appear to have any added benefit. However, lower frequencies were associated with less positive outcomes.

Conclusion/Next Steps

Phase III of this study is now in progress. The first draft of the DC-CSET has been reviewed and is now being readied for pilot tests in several drug court sites. The use of this tool in multiple sites (at least 25) will allow the verification of the promising practices described above and will also allow the determination of further promising practices. The final products of Phase III will be a validated drug court cost self-evaluation tool as well as final results on the statewide costs and benefits of drug court in California.

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Preface

This document is the final report pertaining to **Phase II**, the testing phase, of a research effort to develop a statewide methodology for assessing the benefits and costs of drug courts in the State of California.⁹ There are two main purposes of this report. The first purpose is to describe the study design and methodology carried out in Phase II. The second purpose is to present the cost results of the overall study to date (Phases I and II). The aim of this research effort is to produce a validated methodology to conduct inexpensive cost-benefit studies on an ongoing basis of drug courts throughout the state. This methodology, when fully implemented, will enable the Administrative Office of the Courts (AOC) to answer important public policy questions from a cost-benefit perspective. These questions include the following:

1. Are adult drug courts cost-beneficial?¹⁰
2. What adult drug court practices appear most promising and cost-beneficial?

The intended audience of this effort includes policymakers and drug court professionals. All may benefit from the ability to provide better estimates of the benefits of drug courts as compared to their costs.

Phase II of this study also resulted in information that is being used to create an instrument, the Drug Court Self-Evaluation Tool (DC-CSET), that drug courts statewide can use to help determine their own costs and benefits. This tool will be piloted in Phase III in several of the sites that participated in the earlier phases of this study. The results of the pilot will be compared to the previous cost results at these sites and the tool will be adjusted based on this comparison and on the feedback obtained from drug court staff. The revised DC-CSET will then be launched in California statewide. For more information on the DC-CSET, please contact Dag McLeod at the Administrative Office of the Courts at (415) 865-7660 or Shannon Carey at NPC Research at (503) 243-2436.

We would like to acknowledge the effort and support of drug court and related agency staffs at each of the study sites in helping us obtain the prodigious amount of data needed for this study. Their willingness to help and to answer a myriad of questions made this project a success. We would also like to acknowledge the effort and support of our advisory board including Dr. Susan Turner, Dr. Elizabeth Piper Deschenes, and Judge Jean Leonard. Their comments on previous drafts have been invaluable.

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⁹ For detailed information on Phase I of this effort, please see the final Phase I report entitled “California Drug Courts: A Methodology for Determining Costs and Benefits. Building the Methodology.” This report can be found at www.npcresearch.com.

¹⁰ The original language for this question used the phrase “cost-effective” rather than “cost-beneficial.” However, it was determined that the intent behind this question was not a cost-effectiveness analysis but a cost-benefit analysis, therefore the language has been changed to more accurately describe the research occurring for this study. Cost-effectiveness analysis does not assign cost amounts to outcomes, but instead relates the cost of the program to specifically defined outcomes. Cost-benefit analysis does assign costs to outcomes and compares program costs to outcome costs.

Chapter 1. Introduction and Background

This report is the product of **Phase II** of a three-phase cost study of California’s drug courts and contains the cost results for nine drug courts. Chapter 1 contains an overview of the plan for the statewide cost evaluation of California’s adult drug courts. It includes the background and purpose for this evaluation and a description of the overarching research design used by NPC Research (a private research firm) in conducting this evaluation with the California Administrative Office of the Courts (AOC). Chapter 2 describes the research design for Phase II of this study in more detail and describes the Phase II methodology. Chapter 3 presents the cost results across the nine different drug court sites that have participated in this study to date – the six Phase II drug courts as well as the three sites from Phase I. The results are discussed and interpreted in terms of drug court context, organization, policies and participant characteristics. Chapter 4 describes the promising practices that arise from the perspectives discussed in Chapter 3, discusses the utility of the methodology used in this study, and describes some of the policy implications of the study results. Detailed reports on each of the six Phase II study sites can be found in the appendices. These site-specific reports describe the background for each drug court, explain any methodology specific to that site, summarize the drug court process at each site, and present and discuss the cost results specific to each drug court.¹¹

Background and Purpose

The economic consequences to society of drug and alcohol abuse have long been detailed. From a health perspective, untreated substance abusers produce tangible costs to health systems from both the health complications of substance use, as well as increased accidents that result from the use of alcohol and drugs. Untreated substance abuse is very costly to the individual and to taxpayers who must fund the consequences of the negative social behaviors that result from addiction. Further, there is a well-researched link between substance abuse and criminal behavior that results in a profound fiscal impact on the criminal justice system. As in many other states throughout the country, the costs of the rising tide of drug arrests have been financially burdensome for California’s trial courts.

One of the efforts to address this problem has been through drug court programs. Courts have begun to use the coercive authority of the criminal justice system to offer treatment to nonviolent addicts in lieu of incarceration. There is evidence that treating substance abuse leads to a lessening of criminal behavior as well as reduced use of the health care system (Finigan, 1996). The research literature overwhelmingly indicates that retention in and completion of treatment programs have a tremendous effect in reducing drug use and criminal behavior (Belenko, 1998; Taxman, 1999). Drug courts are a proven and effective way to increase substance abuse treatment retention rates.

While several studies have shown drug courts to be effective in reducing crime, few have looked at the economic impact of these programs on either a local or statewide level. In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives including addiction treatment providers, district attorneys, public defenders, law enforcement officers, and parole and probation officers who operate outside of their traditional

¹¹ For more information on Phase I of this effort, please see the final Phase I report entitled “California Drug Courts: A Methodology for Determining Costs and Benefits. Building the Methodology.” This report can be found at www.npcresearch.com

adversarial roles and work together to provide needed services to drug court participants. This unique collaboration is perceived as expensive to implement and data are needed to demonstrate that such treatment reduces costs in the long run.

Since the first drug court began operation in Miami in 1989, several hundred thousand men, women and juveniles have participated in drug court programs that have involved federal, state and local taxpayer investments of billions of dollars. There are currently over 1,000 drug courts operating in all 50 states; over 12% of them are located in California. (Cooper, 2003). The rapid expansion of drug courts, coupled with an uncertain fiscal climate, highlights the need to collect definitive cost data on these programs.

Although outcome data exist for a limited number of drug courts in California, there have not been any comprehensive studies conducted on an individual court or on a statewide basis to determine the costs and benefits of drug court programs.¹² Policymakers and program administrators need this information if they are to make informed decisions concerning the allocation of funds and the best ways for these innovative programs to meet California's needs.

The Judicial Council of California and its administrative unit, the Administrative Office of the Courts (AOC) secured a grant from the Drug Court Program Office (DCPO) of the United States Department of Justice (USDOJ) to explore the feasibility of a statewide cost-benefit evaluation of adult drug courts. The AOC consulted with state and national drug court experts, and NPC Research was selected as the primary contractor for this project.

The purposes of this statewide evaluation are:

1. To develop a methodology that can be used by drug courts throughout California for ongoing cost-benefit evaluation beyond the conclusion of this project.
2. To answer two critical drug court policy questions:
 - a) Are adult drug courts cost-beneficial?
 - b) What adult drug court practices appear most promising and cost-beneficial?

Overall Research Design

The study was designed to address these questions in three phases. Phase I was completed in May 2002. In the first phase, NPC Research conducted an in-depth case study of three adult drug courts. Phase I consisted of both an outcome evaluation and a cost-benefit analysis, the purpose of which was to develop the preliminary methodology and protocols for cost evaluation. Phase II (the focus of this report) tested the methodology and protocols in six additional courts and created a preliminary tool for drug court self-evaluation. Finally, in the third phase, the drug court self-evaluation tool will be tested and then launched statewide. Below is a description of each phase of this study in more detail.

¹² The State of California Department of Alcohol and Drug Programs (ADP) is gathering systematic information for selected courts throughout the state. It is not intended to be an economic analysis, but rather focuses on the impact of treatment programs.

Phase I – Building a Detailed Cost Model

Phase I was conducted from May 2000 to May 2002. The main task of Phase I was to use NPC Research’s philosophy and approach to cost evaluation (described later in this chapter) to develop a preliminary methodology and protocols for a statewide evaluation of California’s adult drug courts. As a part of this task, it was necessary to determine the effectiveness of the approach by using the data gathered to calculate the costs and benefits of drug court in the three Phase I sites. If the data necessary to calculate costs could be located and obtained as predicted in our approach, then NPC Research would conclude that this approach was effective for this type of evaluation.

The main products of Phase I included:

1. A preliminary method and protocols for cost evaluation of drug courts.
2. Preliminary costs and benefits and promising proxies (cost estimates) identified through the examination of three participating adult drug courts.
3. An examination of the usefulness and effectiveness of the NPC Research approach to cost evaluation.

In order to build a valid and practical methodology, Phase I required the collection of detailed program process, outcome, and cost data. The process involved in the collection of such highly detailed data was intended to identify the best sources of data; which methods of data collection were most efficient and cost-effective; as well as which data were most useful for cost analyses. The detailed information (along with similar data gathered in Phase II) also facilitated the development of valid proxies. Proxies are estimates of various drug court costs that can be used for drug courts that lack specific information or in situations when the collection of certain data would be too costly to gather for a single court or on a statewide basis. The detailed information gathered in Phases I and II allowed NPC Research to test the validity of these proxies. The proxies will be used in the Drug Court Self-Evaluation Tool (DC-CSET), which is being developed in the third phase of this study. As described above, this tool will be pilot tested and then launched statewide in Phase III.

Results from Phase I demonstrated that:

1. This methodology is effective in gathering the information needed to calculate useful cost information.
2. Drug courts can result in cost savings when compared to business-as-usual case processing. All three Phase I sites showed a net benefit ranging from nearly \$3,000 per drug court participant to over \$15,000 per participant over the four years after drug court entry.¹³

Phase II – Testing the Methodology

Phase II was conducted from May 2002 to July 2004 and is the main focus of this report. In this phase, the researchers collected data from six additional adult drug court sites. These sites were chosen with the intent of including a diverse set of drug court types in terms of size, location and participant demographics. With the completion of this phase, NPC Research has gathered in-depth information on

¹³ These numbers include the net investment in drug court. The net investment is the cost for the drug court process minus the cost of the “business-as-usual” process. The net investment costs are subtracted from the savings due to positive outcomes to achieve the net savings for drug court participants.

nine drug courts throughout the State of California that represent a large percentage of the state's drug court participant population, as well as variety in population and practices among programs.

The main tasks for Phase II were to:

1. Test and refine the methodology and protocols developed in Phase I.
2. Determine the costs and benefits of the six drug courts participating in this phase.
3. Determine drug court practices that are promising and should be the focus of research on best practices.

A further task conducted in Phase II was to begin development of a tool (the DC-CSET) to be used by drug courts statewide in Phase III for self-evaluation of drug court costs and benefits. This task included the determination of the minimum amount of data collection necessary to conduct a drug court cost-benefit evaluation as well as the development of reasonable proxies for drug courts to use in place of actual data, when actual data are too difficult to access or are not available. The first draft of the tool has been reviewed by an external advisory committee of drug court professionals and will be pilot tested in several courts.

Because this evaluation was not a randomized clinical study, it is not possible to draw definitive conclusions about which drug court practices lead to the most positive outcomes. However, examination of drug court processes and NPC Research's cost results allowed the researchers to determine which practices appeared to be the most promising in terms of favorable outcomes for clients and lower cost to the taxpayers. These practices are recommended for further research on drug court best practices.

Phase III – Launching the Methodology (Statewide Evaluation)

In Phase III (currently underway), the DC-CSET is being developed based on the methodology and proxies refined in Phase II. This tool contains a set of simple (though extensive) instructions on how to collect the data necessary to determine the costs and benefits of drug courts.

Phase III will result in:

1. A statewide estimate of the cost-benefit of adult drug courts.
2. Identification of the most promising practices in adult drug courts for the State of California.
3. A "user-friendly" tool for a continuous statewide drug court self-evaluation of costs and benefits of California drug courts.

In Phase III, NPC Research will test the DC-CSET for user-friendliness and practicality in several drug courts. The tool will be modified based on the test results and transformed into an electronic version. This will be further tested then distributed to adult drug courts statewide. The data gathered at each drug court will be sent to NPC Research and analyzed to produce the statewide estimate of cost-benefit as well as recommendations on promising practices. The DC-CSET should give drug courts the ability to evaluate themselves (avoiding the cost of outside evaluators) on a regular basis, resulting in cost data that can be used by the court itself as feedback for decisions on drug court practices and policies. Drug courts should also be able to use the data gathered with the DC-CSET for regular reporting required by the state. The DC-CSET will be a tool that can be used to evaluate other drug courts in the nation as well as to evaluate other types of collaborative justice courts. Further, the approach used to create the methodology employed in this evaluation is usable in many multi-organization systems.

Summary of Research Design

This cost evaluation of California adult drug courts, conducted by the AOC and NPC Research, is being performed in three phases. A preliminary methodology was created in the first phase and refined in Phase II (the focus of this report), resulting in a preliminary tool for drug court self-evaluation (DC-CSET). In Phase III, the DC-CSET will be developed further and then will be tested in several drug courts and launched statewide. The three phases will result in data and recommendations for use by policymakers and practitioners regarding the cost effectiveness and promising practices of California adult drug courts as well as a method for drug courts to perform self-evaluation on a continuous basis. The tool created in this process is based on a methodological approach that is flexible and can be used in other drug courts as well as other types of collaborative justice courts, both in California and nationwide.

Chapter 2. Research Approach and Methodology

Research Approach

The following is a description and discussion of NPC Research’s approach in conducting this evaluation of the costs and benefits of California’s adult drug courts.

Cost Assessment Strategy

Cost-Benefit

“Cost-Benefit Analysis” has been defined in a variety of ways and used in a variety of contexts. As Sen (2001) states:

...the term “cost-benefit analysis” has considerable plasticity and various specific procedures have been called by that name... cost-benefit analysis is a very general discipline, with some basic demands... that establish an approach but not a specific method... (p. 96-97, 114)

The definition of cost-benefit as it is performed by NPC Research in this study is similar to that used by Gold et al. (1996).

...cost-benefit analysis (CBA) [is] an analytic tool for estimating the net social benefit of a program or intervention as the incremental benefit of the program less the incremental cost, with all benefits and costs measured in dollars. (p. 395)

That is, we assign costs to the drug court process and to the business-as-usual process to determine the incremental (or net) investment cost in the drug court program. We assign costs to the outcomes experienced by drug court participants and business-as-usual participants to determine the incremental (net) benefit, or savings, due to outcomes. Comparing the net amount invested to the amount saved results in the cost-benefit ratio.

Transactional and Institutional Cost Analysis¹⁴

The Transactional and Institutional Cost Analysis (TICA) approach views an individual’s interaction with publicly funded agencies as a set of *transactions* in which the individual utilizes resources contributed from multiple agencies. Transactions are those points within a system where resources are consumed and/or change hands. In the case of drug courts, when a drug court participant appears in court or has a drug test, resources such as judge time, public defender time, court facilities, and urine cups are used. Court appearances and drug tests are transactions.

In addition, the TICA approach recognizes that these transactions take place within multiple organizations and institutions that work together to create the program of interest. These organizations and institutions contribute to the cost of each transaction that occurs for program participants. TICA is an intuitively appropriate approach to conducting costs assessment in an environment such as a drug court, which involves complex interactions among multiple taxpayer-funded organizations.

¹⁴ A paper (funded by the National Institute of Justice - NIJ) containing a detailed review of the literature on the theoretical and practical grounding of NPC Research’s approach to TICA has been submitted to NIJ and can be found on the NPC Research website (www.npcresearch.com).

The TICA methodology is based upon six distinct steps. The key steps in this methodology involve learning about the drug court and non-drug court processes, identifying the transactions that occur within these processes, identifying the agencies involved in each transaction, determining the resources used during each transaction, determining the cost of those resources, and then calculating overall costs. The protocols involved in each of these steps are described in detail in the methodology section below.

With TICA's focus on organizations and the linkages between these organizations in forming a drug court, the researcher is provided with a unique ability to locate and gather comprehensive information on direct costs as well as indirect costs, such as support and overhead costs.

Opportunity Resources

Although past attempts to provide drug court cost data have delivered impressive numbers in terms of cost-savings, they have not always swayed policymakers. Part of the reason for this is that in spite of the claims of drug court advocates of millions of dollars saved in taxpayer money, some of the affected agencies do not experience a savings. Further, many policymakers have failed to see any declines in actual budgets as a result of substance abuse treatment (Finigan, 2000).

In contrast to other cost analysis approaches, NPC Research's TICA cost approach looks at publicly funded costs as *opportunity resources*. The concept of *opportunity cost* from the economic literature (e.g., Russell et al., 1996) suggests that system resources are available to be used in other contexts if they are not spent on a particular transaction. The term *opportunity resource* more fully describes these resources that are now available for different use. For example, if substance abuse treatment reduces the number of times that a client is subsequently incarcerated, the local sheriff may see no change in his or her budget, but an opportunity resource will be available to the sheriff in the form of a jail bed that can now be filled by another offender.

The NPC Research model of opportunity resources assists policymakers in determining alternative programming choices for system resources. Since the approach is grounded in the processes that policy leaders understand – budget preparation and human resource allocation, for example – it can be seen as particularly meaningful to them. Thus, this model can be viewed as a policy choice model. A policy choice model is one that can be employed to gather information of use to managers and policymakers in order to make informed choices such as decisions about the allocation of agency or system funds.

Cost to the Taxpayer

In order to maximize the study's benefit to policy makers, a "cost-to-taxpayer" approach was used for the evaluation. This focus helps define which cost data should be collected (costs and benefits involving public funds) and which cost data should be omitted from the analyses (e.g., costs to the individual participating in the program). In this approach, any criminal justice related cost incurred by the drug court or comparison group participant that directly impacts a taxpayer/citizen (either through tax-related expenditures or the results of being a victim of a crime perpetrated by a substance abuser) is used in the calculations.

Focusing on the cost to the taxpayers is consistent with the description of the NPC Research cost approach as a policy choice model. The costs and benefits calculated using the NPC Research approach include victimization costs – an approach which maybe seen as embracing more of a traditional economic perspective for cost analysis. The rationale behind this inclusion is that victims of personal and property crimes are generally taxpaying citizens, so while they are indirectly paying for

social services they are also directly paying costs associated with their victimizations. In addition, costs borne by victims are ultimately, directly or indirectly, borne by the taxpaying public. Such costs may include increased demand for police protection, hospital facilities, or community mental health resources.

The cost-to-taxpayer model explicitly avoids a social cost approach. In a social cost approach some cost exchanges (e.g., food stamps) are viewed as transfers between one citizen and another, with a net effect of zero. In the cost-to-taxpayer approach such a transfer is seen as a net cost to the taxpayer.

The central core of the cost to taxpayer approach in calculating benefits for drug court relates to the idea substantiated by research (see Finigan, 1996) that untreated substance abuse will cost various tax-dollar funded systems money that could be avoided or diminished if substance abuse were treated. In this approach, any cost that is the result of untreated substance abuse and that directly impacts a citizen (either through tax-related expenditures or the results of being a victim of a crime perpetrated by a substance abuser) is used in calculating the benefits of drug court.

An Examination from Four Perspectives

The NPC Research approach also involves an examination of the cost results from four key perspectives in order to give the most accurate and useful interpretation of results for program staff and policy makers. These perspectives are: (1) Drug court context (the demographics of the community that the drug court serves); (2) Drug court structure (type and level of agency involvement in the drug court); (3) Drug court policies; and (4) Drug court participant characteristics. These perspectives are discussed in Chapter 3 of this report. Promising practices emerge as a result of this discussion.

Data Collection Approach

Administrative Data

For a detailed assessment of benefits between a drug court program group and a valid comparison group, data on the utilization of system resources must be gathered on an individual level. Some studies have utilized data gathered from self-report instruments. The CALDATA study (Gerstein et al., 1994) used extensive interviews with substance abuse treatment clients to gather data on issues such as subsequent arrests and subsequent use of medical services. However, as French (1995) has pointed out, the use of self-reported data for this information is unreliable and expensive to gather.

Another approach has been to ask the programs themselves to estimate data on, for example, jail bed days saved by the program (Cooper, 2000; Guydish, 2001). Unfortunately, this approach often provides little in the way of a standardized method to calculate the results and raises questions about the validity of the data.

A different solution for drug court cost studies was developed by Finigan (1996) and Harrell (1999) that uses administrative data sets (data collected regularly and kept in databases by a program or agency) to determine system service utilization, both during programs as well as subsequently. Although this overcomes the problems of self-reported data, it is highly dependent on the availability and adequacy of administrative databases. This raises issues regarding access to existing administrative databases, as well as issues surrounding confidentiality, common data element definitions, and the reliability of the particular database.

However, for the type of cost analysis encompassed in the present study, administrative data sets are the best source of data on an individual's use of taxpayer-funded resources because these data sets

generally contain individual level information collected on a regular basis. Further, these data sets are often used for billing purposes, which means there is a fairly strong incentive for thoroughness in the collection and entry of data. Although these databases are themselves subject to error (missing data, data entry error, etc.), they are extremely important to cost research because they represent the agencies' best information on the resources that have been used and are often the basis upon which future budgets are created. However, these data sets are not always easily accessible to researchers and present the challenge of extracting needed data from a variety of diverse data systems.

In spite of these challenges, the use of administrative data sets is still an important and useful strategy. It allows the acquisition of individual level data without the time and resource commitment involved in collecting data directly from the source (e.g., from client interviews or intensive tracking). Administrative data were a key source of information used for this study.

Observation, Interviews, and Document Review

In order to collect accurate information on drug court process and cost it is necessary to work closely with drug court staff. Observation of drug court team meetings and drug court sessions, intensive individual interviews with drug court team members, and examination of key documents such as drug court policy manuals and agency budgets (and other financial documents) for all agencies involved in drug court are necessary for a thorough understanding of drug court structure, organization, and process. Without this detailed look at the drug court and its context, valuable information that informs data collection methods, data analysis, cost calculations, and the interpretation of results is lost. For example, a drug court may have a policy that participants must pay for their treatment. However, closer examination of the drug court reveals that in 90% of the cases these fees are waived due to lack of ability to pay. In this case, if policy were followed in the determination of costs, the cost of treatment would not be included in the cost to the taxpayer, since participants are supposed to pay themselves, while in reality, 90% of this cost actually should be included in the cost to the taxpayer calculations.

Sample Selection Approach

Drug Court Participant Samples

The NPC Research approach to the analysis of costs and benefits requires the collection of data on resources used per client. The logical way to collect this information is to gather data on a group of individuals throughout their participation in the program and then continue to gather data on this same group for a length of time past program completion. This is called the **cohort approach**. The cohort approach generally begins with the total number of people who enter a program during a specified time period. This set of individuals is called a cohort. All data of interest are then gathered only on this same set of people. This approach avoids problems involved with other common methods of reporting data such as the **snapshot** approach (otherwise known as "cross-sectional"). The snapshot approach reports the results from data as they exist at a single point in time; for example, the number of people who entered the program, the number of people active, and the number of people who have graduated all at the moment that the data are queried. Since no individual can enter the program, be active, and have graduated all at the same time, this means that the group of people who have graduated are not related to the people who are eligible, or to those who are active. Therefore, there is no way to calculate numbers such as graduation rates — the number of people who graduate out of the number who enter the program — a common measurement for the success of the program. In contrast, the cohort approach allows the tracking and measurement of each step throughout the program, as well as

program outcomes, on an individual basis for everyone within the cohort. This approach requires that data are identifiable at an individual level, and that if different types of data are kept in separate databases, there is a way to match the data between databases for each individual.

For this study, retrospective data were collected on cohorts of drug court participants who entered the programs at each drug court site from January 1998 through December 1999. This allows up to 5 years of outcome data after program entry date and up to 4 years post program data (as programs generally last 12 to 18 months).

Comparison Group Samples

For benefits to exist, there must be positive outcomes for drug courts. However, the idea that drug court participants do better on important outcome measures leads to the question “compared to whom?” Since a randomly assigned “no treatment” control group is rarely possible in drug court research and, according to human subjects protection criteria, is of questionable acceptability, this part of a cost-benefit analysis can succeed or fail based on the comparability of the comparison group or groups that are identified.

Ideally, the comparison group for a drug court evaluation is made up of offenders who are similar in all respects to those who have participated in drug court (e.g., similar demographics and criminal history), but have not participated in the drug court program. The NPC Research approach to the identification of comparison groups for this evaluation does not require that comparison groups operate under no-treatment conditions. Substance abuse treatment can be a condition of standard probation. This study does not focus on the costs and benefits associated with having substance abuse treatment or not having treatment. Rather, this study focuses on the costs and benefits of providing substance abuse treatment in a collaborative justice drug court model as opposed to other “business-as-usual” criminal justice models such as standard probation, which frequently includes treatment.

The strategy used for choosing comparison groups for Phase II of this study was to select a cohort of individuals at each site who, according to local criteria, were eligible for drug court during the same time period as the drug court participant sample but who did not participate. There are many possible reasons eligible individuals may not participate in drug court. They may have missed being identified as eligible for drug court by district attorneys, public defenders, probation officers or others responsible for identifying prospective drug court program participants. The program could be at capacity, or the potential program participant may have been advised against drug court by a public defender who was either non-supportive of the program or who believed that the client would do better elsewhere. An otherwise eligible individual may live too far from drug court, work hours that make it very difficult to attend, or be a parent who cannot leave his or her children for the many hours of drug court treatment and court sessions, or may not be motivated to change his or her drug habits. Similarly, there are many reasons for choosing to participate in drug court. Some individuals believe that they will be able to continue using while in drug court and therefore feel it may be a better option than spending even a limited amount of time in jail. For some individuals facing an extended period in jail or prison, drug court is seen as a better option and, particularly for first time offenders, the chance to avoid a felony on their records is a tempting incentive. Finally, some offenders may be ready to stop using and choose the support a drug court program can provide.

A notable concern regarding the use of this type of comparison group is the potential for selection bias due to differences in motivation between the drug court participants and the comparison group. This is the bane of most quasi-experimental designs used in outcome studies of drug courts, particularly those that include the collection of retrospective data (e.g., Carey and Finigan, 2003; Finigan, 1996; Rempel

et al., 2003). In the case of retrospective data collection, it is not possible to determine whether those who actually participated in the drug court program were more motivated to change their drug habits than those who received traditional court processing. It is also not possible to determine the myriad reasons offenders may have for choosing either drug court or traditional court processing. However, interviews with key informants, such as public defenders, as well as information gathered from interviews with participants in other drug court research (personal communications, Finigan, 2002; Carey, 2003) suggest, as described in the preceding paragraph, that the reasons offenders choose for or against participating in drug court are not always related to motivational issues. Harrell (2003) has examined the coercive elements in drug courts and suggests that they are not unlike the coercive elements that operate from family and friends to entice individuals to enter treatment in non-drug court settings. In the end, motivation to change may not be as important a factor in choosing a drug court option as other legal and personal factors. If that is true, it is less of a concern as a selection bias.

Finally, Gottfredson's (2003) recent randomized design study provides outcome results similar to those in drug court impact studies using a quasi-experimental design (Carey and Finigan, 2003; Carey, 2003), suggesting that positive results are not simply a function of motivational selection bias. Regardless of the presence or absence of motivational issues, the end result of importance to policy makers in a cost analysis of drug courts is an accurate and understandable description of the actual costs of those who participate in drug court programs as compared to the actual costs of those who go through traditional court processing.

Summary of NPC Research Approach

This section described the approach and philosophical grounding of NPC Research in conducting this study of the costs and benefits of California drug courts for the AOC. The central model for this evaluation is Transactional and Institutional Cost Analysis (TICA). Other essential elements of the NPC Research approach include the idea of opportunity resources and cost to the taxpayer, the use of the cohort approach in sampling, and data collection using administrative data sets.

Methodology

Site Selection

The courts considered for participation in Phase II of this study included diversionary, post-plea and pre-plea programs. Before being considered as sites for this study, the minimum requirements for candidate drug courts were that they graduate at least 100 participants on a yearly basis (to allow for adequate amounts of data and statistical power), were established before 1997 (so that there would be at least four years of outcome data), and have electronic drug court databases (for greater ease in gathering data). Site visits were performed at 20 drug courts that met these criteria. These visits included meetings with personnel from agencies involved with drug court. The personnel were asked about their program process, what data were being collected, where the data were kept, the capacity of their program, and how well the numbers of participants matched that capacity. The six courts that participated in Phase II were chosen based on three main criteria: (1) They were mature programs that had developed some consistent drug court policies and procedures; (2) They had graduated sufficient numbers of participants for sufficient power in statistical analyses; and (3) The drug court program collected information in databases or files that could be used for determining the effectiveness and practicality of the NPC Research cost analysis model and for developing a tool that could be used for self-evaluation of drug court costs.

Sample Selection

Drug Court Participant Selection

It was necessary for drug court participant samples to be selected from years that had a reasonable amount of administrative data, while at the same time giving the individuals in the samples enough time for outcomes to occur. It was discovered in Phase I that many of the statewide and county databases began collecting data in 1998 or 1999. It was also ascertained that it was important to have at least three years of outcome data for the researchers to determine any trends in outcomes. For these reasons, NPC Research selected drug court cohorts from participants who entered the drug court programs between January 1998 and December 1999, providing at least four years of outcome data.

The participant cohorts from each site were selected from either the drug court database or from databases (such as electronic court records) that flagged drug court participants.

Comparison Group Selection

The selection of a comparison group is a step that is crucial to a solid research design. Because it is not possible to collect retrospective data and randomly assign individuals to drug court or non-drug court conditions, it is necessary to use a quasi-experimental design. In a quasi-experimental design it is important to avoid, wherever possible, any selection effects. This means the researcher must attempt to choose comparison samples that resemble the drug court samples as closely as possible. Otherwise, the researcher cannot be certain that any differences seen in outcomes for the two groups are due to participation in drug court and not to some other characteristic that differs between the two groups.

The selection of the comparison group at each site was performed with the help of drug court team members normally involved in the drug court eligibility process. (The specific selection process for each site is given in the site-specific reports in Appendices A1-A6.) In most cases, the district attorney makes the first selection of individuals who are eligible to participate in the drug court. With the aid of these drug court team members, evaluation staff examined individual case files (either district attorney files or court files) for offenders who were arrested on drug court eligible charges in 1998 or 1999 to select those who were eligible for drug court but who did not participate. Eligibility is generally based on current charges and on criminal history. There are also other eligibility criteria that may be specific to each site, such as citizenship and demonstration of substance use issues. Some drug courts also have “suitability” criteria that include the client admitting to a drug problem or an assessment that determines the presence or absence of mental health issues. Unfortunately, in a retrospective design, it is not possible to include these suitability requirements in selecting the comparison group.

However, the comparison groups were matched as closely as possible to the drug court participant cohorts at each site using a propensity score matching technique based on demographics, previous criminal justice involvement, and previous use of treatment services. This matching process is described in more detail in the following section.

Propensity Score Matching

The method of selecting a comparison group at each site ensured that all possible comparison group members were technically eligible for the drug court program. However, this did not guarantee that these individuals were like those who actually participated in drug court. To offer the researcher the highest possible level of confidence (outside of true random assignment) that any differences found in outcomes between the drug court participant and comparison groups were due to the drug court

program and not due to some other confounding influence, the comparison group needed to be further refined to be as much like the drug court participant samples as possible.¹⁵

It is important to match samples on characteristics that might influence both the likelihood of participating in drug court and outcomes that occur post program (e.g., Bryson, Dorsett and Purdon, 2002). There are a large number of characteristics that might have this influence, although some of them (such as motivation, discussed above) are not measurable in this kind of study design. Attempting a one-to-one match for each member of the drug court sample on each of these variables requires an extremely large comparison sample and very large amount of data, neither of which are practical in this context. However, propensity score matching allows researchers to match the comparison group to the drug court group on the overall effect of a substantial number of available measurable characteristics that predict the probability of participation in drug court (e.g., Rosenbaum and Rubin, 1983; Hill, Brooks-Gunn and Waldfogel, 2003).

More specifically, NPC Research performed a logistic regression using age, race, gender, treatment history (drug and alcohol treatment episodes two years prior to drug court entry date), and criminal history (drug arrests and violent arrests two years prior to drug court entry date) to estimate each group member's probability of belonging in the drug court participant group.¹⁶ This resultant probability is the propensity score. The researchers then sorted on propensity score and divided the samples into ten groups from the lowest 10% of propensity scores to the highest 10%. The proportion of those in the comparison group with propensity scores in each range was matched to the same proportion of those in the drug court group with the same score range (Bryson, Dorsett and Purdon, 2002; Dehejia and Wahba, 1998). This was accomplished by removing comparison group members until the proportion of scores matched those of the drug court participants. The researchers began with a comparison group that was up to twice as large as the drug court participant group in order to allow for the attrition in the comparison group during this process.¹⁷ At the end of the matching process, t-tests were performed on each variable to confirm that there were no statistically significant differences between the two groups.¹⁸

As reported in a statewide study of New York drug courts (Rempel et al., 2003), once participants and comparison group members are matched in this manner, they

...may still diverge on certain characteristics, but participants and comparison group members will be "balanced" on all background characteristics taken in totality. This balancing outcome is the critical quality that enables the net effect of the technique to be an artificial re-creation, or at least approximation, of the experimental situation present in a random assignment study. (p. 129)

¹⁵ In a quasi-experimental design, it is not possible to be absolutely confident that the differences seen are due only to the treatment effect and not due to selection bias. This is a limitation of this design and of this study. However, matching on all available appropriate variables using the propensity score process will help minimize selection bias to a large extent.

¹⁶ These variables have been shown to be strong predictors of both drug court participation and subsequent criminal activity (e.g., Carey, 2003a; Carey, 2003b; Rempel, 2002).

¹⁷ This varied at each site with the comparison group from one and a half to twice as large as the drug court participant group, depending on the availability of the comparison group members.

¹⁸ For one site, t-tests showed that there were no statistically significant differences between the two groups on any of the matching variables before the matching process. Therefore, we did not perform propensity score matching at this site.

Cost Protocols/Transactional and Institutional Cost Analysis

The basic steps of NPC's TICA methodology are listed below. The protocols involved in these steps include the administrative data collection protocols and key informant interviews.

- Step 1: Determine drug court and non-drug court flow/process (how clients move through the system)
- Step 2: Identify the transactions that occur within this flow (where clients interact with the system)
- Step 3: Identify the agencies involved in each transaction (e.g., court, treatment, police)
- Step 4: Determine the resources used by each agency for each transaction (e.g., judge time, attorney time, overhead)
- Step 5: Determine the cost of the resources used by each agency for each transaction (e.g., cost of judge's time per hour or per drug court session, etc.)
- Step 6: Calculate cost results (e.g., cost per transaction, total cost of the program per participant)

Step 1: Determine drug court and non-drug court flow/process

There were three general methods for collecting drug court and non-drug court ("business-as-usual" or traditional) process information: Website and document review, key informant interviews, and observation during site visits.

Website and Document Review. Before site visits and interviews, research staff conducted searches on official county websites. Many counties post a large amount of public information on their websites, such as the names and business contact information for key county employees at state and county agencies, the organization of the county government, and agency budgets. When available, this information was used to inform other information-gathering and evaluation activities.

Documents, such as drug court policy manuals, were obtained from the drug court programs at each site in order for the researchers to begin to understand the basic flow of the program. This kind of document also provided an indication of what types of transactions occur in each program.

Key Informant Interviews. Key informants from each of the agencies involved in the drug courts were interviewed about their drug court processes. These key informants included drug court judges, public defenders, district attorneys, legal assistants, treatment providers, sheriff staff, and probation staff. They were asked to describe, in detail, the flow of drug court participants through their drug court processes, and in particular, the involvement of their agencies with individual participants. Key informants were also asked to describe the non-drug court process in the same manner.

A Typology Interview Guide¹⁹ was designed by NPC Research to provide a consistent protocol for collecting structure and process information from drug courts across the state. The information gathered through this guide helped the evaluation team focus on important and unique characteristics of each drug court, increasing the researchers' understanding of variations among California drug courts.

The topics for this Typology Interview Guide were chosen from four main sources: the evaluation team's extensive practical experience with drug courts, the American University Drug Court Survey

¹⁹ A copyrighted version of the Typology Interview Guide can be found online at www.npcresearch.com.

(Cooper 2000), a paper by Longshore et al. (2001), describing a conceptual framework for drug courts, and the ten key components of drug courts developed by the National Drug Court Institute (NDCI) (1997). The typology interview covers numerous areas including specific drug court characteristics, structure, processes, and organization. In particular, the guide explores several characteristics that may be considered “promising practices” of a drug court model. By noting how they vary with the success of drug court programs, the study explores how these practices may impact participant outcomes and costs.

The topics in the Typology Interview Guide include:

- Eligibility Guidelines
- Drug Court Program Process (e.g., phases, treatment providers, urinalyses, fee structure)
- Graduation
- Aftercare
- Termination
- Non-Drug Court Process
- Drug Court Judge
- Drug Court Coordinator
- Drug Court Team/Sessions
- Overall Impressions
- History/Timeline
- Drug Court Demographics and Other Statistics

The interview information was used to create the drug-court process and typology description tables for each site, which can be found in the site-specific reports in Appendix A. These interview results were also used to inform the researchers of transactions that occur within the drug court and non-drug court processes, as well as serve as clues as to where to look for administrative data sets and where to find other kinds of necessary data.

Observations During Site Visits. Several visits were performed by evaluation staff at each site. In addition to interviews with various agency staff, the evaluation team attended drug court team meetings and court sessions. This allowed the researchers to observe which agency staff attended team meetings and drug court sessions. In addition, drug court sessions and court appearances for each participant in attendance at the drug court sessions were timed to obtain the approximate amount of time spent in court activities. Drug court sessions were timed at least two times during site visits, resulting in at least 60 participants with timed appearances at each site.

Step 2: Identify the transactions that occur within this flow

Drug Court Participant Transactions Related to the Drug Court Eligible Case. The detailed description of the criminal justice system process for cases that lead to drug court (the *drug court eligible case*) and for the drug court program (developed during Step 1) were examined to identify points at which the drug court participant interacts with the system. Although every drug court

operation differs in its details, there are two primary areas that are consistent among drug courts, notably court sessions and treatment activities. Within each of these areas there are several points at which drug court participants interact with the system, resulting in the consumption of resources (e.g., agency staff time, facilities) that may impact the taxpayer. The number, frequency and specific type of these interactions or “transactions” may vary among courts.

The transactions included for drug court participants include those that occur outside of drug court, as long as they are due to the drug court eligible case that led the offender to participate in drug court. For example, the case that resulted in drug court generally starts with an arrest and often at least a few days in jail before the offender is identified as being eligible for drug court. The arrest and jail time are transactions that occur within the overall system that leads to drug court participation and therefore are parts of the system process (along with their associated costs) for drug court participants. More detailed descriptions of the data collected and the source of the data at each site can be found in the site-specific reports in Appendix A.

Not all participants engage in every possible transaction. For example, in many sites the majority of drug court participants do not receive jail as a sanction and in some sites, probation agencies are not involved in the drug court process. The key drug court program transactions that the researchers identified were:

- Arrests
- Bookings
- Drug Court Sessions/Appearances
- Treatment Sessions
- Ancillary Services (e.g., anger management, parenting classes)
- Urinalyses
- Jail Time related to the drug court eligible case (including jail as a drug court sanction)
- Probation Time related to the drug court eligible case

Non-Drug Court Transactions Related to the Drug Court Eligible Case. An examination of the non-drug court judicial system process description for cases that were eligible for drug court but did not result in participation revealed the transactions that occur, to varying degrees, at each site were:

- Arrests
- Bookings
- Court Cases (drug court eligible case)
- Treatment Episodes (from CADDs²⁰ data)
- Jail Time related to the drug court eligible case
- Probation Time related to the drug court eligible case

²⁰ The California Alcohol and Drug Data System (CADDs) operated by the State Department of Alcohol and Drug Programs. This will be described further in the methodology later in this chapter.

Outcome Transactions. The above transactions are those transactions related to drug court eligible cases for the drug court process and the non-drug court process. Both of these processes lead to outcomes that are measured in terms of further transactions within the criminal justice system, as well as transactions associated with other systems that use public resources, such as social services.

The same types of outcome transactions were measured for both the drug court participant group and the comparison group. Transactions that occur *after* the date of the drug court eligible case, except those related to the eligible case, are considered outcome transactions. For example, if a drug court participant is re-arrested and serves time in jail due to that re-arrest while still participating in drug court, for the purposes of this study that new arrest and jail time are considered “outcome” transactions. This differs from the common drug court evaluation approach that considers outcomes only after program completion. However, these transactions that occur while offenders are participating in drug court are not related to the drug court case and should not be accounted for in drug court costs, but they still result in system costs for both drug court and non-drug court participants and should be accounted for as a cost for those offenders. Since these transactions occur after the advent of the drug court eligible case, we chose to term them “outcome” transactions. (The bottom line in this type of cost study is really whether all costs to the taxpayer are being accounted for in both the drug court and comparison groups over the course of the study period.)

Criminal Justice System Transactions

- Arrests and Bookings
- Court Cases (Trial/No-Trial)
- Jail Time
- Probation Time
- Prison Time
- Victimizations

Treatment

- Treatment episodes (CADDs)

Once the transactions within the process were identified, in order to learn where resources were being used, it was necessary to determine which agencies were involved with each transaction.

Step 3: Identify the agencies involved in each transaction

The agencies involved with each transaction were identified through three different methods: Interviews, observations (e.g., of court sessions), and surveys. The interview questions were included in the Typology Interview Guide described in Step 1. Key agency staff members known to be involved in the processes under consideration were asked which additional agencies were involved in each transaction. Observations of some transactions, such as drug court sessions and group treatment sessions, allowed first-hand knowledge of the staff directly involved in these transactions. This knowledge was used to prompt responses from key informants during interviews and to verify the information gained from these interviews.

Step 4: Determine the resources used by each agency for each transaction

Data on the resources used for each transaction include the amount of time used in the transaction itself, the time used in preparing for that transaction, the time used in tasks that occur in consequence of the transaction, as well as the number of times each transaction occurs for each participant. For example, the public defender will spend time preparing for a court, spend time at the session itself, and then will spend time after a session writing up case notes and performing other activities as a consequence of the session. And, court appearances generally occur several times for a single client. Other resources used for transactions, besides agency staff time, include materials used during a transaction, such as paper, or in the case of urinalyses, urine cups.

Agency Resource Data Collection. As described above, to achieve a complete picture of the system resources being used for transactions, it was necessary to include the staff time involved before and after each transaction that support the occurrence of that transaction. Staff time includes not only the persons directly involved with the transaction but also those in support roles such as clerical staff and those in management roles, such as supervisors. Staff at each agency (such as finance staff, division heads, and legal assistants), were interviewed about the tasks they and/or their staff performed related to the transactions of interest and the approximate amount of time they spent on each task. The transactional activities were described to agency staff members and the interview questions focused on frequency and duration of each activity and the numbers and types of personnel involved. For example, for the transaction of a drug court hearing, deputy district attorneys assigned to drug court would be asked how often they attended drug court sessions, the duration of a typical drug court session, the amount of time they spent preparing for these sessions, and if there were any other staff whose time was used in support of drug court sessions. In addition, agency budgets and other documents that record the allocation of resources for the agency were examined to determine the amount of full-time-equivalent (FTE) hours that were devoted to drug court related activities. This led to a clearer picture of the complete system resources devoted to the occurrence of each transaction. These resources are included in the final cost of the transactions presented in the results section below.

Utilization Data Collection.²¹ Individual-level utilization data (data on the number of transactions for each participant) were collected from administrative databases and paper files. The administrative data gathered for this study came from several sources. In some cases, data were collected across all six drug court sites from statewide databases. These statewide data sources included:

- The California Law Enforcement Tracking System (CLETS), a statewide database that holds criminal justice information such as arrest dates, charges, court dates, and sentences.

²¹ Gaining access to data was the first step involved in selecting our samples and collecting quantitative data. Gaining access to data was a complex and often difficult task in itself. This was particularly true because of our use of the cohort approach (described above), which requires the use of individual-level data. Agency representatives almost always raised concerns about confidentiality. In response to these concerns, we developed a packet of information containing state and federal guidelines and penal codes relating to the release of confidential data for research purposes. We provided this packet to each agency from which we were requesting data (See Appendix C). In addition, each of our project staff members received a background check by the California Department of Justice and received official approval to collect confidential criminal justice information. Each of our staff also signed a confidentiality form promising to keep all data confidential. This form, created by NPC Research, defines confidentiality, describes procedures for keeping information confidential and gives examples of what would constitute breaking confidentiality. Finally, some agencies required that we go through a Memorandum of Understanding (MOU) process before allowing us access to their data. The MOU process varied according to agency, though generally an agency had a template or form already in place that we followed according to the agency protocol.

- The California Alcohol and Drug Data System (CADDs) operated by the State Department of Alcohol and Drug Programs. This database includes information on start and end dates of treatment episodes, types of treatment, medications received and drug of choice. The data were particularly important in allowing the researchers to determine the amount of treatment services received by non-drug court participants and the number of subsequent treatment episodes for both drug court and non-drug court cohorts.

Utilization data were also collected from local sources. (The specific sources of data for each site are given in the site-specific reports in Appendix A.) Many agencies had electronic databases that tracked data such as court cases, jail time, probation time and the use of drug court treatment services. When electronic data were not available, the information was collected from paper files. There were rare instances in which the data were not kept at all, or were kept in such a manner that the difficulty and cost of obtaining the complete set of data were not worth the benefits of having it. In these relatively rare circumstances (court data at one site and treatment data at a different site), the researchers collected data on a random sub-sample of individuals from the drug court and comparison groups for that site and generalized the resultant information for the group. (A test of this method was performed by examining data from a random subset of individuals in sites where complete data were available and comparing it to data from the complete group. There were no significant differences in the results.)

There was one notable difference in the data collected on treatment transactions for the drug court and comparison group for the drug court eligible case. The treatment data associated with drug court participation were gathered from the treatment providers at each drug court site while the treatment transactions collected for the comparison group were collected from the California Alcohol and Drug Data System (CADDs). It was not feasible within the scope of this study to determine which treatment providers were attended by the comparison sample and then collect the data on each offender from each provider. Because this study was focused on drug court participants, it was important to determine the detailed cost of treatment for the drug court process rather than just using the CADDs data for both groups. However, subsequent treatment episodes (episodes that occurred after drug court) were gathered from CADDs for both the drug court and comparison groups. An examination of CADDs data for drug court graduates (who would certainly have attended treatment sessions) showed that CADDs data were under-reported. Between 15% to 50% of graduates did not show any treatment episodes in the CADDs data, depending on the site. The implications of this under-reporting are discussed in the results section.

Step 5: Identify costs associated with activities performed by agencies

As described earlier, one of the main strengths of the TICA method is its ability to determine what elements should be included in costs. The costs for each transaction should include both direct and indirect costs. However, there is some flexibility regarding the source of the information gathered. These sources include budgets, interviews, calculations performed by agency staff as well as information from previous studies.

In the majority of cases, the cost of these activities was gathered in three forms: (1) The hourly direct cost (generally labor cost, such as staff salaries, including benefits) associated with the agency staff involved in each transaction; (2) Support cost (usually as a percentage of direct cost) in the form of the agency or department overhead; and (3) Jurisdictional overhead cost (also as a percentage of direct cost). The research staff combined the direct transactional cost with the support and overhead costs to generate total per hour, per activity, and per transactions costs. The information used to generate the

cost data was verified by key operating and financial management personnel involved with the drug court and non-drug court processes.

In some cases, this sort of calculation had already been performed by the agency involved and they were able to give us the fully loaded cost of a transaction. In these cases, we examined their calculations and, if they had included all applicable costs, we accepted such cost factors in lieu of our own calculations. This was true for jail bed days in most sites, for prison days, and for some group and individual treatment sessions.

There were two transactions for which we did not use information gathered from previous studies – the cost of CADDs treatment episodes and the cost of victimizations. The costs for CADDs treatment episodes were obtained from calculations performed by the California Department of Alcohol and Drug Programs and from a report by RAND (Riley et al., 2000). The victimization costs were calculated from National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*.²²

Step 6: Calculate cost results

The costs calculated for this study include the following four cost results:

- a. Cost per transaction
- b. Costs associated with the drug court eligible case (for both drug court and comparison group members)
- c. Costs associated with outcomes (costs for transactions other than and subsequent to those associated with the drug court eligible case)
- d. Cost savings

a. Cost Per Transaction. The costs incurred by each agency in terms of direct costs (staff time and materials) and indirect costs (support costs and overhead calculated as percentages of the direct costs) involved in transactional cost areas were combined to create costs for each agency for every transaction. The costs for each agency were then added together to get total cost per transaction. For instance, in the case of the cost of drug court sessions, the per hour cost for courts, law enforcement agencies, district attorney offices, public defender offices, treatment agencies, and probation agencies were combined to generate total per hour cost for **drug court sessions**. Using the average number of minutes used per participant for a single drug court hearing (from the timing performed during site visits), this cost *per hour* was then translated into the cost for a single **drug court hearing per participant**. (Note: Drug court sessions should be differentiated from drug court hearings. A drug court session is the entire session, involving multiple drug court participants. A drug court hearing is the

²² The costs for victimizations were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. This study documents estimates of costs and consequences of personal crimes and documents losses per criminal victimization, including attempts, in a number of categories, including fatal crimes, child abuse, rape and sexual assault, other assaults, robbery, drunk driving, arson, larceny, burglary, and motor vehicle theft. The reported costs include lost productivity, medical care, mental health care, police and fire services, victim services, property loss and damage, and quality of life. In our study, arrest charges were categorized as violent or property crimes, and therefore costs from the victimization study were averaged for rape and sexual assault, other assaults, and robbery and attempted robbery to create an estimated cost for violent crimes, arson, larceny and attempted larceny, burglary and attempted burglary, and motor vehicle theft for an estimated property crime cost. All costs were updated to fiscal year 2003-2004 dollars using the consumer price index (CPI) for the relevant geographical area.

court appearance of a single drug court participant.) This cost per hearing was then multiplied by the number of hearings for each participant to get the overall cost of drug court hearings per participant.

Non-drug-court *court* transactions were calculated somewhat differently. The identification of the cost of every court hearing outside of drug court for every subsequent court case is beyond the scope of this study (indeed, it would be a major study in itself). For this reason, the transaction of interest was determined to be the court *case* rather than a court hearing. The cost of an average court case was determined based on local budgets and interviews with local agency staff (as described above) and then was combined with information collected in several studies of time used in court process in California and other states (National Center for State Courts, 2002; Carey and Finigan, 2003).

The costs for each of the transactions were also calculated per agency, by assigning the amount of specific agency resources spent for a specific transaction. That is, since all costs for each transaction were first gathered at the agency level, the amount spent on each transaction per agency was already determined. In some cases, such as drug court hearings, several agencies accounted for a portion of the transaction cost. In other cases, such as probation time, the agency cost per transaction was accounted all to one agency (probation).

Costs were calculated based on budgets and other financial information from fiscal year 2003-2004. The exceptions to this are victimization costs (NIJ, 1996) and CADDs treatment costs (Riley et al., 2000), the sources of which are described above. All costs were adjusted, as necessary, to 2004 dollars. A zero discount rate was used, as any change in cost figures due to the discount rate would be negligible.

b. Costs Associated with the Drug Court Eligible Case (Investment Costs). Both drug court participants and the comparison individuals had a case during the time period used in our study (1998-1999) that was drug court eligible according to the eligibility guidelines for each site. This case was used as the index case for transactions that occurred both prior and subsequent to drug court. As described above, any transactions that could be associated with this case were included in the calculations of the costs to the system due to this case.²³ (See Step 2, above, for a list of these transactions.) The cost for this case can be considered “investment costs” for the system when following either the drug court process or an alternative process, generally a more traditional court process. The costs associated with the drug court eligible case were calculated by the simple addition of the costs per individual for each transaction, resulting in the total cost of the drug court process or the total cost of the non-drug court process for each individual. The average of these individual costs is the average cost per participant for the drug court process and the average cost per offender for the non-drug court process.

As with the transaction costs above, the investment costs were calculated per agency by assigning the appropriate agency cost to each transaction and adding them. This was calculated as the average agency investment cost per offender.

²³ In most circumstances, we were able to associate the case number with the transactions that occurred due to that case. However, for some types of data at some sites, the data were not kept with reference to a particular court case. There were three types of data for which this occurred. CADDs treatment data were not kept in reference to a court case and in two sites, jail data and probation data were not kept with a court case reference. In these circumstances, we assigned the first treatment episode, the first jail episode and the first probation episode that occurred within one year of the drug court eligible *arrest* to the drug court eligible case.

c. Costs Associated with Outcomes. To determine outcome costs, the costs of the outcome transactions per individual were summed to establish the total outcome costs per individual. Outcomes (listed in Step 2, above) included any transactions that occurred after the drug court eligible case, except for those associated with the eligible case. For example, this included any re-arrests and court cases due to those re-arrests, even if they occurred while an individual was still in drug court. For the treatment, probation, and jail data that could not be associated with a particular case, transactions (e.g., jail time served, treatment episodes) counted as outcomes if they occurred after the drug court start date minus those transactions that were assigned to the drug court eligible case.

The cost per individual in both the drug court participant group and the comparison group were averaged to get the mean outcome cost per individual for each group. This number can then be multiplied by the average number of participants who enter drug court each year to get the yearly outcome costs for both groups.

The outcome costs were calculated first without victimization costs, to determine the costs for the criminal justice and public treatment systems, and then with the victimization costs in order to present a more complete picture of the costs to the taxpayer.

As with the investment costs, the outcome costs were calculated per agency by assigning the appropriate agency cost to each transaction and adding them. This was calculated as the average agency outcome cost per offender.

d. Cost Savings. Once the average costs per participant for the drug court eligible case and the outcomes were calculated, any cost savings could be determined by taking the difference between the two groups. The difference was computed in three ways:

The difference in eligible case costs (net investment): The costs associated with the drug court eligible case for the comparison groups were subtracted from the costs for the drug court participant groups to determine the difference. A negative number would indicate costs savings (benefits) for the system due to drug court while a positive number would indicate that the drug court cost more to run than the non-drug court process. This difference in eligible case costs describes the cost to the system of the drug court versus traditional court processing.

The difference in outcome costs (net outcome costs/savings): The outcome costs for the comparison groups were subtracted from the outcome costs for the drug court participant groups to determine the difference in outcome costs. As above, a negative number would indicate savings due to drug court while a positive number indicates loss due to drug court.

The difference in total costs (total net benefit): The drug court eligible case costs and outcome costs for each group were added to obtain the total cost to the system for those who participated in drug court and those who did not. The total costs of the comparison groups were subtracted from the total costs of the drug court groups to determine the overall cost difference between the two. Once again, a negative number would indicate overall cost savings due to drug court while a positive number would indicate loss due to drug court. This difference in total costs is truly the bottom line for the cost to the system of drug court participants versus the cost of non-drug court participants.

Each of these calculations was also performed in the same way on a per agency basis. This was calculated as the average cost per agency per offender.

Analyses

The analyses for this study, other than the cost calculations and the propensity score matching described above, consisted of counting the number of transactions for the drug court eligible case and counting the outcome transactions per year after drug court entry. T-tests were used to determine if the difference in the cost results between the drug court groups and the comparison groups were statistically significant.

In addition, estimates were calculated in cases of missing information. Specifically, the CADDIS treatment data could not be associated with a specific court case. Because we needed to determine the amount of treatment for the drug court eligible case for the comparison group, we calculated the average amount of treatment cost per court case at each site (using both court and treatment data that spanned a five year period) and assigned that amount to the drug court eligible case. This amount was then subtracted from the outcome treatment costs. Also, at one site the information on a number of court cases subsequent to the drug court case was not available, although number of re-arrests was available. Using the combined data from the other five Phase II sites, we calculated the average number of court cases per re-arrest and assigned that number of court cases for each arrest at the site with this missing information.

Methodology Summary

Drug court study sites were selected based on drug court maturity, the presence of the data necessary to test the methodology, and geography, in order to obtain drug courts that were both rural and urban. Drug court cohorts were selected from the drug court databases at each site and comparison group cohorts were selected individually based on the drug court eligibility criteria for each site and then matched to the drug court group using a propensity score matching technique. The main cost methodology used for this study was Transactional and Institutional Cost Analysis. There are six key steps for TICA that involve learning about drug court and non-drug court processes, identifying the transactions within this process, identifying the agencies involved in each transaction, determining the resources used during each transaction, determining the cost of those resources, and then calculating overall costs. T-tests were performed to determine that there were significant differences in cost results between the drug court and comparison groups.

Chapter 3: Cross-site Results for Nine California Drug Courts

As described in Chapter 1, this study was designed to be conducted in three phases. The first phase was a detailed case study of three drug court sites for the purpose of developing a cost evaluation methodology that could be used across many drug court sites. Phase II, the focus of this report, was a test of this methodology in six additional drug courts. Phase III will consist of a pilot test of the Drug Court Cost Self-Evaluation Tool (DC-CSET), created out of the information gained in the previous two phases, followed by a launch of this tool statewide.

Chapters 1 and 2 of this report provided the background, research design, and methods for Phase II of this California Drug Court cost study. This chapter will now examine the cost results across all nine drug court sites that participated in Phases I and II. The discussion of the cost results will focus on the following:

1. Costs specific to implementing the program itself (e.g. drug testing, drug court hearings).
2. Total investment costs in producing the drug court model (including reallocated system resources).
3. Costs associated with outcomes of the drug court.
4. The cost-benefit ratios for courts.
5. Net investments and net outcome benefits (savings).

One of the advantages of the approach to costs developed in this study is its ability to examine factors in the drug court setting that influence costs and cost savings with the potential to determine promising practices. The cost results for the nine drug courts will be followed by a discussion exploring many factors that may have influenced the costs found in this study. These factors include:

1. Differences and similarities in population demographics in the area surrounding each drug court program. (This is the population from which the drug court draws its participants and the population to which the drug participants return after their experiences in the program.)
2. Drug court program organization.
3. Drug court program processes.
4. Drug court participant characteristics.

The differences in these factors between sites are significant and the potential for how these factors could influence participant success and system costs is vast. This analysis is designed to assist the policy maker in assessing potential promising practices as well as developing cost-beneficial practices.

Cross-Site Cost Results

This section presents the cost results for the nine drug court sites that took part in Phases I and II of this study. Table 3.1 and Figures 3.1, 3.2 and 3.3 (below) present the costs for the drug court program, the costs due to the drug court eligible case (investment costs), the net investment costs and the costs for outcomes for the nine drug court sites, respectively. *Although there are differences in scale across sites, the general trend in eight out of nine sites is the same. These drug courts save money due to favorable outcomes for drug court participants.*

Table 3.1: Program Only Costs. Drug Court Program Transaction Costs per Participant²⁴

	Phase I Sites			Phase II Sites					
	Butte	L.A. Central	San Diego East	L.A. - El Monte	Monterey	Orange - Laguna Niguel	Orange - Santa Ana	San Joaquin	Stanislaus
Drug Court Hearings	\$4,340	\$1,212	\$2,348	\$665	\$1,326	\$2,778	\$2,430	\$1,647	\$1,167
Treatment Sessions	\$1,673	\$10,333	\$8,183	\$2,276	\$3,251	\$2,703	\$2,026	\$1,023	\$2,236
Urinalyses (UAs)	\$665	\$458	\$521	\$406	client pays	\$398	\$218	\$168	\$459
Case Mgt.	\$226	\$104	\$1,111	\$442	\$419	\$4,046	\$2,631	\$216	\$689
Total	\$6,904	\$12,107	\$12,163	\$3,789	\$4,996	\$9,925	\$7,305	\$3,054	\$4,551

²⁴ These are transactions associated with the program only, not including other transactions associated with the drug court eligible case.

Figure 3.1: Investment per Offender in Drug Court and “Business-as-Usual” (Comparison) at Nine Drug Court Sites

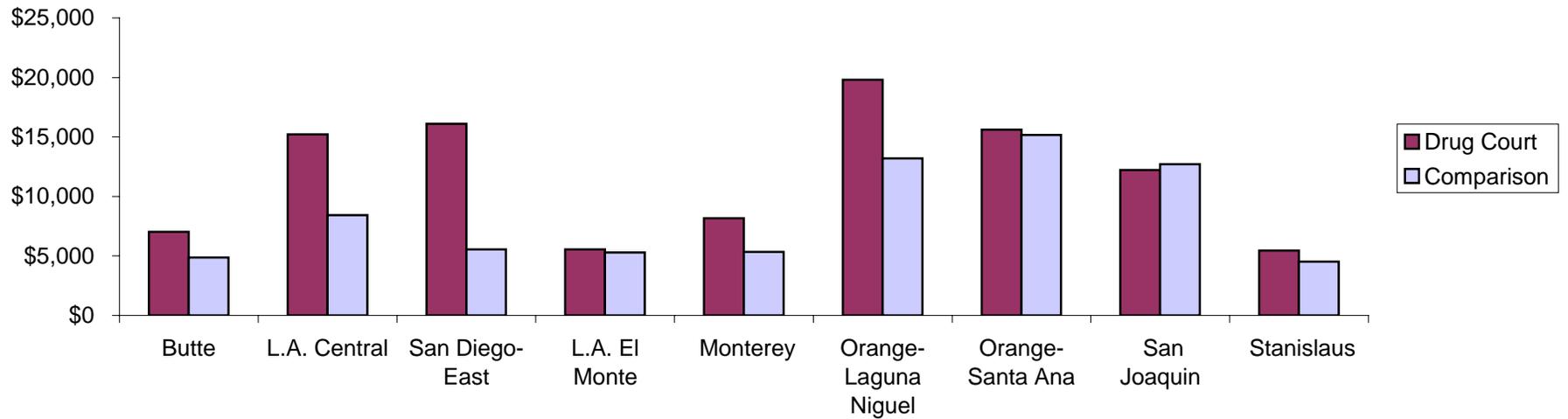


Figure 3.2: Net Investment in Drug Court per Participant at Nine Drug Court Sites

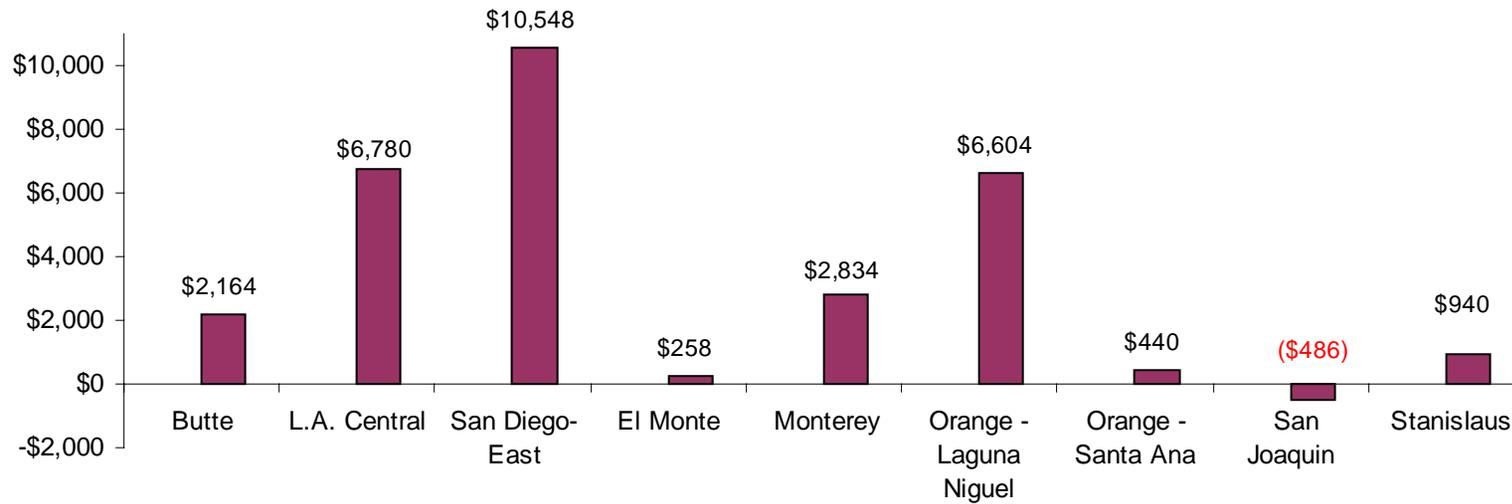
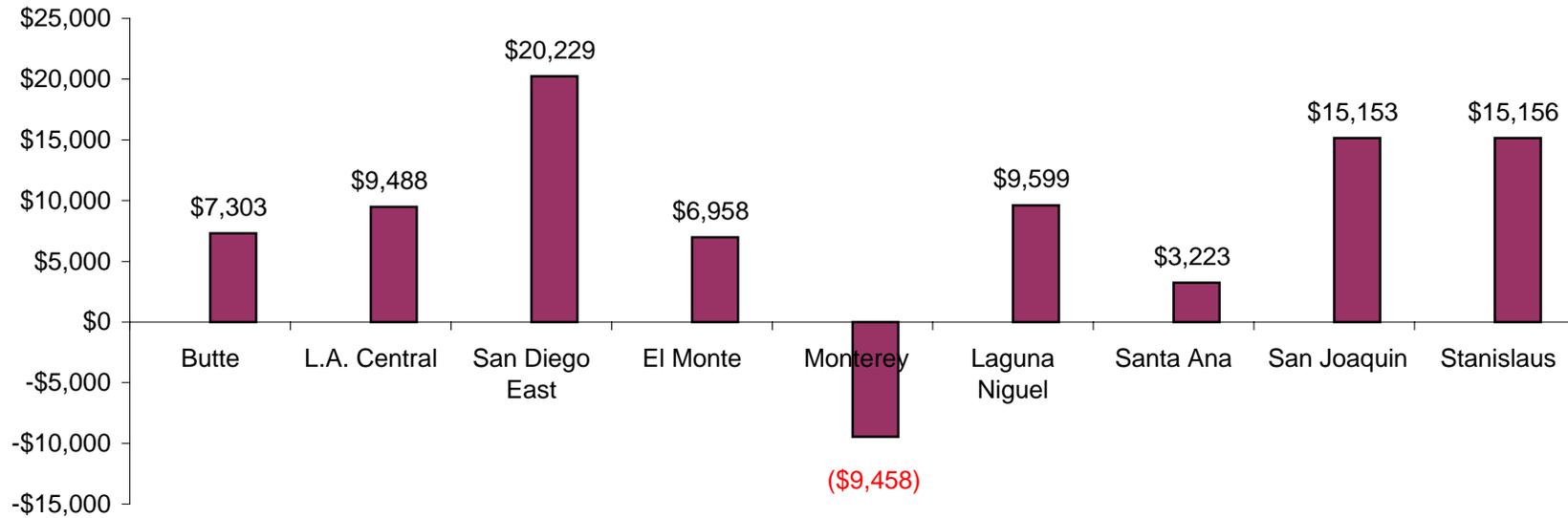


Figure 3.3: Outcome Benefits over Four Years per Participant (Difference in Outcome Costs between Drug Court Participants and Non-Drug Court Comparison)



One site also had lower “investment” costs, (the costs associated with the court case that led an offender to participate in drug court) compared to business-as-usual case processing. That is, on average, it cost this site less to put an offender through drug court than to put an offender through business-as-usual. Most sites (eight out of nine) have already shown a return on their investment. That is, within four years they have saved more than they spent on the drug court program. If positive outcome trends continue, these sites can expect more savings over time.

Investment Costs. One common method of assessing investment cost for drug court is to simply add up the program related costs. Table 3.1 illustrates the investment of the nine drug courts in key program transactions. These transactions include drug court hearings, drug court treatment, urinalyses (UAs), and case management. An examination of where a drug court is concentrating its resources can provide clues as to which transactions are important for successful outcomes. Program costs vary from about \$3,000 to almost \$13,000 per participant. Those courts with the highest program costs tend to spend the bulk of their money on treatment while those courts with the lowest cost spread their money relatively evenly between the court sessions and treatment.

However, looking at program costs alone is misleading in two ways: (1) It fails to add in the additional system costs associated with the drug court case that are not directly related to the program; (2) It fails to account for the amount of similar resources that are spent by the system on standard processing of cases. It is the *net investment*, the amount of additional resources above and beyond those allocated for standard processing of cases that is the relevant investment in drug court.

Figure 3.1 presents the total costs for the drug court eligible case for both the drug court and comparison groups and the net investment costs. The drug court case includes transactions that occurred outside the actual program, but were related to that same case – for example, the cost of the arrest and original booking and jail time that occurred before the offender was referred to the drug court program. It also includes jail time that occurred if a participant terminated from the program. For the comparison group, this case is one that may have led to participation in the drug court program, but did not. The transactions include those that occur in the business-as-usual case processing system that are related to that specific case. There are some economists that feel business-as-usual costs need not be calculated based on the belief that by merely counting those unique costs for a drug court program the researcher will have captured the real costs of that program. But what Figures 3.1 and 3.2 demonstrate is that often drug court participants have fewer business-as-usual costs (e.g. court hearings, bench warrant costs) than the drug court eligible clients who do not participate and are processed outside of drug court. This typically means that the savings in the business-as-usual processing for drug court clients often offsets the unique costs of drug court to the point that the net investment for the system is small, or even results in a net savings.

The *net investment*, rather than just drug court program investment, provides policy makers and practitioners with information not just on what resources they have put into the drug court program but also what resources would have been spent had that program not existed. There is a wide range of net investment costs in the nine study sites, including those drug court sites that reside within the same county (El Monte and the Central courts in Los Angeles; Santa Ana and Laguna Niguel in Orange). Examination of the net investment shows that San Joaquin actually saved money in case processing through the drug court process (so there is an investment savings rather than a cost). Two sites have very large net investment costs in drug courts as compared to their normal case processing. San Diego East has a large investment cost that reflects both a

large investment in treatment and lengthier jail sentences for those who fail drug court (lengthier than the sentences imposed on those processed through the business-as-usual approach).²⁵ L.A. Central has high investment costs that largely reflect the substantial treatment resources committed to the drug court program (see Table 3.1). The other courts have actual investment costs (drug court case costs vs. business-as-usual case costs) that range from only a few hundred dollars per case to a few thousand dollars per case and differ only slightly from costs for more traditional case processing. This begins to illustrate how important the organization and the structure of the drug court are in incurring investment costs. Drug courts are rarely alike and their organization depends both on resources that can be made available as well as the perceptions by the judge and the drug court team about the effectiveness of such resources as jail sanctions or the type of treatment. The usefulness of the Transactional and Institutional Cost Analysis (TICA) approach is that it allows policy makers to see the cost consequences of their decisions about drug court structure and strategy. Policy makers can see whether heavy investment of resources in, for instance, jail as a deterrent to early termination or a heavy investment in treatment resources pays off in later benefits. This is illustrated further in the sections on drug court organization and drug court policies and also can be seen in the cost per transactions tables presented in the site-specific reports.

This approach also reveals that the initial cost environment of business-as-usual case processing helps determine how costly investment in drug court will be for a community. For example, in jurisdictions where drug court eligible cases are largely dismissed anyway, the net cost of a drug court may be high. For jurisdictions where a case would have received considerable jail and probation time, the net cost of a drug court may be quite low.

Outcome Costs. Figure 3.3 presents the outcome costs for the drug court and the comparison groups and the difference in these costs for the nine drug court sites. Outcome benefits (savings) vary widely among sites. In Monterey the drug court does not produce any savings over time, and actually shows a loss. However, the other eight sites all show outcome cost savings over the four year time period covered by this study. These savings vary between about \$3,300 and over \$20,000 saved *per participant*.²⁶

One way to look at these savings is the percentage reduction in cost between the comparison group and the drug court group – effectively, the reduction in cost due to drug court processing. In Santa Ana the percentage of cost reduction is modest (15%) while in Butte the percentage reduction is quite high (62%). Laguna Niguel and San Diego East also have a very high reduction in subsequent costs (50% or over). The other sites have cost reductions in the 20% to 40% range.

²⁵ See the final report from Phase I, “California Drug Courts: A Methodology for Determining Costs and Benefits. Phase I – Building the Methodology.”

²⁶ As described in the methodology, these outcome costs include victimization costs. If the victimization costs are removed from the analysis all sites that experienced savings still experience savings, although the savings are reduced by varying amounts. The outcome benefits in two sites are actually increased when victimization costs are removed. On average, removing victimization costs decreases the outcome benefits by 38%.

Table 3.2: Cost-Benefit. Net Investment, Net Difference in Outcomes and Cost-Benefit Ratio in Nine Drug Court Sites

	Phase I Sites			Phase II Sites					
	Butte	L.A. (Central)	San Diego (East)	L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Net Investment	\$2,164	\$6,780	\$10,548	\$258	\$2,834	\$6,604	\$440	- \$486	\$940
Net Outcome (Savings)	\$7,303	\$9,488	\$20,229	\$6,958	- \$9,458	\$9,599	\$3,223	\$15,153	\$15,156
Cost-Benefit Ratio	1:3.4	1:1.4	1:1.9	1:27.0	NA	1:1.5	1:7.3	Savings only²⁷	1:16.1

²⁷ Because there is a negative net investment in the drug court program in San Joaquin, it is not possible to calculate a cost-benefit ratio using this formula.

However, the bottom line for any program is whether its investment costs are recovered in savings accrued from positive outcomes. This is the cost-benefit ratio, assessing whether there is a return on every dollar spent on the program. A positive return on investment occurs in most cases due to reduced criminal justice recidivism (fewer re-arrests, less court time, less jail time, less probation time) in the drug court participants.²⁸ In other words, the choice is between paying for good treatment and supervision in the community that prevents recidivism or paying for even more expensive re-arrests and new sanctions that actually appear to increase future recidivism (or at least do nothing to prevent it). Table 3.2 presents the net investment costs in the drug court eligible case, the net outcome costs and the cost-benefit ratios for each site. As this table shows, the cost-benefit ratio varies between sites. Those courts with lower investment costs have better ratios. Only Monterey does not have positive return on investments. This is the only site that does not produce positive outcome results. This is likely due to operational issues discussed later in this chapter. Butte, L.A. Central, Laguna Niguel and San Diego East all have positive cost benefit ratios (ranging from 1:1.4 to 1:3.4). Taxpayers not only recover their investments but also save additional money. San Joaquin, Santa Ana, Stanislaus and El Monte (formerly known as the Rio Hondo drug court) all produce very high returns on investment, in part because of their low investment costs. San Joaquin saves money immediately by having lower investment costs than standard processing.

Another way to look at the costs for each drug court site, which is a special advantage of our TICA methodology, is the costs per agency. Table 3.3 provides the net investment and the net outcome costs per participant for each agency in the six Phase II study sites. These per agency costs are the costs for drug court minus the cost for business-as-usual. Therefore, a negative number for net investment or net outcome means that the drug court participants cost *less than* non-drug court participants (i.e., a savings due to drug court participation). This table demonstrates the variety of investments and savings experienced by agencies across sites. Across all sites, drug courts invest the most in treatment and law enforcement (generally due to jail as a sanction and jail after termination from the program). Nearly every agency experiences some degree of benefit due to positive outcomes except for the Monterey drug court, where nearly all agencies experience a loss and there is an overall loss per drug court participant. Some agencies in the Santa Ana and San Joaquin drug courts also experience a loss, but the overall benefits (cost savings) are still positive, showing that the investments occur more in some agencies while the benefit is accruing in other agencies. This is particularly demonstrated for the Department of Corrections where there are no investment costs at any site (as Corrections does not spend staff time on drug court activities) but there is the largest benefit of any agency. In general, treatment agencies show more treatment use after drug court for drug court participants than for comparison group members. These differences between sites where benefits accrue can largely be attributed to the organization or structure of each particular drug court. There is a wide variety in how much time various agencies invest in drug court between sites, which has a direct effect on investment costs, and can have an indirect effect on outcome costs. This is discussed further later in this chapter and in Chapter 4.

²⁸ These numbers of re-arrests, court cases, jail days and prison days for each site can be found in the site-specific reports in Appendix A.

Table 3.3: Net Investment Costs and Net Outcome Costs per Agency (per Drug Court Participant)

Agency		Phase II Sites					
		L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Superior Court	Net Investment	-\$898	-\$413	-\$79	-\$393	-\$351	-\$601
	Net Outcome Costs	-\$34	\$606	-\$227	-\$148	\$342	-\$161
District Attorney	Net Investment	-\$93	-\$418	-\$252	\$103	-\$411	-\$523
	Net Outcome Costs	-\$8	\$289	-\$58	-\$38	\$148	-\$106
Public Defender	Net Investment	-\$338	-\$410	-\$76	-\$203	-\$448	-\$329
	Net Outcome Costs	-\$14	\$346	-\$103	-\$67	\$171	-\$81
Probation	Net Investment	-\$632	\$152	\$2,143	\$1,260	-\$216	\$723
	Net Outcome Costs	\$19	-\$201	-\$650	\$474	\$104	-\$444
Treatment Agencies	Net Investment	\$1,933	\$3,193	\$3,808	\$706	\$812	\$2,332
	Net Outcome Costs	\$142	\$348	\$336	\$249	-\$31	-\$59
Law Enforcement	Net Investment	\$286	\$729	\$1,060	-\$1,033	\$128	-\$662
	Net Outcome Costs	-\$2,003	\$1,960	-\$953	\$620	-\$1,672	-\$3,619
Corrections	Net Investment	\$0	\$0	\$0	\$0	\$0	\$0
	Net Outcome Costs	-\$3,373	-\$1,664	-\$2,236	-\$4,934	-\$5,377	-\$541

It is with these net investment benefits and net outcome benefits where the concept of *opportunity resources* (described in the research approach section in Chapter 2) is relevant. Table 3.3 shows that the superior court at every site experienced benefits in investment costs. That is, the drug court process actually costs the court less than the business-as-usual process. The same is true for the public defender at each site. This does not mean that either of these agencies saw a decrease in their budget or their costs. However, they had the opportunity to use these resources in a different way, such as expanding their processing of other types of offenders. Further, although corrections experienced an outcome benefit for drug court participants at every site, corrections did not necessarily experience a greater number of empty beds. Instead, corrections had the opportunity resources (those available beds) that could be filled with other (non-drug court) offenders for whom they otherwise might not have had room.

As discussed above, an examination of (1) Drug court *context*; (2) Drug court *organization*; (3) Drug court *policies*; and (4) Drug court *participant characteristics* can help provide understanding of why and how these variations in cost occur. All of the following discussion from these four perspectives in relation to the cost results is based on data that are correlated but where causation cannot be absolutely defined. That is, it is not possible for us to say that the various characteristics of the drug courts described in this section directly caused the cost results. Further, nine sites is not a large enough sample to allow strong conclusions. However, the examination of these factors in relation to cost results can give us some ideas about the characteristics that may have the most influence on costs and therefore what characteristics to examine as promising practices and perhaps best practices in the future.

1. Drug Court Context

As California's drug courts mature and become more established as elements of local criminal justice systems, they can also be considered as institutions that are increasingly embedded in the communities that they serve. Drug courts are responses to the needs of communities. As a result, it is useful to consider the demographics of the communities that drug courts serve – the communities in which drug court participants live, work and are educated.

Data from the 2000 census²⁹ were used to define an estimated service area for each drug court and to describe the demographics of the population in the service areas identified. For each estimated drug court service area the following sets of demographic characteristics were considered:

- Race/Ethnicity
- Employment
- Education
- Income
- Extent of Poverty

²⁹ Census data found at U.S. Census Bureau website: www.census.gov.

Figure 3.4: Ethnicity/Race for all Nine Drug Courts' Census Defined Places (CDPs)

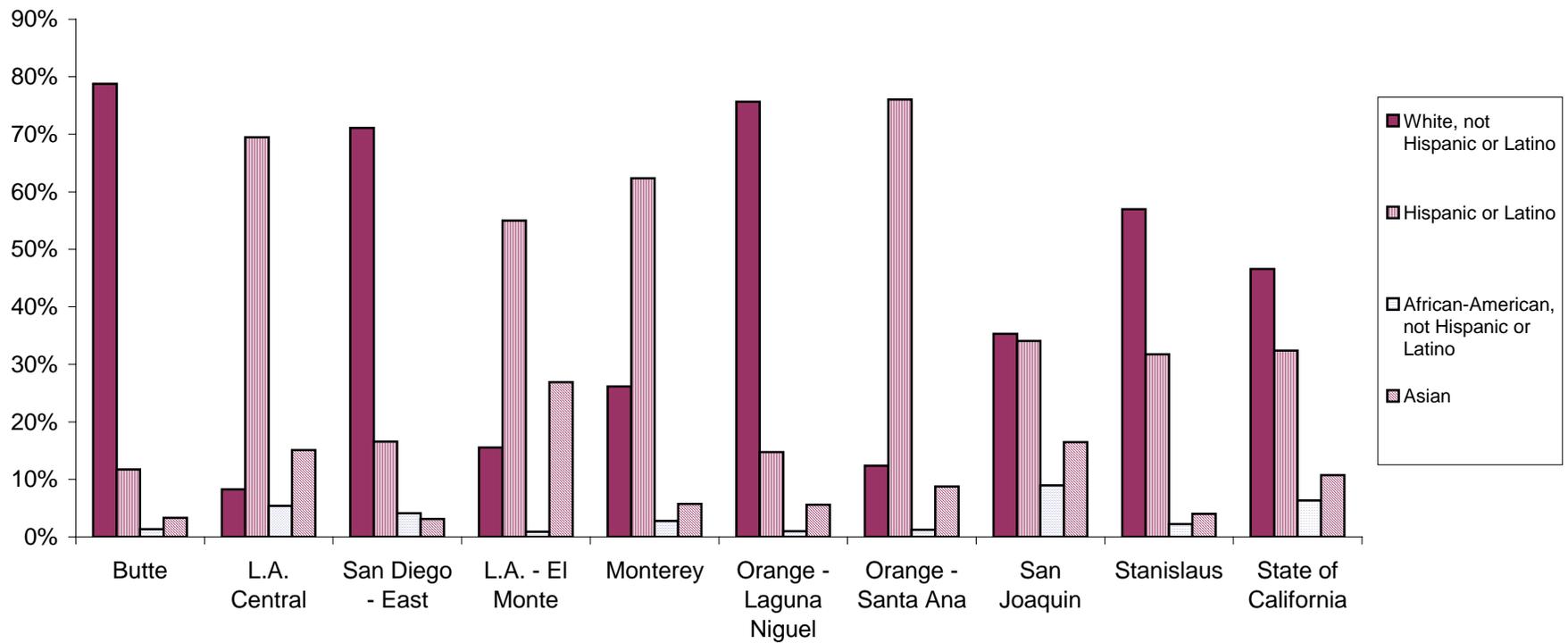


Figure 3.5: Population Unemployment in all Nine Drug Court Sites' CDPs

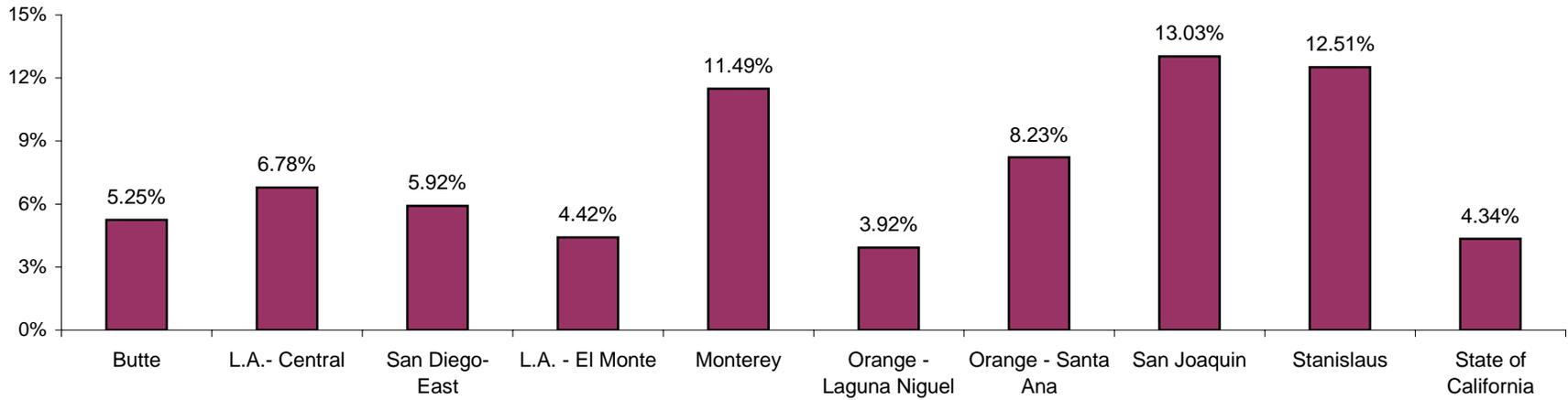


Figure 3.6: Population Unemployment by Race in All Nine Drug Court Sites' CDPs

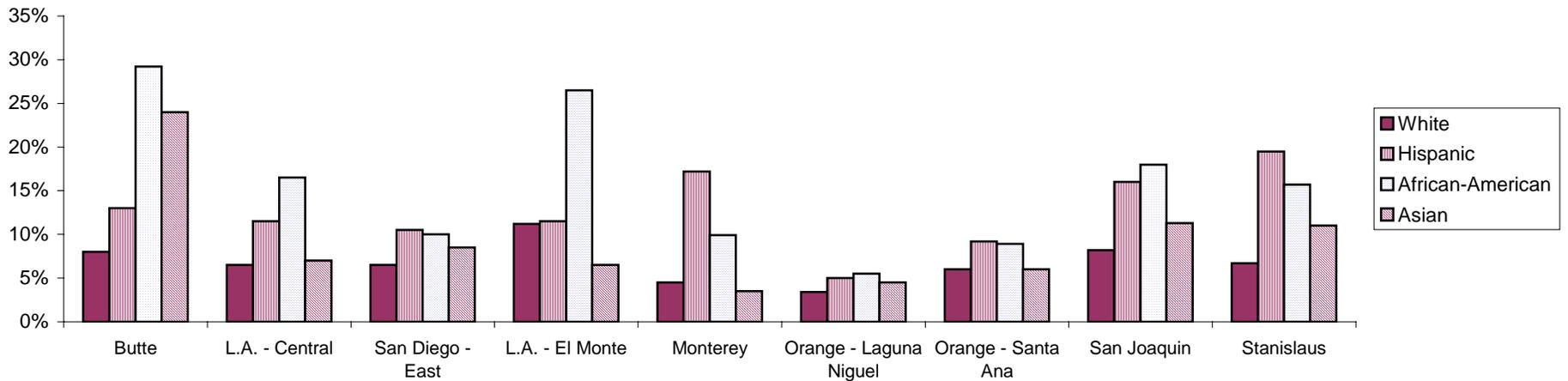


Figure 3.7: Percentage of Those with Less Than 9th Grade Education by Ethnicity in all Nine CDPs

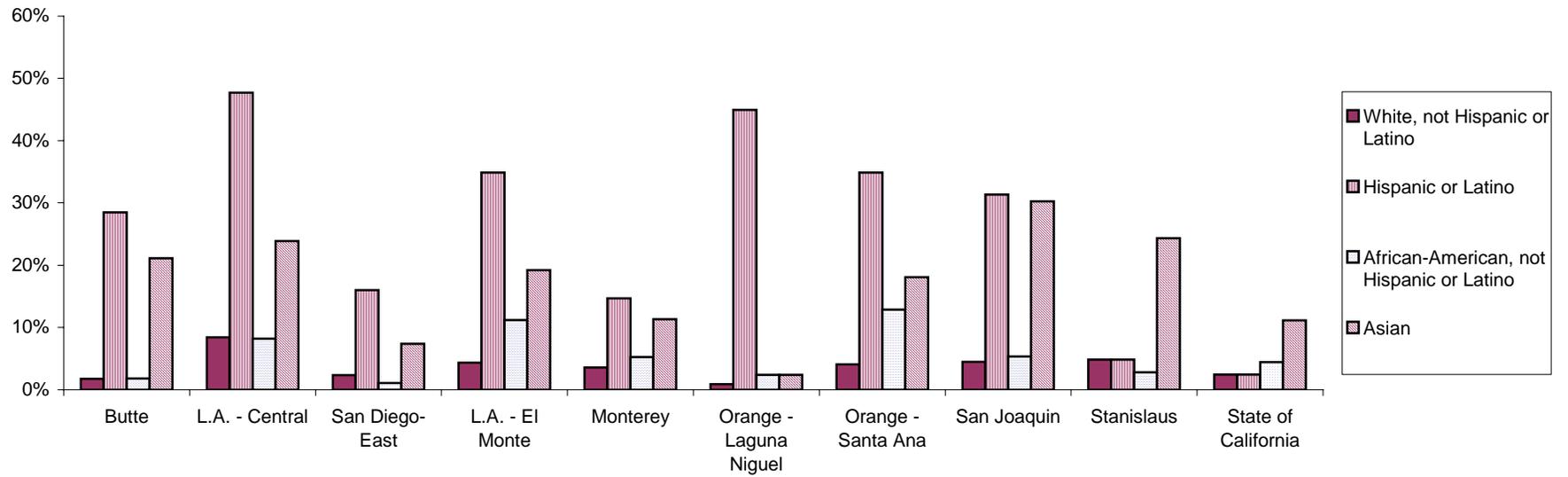


Figure 3.8: Population per Capita Income in Nine Drug Court Sites' CDPs

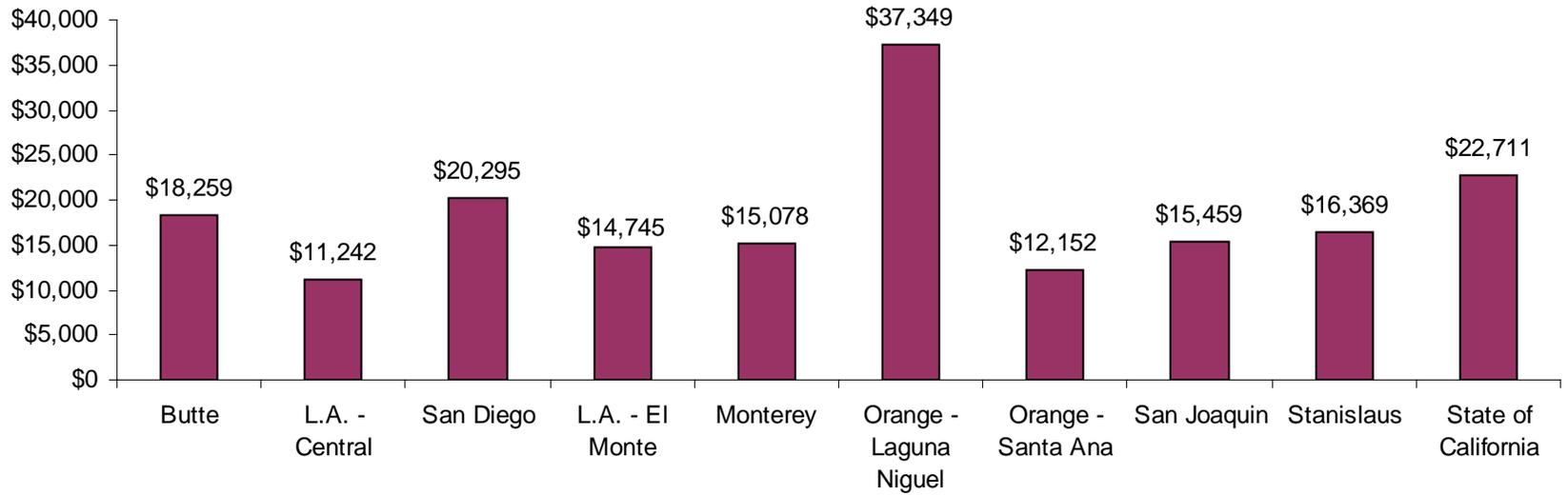
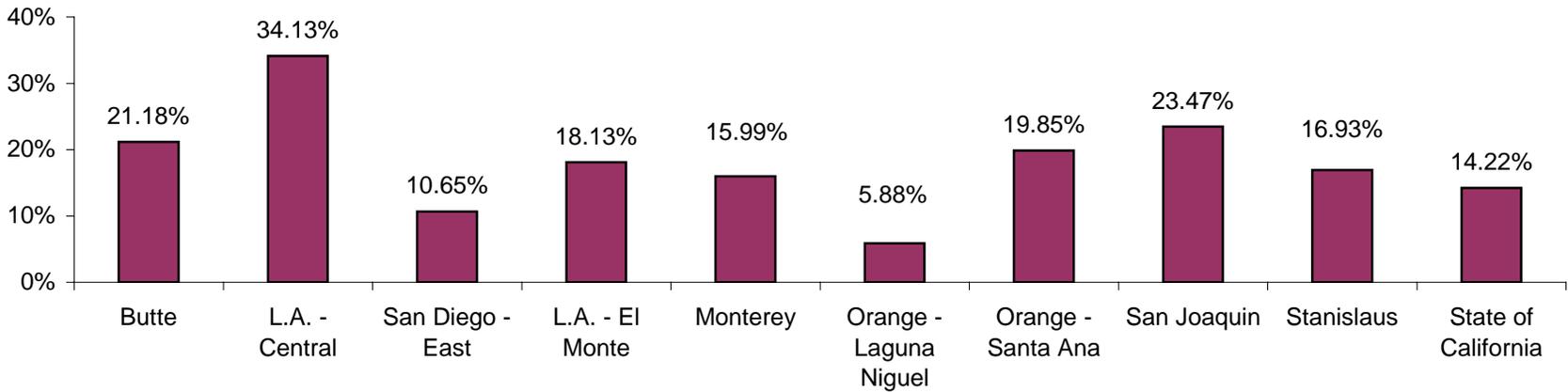


Figure 3.9: Population Below Poverty Level in Nine Drug Court Sites' CDPs



Research has argued that demographics of the area surrounding the drug court program can be an important factor in determining the kinds of clients a drug court will serve as well as the ability of the drug court participant to achieve successful outcomes upon leaving the drug court program (e.g., Deschenes, 2000). The preceding graphs illustrate the demographics of the general population in the “census defined places” (CDPs) surrounding the nine drug court sites. A discussion of how these demographics may relate to drug court program outcomes and costs follows.

Race/Ethnicity. Figure 3.4 shows the racial/ethnic make-up of the CDPs at each site. The diversity between the sites is remarkable. Whites in Butte, San Diego East, Laguna Niguel and Stanislaus are a large majority whereas in L.A. Central, El Monte, Monterey and Santa Ana the large majority is Hispanic. Particularly interesting is that two sites within the same county (Santa Ana and Laguna Niguel) have such extreme differences in racial/ethnic make-up. Laguna Niguel is overwhelmingly White and Santa Ana is overwhelmingly Hispanic. African-Americans and Asians are in the minority across all sites, although the percentage is a reasonably large minority in L.A. Central and San Joaquin.

Employment. Figure 3.5 illustrates the percentage of the population at each site that is unemployed. Unemployment ranges from just under 4% in Laguna Niguel to 13% in San Joaquin. The three sites with the highest overall unemployment rate (over 11%) are San Joaquin, Stanislaus, and Monterey. Figure 3.6 presents unemployment at each site by race/ethnicity. Unemployment varies widely by race. African-Americans and Hispanics have the highest unemployment rate at every site (except Butte where it is African-Americans and Asians). African-Americans reach as high as nearly 30% in Butte and El Monte. Hispanics have higher unemployment than African-Americans in Stanislaus and San Diego East, as well as in Monterey and Santa Ana, where they also make up the largest percentage of the population.

Education. Among the education indicators considered for each study site were the percentage of males and females with no education and the percentage of males and females by race/ethnicity with less than a 9th grade education. Males with no education ranged from 0.8% in the Laguna Niguel area to 10.0% in L.A. Central. Females with no education ranged from 0.8% in the Laguna Niguel area to 13.0% in L.A. Central. California’s percentage of the population with no education was 3.1% for males and 3.4% for females.

Figure 3.7 presents the percentage of the population in each site with less than a 9th grade education by race. The most striking finding in this graph is the percentage of Hispanics with less than a 9th grade education – over 40% in L.A. Central, Monterey, Santa Ana, and Stanislaus. San Joaquin shows that both Asians and Hispanics have similar percentages (nearly 30%) of those with less than a 9th grade education. African-Americans and Whites with less than a 9th grade education at each site are generally below 5%, although the African-American percentage in El Monte and Santa Ana is over 10%.

Income. Figure 3.8 illustrates the per capita income at each of the nine sites. The per capita income among the study sites ranged from a low of \$11,242 in L.A. Central and \$12,152 in Santa Ana to a high of \$37,349 in the Laguna Niguel area. Again, the difference between two areas in the same county is striking.

Poverty. Among the indicators of poverty is the percentage of the population in each study area at or below the poverty level. Figure 3.9 shows the percentage of the general population that falls

below the poverty level in areas surrounding each of the nine drug court study sites. The percentage of the population at or below the poverty level ranged from a low of 5.9% in the Laguna Niguel area to a high of 34.1% in L.A. Central. Also relatively high are Butte (21.2%) and San Joaquin (23.5%). As with the other demographics, the variation between the sites is notable, particularly in sites that reside in the same counties (L.A. Central and El Monte; Santa Ana and Laguna Niguel).

Cost Results in Relation to Context. As described earlier, these demographic features describe the population of the area where the drug court participants are from and to which they return. It follows that these demographics could have an effect on both investment and outcome costs. The examination of population demographics and cost results show this to be true. There seems to be some modest correlation between service area demographics and investment costs. However, these same demographics show some interesting correlations with outcome costs for these nine sites.

The correlation between service area demographics and drug court investment was generally not straightforward. However, in Laguna Niguel where the per capita income is the highest of all nine sites (nearly \$40,000) and unemployment is the lowest (under 4%), the net investment in drug court is the highest. This may have to do with services in a higher income area being more expensive as well as individuals with higher incomes expecting more services.

The relation to outcome costs is clearer. Demographic considerations appear to have an effect on the total cost environment for both drug court and comparison groups. Although both L.A. Central and San Joaquin experienced *net* benefits due to positive outcomes for the drug court program participants, the two drug courts have relatively high costs associated with those outcomes for both drug court and comparison groups (L.A. Central outcome costs = \$30,000 per drug court participant and over \$40,000 per comparison group member, San Joaquin outcome costs = \$35,000 per drug court participant and \$51,000 per comparison individual.) The frequency and/or seriousness of recidivist crime, and/or the conflating effect of prior criminal history in these sites may be artifacts of poverty and related socioeconomic/cultural factors in these areas. According to a number of indicators of poverty, these two drug court service areas are the most economically disadvantaged among the sites that we have studied. These areas have low per capita income (L.A. Central is \$11,242, as compared to \$22,711 for the State of California), high rates of households on public assistance (L.A. Central, 11.4%; San Joaquin, 10.0%, compared to 4.9% for the State of California), and high rates of households at or below the poverty level (L.A. Central, 34.1%; San Joaquin, 23.5%, as compared to 14.2% for the State). The challenge for economic success in these areas is indicated by relatively high unemployment rates (L.A. Central, 6.8%; San Joaquin, 13.0%, as compared to 4.3% for the State of California), comparatively high rates of no school completed (L.A. Central, 9.9%; San Joaquin, 5.9%, compared to 3.1% for the State), and relatively high African-American and Hispanic/Latino populations (L.A. Central, 74.8%; San Joaquin, 43.0%) both of which have high percentages of individuals living under the poverty level. We would hypothesize that these challenges result in long and intense criminal histories and difficulty in escaping illegal economic activities.

Outcome costs in Butte and Laguna Niguel are relatively low (Butte = \$4,500 per drug court participant and \$11,863 per comparison individual; Laguna Niguel = \$8,846 per drug court participant and \$18,445 per comparison individual). The demographics of the population in both sites include a high percentage White population, relatively high educational attainment, low unemployment rates and high per capita income. These are all indications that social

readjustment may be relatively less difficult for the drug court participants – resulting in fewer relapse episodes, fewer re-arrests and lower total costs during the study period.

A comparison within the same county (Orange) shows that outcome costs are higher for drug court participants in Santa Ana (\$18,205) than in Laguna Niguel (\$8,846). Santa Ana has higher unemployment, a higher percentage of population falling at or below the poverty level, lower education, one of the lowest per capita income amounts, and the majority of the population in Santa Ana is Hispanic (nearly 50% with an educational level less than 9th grade), while the majority in Laguna Niguel is White with high educational levels. As in the case of San Joaquin and L.A. Central described above, these demographic challenges in Santa Ana are all likely to result in more difficulty with social readjustment and more criminal activity.

Also of interest is the relationship between demographics and *net* outcome costs, or the size of the net benefits. San Joaquin and Stanislaus drug courts are the two counties with the highest unemployment rates and some of the highest percentages of the population living below the poverty level. These two sites also have two of the highest net benefits (over \$15,000 per participant at each site). It is possible that drug courts may have a bigger impact in populations that have greater economic disadvantage. Research has shown that greater economic disadvantage is related to higher crime rates (e.g., Weatherburn, 2001). Therefore, the decrease in recidivism due to drug court may lead to a larger difference in re-arrests between the drug court participants and comparison group and consequently a larger difference in outcome costs. This is a subject that needs to be explored further in Phase III when there are more sites for analysis.

In contrast, other cost results appear to be unrelated to the demographic context. For example, the cost results for Monterey differ in direction from the rest of the nine drug court sites, with Monterey drug court participants resulting in loss rather than benefits. However, examination of the actual demographic numbers from Figures 3.4 through 3.9 (presented above) shows that Monterey is neither the lowest nor the highest in any demographic area. Many of Monterey's demographics are similar to those in other sites. It is likely that an explanation for Monterey's unusual results can be found in how the court is organized or in the policies and procedures followed by this court (discussed later in this document). Therefore, there would seem to be no evidence that economic disadvantage is the cause of the poorer showing of this court.

There is one other important non-demographic contextual factor that should be noted. In November 2000, 61% of California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA) of 2000. The primary goal of SACPA is to provide an alternative to incarceration for low-level, non-violent drug possession offenders (Prop36.org, 2004). For those who choose treatment, the treatment professionals take a central role of responsibility for the success of the client, rather than the courts.

SACPA is a statewide mandate, and as such eligibility requirements are identical in all 58 California counties: conviction of a non-violent drug offense or being under the influence of a controlled substance (Longshore et al., 2003), which overlaps significantly with eligibility requirements for most drug courts.

It is important to note that at the time of the samples for this study (drug court participants who entered the program in 1998 and 1999) SACPA did not exist, so any changes that occurred in these drug court sites due to the implementation of SACPA in their counties do not apply to the

drug court descriptions or to the program cost results presented in this report. However, drug courts that participate in Phase III will most likely include offenders who are participating in drug court programs that exist within a criminal justice framework that includes SACPA. This does not affect the value of this methodology, but it has implications for drug court structure, process, and participant characteristics as many of those who were eligible for drug court at the time SACPA was implemented were also eligible for SACPA. These implications will be explored by the researchers in Phase III.

2. Drug Court Organization

As described in the site-specific reports, no two drug courts are the same. These differences include drug court organization and structure. The constant features of drug court are the existence of drug court sessions, the existence of substance abuse treatment, and the use of drug tests. There is also generally a system of sanctions and rewards. Within and outside these constants, drug courts differ dramatically. The agencies involved in the aforementioned activities, the policies around the frequency of these activities, and the types of other services and activities offered differ widely between courts. This section discusses the variety in organization in terms of various agencies' level of involvement in the drug court and the cost consequences of this involvement.

Table 3.4 illustrates the various levels of agency participation in the drug court program at each site. Differences in agency participation were examined in two ways: (1) The types of activities agencies were involved in, measured in terms of attendance at team meetings and court sessions and (2) The level of agency involvement, that is, total time spent on drug court activities, measured in terms of full time equivalent hours (FTE) where 1.0 FTE equals 40 hours per week.

In order to ensure that the FTE is comparable between sites, the FTE reported in Table 3.4 is each agency's FTE per 100 participants. Because the court and treatment staff were always highly involved in terms of full-time equivalent hours (FTE) and present at team meetings at the nine drug court programs, these agencies were not included in this table. (However, the variation in policies and procedures related to the involvement of the court and treatment provider is significant and is discussed in the following section on drug court policies.)

Whether a particular agency attends drug court team meetings and/or drug court sessions can have consequences in several areas. Attending meetings and sessions uses more agency time and is therefore a more costly investment in the program. However, higher attendance at meetings and sessions also creates a more team-like approach and can lead to better understanding and support of the program at each agency.

Table 3.4: Agency Level of Involvement in Drug Court

	Butte	L.A. (Central)	San Diego (East)	L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
DA Attend Sessions and Meetings	Yes	Yes	Yes	Yes	If needed	No	Yes	If needed	Yes
District Attorney FTE (per 100 participants)	.21	.13	.07	.49	.11	.07	.38	.003	.09
PD Attend Sessions and Meetings	Yes	Yes	Yes	Yes	If needed	Yes	Yes	If needed	Yes
Public Defender FTE (per 100 participants)	.27	.09	.07	.56	.03	.56	.65	.02	.11
Law Enforcement Attend Sessions and Meetings	Yes	No	Yes	Meetings only	No	Yes	No	Meetings only	No
Law Enforcement FTE (per 100 participants)	.29	.00	.30	.03	.00	.69	.00	.01	.00
Probation Attend Sessions and Meetings	Yes	If needed	No	No	Yes	Yes	Yes	No	Yes
Probation FTE (per 100 participants)	.77	.10	.56	.00	.39	2.9	1.9	.00	1.30

Table 3.4 demonstrates the variation in the level of agency involvement between drug court sites. The district attorney attends meetings and sessions regularly at 6 of the 9 sites but does not attend in Laguna Niguel, attends rarely in Monterey and even more rarely in San Joaquin. The public defender attends at 7 of the 9 sites but again, attends rarely in Monterey and San Joaquin. Law enforcement involvement in the drug court programs is even rarer. Officers attend meetings and sessions in Butte, San Diego East and Laguna Niguel but attend meetings only in El Monte. The level of probation involvement varies the most between sites, from no involvement at all in El Monte and San Joaquin, to 3 full-time probation officers dedicated to drug court in Santa Ana. Stanislaus also has high probation involvement with 3 full-time probation officers and the rest of the sites (other than L.A. Central) range from one to one and a half officer FTE dedicated to drug court.

Cost results in relation to drug court organization. Table 3.4 shows the amount of agency FTE per 100 participants invested in drug court as well as whether some of this FTE is invested in agency representation at drug court team meetings and court sessions. Agency involvement (particularly in terms of FTE) has a direct effect on investment costs. And indeed, in most sites (6 out of 9) there is a correlation between the amount of time agencies contribute to drug court and investment cost. Butte, El Monte, Monterey, and Stanislaus all have relatively low investment costs (per participant costs of \$7,030, \$5,455, \$8,174, and \$5,455 respectively) and all have low- to mid-levels of agency FTE (a combined agency FTE of 1.5 or less) dedicated to drug court. However, the agencies in which the courts *invest* their resources are different. El Monte does not have probation involved at all while Monterey and Stanislaus have the majority of FTE coming from probation. Butte has fairly even FTE across all four of the agencies listed in Table 3.4.

Laguna Niguel and Santa Ana have a high level of agency FTE involved in drug court (a combined FTE of over 3.0 at each site) and both have high investment costs (\$19,800 per participant in Laguna Niguel; \$15,613 per participant in Santa Ana). Both these drug courts are in Orange County and have a single supervising coordinator who oversees the local coordinators. It therefore makes sense that these courts have similar amounts of agency FTE invested. However, even within the same county there are some differences. The district attorney is minimally involved in Laguna Niguel but is highly involved in Santa Ana. Conversely, law enforcement is highly involved in Laguna Niguel but has no involvement in Santa Ana. These differences in involvement seem to balance out as the investment costs per participant at each site are almost equal.

Although the investment costs in Butte, El Monte, Monterey and Stanislaus are similar, and the level of agency involvement is relatively low, the outcome costs are quite different; with Butte, El Monte and Stanislaus experiencing savings (net benefits) and Monterey experiencing a loss. These outcome results may be explained by how each agency spends its drug court time. Most agencies involved in Butte, El Monte and Stanislaus attend court sessions and team meetings, while only probation attends in Monterey with the other agencies attending rarely or not at all. The presence of agency support is high in Butte, El Monte and Stanislaus, while it appears to be lacking in Monterey. This may have an effect on participants' ability to achieve successful outcomes and in turn, affects outcome costs and benefits.

Other outcome costs may also be explained by the level of agency involvement. For example, the level of benefits due to favorable outcomes in Santa Ana (\$3,223 per participant) is not as high

as that in some of the other sites (see Figure 3.3). This appears to be due at least partially to the higher number of re-arrests in Santa Ana and possibly the high level of probation involvement in the Santa Ana drug court. It is possible that because of this high level of probation involvement drug court clients (or former drug court clients) are well known by these probation officers and are therefore under greater scrutiny. However, in most cases there does not appear to be a correlation between the amount of agency time spent on drug court and outcome costs.

However, similar to drug court context, there are situations in which the level of agency involvement appears to have no relation to cost results or in which other factors appear to influence the cost results more strongly. For example, although the amount of agency involvement (in terms of FTE) in L.A. Central is relatively low, the investment cost in this court is quite high (\$15,210). In addition, the level of involvement and the attendance at meetings and court sessions in San Joaquin is similar to that in Monterey, but the outcome results are completely different, with San Joaquin experiencing large savings and Monterey experiencing a loss. In these situations, when neither context nor drug court organization can explain the results, the answers might be found in drug court policies and procedures.

3. Drug Court Policies

Drug court policies and procedures can have a profound effect on participant outcomes and on program and outcome costs. Researchers are just beginning to explore these connections (e.g. Goldkamp, 2001). Policies that include frequent court and treatment sessions and large amounts of time spent on case management can increase investment costs. However, these same policies may increase participant success and decrease outcome costs.

Tables 3.5a and 3.5b illustrate the variation in drug court policy across the nine study sites. Also included in Table 3.5b are program characteristics (graduation rate of the 1998-1999 drug court samples and number of days clean for participants to graduate) that may be affected by program policies as well as having cost consequences in their own right. The drug court policies differ at least as widely between sites as the other factors discussed earlier. Many of these policies have direct cost consequences, as well as possible effects on participant success. In addition, drug court policies must adjust to the type of participants that are served by that drug court. What is effective in one population may not be effective in another.

The frequency of court appearances, drug tests and treatment sessions can directly affect costs, with more frequent contacts increasing costs (although this can vary depending on the unit cost per session/drug test/appearance). Alternatively, it has been suggested that more frequent contacts lead to closer supervision, which can be an effective deterrent to relapse, therefore affecting outcomes (Petersilia and Turner, 1993). Most of the nine drug court programs start with frequent treatment sessions – at least two per week and up to seven per week in one site (while the participant is most in need of close supervision) and then decrease the number over time, as participants begin recovery. The one site that does not have a specific number of required treatment sessions that decrease over time is Monterey. The frequency of treatment sessions in Monterey is “as required” by the treatment provider.

Table 3.5a: Drug Court Policies across Sites

	Butte	L.A. (Central)	San Diego (East)	L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Frequency of Court Appearances	1 every 6 weeks, gradually reduced to 1 every 12 weeks	1 every 2 weeks, gradually reduced to 1 every 4 weeks	1/week, gradually reduced to 1 every 4 weeks	1 every 2 weeks, gradually reduced to 1 every 4 weeks	1/week, gradually reduced to 1 every 6-8 weeks	1 every 2 weeks, gradually reduced to 1 every 4 weeks	1 every 2 weeks, gradually reduced to 1 every 4 weeks	1/week, gradually reduced to 1 every 3 weeks	1 every 4 weeks, gradually reduced to 1 every 6 weeks
Frequency of UAs	2/week, gradually reduced to 1 every 4 weeks	6/week, gradually reduced to random testing	3/week, gradually reduced to 4/month	5/week, gradually reduced to 2/week	1/week, gradually reduced to 1 every 2 weeks	3/week, gradually reduced to 1/week	3/week, gradually reduced to 1/week	3/week, gradually reduced to 2/week	3/week, gradually reduced to 1/week
Frequency of Group Sessions	1/week, gradually reduced to none	1/week throughout drug court	5/week, gradually reduced to 2/week	3/week, gradually reduced to 2/week	Attend as required by treatment agency	1/week, gradually reduced to 1 every 4 weeks	1/week, gradually reduced to 1 every 4 weeks	7/week, gradually reduced to attend as required	3/week, gradually reduced to attend as needed
Frequency of Individual Sessions	Attend as needed	1/week throughout drug court	Attend as needed	1/week throughout drug court	Attend as needed	1/week, gradually reduced to attend as needed	1/week throughout drug court	Attend as needed	Attend as needed

Table 3.5b: Drug Court Policies across Sites (Cont.)

	Butte	L.A. (Central)	San Diego (East)	L.A. (El Monte)	Monterey	Orange (Laguna Niguel)	Orange (Santa Ana)	San Joaquin	Stanislaus
Mental Health Cases Accepted?	Yes	Yes	On occasion	No	Yes	No	No severe MH issues	Yes (Mental Health Drug Court)	Yes
Number of Treatment Providers	11 providers	1 provider	1 provider, multiple referrals	1 provider, multiple referrals	Over 20 providers, multiple referrals	1 provider, multiple referrals	1 provider, multiple referrals	2 providers, multiple referrals	1 provider, multiple referrals
Judge Rotation and Limit	Not collected	Not collected	Not collected	Does not rotate (not limited) - Voluntary	Every year (limited) - Assigned	Every 2 years (not limited) - Voluntary	Every 1-2 years (limited) - Voluntary	Does not rotate (not limited) - Voluntary	Every 2 years (not limited) - Voluntary
Number of Days Clean to Graduate	270	180	120	240	90	180	180	120	60
Graduation Rate³⁰	68%	36%	65%	82%	26%	68%	45%	29%	49%

³⁰ This graduation rate is for the time period of the sample, 1998-1999.

As shown in Table 3.5b, courts in five of the nine sites accept participants with mental health issues. Two more accept these clients with certain limitations (e.g., at the judge's discretion or a limit of severity). Two sites do not accept those with mental health issues at all. Clients with mental health issues can require more services and may have a more difficult time following program rules (Wolf, 2002; Carey, Weller and Roth, 2003; Gateley 2003, personal communication³¹). Interestingly, the two sites that do not accept those with mental health issues (El Monte and Laguna Niguel) have the highest graduation rates (82% and 68%, respectively).

Most sites have a single treatment provider, though some with a single provider have multiple referral options. Two sites, Butte and Monterey, have multiple providers (11 and over 20 providers, respectively). The benefit of multiple providers is that clients can (theoretically) be matched to the provider that best fits their needs. The drawback is generally found in the quality and amount of communication with the court. It can be difficult to induce all treatment providers to provide information to the court in a timely manner, particularly at the level of detail needed for the judge and the team to make an informed decision on how a participant is doing in the program.

A judge's dedication and personal investment in drug court can have a strong effect on the program, particularly in how the drug court team interacts and on the judge's relationship with the participants (e.g., Carey, Weller and Heiser, 2003; Carey, Weller, and Roth-Jones, 2003). The ability of the judge to be consistent and to become invested in the program may be affected by the length of the judge's term and whether the position is voluntary or assigned. A short-term length with different judges rotating through the position can make it difficult for a judge to become invested in the program or to get to know the position. Term length for drug court in most of the nine study sites is unlimited – the judge can continue running the drug court program as long as he or she wishes, though in some of these sites there is a suggested term length of at least two years. In eight of the nine sites, the drug court judge volunteers for the drug court assignment. In Monterey, the term length is one year and all judges are expected to rotate through the position.

The number of days that a client is expected to remain clean before graduation can affect participant outcomes (Taxman, 1999). The longer participants are clean, the less likely it is that they will relapse. Most sites require six months or greater of negative drug tests before a client can graduate. Two sites require less than 4 months. Monterey requires 90 days and Stanislaus requires only 60 days clean before graduation.

Cost Results in Relation to Drug Court Policies. As mentioned earlier, it is to be expected that drug court policies, particularly frequency of participant contacts with the drug court program would directly affect program investment costs (including net investment costs) as well as potentially affecting participant outcomes (and therefore net benefits). Drug court program policies may not affect total (non-net) outcome costs as directly, as these are strongly influenced by population demographics (as described earlier) and other contextual factors. An examination of Tables 3.5a and 3.5b on drug court policies (see also Figures 3.1 and 3.2 on drug court

³¹ During a meeting of the evaluator with the drug court team in Clackamas County, Oregon, the drug court coordinator stated that they no longer accepted clients with moderate to severe mental health issues as they could not afford the time and effort, which they found was much greater than other participants and resulted in less positive results.

investment costs) reveals there does appear to be a correlation between these policies and investment cost as well as net benefits associated with positive outcomes (savings). Interestingly, there does not appear to be a correlation between net investment costs and program policies. This non-correlation could be due to either the small sample size, or to the fact that net investment is heavily influenced by the cost of business-as-usual (which is unlikely to be affected by drug court policies).

Compared to the other sites, Butte and Stanislaus have the smallest number of drug court sessions, drug tests and treatment sessions during the first phase of their programs (e.g., drug court sessions are once every six weeks in Butte, once every four weeks in Stanislaus). Both programs also have lower investment costs than the majority of the other drug courts (\$7,030 in Butte and \$5,455 in Stanislaus). Although Monterey has frequent drug court sessions (once per week), the other requirements in Monterey (drug tests and treatment sessions) are infrequent (mostly as needed) and the drug court investment costs are relatively low (\$8,174). However, El Monte in L.A. has one of the higher frequency treatment sessions and drug test requirements (3 times per week group sessions, 1 time per week individual sessions throughout drug court and UAs 5 times per week) but still maintains a low investment cost (\$5,542). This is probably due to extremely low treatment costs (just over \$20 per group or individual session) and low drug testing costs (about \$3 per UA).

The connection between the frequency of program contacts and investment costs is also shown in L.A. Central, San Diego East and San Joaquin. All three have relatively high frequencies of drug court sessions, drug tests and treatment sessions (e.g., group sessions start at 7 days per week in San Joaquin and 5 days per week in San Diego East) and all have higher investment costs (\$15,210 in L.A. Central, \$16,095 in San Diego East, and \$12,215 in San Joaquin).³² In San Joaquin this large investment can also be explained by the high number of jail days associated with the drug court eligible case, larger by 72% than any other site (see the San Joaquin site-specific report in Appendix A). This is most likely due to policies outside the San Joaquin drug court on the amount of jail required for drug charges or it may be due to higher jail sentences for participants that terminate from the drug court program (or both).

Some possible explanations for differences in outcome costs and net outcome benefits (see Figure 3.3 and Table 3.2) can also be proposed based on these drug court policies. For example, L.A. Central and San Joaquin have relatively high participant outcome costs (\$30,644 per participant in L.A. Central and \$35,554 per participant in San Joaquin), though both also experience substantial savings in outcomes (\$9,488 per participant in L.A. Central and \$15,153 in San Joaquin). Both courts accept clients with mental health issues and both courts have relatively high requirements for frequency of court sessions and treatment sessions. It is possible that for this population of clients the frequency of the requirements is too demanding, which is reflected in the lower graduation rates for our samples (36% and 29% respectively). When more participants are terminated, the general effects on drug court are higher rates of recidivism and consequently higher non-net outcome costs.

³² Note that in San Joaquin, in spite of the high investment cost, the *net* investment cost is negative. That is, the cost of the drug court program is less than the cost of business-as-usual. This illustrates the strong influence of business-as-usual costs on net investment results.

The Butte drug court has lower outcome costs (\$4,560 per drug court participant) than the other sites and also experiences quite positive net outcome benefits (\$7,303 per participant). The requirement of 270 clean days (the highest number among the research sites) may have efficacious effects in terms of relapse/recidivism avoidance and result in reduced costs.

The Monterey drug court does not experience savings for its drug court participants. There are several drug court policies in Monterey that are different from those in the other sites and are most likely related to this lack of cost-beneficial outcomes. First are policies around drug court judge assignment. The Monterey drug court judge rotates every year. This makes it difficult for the judge to get to know the clients and also makes it difficult for the judge to invest him or herself in the program. Further, since most judges in Monterey rotate through this position, rather than volunteering for the assignment, it is likely that the personality of some of these judges is not well suited to this kind of program.

Second are policies around treatment. There are over 20 treatment providers in Monterey that serve the drug court clients. It would be very difficult to ensure that all 20 treatment agencies provided consistent information to the judge in a timely fashion. In addition, there is a lack of consistency in the treatment requirements. Rather than having a specific number of required group and individual treatment sessions, the treatment is on an as-needed basis. While this might allow the drug court clients to receive the appropriate amount of services for their needs, it also may result in problems determining whether the client is complying consistently with treatment requirements, as it would be difficult to keep track of each client's specific program.

Finally, during the time of the Monterey drug court sample (1998-1999), the court performed a sudden change in drug court policy around drug tests. The program began requiring drug court clients to pay for their own urinalyses (UAs). At nearly \$14 per test (the highest UA cost of the nine study sites), this was a substantial drain on the finances of clients who already tend to have low (or no) income. This resulted in many clients refusing to show up for drug tests and a large amount of terminations, which is reflected in the graduation rate for that time period (26%) – the lowest in the nine study sites. All these factors combined provide a reasonable hypothesis for the lack of savings due to favorable outcomes experienced in Monterey.

Although drug court policies can have a substantial effect on investment cost and participant outcomes, there is at least one other set of factors that may help in the explanation and interpretation the cost results found in this study. *Participant characteristics* can have a large effect on drug court policy (as a drug court adjusts policies to be most effective for its clients) and on outcomes.

4. Drug Court Participant Characteristics

The type of client served by the drug court and the type of drug of choice can (and should) have a profound affect on drug court operations (Belenko, 1998). If a drug court does not adjust to the needs of its clients, it will be more difficult for the clients to succeed. A participant's drug of choice can affect both their ability to succeed and the program's ability to treat. Drugs tend to differ in the extent of physical damage they impart, as well as the nature of their addictive pathways. For instance, methamphetamines can create more organic damage and be more difficult and take longer to recover from than cocaine, while heroin is more addictive than cocaine and therefore is more difficult to treat (NIDA, 2000).³³ Client characteristics can also be directly correlated with the outcomes that drug court is designed to affect. For example, criminal recidivism tends to decrease with greater age, so older drug court clients may be expected to have better outcomes than younger clients. Also, prior criminal activity is correlated with subsequent criminal activity.

Table 3.6 provides drug court participant characteristics available across all nine drug court sites. Prior drug arrests, prior arrests with violence charges and prior treatment (in the two years before drug court entry) are not presented in this table as they were not available in the Phase I sites and because they were nearly the same in all six Phase II sites (see site-specific reports in Appendix A). In all six Phase II sites, participants had an average of two prior drug arrests, less than 0.3 prior arrests for violence,³⁴ and less than one prior treatment episode (except in San Joaquin where they averaged just under 1.5 prior treatment episodes).

³³ For more information on the affects of methamphetamine and heroin use see the following websites:

http://www.drugabuse.gov/NIDA_Notes/NNVo115N4/Methamphetamine.html

<http://www.drugabuse.gov/drugpages/heroin.html>

<http://www.drugabuse.gov/Infifax/methamphetamine.html>

³⁴ Few prior arrests with violence charges are to be expected, since most drug courts do not accept clients with histories of violence. Most of the violence charges for these participants are categorized under domestic violence, which are not considered in the same category as other non-domestic violence charges by most courts.

Table 3.6: Drug Court Participant Characteristics

	Phase I Sites			Phase II Sites					
	Butte (n=156)	L.A. Central (n=115)	San Diego East (n=178)	L.A. – El Monte (n=127)	Monterey (n=213)	Orange – Laguna Niguel (n=124)	Orange – Santa Ana (n=289)	San Joaquin (n=202)	Stanislaus (n=399)
Average Age	35	37	37	32	34	33	32	36	33
Gender	64% Male	84% Male	59% Male	75% Male	69% Male	68% Male	71% Male	61% Male	66% Male
Race/ Ethnicity	91% White 5% Hispanic 1% African-American 1% Other	24% White 34% Hispanic 36% African-American 7% Other	83% White 5% Hispanic 4% African-American 9% Other	28% White 68% Hispanic 2% African-American 2% Other	37% White 41% Hispanic 9% African-American 13% Other	83% White 13% Hispanic 2% African-American 2% Other	43% White 45% Hispanic 8% African-American 4% Other	43% White 24% Hispanic 31% African-American 2% Other	80% White 16% Hispanic 3% African-American 1% Other
Drug of Choice	Not available in site data at that time period	66% Cocaine	74% Meth	49% Cocaine 33% Meth 8% Alcohol 6% Heroin	30% Cocaine 24% Meth 18% Heroin	50% Meth 20% Heroin 14% Cocaine	38% Meth 26% Heroin 26% Cocaine	29% Cocaine 25% Meth 14% Marijuana	76% Meth 11% Marijuana 6% Heroin
Graduation Rate³⁵	68%	36%	65%	82%	26%	68%	45%	29%	49%

³⁵ This graduation rate is for the time period of our sample, 1998-1999.

Cost Results and Drug Court Participant Characteristics. An examination of the cost results with drug court participant characteristics in Table 3.6 (see also Table 3.1, and Figures 3.1, 3.2, and 3.3) reveals several factors that could have an effect on costs. As discussed above, the use of methamphetamines and heroin tend to be the most difficult to treat. Seventy-four percent of San Diego East participants use methamphetamines and 82% of Stanislaus participants use either methamphetamines or heroin. Both sites also have higher outcome costs (\$20,604 per participant in San Diego East and \$26,573 in Stanislaus) due to a relatively high number of re-arrests for drug court participants compared to other sites (though both sites still realize high net benefits for their drug court participants – \$20,229 per participant in San Diego East and \$14,924 in Stanislaus). However, Laguna Niguel also has high use of these two drugs (50% use methamphetamines and 20% use heroin) but its outcome costs are relatively low (\$8,846 per participant). This contradictory result may be due to contextual factors that more strongly influence outcome costs. The demographic make-up of the population in the area surrounding Laguna Niguel is optimal for the re-integration of drug court clients into the community. There is low unemployment and a high per capita income. In addition, an examination of program characteristics shows some other possible mitigating factors. The program graduation rate in Laguna Niguel is quite high (68% for our sample). As described earlier, a higher graduation rate is associated with more positive outcomes. Also, Laguna Niguel has one of the highest requirements for length of time participants must stay clean before graduating (180 days). The high graduation rate combined with the long clean time for graduates leads to more positive outcomes.

Interestingly, although greater age is generally correlated with lower recidivism, this does not seem to be a factor in explaining lower outcome costs. L.A. Central, San Diego East, and San Joaquin all have clients whose average age is older than the other sites, but all three have relatively high outcome costs. There also does not appear to be a clear correlation between ethnicity and investment or outcome costs.

Criminal history and gender are also factors that intuitively should lead to varied outcomes. However, since gender and criminal history (in the two years before drug court entry) do not vary substantially between our study sites, it is not possible to determine if these had a differential affect on site investment or outcome costs. Other participant characteristics such as the number of dependent children, employment status at the time of program exit, health status and marital status are important factors that could influence outcomes. Unfortunately, this information was not available consistently at most drug court sites that participated in this study.

Cross-site Results Summary

This chapter described the main cost results found across the nine sites that participated in Phases I and II of this statewide cost study. For many of these sites, investment costs in their drug court were not much higher than in their traditional court business-as-usual process. One site (San Joaquin) even showed a benefit at investment, that is, the drug court program process cost *less* than traditional court processing. Eight out of the nine sites in this study experienced substantial cost benefits due to positive outcomes for drug court participants and these eight showed a positive return on their investment. One out of the nine sites experienced loss due to negative outcomes for its drug court participants. These cost results were discussed in this chapter from four perspectives: (1) Drug Court Context (population demographics of the drug

court service area, (2) Drug Court Organization (agency investment in drug court in terms of time and activities), (3) Drug Court Policies, and (4) Drug Court participant characteristics. Examination of the cost results from these four perspectives revealed some interesting correlations. These correlations, particularly between drug court policies and cost lead naturally to some ideas about potential promising drug court practices. These promising practices along with some other conclusions drawn from our experience of Phases I and II of this study are presented next in Chapter 4.

Summary of Overall Cost Savings in Nine Sites

Eight of the nine drug courts in this study produced substantial net benefits (savings) over the four-year period of this study. For each year a cohort of participants entered these drug courts, the state saw a combined net benefit of **\$9,032,626**.³⁶ This number will continue to grow each year if the drug court participants in this cohort continue to experience positive outcomes. In addition, as long as these nine drug courts continue to operate, each new cohort of participants can be expected to generate similar net benefits.

³⁶ This number is over and above the costs of investment. The costs are measured in 2004 dollars and include the losses for the Monterey County Drug Court.

Chapter 4: Promising Practices for Drug Courts, Policy Implications and Study Conclusions

Promising Practices

The promising practices described in this chapter are drawn from the four perspectives described in Chapter 3. Promising practices in this study are defined as practices that appear to be correlated with positive outcomes, greater savings and lower costs. As described earlier, with a sample size of just nine drug courts, it is not possible in this study to determine definitively whether these practices directly caused the cost results, but it is possible to say that these practices are associated with positive results. The practices described here as *promising* require further research to determine whether these may be *best practices* for drug courts. Some caution should be taken in determining promising or best practices for drug courts, as practices that work for some populations of drug court participants may not be effective in other populations. Following is brief discussion of the promising practices gleaned from the results described in Chapter 3. After Phase III is completed with a substantially larger number of drug courts, a more in depth determination and discussion of promising practices will be possible. *Although suggestions are given for several promising practices below, all these practices must be verified with further research.*

Drug Court Context and Promising Practices

In most cases, drug court practices cannot directly influence the population demographics of the drug court service area. However, drug court practices can be adjusted or expanded to take into account these population demographics. A consideration of the demographics of their own service areas could lead drug court programs to adjust their services in an effort to prepare drug court participants for the conditions to which they will return after leaving the drug court program or to focus on specific community partners that may be available to participants after leaving the program. For example, in a high unemployment area, a connection with an employment assistance agency, where current and past drug court participants can go for assistance in job hunting and other job skills, would make an excellent community partner. Or, a drug court might add community partners to address specific issues that participants coming from certain demographic areas might have. For instance, if Hispanic participants in a drug court's service area tend to have lower education levels, the addition of a culturally appropriate adult education counselor could have a profound effect on participant outcomes (including graduation rate and recidivism).

Drug Court Structure and Promising Practices

Promising Practice 1: It is beneficial for agencies involved in drug court to attend drug court sessions and team meetings.

There was a relationship between the amount of time agencies spent on drug court activities and *investment* costs, with more time leading to higher investment costs. Interestingly, there appeared to be no relationship between the amount of agency time and *outcome* costs. That is, greater amounts of agency time did not necessarily lead to more positive outcomes. The connection

between agency participation in drug court and outcomes showed itself only in *how* the agencies spent their time – specifically, whether the agencies attended drug court team meetings and drug court sessions. In Monterey, most agencies involved in drug court did not attend team meetings or drug court sessions (or would attend only when needed). Agencies at other sites, with a similar (minimal) amount of agency time dedicated to drug court, did spend their time on drug court meetings. Monterey did not experience savings for their drug court participants while these other sites gained substantial benefits. Although, as explained above, the sample size is small with only nine sites to compare, it appears that *how* an agency spends the time they have for drug court is important. Having agency representatives attend drug court meetings could be the best way for them to invest their time. This will be explored further with a larger sample of drug courts in Phase III of this study.

Drug Court Policies and Promising Practices

As might be expected, the examination of drug court policies in connection with costs resulted in the highest number of possible promising practices. Several drug court policies were examined including the frequency of required drug court sessions, drug tests and treatment sessions, the number of treatment providers directly working with the court, the rotation schedule of drug court judges, and the number of days participants were required to be clean before graduation.

Promising Practice 2: The courts that start participants at one court session every 2 or 3 weeks, 1 to 3 group treatment sessions per week and individual treatment sessions “as needed” appear to have the best outcomes.

The frequency of court appearances and treatment sessions can directly affect costs, with more frequent sessions increasing investment cost. Yet, more frequent sessions lead to closer supervision, which can be an effective deterrent to relapse (reducing outcome costs). However, too frequent session requirements may be too difficult for clients to follow through. For example, many drug courts require participants to find employment before graduation, but frequent court and treatment requirements can make maintaining a job challenging. Finding the right balance for the drug court population is important for positive outcomes. Most of the nine drug court programs start with more frequent sessions (while the participant is most in need of close supervision) and then decrease the number over time, as participants begin recovery. The courts that start participants at one court session every 2 or 3 weeks, 1 to 3 group treatment sessions per week and individual treatment sessions “as needed” appear to have outcome benefits just as positive as courts that have participants do these activities more frequently. So, greater frequency does not add benefits. However, drug courts that have participants start treatment sessions at lower frequencies have less positive outcome costs. For example, although Monterey has one of the most frequent requirements for drug court appearances (once per week) their treatment program is not consistently structured across participants (i.e., with all participants required to attend the same number of sessions in each phase). Instead, participants attend all treatment sessions “as needed.” Monterey experienced the lowest graduation rate and no outcome benefits. Although the investment cost in the Monterey drug court is low, outcome costs are high.

Promising Practice 3: Sites with either a single provider or with multiple referral options but a single overseeing provider had the most positive outcome benefits.

Most sites have a single treatment provider, though some with a single provider have multiple referral options. Two sites, Butte and Monterey, have multiple providers (11 and over 20 providers, respectively). The benefit of multiple providers is that clients can (theoretically) be matched to the provider that best fits their needs. The drawback is generally found in the quality and amount of communication with the court. It can be difficult to induce all treatment providers to provide information to the court in a timely manner, particularly at the level of detail needed for the judge and the team to make an informed decision on how a participant is doing in the program. The sites that had either a single provider or that had multiple referral options but with a single overseeing provider had the most positive outcome benefits. Although Butte appears to have managed multiple providers (11) and still had beneficial outcomes, Monterey, the site with negative outcome benefits, had the largest number of providers (20). A single supervising provider with multiple referral options appears to be the most practical way of ensuring provider responsibility to the court while still providing clients with appropriately personalized treatment.

Promising Practice 4: Judges on voluntary assignment to drug court, with either no fixed term or a term of at least two years, help produce the most beneficial outcomes.

A fixed term-length with judges that rotate often can make it difficult for judges to get to know the clients and also makes it difficult for judges to invest themselves in the program. Term length for drug court in most of the nine study sites is unlimited. In these sites the judges can continue running the drug court program as long as they wish, though in some of these sites there is a suggested term length of at least two years. Terms less than three years may have negative effects. In Santa Ana, the term length is fixed at two years and the net benefits are lower than most other sites (\$3,223). In Monterey, the term length is fixed at one year and all judges are expected to rotate through the position. This means that most participants in the program will experience two judges and possibly three during their time in the Monterey drug court program. Monterey is the only site that did not experience outcome benefits for its drug court participants. This indicates that a judge who is invested in the program and can maintain a relationship with participants throughout participants' time in the program helps produce the most beneficial outcome.

Promising Practice 5: The sites that required more than six months clean had lower outcome costs and higher net benefits.

The number of days that a client is expected to remain clean before graduation can affect participant outcomes. The longer participants are clean, the less likely it is that they will relapse and therefore the less likely they will re-engage with the criminal justice system. The sites that required less than six months of negative drug tests before a participant can graduate all had high total (not net) outcome costs (between \$20,000 and \$36,000 per participant). The sites that required greater than 6 months clean had low outcome costs (between \$4,000 and \$16,000 per participant). Those sites that required exactly 6 months clean before graduation had more variable outcome costs, ranging from a low of about \$8,000 to a high of \$30,000.

Promising Practice 6: Courts that required about 3 UAs per week in the first phase were associated with the best outcomes.

Most sites start with about 3 urinalyses per week, although some have as high as 6 per week. Drug test frequency greater than 3 per week did not appear to have any added benefit. However, lower frequencies were associated with less positive outcomes. Monterey had a UA frequency starting at 1 per week. This is low enough that participants could fairly easily use drugs in between tests. This is a reasonable indication that 3 UAs per week are sufficient to deter drug use.³⁷

Participant Characteristics and Promising Practices

As with the population demographics of the drug court service area, drug court practices cannot directly affect participant characteristics. However, promising practices are those that work for each drug court's specific participant characteristics. It is this perspective that makes the determination of promising or best practices the most difficult as those practices that work best for one type of participant may not be the best practices for others. However, drug courts must do their best to adjust their practices to fit their participants. This adjustment, in itself, might be considered a best practice.

Summary/Conclusions

The Benefit of the TICA Approach

One of the main purposes for Phase I and II of this study was to build a cost-benefit methodology that would work effectively in the complex, multi-agency, collaborative setting of drug court programs. The NPC cost approach, TICA, is a combination of transactional cost analysis and institutional cost analysis. This approach also includes the examination of many factors that can affect program costs such as the context or service area of the drug court, various agency involvement, program policies, and drug court participant characteristics. Without an examination of these factors, the cost results can be misinterpreted or can be of less use to the program in affecting program improvement.

The results presented in this chapter across nine drug court sites demonstrate the facility of the TICA approach in this kind of multi-agency/multi-institutional setting. Drug courts are often the product of contributions from the judicial system, the district attorney's office, the public defender's office, probation, etc. Such contributions generally do not take the form of cash transfers from jurisdictional or agency budgets to drug court budgets. Yet these contributions are real and reflect resources – personnel, operating equipment, buildings, and other resources – contributed from publicly funded agency budgets that may never show up in a federal grant budget.

The earliest cost analyses associated with the implementation of drug courts assumed that the easiest way of assessing the cost of drug court is to focus on the funds spent creating the drug

³⁷ Interestingly, one site reported that they had participants give samples six days per week, but only performed the actual test randomly on a portion of the samples given. This had the effect of lowering drug-testing costs while giving the participants the impression of very close supervision, even though participants knew not all samples would be tested.

court (often the federal money spent on the project). The weakness of this approach is that it fails to account for contributions usually made to the operation of drug court by the existing criminal justice and treatment systems that are not funded by drug court grants. Thus, the approach of using federal seed money to assess investment costs seriously underestimates the investment of state and local taxpayer-supported jurisdictional and agency resources for drug court.

Our current data reinforce this point. We examined the total costs that were directly linked to the drug court programs and compared them to the total cost of processing particular cases through drug courts. This strategy takes into account the whole system contributions to drug court cases and not just the narrower specifics of drug court programs paid for by grants. Our results for the nine sites show wide-ranging differences – from San Joaquin, where capturing the program costs alone (those costs associated with the drug court program only, such as drug court sessions, treatment sessions, case management and drug tests) would capture just 25% of the system costs in processing the drug court case with the remaining cost contributed by the system outside the program, to Butte where it would capture 98% of the cost. Overall, the program-only costs represented about 63% of the total costs.

A second approach to assessing investment costs in drug courts assumes that all that is needed is to examine those costs that are “new” to the system with the implementation of the court. This *marginal cost analysis*³⁸ approach assumes that many of the investment resources are already present in the system and are therefore not new costs. Such costs associated with new resources introduced to the criminal justice system may include federal grant-funded drug court coordinators, case managers, drug counselors and the office space, equipment, supplies, and other resources associated with their work. There are two primary reasons we believe that this approach does not work in the drug court environment. First, it fundamentally ignores the changes that occur in a criminal justice system when a drug court is implemented. For instance, it fails to account for the fact that court calendars may change as other judges adjust caseloads to accommodate the drug court judge’s caseload. It also fails to assess the systemic effect involved in caseload re-assignments for probation officers resulting from the assignment of drug court caseloads (with the typically more intensive supervision requirements associated with the drug court program) to existing probation staff members. In addition this approach seriously underestimates the cost of business-as-usual. It assumes that the drug court environment would not improve the cost of processing business-as-usual cases, thus offsetting some of the new costs and/or eliminating some business-as-usual costs.

The evidence from this study supports our concern. First, it is clear that in some cases the drug court process can actually cost less than the business-as-usual process. In San Joaquin, processing clients through drug court actually benefits the criminal justice system \$486.58 per client. Marginal cost analysis would have identified the new costs from the adding of the drug court program and failed to assess the savings that accrued from this new method of processing cases. It is also clear from several other sites (e.g., in El Monte the difference between the drug court approach and business-as-usual was \$258.86 per client and in Stanislaus it was \$1,146.31)

³⁸ The meaning and application of the term “marginal cost analysis” has taken many forms in the literature of cost-benefit analysis. To consider the current discussion refer to the following sources: Levin, H. & McEwan (2001); Nas, T. (1996); Welsh, B. & Farrington, D. (2001); Dhiri, S., Goldblatt, P., Brand, S. & Price, R. (2001); Welsh, B., Farrington, D. & Sherman, L. (2001).

that simply assessing the costs of all the drug court components that are new to the system would significantly overstate the net investment cost in drug courts.

The variation that we found in drug court and business-as-usual costs in nine court settings in one state leads us to believe that understanding local variations in transforming existing institutional arrangements in local criminal justice systems is of greater importance in assessing the cost consequences of alternative criminal justice programs than following standard marginal cost analysis formulas. As a result, we believe that our findings are a solid step in meeting a challenge offered by NIH/NIDA in defining the meaning of “cost” for programs such as drug courts (Yates, 1999). We have found that it is much more important to understand cost consequences resulting from complex linkages among jurisdictions and agencies invested in and affected by drug courts than to simply apply existing methods based on marginal cost analysis. This approach supplements and adds substantial power to existing approaches.

Policy Implications of Study Results

The approach outlined in this study can be helpful to policy makers involved in assessing drug courts in five significant ways.

1. Assessing the true cost of a drug court approach compared to alternative approaches in processing substance abuse criminal cases. Previous cost analyses have sometimes assumed that the cost of a drug court is simply the sum of the costs of the added elements to a judicial system that are dedicated to drug court (e.g. the drug court coordinator). However as this study has shown, the more accurate approach is to compare the costs of alternatives to processing a case through drug court to the drug court costs policy makers are given a truer picture of the real costs of the drug court model in the local judicial setting. In many cases the costs become minimal or in some cases their drug court model is revealed to be the cheaper approach.
2. Assessing the costs per contributing agency for the drug court model as compared to standard alternative approaches to the same cases. Agencies differ dramatically in the amounts of taxpayer resources that they invest in the drug court model as opposed to alternatives. This has important impacts on cooperation among agencies within the judicial, correctional and treatment systems.
3. Assessing the true outcome costs (or avoided costs due to benefits accruing from changes in behavior for clients either as a result of the drug court model or alternative approaches). These are best expressed as a cost benefit ratio, where the net investment in drug court (the cost in taxpayer money for the drug court approach as compared to the standard alternative) is compared to the net benefit of avoided costs. This allows the policy maker to easily assess the efficiency of the approach in using taxpayer resources.
4. Assessing the true benefits accrued to participating agencies. Not every involved agency gains benefits from drug courts. This assessment helps the policy maker understand who gains and who does not by the operation of the court.
5. Assessing promising practices and cost efficient procedures. Drug courts are not monolithic. Courts differ dramatically in policies, procedures, treatment approaches and client characteristics. Little is known about what works best within specific local settings. The cost approach outlined within this study gives the policy maker a method of assessing the merit of policies and procedures from the perspective of the cost efficiency

of such practices from a taxpayer perspective. The promise of this method is that over time it will be able to reveal not only best practices (ones that work) but also the most cost effective practices that give the taxpayer the best outcomes for the dollars spent.

Limitations of the Study

The main purpose of both Phase I and Phase II of this study was to develop a cost-benefit methodology that could be used to create a drug court cost self-evaluation tool (DC-CSET) for use in a statewide analysis of drug court costs and promising practices. Although it was not the main purpose of the first two phases of this study, in the process of developing this methodology data were gathered and analyzed and the results are presented in this report.

As with any study that involves the collection of data from administrative databases, the quality of the data gathered is only as good as the quality of the data entered. In many cases the data entered are incomplete, are entered inconsistently, and/or there can be data entry errors. However, it is likely that any errors in the data are consistent between both the drug court and the comparison groups, so the relative difference between the two groups is therefore still valid.

Additionally, in studies that use a comparison group that is not randomly assigned, the possibility exists that there are pre-existing differences between the program group and the comparison group that might confound or distort the results. This is true of any studies of similar design in the literature. However, when similar studies using random assignment have been performed, they also find positive results (e.g., Gottfredsen, 2003). Further, there are many previous studies with a quasi-experimental design that produced similar (generally positive) results (e.g., GAO Drug Court Report, 2005; Carey and Marchand, 2005; Crumpton et al., 2004; Belenko, 2003; Carey, 2003; Carey and Finigan, 2003). These studies provide support for the belief that the results found in this study are not due to pre-existing differences between the drug court and comparison groups.

Next Steps: Phase III

As described in Chapter 1, the next step for this study will occur in Phase III. Phase III of this study is now in progress. The first draft of the DC-CSET has been reviewed and is now being readied for pilot tests in several drug court sites. The use of this tool in multiple sites (at least 25) will allow the verification of the promising practices described above and will also allow the determination of further promising practices. The final products of Phase III will be a validated drug court cost self-evaluation tool as well as final results on the statewide costs and benefits of drug court in California.

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Appendix A1 through A6 – Drug Court Site-Specific Reports

Appendix A (A1 – A6) contains the site-specific reports for each of the six drug courts that participated in Phase II of this cost study. These reports begin with a description of the *context* of each court, especially in terms of the demographics of the population in the surrounding area. In order to create a clearer picture of each of the drug court programs in our study and the drug court participants, it is important to understand the community that is served by each drug court. This kind of information can shed light on why a court operates in the way it does and on the outcomes for the various types of participants.

Following the description of the context, the drug court itself is described. This includes drug court structure, process (policies and procedures) and the characteristics of the drug court participants. A similar, though less detailed description of the business-as-usual process is also provided.

The majority of the methodology is presented in Chapter 2 of the main report. However, a brief presentation of methodology that is specific to the particular drug court site is given in the site-specific reports, particularly information on the sources of the utilization data, as this can be helpful to drug courts in learning where to look for different types of data when they are performing their own cost evaluations.

The results are presented in terms of investment costs (investment by transaction and investment per agency), outcome costs (by transaction and per agency) and then overall cost benefits (or savings). As shown in Chapter 3, five of the six Phase II sites experienced benefits for drug court participants. (All three of the Phase I sites also experienced benefits.) Each site-specific report ends with a summary and discussion of the results as well as a presentation of the overall amount saved per year for drug court participants in that site.

Note: as described in Chapter 3, in November 2000, California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA) of 2000. The primary goal of SACPA is to provide an alternative to incarceration for low-level, non-violent drug possession offenders (Prop36.org, 2004). For those who choose treatment, the treatment professionals take a central role of responsibility for the success of the client, rather than the courts.

It is important to note that at the time of the samples for this study (drug court participants who entered the program in 1998 and 1999) SACPA did not exist, so any changes that occurred in these drug court sites due to the implementation of SACPA do not apply to the drug court process description or the results presented in these site-specific reports. (When drug court staff were interviewed about drug court processes they were asked about the process as it existed in 1998 and 1999 and also to describe how the process changed with the advent of SACPA.) However, drug courts that participate in Phase III will most likely include offenders who are participating in drug court programs that exist within a criminal justice framework that includes SACPA. This has implications for drug court structure, process, and participant characteristics. Unfortunately, due to budget cuts and changes in the system with the advent of Proposition 36, most California drug courts have decreased in size and therefore have fewer new participants. This may result in lower cost savings. These implications and others will be explored by the researchers in Phase III.

***Appendix A1: Los Angeles County - El Monte
Drug Court Site-Specific Report***

Site 1: Los Angeles - El Monte County Drug Court

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Site 1: The El Monte Drug Court of the L.A. Superior Court

Background/Context

The El Monte drug court (formerly known as the Rio Hondo drug court) is located in Los Angeles County, just east of downtown Los Angeles. This area includes the city of El Monte and the adjacent cities or “census defined places” of the City of Arcadia, Avocado Heights, City of Baldwin Park, City of Irwindale, Mayflower Village, North El Monte, City of Rosemead, City of San Gabriel, City of South El Monte, City of Temple City, and West Puente Valley. According to the 2000 Census the total population of this area was 440,215.

El Monte is a jurisdiction in which the majority of the population is Hispanic (55%) with significant numbers of Asians (27%) and Whites (16%) and a smaller number of African-Americans. The per capita income is \$14,745 and 7.8% of all households receive public assistance. Poverty rates are high (18%), particularly for Hispanics (22%), and African-Americans (26%). Unemployment rates are also high, although the highest rate is for African-Americans (18%). Educational levels are low, particularly for Hispanics with over a third reporting less than a 9th grade education.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A1.1 provides an overview of El Monte’s drug court processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main document, Tables 3.8a and 3.8b).

The large majority of drug court participants in El Monte are male (75%) and the most common ethnicity is Hispanic (68%, which is larger than the 55% in the population), followed by White (28%). The average age is 32 years and the most frequent drug of choice is cocaine (49%) followed by methamphetamines (33%) and then alcohol (8%). There is a relatively small number who use heroin (6%). The drug court participants average just over two previous drug arrests in the last two years and just under one previous treatment episode. The mean length of time participants spend in the program is just over one year.

Table A1.1: El Monte Drug Court Process Description as of 1998-1999

1) Drug Court Implementation Date	July 1994
2) Number of Participants since Inception	Enrolled: Estimated 700 Graduated: Estimated 400 Terminated: Estimated 270 Overall graduation rate (since inception): 60%

	1998-1999 sample graduation rate: 82%
3) Pre/post Plea	Both pre-plea and post-plea. Post-plea only if entering on a condition of probation.
4) Time from Arrest to Drug Court Entry	Varies, but usually within 30 days.
5) Eligibility Criteria	<p>Non-violent drug possession or under the influence charges are targeted for entry. Both felony and misdemeanor cases are accepted. Potential participants are referred to drug court after they are identified at arraignment or from other court referrals.</p> <p>To be eligible for drug court, the defendant must: Have no prior serious or violent felonies (except domestic violence misdemeanors); Have no strike convictions; and Have no sales/trafficking convictions.</p> <p>Steps in the eligibility process include: District attorney's office fills out form on all drug cases and makes initial drug court eligibility determination; Public defender determines whether defendant is willing to enter drug court, scans file for history; Case gets sent to drug court judge if person is eligible and willing to enter the program; Probation orders eligibility report; Treatment counselors use the report and an interview process to determine program suitability; Counselors conduct mental health assessment; and Drug court team determines program entry, with the judge having the final decision.</p> <p>Eligibility exceptions are made with the judge's consent. The district attorney can also waive certain eligibility requirements to allow a defendant to participate. Defendants with significant mental health problems tend to be considered unsuitable for drug court.</p>
6) Incentive to Enter and Complete Program	<p>Charges are dismissed</p> <p>Arrest upon which the judgment was deferred is considered to have never occurred; or</p> <p>If person entered through probation, early termination of probation and the case is expunged.</p>
7) Participant Drugs of Choice	The majority use cocaine (49%), followed by methamphetamines (33%), alcohol (8%), and heroin (6%).
8) Intake and Number of Treatment Providers in System	One treatment provider performs the initial intake and houses a laboratory used to analyze UA samples. Specialized services (such as residential treatment) are contracted out to one of 300 treatment providers in the county, with ten agencies used most commonly. Participant needs to determine which treatment provider is used.
9) Location of Treatment Providers in System	The main treatment provider is a private non-profit that has a contract with the county. The agency coordinates case management and provides primary treatment services to drug court participants. Other agencies used are private treatment providers.

10) Treatment Model(s)	The main treatment provider uses Social Model Recovery. Other agencies use a variety of models.
11) Treatment Services Provided	<p>Treatment services (in both English and Spanish) include: Outpatient counseling and intensive therapy; Acupuncture; Relapse prevention; Information on alcoholism/addiction and drinking while pregnant; Self help meetings; Recovery, health education, and life skills discussion groups; Parenting classes; and Anger management.</p> <p>The drug court program can also provide referrals and advocacy for the following services: Detoxification; Recovery programs for non-drug related issues; Alcohol-free living centers; Residential treatment; Vocational rehabilitation; Medical services/prenatal care; Childcare and welfare; Job training programs; and Mental health facilities.</p>
12) Method and Consistency of Provider Communication with Court	Treatment provider gives written and verbal progress reports to court before each drug court appearance. (Report includes information on attendance, types of sessions attended, number of 12-step meetings attended, number of drug tests, number of positive tests, and narrated section for additional comments.)
13) Phases	<p>Three phases and an alumni program. There is a 2-week trial period at program entry. The alumni program begins in Phase 3, but participants are not required to attend after graduation.</p> <p>Phase 1 lasts 3 months. Requirements include: UAs: 5 tests per week minimum Court appearances: 1 every two weeks Individual sessions: 1 session per week (14 sessions minimum) Group sessions: 3 sessions per week (36 sessions minimum) AA/NA/Self help: 4 meetings per week (48 meetings minimum) Other: Assessment/initial treatment plan development, recreation/fellowship participation</p> <p>Phase 2 lasts 6 months. Requirements include: UAs: 3 times a week minimum Court appearances: once every 3-4 weeks</p>

	<p>Individual sessions: 1 session per week (24 sessions minimum) Group sessions: 3 sessions per week (72 sessions minimum) AA/NA/Self help: 3 meetings per week (72 meetings minimum) Other: Emphasis on vocational/educational counseling, ongoing review and updating of treatment/transition plans, recreation/fellowship participation</p> <p>Phase 3 lasts 3 months. Requirements include: UAs: 2 times a week minimum Court appearances: 1 per month Individual sessions: 1 session per week (14 sessions minimum) Group sessions: 2 sessions per week (24 sessions minimum) AA/NA/Self help: 4 meetings per week (48 meetings minimum) Other: Emphasis on progress of vocational/educational plans, attendance at alumni program meetings, ongoing review and updating of treatment/transition plans, recreation/fellowship participation</p> <p>Participation in acupuncture is strongly encouraged. Attendance at drug court events is mandatory.</p>
14) Requirements to Change Phase	<p>Participants must follow all phase guidelines in order to advance. Participants can be held in a phase for any length of time or put back to a lower phase for failure to comply with requirements.</p> <p>To advance from 2-week trial period: No positive drug tests or unexcused absences from scheduled services for 14 consecutive days, and employment or a positive response to vocational/educational goals.</p> <p>To advance from phase 1: No positive drug tests or unexcused absences from testing for 60 consecutive days, no unexcused absences from scheduled services for 30 consecutive days, employment or a positive response to vocational/educational goals, and demonstration of adjustment to treatment.</p> <p>To advance from phase 2: No positive drug tests or unexcused absences from testing for 90 consecutive days, no unexcused absences from scheduled services for 60 consecutive days, employment or a positive response to vocational/educational goals, and fulfillment of goals as stated in the individual's master treatment plan.</p>
15) UAs	<p>UAs are assigned randomly. Frequency is determined by phase requirements (see above) and participant's progress. Treatment provider coordinates and administers drug tests with occasional help from probation. Treatment agency's private lab collects and tests UA samples. Phase 1 UA samples are not all analyzed. Phase 2 and 3 samples are all analyzed. Participants do not pay for UAs specifically, but the treatment fee helps to defray costs.</p>
16) Drug Court Participant Fees	<p>Treatment fee: \$400 to treatment provider, paid according to ability to pay. Community service or volunteer time can also go toward the fee payment</p>
17) Drug Court Team Members	<p>Drug court team: judge, drug court coordinator, assistant drug court coordinator, judicial assistant, treatment agency director, deputy district attorney, deputy public defender,</p>

and Other Committees	<p>and alternate public defender.</p> <p>Steering Committee: entire drug court team, plus court clerk, treatment agency director's assistant, and representatives from sheriff's department and local police department.</p>
18) Team Meetings	<p>The judge, treatment agency director, public defender, and district attorney meet once or twice a week in the courtroom to go over participant progress reports. The entire drug court team meets every two months to discuss participants, upcoming graduations, whether or not participants are eligible to graduate, and policy issues.</p> <p>The Steering Committee has a lunchtime meeting every 6 weeks and discusses policy issues, upcoming graduations, any changes in staffing, and upcoming fundraisers.</p>
19) Drug Court Sessions	<p>Drug court sessions were held 5 days a week (it recently changed to 3 days a week) with 10-25 participants attending each session. The judge, district attorney, public defender, bailiffs, treatment agency director, judicial assistant, court reporter, court clerk, and interpreter attend drug court sessions. Treatment program case managers attend periodically.</p>
20) Judge	<p>The judge was asked to volunteer at the drug court's start and the position has not been rotated, due to the judge's preference. The judge also handles Prop 36, DEJ (deferred entry of judgment), and probation cases.</p>
21) Coordinator	<p>The coordinator is a superior court employee who does not have contact with participants. The role of the coordinator includes:</p> <ul style="list-style-type: none"> Functioning as court manager; Managing grant money; Coordinating drug court participants and team; Overseeing statistics; and Arranging Steering Committee meetings.
22) Law Enforcement	<p>Law enforcement is mainly involved only with the initial arrest. A police department representative attends Steering Committee meetings and liaisons between the police department and drug court. The police department will sometimes assist with warrants.</p>
23) Probation	<p>The role of probation in drug court includes:</p> <ul style="list-style-type: none"> Generating the initial eligibility report (includes background check and arrest record check); Attending Steering Committee meetings; Keeping quarterly statistics on re-arrests, and Keeping recidivism reports up to 5 years after graduation. <p>Because the program is primarily pre-plea, probation is not typically involved with participants after the initial eligibility report. Occasionally drug court accepts post-plea cases directly from probation.</p>
24) Public Defender	<p>The role of the deputy public defender includes:</p> <ul style="list-style-type: none"> Attending drug court sessions and meetings; Interviewing potential participants to determine suitability; Making the initial referral to drug court; Advocating for the participant in court;

	<p>Lifting parole holds so potential participants can enter drug court; Making sure the participant is using the system to treat drug addiction; and Attending some NA meetings, group sessions, and other drug court events.</p> <p>One deputy public defender handles all drug court, Prop 36, and DEJ cases. No public defender services are contracted out, but the alternate public defender handles conflict cases.</p>
25) District Attorney	<p>The role of the deputy district attorney includes: Attending drug court sessions and meetings; Completing pre-screening for eligibility; and Representing the state.</p> <p>The public defender and district attorney take a non-adversarial approach in drug court.</p>
26) Rewards	<p>Rewards are at the discretion of the team and are given for compliance with drug court requirements. Examples include: Candy from the judge when moving to a new phase; T-shirts, diplomas, and booking photo for drug court graduates; and Praise, hugs, and applause in court.</p> <p>In addition, the drug court team tries to connect with participants on an emotional level, spend time talking with each individual, and give positive feedback.</p>
27) Sanctions	<p>The team works together to determine sanctions for immediate response to non-compliant behavior, with the judge making the final decision. Sanctions are graduated and imposed consistently. Sanctions are given in response to:</p> <ul style="list-style-type: none"> Positive drug tests; Missing a test or refusing to test; Getting into verbal or physical arguments; Not going to meetings; Not completing writing assignments; and Failing to comply with treatment. <p>Sanctions include:</p> <ul style="list-style-type: none"> Extra NA meetings; Writing essays or letters; Days in jail with no treatment; Attending a court session for a specified amount of time; “House arrest” at a treatment agency (a live-in residential program at which participants come in for 8 hours each day until their sanction is completed); Residential treatment; Being sent back to a previous phase or extending time in a phase; or In-custody treatment for a minimum of two weeks.
28) Unsuccessful Termination	<p>Termination can be prompted by:</p> <ul style="list-style-type: none"> Consistent failure to comply with the program; A new violence charge or drug offense;

	<p>Continued drug use; and Failure to appear at treatment or court sessions.</p> <p>A terminated participant goes back on the regular court docket and criminal proceedings are reinstated.</p>
29) Graduation	<p>Graduation is a formal ceremony held three to four times per year. To graduate, participants must:</p> <ul style="list-style-type: none"> Have been in the program for a full year, with six months clean; Have attended 132 group sessions, 52 individual sessions, and 168 12-step meetings; Pay all fees in full (unless otherwise arranged); Have accomplished all requirements and graduated from each phase; Be employed or in school full time; Have a sober housing environment; Get a sponsor; and Demonstrate a capability of supporting themselves. <p>Family, friends, and the arresting officer are invited to attend. Participants are given:</p> <ul style="list-style-type: none"> A picture with the drug court team; Lunch with the drug court team; Certificate of completion; Copy of booking photo; T-shirt with drug court logo; Key chain.
30) Post-graduation Support	<p>No official or mandated post-graduation program. An alumni association serves as a form of aftercare. Attendance at alumni association meetings is required for Phase 3 participants.</p>

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional (or non-drug court) court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or “business-as-usual,” process did not include Proposition 36. Defendants with possession cases stayed in custody for up to three days before going to court. From there, the judge usually remanded them to the custody of the sheriff for a period of about 30 days. After 30 days they were brought in for the first preliminary court procedure. For under the influence, defendants were released and given a court date for 30-45 days later. Defendants would then go to court where they were assigned a public defender or private attorney and an appointment to discuss the case in order to decide a course of action was made. If the defendant pled not guilty, the matter was set for a jury trial (which was rare).

The defendant could also plead guilty or enter PC 1000 (a alternative diversion from jail/treatment program), if eligible. Defendants who were found guilty or wanted to do their time typically received 90 days jail and either formal probation (for felonies) or summary probation

(for misdemeanors). Treatment was a condition of the offender's sentence in about 80% of non-drug court cases. More than half the defendants that were sentenced to county jail were released early due to issues of overcrowding.

Site-Specific Methods

The general research methods used in El Monte were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A1.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court sample was selected from the LA County drug court database (DCMIS), a countywide database that was created locally in LA and is used by all LA County drug courts. All individuals who entered the El Monte drug court in 1998 and 1999 were included in the sample, regardless of length of time in the program or completion status.

Drug court participants in El Monte are chosen via district attorney file review of California Law Enforcement Tracking System (CLETS) rap sheets after a repeated drug offense by a defendant. Eligible charges include possession of drugs (Health and Safety Codes 11350, 11377, 11357, 11364, 11368, 11550). Excluded are defendants who have prior convictions for selling drugs, violent crimes, "strike" crimes or having weapons involved in the current charge.

The El Monte drug court is rarely at capacity, so all eligible participants are accepted and encouraged to attend. It was not possible to locate a comparison group based on those who were eligible but did not attend as all eligible defendants did attend (except for two who chose not to). The potential comparison group for this site was therefore comprised of two groups: a matched sample from a neighboring court in the same county (Citrus Court in West Covina) where there was no drug court program but where the population demographics are very similar, and a smaller group of individuals who were arrested in El Monte for possession of drugs but who were also eligible for PC 1000 (a less strict program) and therefore chose that program over drug court.

The neighboring court comparison group was chosen from a list provided by the district attorney's office of 1,448 misdemeanor arrests and 1,280 felony arrests in 1998-1999 for drug possession charges (HS 11377, 11550, 11350, 11364, 11365, 11357 and 23222). Almost 400 files were reviewed and 276 comparison group defendants were chosen who were eligible for drug court. As defendants were chosen as potential comparison group members, they were matched as closely as possible to the drug court group on charge level (74% felonies), ethnicity (56% Hispanic) and gender (81% male). Information on these individuals was entered into a database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including Criminal Identification Index (CII) number, local case numbers, state ID numbers and social security number.

The PC 1000 comparison group was chosen from a list provided by the district attorney's office of 1,400 drug cases in 1998-1999. Drug court participants were removed from the list (n=133). More than 200 files were reviewed and 182 comparison group defendants were chosen. The majority (77%) were felony arrests, 82% were Hispanic and 88% were male. Information on

these individuals was entered into the database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including CII number, local case numbers, state ID numbers and social security number.

Once the first round of potential comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final matched sample consisted of 127 drug court participants and 366 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry) for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A1.2, below.

Table A1.2: El Monte Drug Court Participant and Comparison Group Demographics

	Drug Court Participants	Comparison Group
Average Age	32	31
Gender	75% Male	80% Male
Race/Ethnicity	68% Hispanic 28% White 2% African-American 2% Other	69% Hispanic 26% White 3% African-American 2% Other
Previous Treatment	0.92	0.75
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.02	0.05
# of Jail Days	33	26

The majority of the data collected for this study were collected locally at each site. Table A1.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A1.3: Data Collected and Source of Data for El Monte

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of birth • Race • Gender 	DA and court paper files	Collected and entered by NPC staff
Drug Court Related Data <ul style="list-style-type: none"> • Case number of the offense that led to drug court • DC case number • Entry date • Exit date • Status at exit (grad./term., etc.) 	County DCMIS	Collected electronically
<ul style="list-style-type: none"> • Hearing dates (or number of hearings) 	Paper treatment files	Collected and entered by NPC staff
<ul style="list-style-type: none"> • Jail days sanctioned 	CCHIRS (Sheriff database)	Collected electronically
Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual sessions • Dates or number of urinalysis tests • Dates or number of days in residential • Other DC service dates and types 	Treatment files	Collected and entered by NPC staff
Treatment outside of drug court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDS statewide treatment database	Collected electronically
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge codes • Dispositions • Sentences 	CLETS	Statewide database, collected electronically
Court Data <ul style="list-style-type: none"> • Case #s • Case dates • Charges 	CCHIRS (Sheriff database) Court database	Collected electronically Court printouts, coded and entered by NPC staff

<ul style="list-style-type: none"> • Trial or no-trial • Sentences (prison) 		
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	CCHiRS (Sheriff database)	Collected electronically
Prison Data	CLETS	Statewide database, collected electronically
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	CCHiRS (Sheriff database)	Collected electronically
Welfare <ul style="list-style-type: none"> • Cash aid dates received • Cash aid amount • Food stamp date received • Food stamp amount 	CA Department of Social Services Database	Pending
Employment <ul style="list-style-type: none"> • Employment dates • Earnings 	CA Department of Social Services Database	Pending

El Monte Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The following table (Table A1.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. This is a demonstration of how costs can vary depending on how the system is organized. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of court organization is discussed in more detail in the section on drug court organization in Chapter 3. The cost of the transactions related to the drug court eligible case might be considered the taxpayer’s *investment* cost when a case is administered through the criminal justice system using the drug court process.

Table A1.4: Per Participant Cost for El Monte Drug Court Eligible Case by Transaction

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$243.37	1	\$243.37
Police Booking	\$177.37	1	\$177.37
Drug Court Appearances	\$73.86	9	\$664.74
Drug Court Case Management	\$1.16	381 days ³⁹	\$441.96
Individual Treatment Sessions	\$20.72	34	\$704.48
Group Treatment Sessions	\$21.23	74	\$1,571.02
Urinalyses (UAs)	\$3.12	130	\$405.60
Jail Days (as sanction)	\$76.41 ⁴⁰	3	\$229.23
Jail Days	\$73.64 ⁴¹	15	\$1,104.60
Total			\$5,542.37

The largest cost for the drug court in El Monte is treatment with \$2,275.50 of individual and group sessions per person. This represents about 40% of the cost of the drug court. Jail days, as both a sanction and as a result of termination, are the second most costly expense.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, may also be of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, drug court sessions and frequent UAs. In El Monte, the drug court program alone costs an average of **\$4,017.03** per participant.

Table A1.5 (below) presents the case-related costs for the comparison group.

³⁹ Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program.

⁴⁰ Jail Days (as sanction) unit cost is a blended rate for males and females and is derived from dividing the total cost for jail as a drug court sanction by the mean number of sanctioned jail days.

⁴¹ Jail Days unit cost is a blended rate for males and females and is derived from dividing the total cost for jail related to the drug court case (but outside of actual drug court) by the amount of time in jail for the qualifying arrest.

Table A1.5: El Monte Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$243.37	1	\$243.37
Police Booking	\$177.37	1	\$177.37
Court Case (no trial)	\$1,868.73	1	\$1,868.73
D&A Treatment	NA ⁴²	NA	\$1,308.14
Jail Bed Days	\$75.25	14	\$1,053.50
Probation Days	\$4.08	155	\$632.40
Total			\$5,283.51

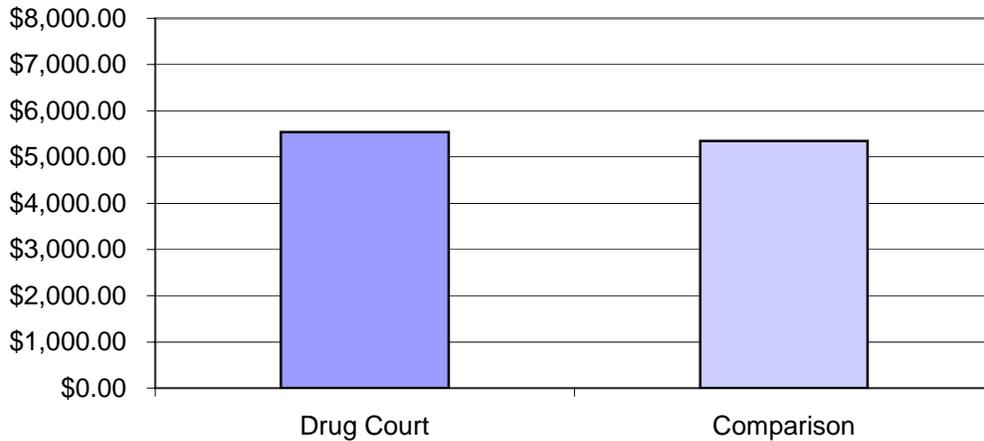
The largest cost for the business-as-usual group is in court costs, with treatment and jail costs close behind.

It is surprising to note that the amount of money spent on court time for the comparison group (\$1,868.73) is considerably more than the court appearance cost for the drug court group (\$664.74). Clearly comparison cases cost the court system substantial resources (even without a trial).

It is also interesting to note that the drug court sample averaged more jail days (18) than the comparison group (14). It has often been thought that drug courts save money because they reduce the time spent in jail. In El Monte this is not the case. It is also interesting to note that although the comparison group cases average less treatment than the drug court group, it is still a considerable amount.

⁴² Because statewide treatment data are not associated with a criminal case, it was not possible to determine the specific amount of treatment received due to the drug court eligible case. The cost amount generated in this table is the average amount of treatment received per court case for the comparison sample.

Figure A1.1: El Monte Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case.



One of the arguments in costing the investment in drug court is that all that needs to be assigned a cost are those elements that are “new” due to the drug court program. We have argued that the cost of drug court is the net difference between processing the case through drug court and standard processing. The data from El Monte provide striking support for our argument. The total investment costs for drug court (the cost for processing a case through drug court versus the standard processing) is minimal (\$258.86).

Table A1.6: Average Cost per Offender by Agency for an El Monte Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$233.91	\$1,132.17	-\$898.26
District Attorney	\$176.04	\$268.80	-\$92.76
Public Defender	\$129.42	\$467.76	-\$338.34
Probation	NA	\$632.40	-\$632.40
Treatment Agencies	\$3,240.78	\$1,308.14	\$1,932.64
Law Enforcement	\$1,760.42	\$1,474.24	\$286.18
Total	\$5,540.57	\$5,283.51	\$257.06

Note: The difference in total costs is not statistically significant.

Table A1.6 illustrates the differences by agency. The superior court, district attorney, public defender and probation all save money by processing an offender through drug court. Law enforcement incurs a modest increase in costs from the drug court option. It is treatment that has the greatest increase in cost, due to a higher investment in treatment. In short, the savings from the other agencies are spent on increased treatment resources for offenders. The overall net investment cost is small. However, to understand the overall cost benefit, we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occurred *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁴³ Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁴⁴ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry. Table A1.7, below, displays the outcome costs for the drug court participants and comparison group over the four years after drug court entry.

⁴³ A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁴⁴ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (just over one year on average in El Monte). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A1.7: El Monte Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry.

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Individual	Percentage Change
Re-arrests	\$243.37	1.90	\$462.40	1.96	\$477.01	- 3%
Police Bookings	\$177.37	1.48	\$262.51	1.78	\$315.72	- 17%
Court Cases (no-trial)	\$1,868.73	.66	\$1,233.36	.69	\$1,289.42	- 4%
Court Cases (trial)	\$3,343.77	0	0	0	0	NA
Jail Days	\$73.79	42.51	\$3,136.81	68.73	\$5,071.59	- 38%
Probation Days	\$4.08	336.00	\$1,370.88	331.37	\$1,351.99	+1%
Victimizations – Person Crimes ⁴⁵	\$40,698.60	.08	\$3,255.89	.14	\$5,697.80	- 43%
Victimizations – Property Crimes	\$12,563.35	.30	\$3,769.01	.24	\$3,015.20	+25%
Treatment Episodes	N/A ⁴⁶	1.24	\$718.79	.78	\$576.53	+25%
Prison Days	\$84.74	32.50	\$2,754.05	72.30	\$6,126.70	- 55%
Total			\$16,963.70		\$23,921.96*	- 29%

*This difference is statistically significant ($p < 0.05$).

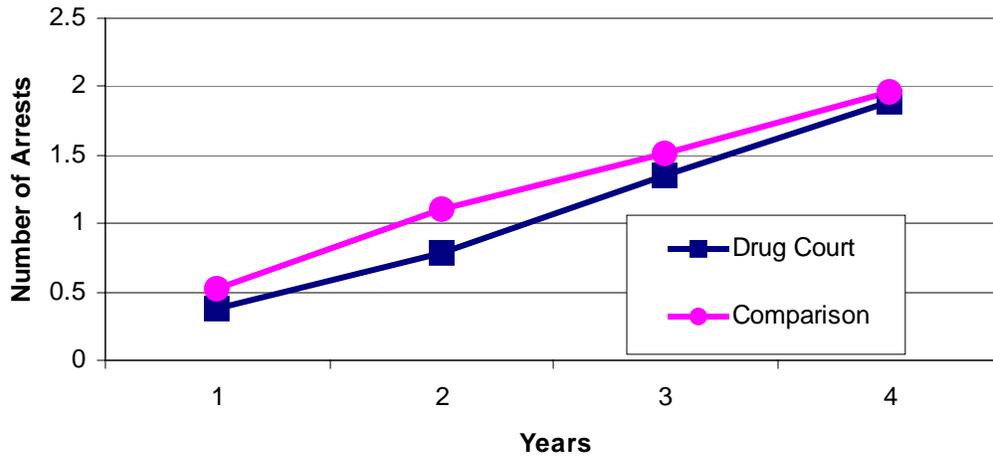
Overall, drug court reduced the frequency of negative criminal justice outcomes, and reduced the costs by a total of 29%. The greatest savings were in prison days (-55%), victimization costs for person crimes (-43%), and jail days (-38%). There were also modest savings in other areas. Treatment episode costs increased, reflecting the fact that drug court participants had more subsequent treatment episodes. Although this might be viewed by some as evidence that the drug court participants did not become clean and sober, it is more likely that this reflects drug court participants becoming more engaged in long-term treatment.

⁴⁵ These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

⁴⁶ Unit costs for treatment varied depending on type of treatment received. The CADDs data used to examine use of treatment services had seven different possible types. The number of episodes for each type was multiplied by the cost per episode and then total cost for treatment was calculated for each individual.

The only disturbing element was the small increase in victimization costs for property crime. This appears to reflect the slight increase in recidivism in the drug court group over time (illustrated in Figure A1.2, below).

Figure A1.2: El Monte Re-arrests. Cumulative number of re-arrests following drug court arrest.



Nevertheless, Figure A1.3 (below) shows that the El Monte drug court outcome cost savings increase for every year of the four years after drug court entry. The trend suggests that if we had more years of data, we might continue to see increased benefits.

Figure A1.3: El Monte Outcome Costs. Cumulative total costs four years following drug court arrest.

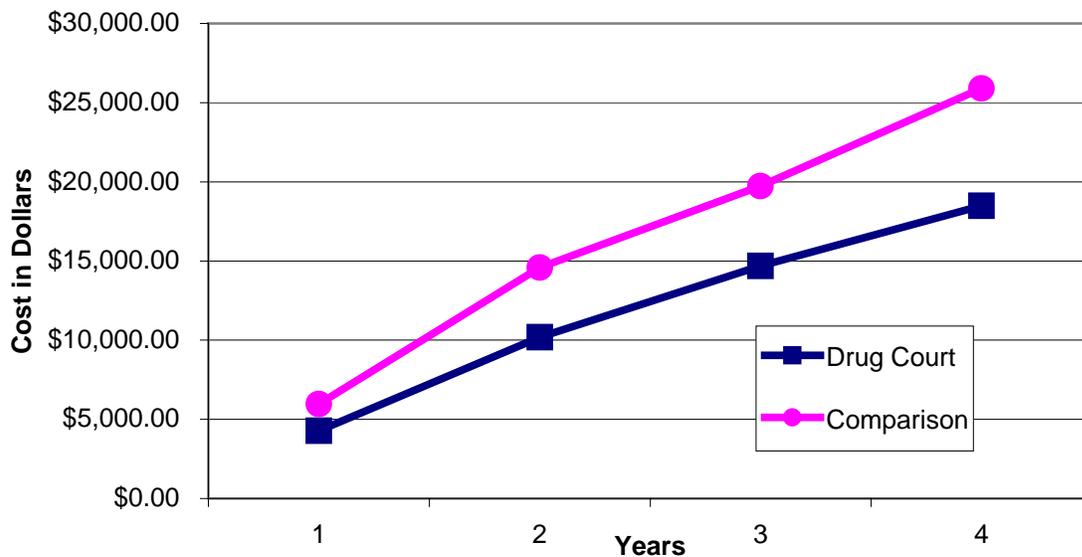


Table A1.8 presents the average total outcome costs per offender over four years since drug court entry by agency. This table also presents the difference in these costs between the drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects a loss due to drug court.

Table A1.8: El Monte Outcome Costs by Agency. Average total outcome cost per offender by agency over four years.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$747.23	\$781.20	-\$33.97
District Attorney	\$177.41	\$185.47	-\$8.06
Public Defender	\$308.72	\$322.75	-\$14.03
Probation	\$1,370.88	\$1,351.99	\$18.89
Treatment Agencies	\$718.79	\$576.53	\$142.26
Law Enforcement	\$3,861.72	\$5,864.32	-\$2,002.60
Corrections	\$2,754.05	\$6,126.70	-\$3,372.65
Victimizations	\$7,024.90	\$8,713.00	-\$1,688.10
Total	\$16,963.70	\$23,921.96	-\$6,958.26*

*This difference is statistically significant ($p < 0.05$).

While treatment and probation showed a net increase in cost reflecting both increased initial resources and greater subsequent engagement in treatment, all other agencies showed net savings due to the drug court model. The greatest savings were in corrections and law enforcement.

However, the final assessment of the cost differences between the drug court approach and business-as-usual requires a matching of outcome costs to investment costs. This is usually expressed as the “cost-benefit ratio.” Table A1.9 indicates this result. El Monte has a large positive cost-benefit ratio.

Table A1.9: El Monte Total Investment and Outcome Costs per Offender

Type of Cost	Drug Court per Participant	Comparison per Participant	Difference	Ratio
Investment	\$5,542.37	\$5,283.51	\$258.86	1
Outcome	\$16,963.70	\$23,921.96	-\$6,958.26	26.9

Another way of demonstrating the total net benefit is to combine all costs over the time period for both drug court and non-drug court traditional processing. Table A1.10 illustrates this.

Table A1.10: El Monte Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$981.14	\$1,913.37	-\$932.23
District Attorney	\$353.45	\$454.27	-\$100.82
Public Defender	\$438.14	\$790.51	-\$352.37
Probation	\$1,370.88	\$1,984.39	-\$613.51
Treatment Agencies	\$3,959.57	\$1,884.67	+\$2,074.90
Law Enforcement	\$5,622.14	\$7,338.56	-\$1,716.42
Corrections	\$2,754.05	\$6,126.70	-\$3,372.65
Victimizations	\$7,024.90	\$8,713.00	-\$1,688.10
Total	\$22,504.27	\$29,205.47	-\$6,701.20

When the total costs for the drug court approach (investment costs plus outcomes) are compared to the total costs of standard processing, the picture is quite positive. Treatment is the only venue that experiences a net increase in costs, reflecting the greater treatment resources available for drug court and the possible greater engagement in treatment. In every other situation there are substantial reductions in costs that accrue from the drug court approach.

Summary and Discussion

El Monte is a jurisdiction in which the majority of the population is Hispanic, with significant numbers of Asians and Whites and a smaller number of African-Americans. Poverty rates are high for Hispanics, Asians and African-Americans. Unemployment rates are also high, although highest for African-Americans. Education levels are low, particularly for Hispanics, with over a third having less than a 9th grade education. In spite of these difficulties, El Monte seems to have developed a successful drug court. Graduation rates are high (60% since inception in 1994). One of the surprising results of this cost approach is that it has revealed how small the net investment cost can be for a drug court. In El Monte, when compared to standard processing, the drug court costs only \$258.86 per case. This fact, combined with substantial benefits in the subsequent four-year period, gives them a very positive cost-benefit ratio of 1 to 26.9.

Using the enrollment numbers during the time period of this study, El Monte averaged 90 new drug court participants per year. If the net cost savings per participant over four years (\$6,701.20) are multiplied by the number of new participants per year, the result is a cost savings of \$603,108.00 each year due to drug court processing.

Appendix A2: Monterey County Drug Court Site-Specific Report

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Site 2: Monterey County Drug Court

Background/Context

The Monterey County Drug Court is located in the Salinas “census defined place” (CDP) of Monterey County. This area includes the City of Salinas and adjacent urban areas. According to the 2000 Census the total population of this area was 163,291.

The Monterey Drug Court jurisdiction is a predominantly Hispanic (Latino) area (62%) with a substantial minority of Whites (non-Hispanic) (26%). Unemployment rates are high and poverty rates are high, especially for Hispanics (nearly 21% of Hispanics are at or below the poverty level.). In addition, educational attainment is low among Hispanics, with about 45% having less than a 9th grade education. These demographics affect the ability of the drug court to succeed. The drug court can be effective in reducing substance abuse and improving attitudes toward successful employment, but if a drug court participant returns to a life of poverty and low employment possibilities, the chances of positive long-term outcomes may be diminished.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A2.1 provides an overview of the Monterey Drug Court’s processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main document, Tables 3.8a and 3.8b).

The majority of drug court participants in Monterey are male (69%) and the most common ethnicity is Hispanic (41%), followed by white (37%). This is a smaller proportion of Hispanics than in the general population. The average age is 34 years and the most frequent drug of choice is cocaine (30%), followed closely by methamphetamines (24%) and heroin (18%). The drug court participants average slightly more than two previous drug arrests and less than one previous treatment episode. The mean length of time participants spend in the program is nine and a half months.

Table A2.1: Monterey Drug Court Process Description as of 1998-1999

1) Drug Court Implementation Date	April 1995
2) Number of Participants since Inception	Enrolled: 721 Graduated: 245 Terminated: 377 Overall graduation rate (since inception): 39% 1998-1999 sample graduation rate: 26%
3) Pre/post Plea	Post-plea with deferred entry of judgment.
4) Time from Arrest to Drug Court Entry	Varies, but usually around 3 weeks.
5) Eligibility Criteria	<p>Misdemeanor and felony charges are accepted. Defendants charged with a second or higher simple possession charge or an under the influence of a controlled substance charge are targeted for drug court entry. No cases with sales, weapons, or violent offenses are allowed. To be eligible for drug court, the defendant must have:</p> <ul style="list-style-type: none"> Consent of the district attorney; No gang affiliation; No previous referrals to drug court; No misdemeanor convictions for violence within the past 5 years; No felony convictions for violence within the past 10 years; No prior convictions for drug trafficking or sales; and No prior convictions involving weapons. <p>Steps in the eligibility process include:</p> <ul style="list-style-type: none"> Public defender or district attorney identify potential participants, review criminal histories, check county’s eligibility worksheet, and refer cases to drug court; Probation officer does initial screening, conducts background checks for disqualifiers; Behavioral health social workers interview potential candidates (criminal background, family background, substance abuse history, drug of choice, any mental health issues); Behavioral health social workers conduct the ASI (addiction severity index) assessment; Drug court team reviews file, makes recommendations. Judge makes the final decision about entry. <p>Eligibility exceptions are made with judge’s consent.</p>
6) Incentive to Enter and Complete Program	Case and charges are dismissed; Jail avoidance.
7) Participant Drugs of Choice	Cocaine (30%), followed by methamphetamines (24%) and heroin (18%).

8) Intake and Number of Treatment Providers in System	<p>Multiple treatment providers: Behavioral health (conducts initial assessment and intake); 4 main agencies provide outpatient and residential treatment; Over 20 drug court partnership providers offer specialized services.</p> <p>Type of treatment is assessed at initial interview and by looking at the ASI assessment. Participants are referred to appropriate treatment based on assessment.</p>
9) Location of Treatment Providers in System	<p>Behavioral health (part of the county's health department) manages the coordination of treatment and case management. Probation also provides case management. Other treatment providers are private agencies.</p>
10) Treatment Model(s)	<p>The model used varies depending on agency and the needs of the participant. Models used include Behavioral Theory, Information Theory, and the Social Model.</p>
11) Treatment Services Provided	<p>Treatment services include: Group and individual counseling; Residential treatment; Detoxification; Drug testing; Women and children's services; and Prenatal program.</p> <p>Other services available through referral from drug court and offered through the network of treatment providers: Family and domestic relations counseling; Sober living and transitional housing; Anger management and violence prevention; Rape crisis center and rape crisis assistance; HIV/AIDS and infectious diseases education; Psychiatric referrals; Vocational assessment and job training; Spanish-speaking services; GED assistance; Dual-diagnosis services; Methadone program; Employment referrals; Homelessness services; and Parenting skills education.</p>
12) Method and Consistency of Provider Communication with Court	<p>Behavioral health staff complete weekly progress reports. In addition, each treatment provider is required to report on treatment progress (attendance, participation, treatment compliance, drug testing, dates of absences, the participant's fees, counselor comments) at the court's discretion.</p>
13) Phases	<p>Court 2 has three phases. Phase 1 lasts about 4 weeks, Phase 2 lasts about 10 months and Phase 3 lasts about 8 months.</p>

	<p>Phase 1 requirements: UAs: Minimum of one a week, but can be up to 3 a week Court appearances: Once a week Individual sessions: Attend as needed Group sessions: Attend as required by the treatment plan/program AA/NA/Self help: Seven 12-step meetings a week Other: Weekly attendance at Adapt introductory group, formulate a treatment plan, enter into specified treatment program</p> <p>Phase 2 requirements: UAs: Minimum of one a week, but can be up to 3 a week Court appearances: Once a month Individual sessions: Attend as needed Group sessions: Attend as required by the treatment plan/program AA/NA/Self help: Minimum of four 12-step meetings per week Other: Treatment services as needed. Needs to have a sponsor and begin working the steps of recovery</p> <p>Phase 3 requirements: UAs: Two to four times a month Court appearances: Every six to eight weeks Individual sessions: Attend as needed Group sessions: Attend as required by the treatment plan/program AA/NA/Self help: Minimum of three 12-step meetings per week Other: Vocational/educational assessment, pursue employment or educational goals, continue to work with 12-step sponsor</p>
14) Requirements to Change Phase	<p>Points and demerits are used to monitor participant progress through drug court phases. Points are attained by attending meetings, counseling sessions, etc. Extra points can be received by including family members at 12-step meetings or by going to extra meetings.</p> <p>To advance from Phase 1: Enroll in referred treatment program, attend at least one counseling session, participation in treatment program for a week or two, negative UA tests during treatment time.</p> <p>To advance from Phase 2: Complete referred treatment program, work with a sponsor, earn at least 110 points.</p>
15) UAs	<p>Probation coordinates and conducts random and scheduled tests. Certain treatment agencies also perform drug tests. UAs and breath tests are given to participants during home visits and home searches. Random tests are given according to participant progress in the program.</p>
16) Drug Court Participant Fees	<p>Drug Court Fee: None</p> <p>Treatment Fee: Paid by participants according to treatment agency requirements</p>

	UA Fee: Participants pay fee to probation for each UA test, which covers the full cost of the UA (exceptions to payment are made in response to documented General Assistance eligibility)
17) Drug Court Team Members and Other Committees	<p>Drug court team: judge, probation officer, drug court coordinator, clinical social worker, and occasionally deputy public defender.</p> <p>Drug Court Task Force: representatives from superior court, health department, probation, district attorney, public defender, and sheriff.</p>
18) Team Meetings	<p>The drug court team does not have scheduled meetings. If an issue arises, the coordinator or the probation officer will meet with the Judge to talk it over. The probation officer and the coordinator meet informally to discuss individual participant progress.</p> <p>The Drug Court Task Force met in the early years of drug court but no longer meets on a regular basis. Key agency officials remain involved and in communication about policies and organizational issues.</p>
19) Drug Court Sessions	Drug court sessions are held once a week and are divided into morning and afternoon sessions. Between 25 to 40 participants attend each drug court calendar day. The judge, drug court coordinator, probation officer, court clerk, and bailiff attend every drug court session. An Interpreter attends most of the sessions as well. All other drug court team members attend as needed.
20) Judge	The drug court judge assignment rotates approximately every year. The current judge requested the drug court assignment, but also hears other cases in addition to those in drug court.
21) Coordinator	There is one coordinator who is responsible solely for this drug court. The coordinator is an employee of the health department's Behavioral Health Division.
22) Law Enforcement	<p>The role of law enforcement includes:</p> <p>Occasional attendance at drug court sessions, meetings, or graduations;</p> <p>Carrying out warrant services in the field by happenstance; and</p> <p>Home visits done by the Sheriff's Department at the request of probation.</p>
23) Probation	<p>The role of probation in drug court includes:</p> <p>Conducting eligibility background investigations for potential participants;</p> <p>Attending drug court sessions and meetings;</p> <p>Monitoring defendant compliance and progress through UA testing and/or breath tests;</p> <p>Conducting home visits and searches;</p> <p>Keeping in contact with treatment providers and participants; and</p> <p>Reviewing law enforcement and criminal justice records.</p>
24) Public Defender	<p>The role of the public defender includes:</p> <p>Attending drug court sessions or meetings as needed;</p> <p>Protecting client interests;</p> <p>Explaining the drug court program to potential participants; and</p> <p>Making referrals to drug court.</p>
25) District Attorney	The role of the district attorney includes:

	<p>Attending drug court sessions or meetings if needed; Filing and evaluating cases; Reviewing criminal histories; and Making referrals to drug court.</p> <p>Once the defendant enters drug court, the district attorney's involvement is essentially concluded, but the case still on file.</p>
<p>26) Rewards</p>	<p>The judge determines all rewards with the input of the drug court team. A system of points and demerits is used to monitor participant progress and compliance with program rules.</p> <p>Participants gain points toward graduation by: Attending treatment sessions; Working hard in sessions; Meeting with a sponsor; Having negative drug tests; and Attending 12-step meetings.</p> <p>Participants can gain bonus points by: Attending extra 12-step meetings; Attending all weekly meetings; Paying all drug testing fees on time; Having a spouse attend a series of meetings with the participant; or Having negative drug tests for 6 months.</p> <p>Other rewards include: Recognition and verbal praise in court; Less frequent drug testing; Bus tickets or fast food coupons; Attending fewer treatment sessions or drug court hearings; Having your name called first in court at the time of Phase advancement; and A coin for completing the Adapt program and for graduating.</p>
<p>27) Sanctions</p>	<p>The judge determines all sanctions with the input of the drug court team. Demerits are used to sanction non-compliance with program rules.</p> <p>Examples of non-compliance include: Positive or missed UAs; Failing to attend treatment or drug court sessions; Not working hard in treatment; Poor behavior; or Falsifying 12-step cards.</p> <p>Each non-compliant behavior holds a certain number of demerits. The number of demerits grows with each phase. For example, in Phase 1, a positive drug test is 2</p>

	<p>demerits, while in Phase 2 it is 3 demerits. Participants can erase demerits with compliant behavior and bonus points.</p> <p>Non-compliance may also result in: Increased intensity of treatment; Increased court appearances; Increased 12-step meeting attendance; Short-term incarcerations; Essay assignment on how to correct behavior; or Loss of points.</p>
28) Unsuccessful Termination	<p>Acquiring 10 or more demerits or being arrested for any charge that would initially exclude a person from drug court are grounds for termination at the judge's discretion. After termination, participants enter into the regular court system and generally proceed to sentencing.</p>
29) Graduation	<p>To be recommended by the coordinator for graduation, a participant must have: Negative UA results for at least 90 days; Implemented an educational and/or vocational plan; Paid all drug test and treatment fees; Completed an outpatient treatment program; Begun work with a sponsor; Found suitable housing; Accumulated the required number of points; and Fulfilled the goals as stated in the treatment plan.</p> <p>Graduation is at the discretion of the drug court judge. Ceremonies are held in the courtroom during regular court appearances when a participant has fulfilled the point requirements. The frequency of graduations varies, but there are 2-3 graduations per month on average. Friends and family are invited. Participants receive a certificate and a coin, the charges are dismissed, and a picture is taken.</p>
30) Post-graduation Support	<p>No mandated aftercare, but all outpatient treatment programs used by drug court offer aftercare services.</p>

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or business-as-usual, process did not include Proposition 36. Defendants with a drug offense were booked at the jail, and then the district attorney reviewed the police report. If there were no charges, the person was released. If there were charges, the person was held in custody for arraignment and assigned a public defender or private attorney. Following this was the preliminary hearing, at which the case might have been discharged. Of those cases that were not discharged and had a complaint that was filed, 80% were ready for plea and 20% had an expedited plea. After the plea there was an information and arraignment hearing, which was followed by a pretrial hearing. From the pretrial

hearing, the case could go one of three ways: a plea and sentencing (jail or probation); a trial with acquittal or sentencing (jail or probation); or a motion to suppress. If there was a motion to suppress, the motion could either be denied (in which case it went back to pretrial) or the evidence was suppressed (and the case was either dismissed or went back to pretrial).

Anyone who pled guilty to a drug charge was sent to see if they fit into one of the drug programs. Defendants with possession offenses could get deferred entry of judgment under PC 1000 or be put on felony probation. Defendants generally pled and were sentenced to probation. Once defendants were convicted and went on probation they were assessed by behavioral health and ordered into residential or outpatient treatment, as needed. Probation referred them to the proper agencies.

Site-Specific Methods

The general research methods used in Monterey were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A2.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court sample was selected from data supplied by a local evaluation firm that had performed an evaluation several years before. The evaluators at this firm extracted the data from the Monterey drug court database, which was no longer in use at the time of the current study. All individuals who entered the drug court in 1998 and 1999 were included in the sample, regardless of length of time in the program or completion status.

Drug court participants in Monterey are chosen via district attorney file review of CLETS rap sheets. Eligible charges include possession of drugs (Health and Safety Codes 11350, 11377, 11357, 11364, 11365, 11550). Defendants are excluded who have prior convictions in the last 5 years for misdemeanor violent crimes, in the last 10 years for felony violent crimes, or violence/weapons involved in the current case. Defendants must also have a previous drug charge.

A list of all the 1998-1999 drug possession charges was obtained from the court (n=2,925). Court files did not contain CLETS rap sheets and district attorney files were archived through an outside agency and were not available without a substantial fee. Therefore, in order to obtain CLETS rap sheets for review, NPC requested electronic data for all 2,925 individuals from the California Department of Justice. The electronic data were brought into Excel, cleaned, and then sorted by date and charge and reviewed for convictions as though the district attorney was screening for drug court eligibility. The records containing convictions for violent crimes and those without prior drug offenses were eliminated from the group. The remaining 289 were selected as the comparison group.

Once the first round of comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final matched sample consisted of 213 drug court participants and 188 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry)

for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A2.2, below.

Table A2.2: Monterey Drug Court Participant and Comparison Group Demographics

	Drug Court Participants	Comparison Group
Average Age	34	34
Gender	69% Male	72% Male
Race/Ethnicity	41% Hispanic 37% White 9% African-American 13% Other	53% Hispanic 34% White 11% African-American 2% Other
Previous Treatment	0.78	0.85
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.08	0.07
# of Jail Days	37	36

The majority of the data collected for this study were collected locally at each site. Table A2.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A2.3: Data Collected and Source of Data for Monterey

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of birth • Race • Gender 	Local Court database CLETS	Printouts coded and entered by NPC staff California Law Enforcement Tracking System (CLETS) Statewide database, collected electronically
Drug Court Related Data <ul style="list-style-type: none"> • Case number of the offense that led to drug court • DC case number • Entry date • Exit date • Status at exit (grad./term., etc.) 	Justice Research Center database Supplemented by court and probation files	A database provided by an evaluation firm, the Justice Research Center, that had performed previous research on this drug court
<ul style="list-style-type: none"> • Hearing dates (or number of hearings) 	Court database	Collected and entered by NPC staff

<ul style="list-style-type: none"> • Jail days sanctioned 	Court database	Collected and entered by NPC staff
Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual sessions • Dates or number of urinalysis tests • Dates or number of days in residential • Other DC service dates and types 	County health care database	Collected electronically for a sample, proxy data confirmed by local county health care agency staff UA data collected for a sample of participants via paper file search by NPC staff
Treatment outside of drug court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDS	California Alcohol and Drug Data System. Statewide treatment database. Collected electronically
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge codes • Dispositions • Sentences 	California Law Enforcement Tracking System (CLETS)	Statewide database, collected electronically
Court Data <ul style="list-style-type: none"> • Case #s • Case dates • Charges • Trial or no-trial • Sentences (prison) 	Local court database	Collected and entered by NPC staff
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	Court database	Collected and entered by NPC staff
Prison Data	Court database	Collected and entered by NPC staff
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	Court database	Collected and entered by NPC staff

Monterey Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The cost of the transactions related to the drug court eligible case might be considered the taxpayer’s *investment* cost when a case is administered through the criminal justice system using the drug court process. The following table (Table A2.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. This is a demonstration of how costs can vary depending on how the system is organized. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of court organization is discussed in more detail in the section on “drug court organization” in Chapter 3.

Table A2.4: The Cost per Monterey Drug Court Eligible Case by Transaction.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$291.24	1	\$291.24
Police Booking	\$101.86	1	\$101.86
Drug Court Appearances	\$120.52	11	\$1,325.72
Drug Court Case Management	\$1.44	291 days ⁴⁷	\$419.04
Individual Treatment Sessions	\$59.71	25	\$1,492.75
Group Treatment Sessions	\$27.48	64	\$1,758.72
Urinalyses (UAs)	\$13.28	13	Client pays
Jail Days (as sanction)	NA	NA	NA
Jail Days	\$66.30	42	\$2,784.60
Total			\$8,173.93

⁴⁷ Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program.

The largest cost in the drug court is treatment (group and individual sessions) and the second is jail days. The jail days accrued were either time served for the drug court eligible case before entering the drug court or time served after terminating from the court. The total costs in drug court are on the low side compared to other sites.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, may also be of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, drug court sessions, urinalyses and case management. In Monterey, the drug court program alone costs an average of \$4,996.23 per participant.

Table A2.5 presents the investment costs for the comparison group (those costs accrued for processing this case in a business-as-usual non-drug court manner).

Table A2.5: Monterey Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$291.24	1	\$291.24
Police Booking	\$101.86	1	\$101.86
Court Case	\$2,025.97	1	\$2,025.97
D&A Treatment	NA	NA ⁴⁸	\$542.17
Jail Bed Days	\$66.30	31	\$2,055.30
Probation Days	\$1.09	297	\$323.73
Total			\$5,340.27

Jail days and court case costs are the chief costs in processing a case through the standard procedures in Monterey. It is interesting to note that there are more jail bed days on average for the drug court group than for the comparison group. It has often been found that drug courts save money because they reduce the time spent in jail. In Monterey, this is not the case. The drug court in Monterey could reduce their jail costs by either ensuring a quicker time between drug court eligibility and entry or by reducing the jail time that results from termination from drug court.

It is also interesting to note that the traditional standard procedures for this type of case involve more court costs (\$2,025.97) than is incurred with the drug court per case (\$1,325.72). As we have seen in other sites, traditional court processing is often fairly expensive.

⁴⁸ Because statewide treatment data are not associated with a criminal case, it was not possible to determine the specific amount of treatment received due to the drug court eligible case. The cost amount generated in this table is the average amount of treatment received per court case for the comparison sample.

Figure A2.1: Monterey Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case.

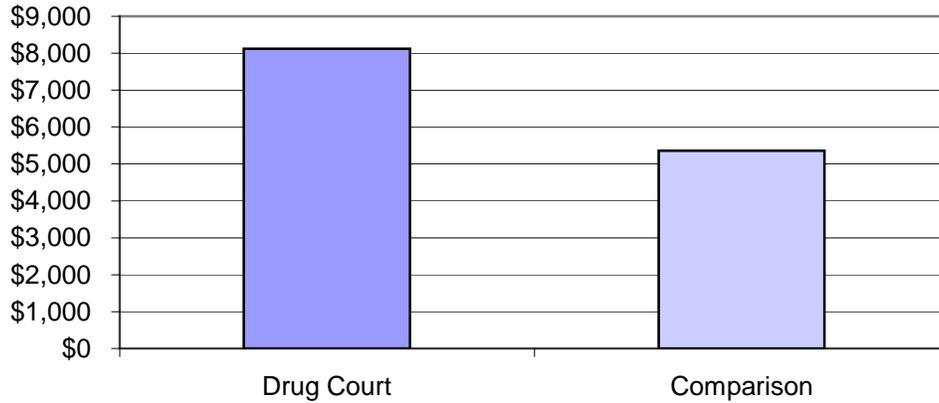


Figure A2.1 illustrates the difference in total cost for those processed through drug court as compared to those processed through business-as-usual. Drug courts cost about \$2,800 more per person in total case costs. Increased treatment costs are the major reason that drug court costs are higher than traditional processing. We estimate that the average case in the comparison group receives \$542.17 worth of treatment as compared to \$3,251.47 worth of individual and group treatment in the drug court group sample.

Table A2.6 illustrates the differences by agency. The superior court, district attorney and public defender saved money by processing an offender through drug court. Law enforcement, treatment and probation all incurred increased costs from the drug court option.

Table A2.6: Average Cost per Offender by Agency for a Monterey Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$576.84	\$989.79	-\$412.95
District Attorney	\$54.01	\$471.55	-\$417.54
Public Defender	\$154.22	\$564.63	-\$410.41
Probation	\$475.60	\$323.73	\$151.87
Treatment Agencies	\$3,735.45	\$542.17	\$3,193.28
Law Enforcement	\$3,177.70	\$2,448.40	\$729.30
Total	\$8,173.82	\$5,340.27	\$2,833.55*

*This difference in costs is statistically significant ($p < 0.05$).

The net investment cost in drug court for Monterey is \$2,833.55 per participant. However, to understand the overall cost benefit, we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occur *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁴⁹ Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁵⁰ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry.

Table A2.7 presents the average total outcome costs per offender over four years since drug court entry. This table also presents the difference in these costs between the drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects increased costs due to drug court.

⁴⁹ A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁵⁰ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (9.6 months on average in Monterey). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A2.7: Monterey Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry.

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Individual	Difference
Re-arrests	\$291.24	3.65	\$1,063.03	3.05	\$888.28	+\$174.75
Sheriff Bookings ⁵¹	\$205.36	2.61	\$535.99	2.12	\$435.36	+\$100.63
Court Cases (no-trial)	\$2,025.97	1.88	\$3,808.82	1.25	\$2,532.46	+\$1,276.36
Court Cases (trial)	\$3,574.45	0	0	0.01	\$35.74	-\$35.74
Jail Days	\$66.30	84.08	\$5,574.50	58.66	\$3,889.16	+\$1,685.34
Probation Days	\$1.09	69.57	\$75.83	253.84	\$276.69	-\$200.86
Victimizations – Person Crimes ⁵²	\$40,698.60	0.27	\$10,988.62	0.15	\$6,104.79	+\$4,883.83
Victimizations – Property Crimes	\$12,563.35	0.44	\$5,527.87	0.21	\$2,638.30	+\$2,889.57
Treatment Episodes	NA	1.03	\$764.49	0.47	\$416.56	+\$347.93
Prison Days	\$84.74	29.38	\$2,489.66	49.02	\$4,153.95	-\$1,664.29
Total			\$30,828.81		\$21,371.29	+\$9,457.52*

*This difference is statistically significant ($p < 0.05$).

In Monterey, drug court participation appears associated with lower prison costs and lower probation costs. However, in every other category it is associated with an increase in costs. Overall, the drug court increases the cost to the taxpayer by \$9,457.52 per case.

⁵¹ The sheriff booking rate is used here because our jail data is taken from the county sheriff's database.

⁵² These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

Figure A2.2: Monterey Outcome Costs. Cumulative total costs four years following drug court arrest.

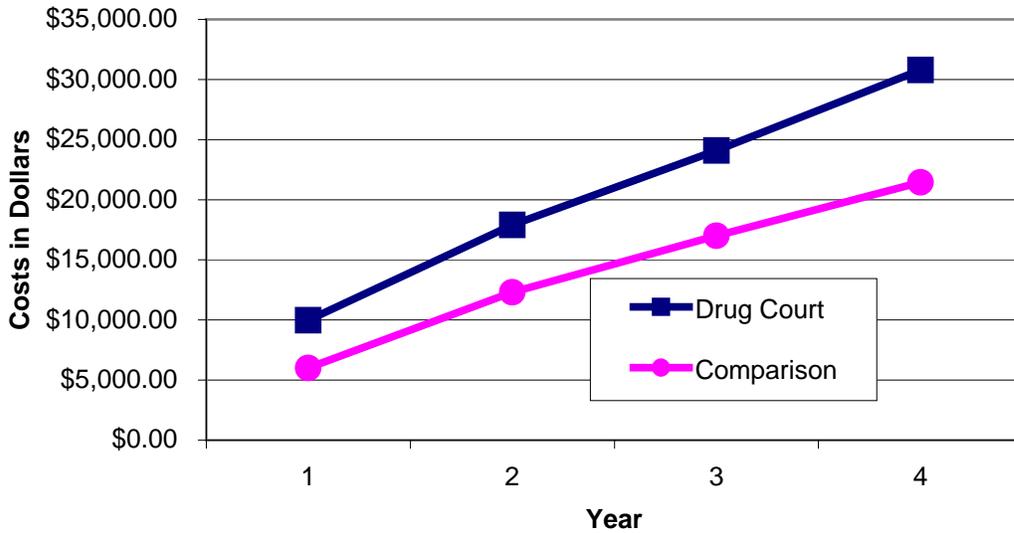


Figure A2.2 illustrates the difference in outcome costs between the drug court and the comparison group each year for four years following drug court entry. Figure A2.3 demonstrates the difference in re-arrests. The figures show that comparison group members have fewer re-arrests and lower costs than the drug court participants.

Figure A2.3: Monterey Re-arrests. Cumulative number of re-arrests following drug court arrest.

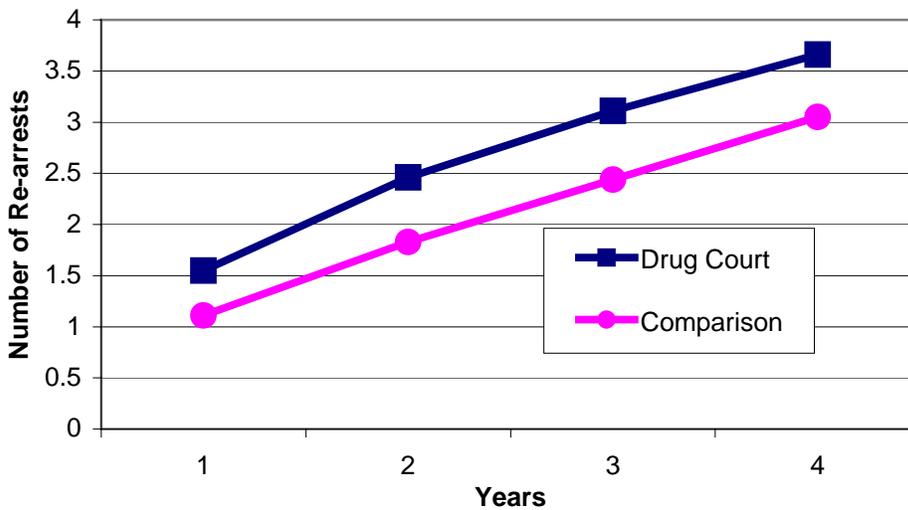


Table A2.8: Monterey Outcome Costs by Agency. Average total outcome cost per offender by agency over four years

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$1,860.81	\$1,254.34	\$606.47	+48%
District Attorney	\$886.51	\$597.59	\$288.92	+48%
Public Defender	\$1,061.50	\$715.54	\$345.96	+48%
Probation	\$75.83	\$276.96	-\$201.13	-73%
Treatment Agencies	\$764.49	\$416.56	\$347.93	+84%
Law Enforcement	\$7,173.52	\$5,213.27	\$1,960.25	+38%
Corrections	\$2,489.66	\$4,153.95	-\$1,664.29	-40%
Victimizations	\$16,516.49	\$8,743.09	\$7,772.40	+89%
Total	\$30,828.81	\$21,371.29	\$9,457.52*	+44%

*This difference is statistically significant ($p < 0.05$).

Table A2.8 presents the benefits as a result of drug court outcomes by agency. Both probation and corrections see reductions in costs from the drug court due to less jail time and probation time. However, all other agencies see higher costs related to the drug court sample. The largest cost increases are found in treatment and in crime victims.

Table A2.9: Monterey Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$2,437.65	\$2,244.13	+\$193.52
District Attorney	\$940.52	\$1,069.14	-\$128.62
Public Defender	\$1,215.72	\$1,280.17	-\$64.45
Probation	\$551.43	\$600.69	-\$49.26
Treatment Agencies	\$4,499.94	\$958.73	+\$3,541.21
Law Enforcement	\$10,351.22	\$7,661.67	+\$2,689.55
Corrections	\$2,489.66	\$4,153.95	-\$1,664.29
Victimizations	\$16,516.49	\$8,743.09	+\$7,772.40
Total	\$39,002.63	\$26,711.57	\$12,291.06

When the total costs for the drug court approach (investment costs plus outcomes) are compared to the total costs of standard processing, some agencies (district attorney, public defender, probation and corrections) experience reductions in cost. However, the overall picture remains negative. Other agencies, as well as crime victims, see substantial increases in costs. Only corrections sees a substantial reduction in costs due to the drug court approach.

Summary and Discussion

Most of the drug courts that we have studied have reasonably positive reductions in cost due to the impact of the drug court. Monterey is an exception. How can we account for this? Finding the definitive explanation is outside the boundaries of this report. However, several possibilities can be proposed.

1. The Monterey drug court serves a population that is predominately Hispanic, with high poverty rates, high unemployment rates and low educational attainment. This makes it difficult for drug court participants who, even if they graduate, return to situations of low employment and poverty. (However, the same argument can be made for some of the other sites with similar demographics that were more successful).
2. Monterey's graduation rate from the 1998-1999 sample is low (26%). This means that three-quarters of participants were unsuccessful and terminated from the court. Since participants who are terminated generally have worse outcomes than those who graduate, a low percentage of graduates leads to higher outcome costs.
3. In early 1999, the Monterey drug court instituted a payment policy for drug tests. It was implemented almost overnight and created a firestorm in the drug court. Clients had to pay \$14.00 for each drug test or have it count as a failed test. This is the highest UA cost of the nine study sites, which was a substantial drain on the finances of clients that already tend to have low (or no) income. The new policy resulted in many clients refusing to show up for drug tests and a large amount of terminations. This is reflected in the graduation rate for that time period (26%), the lowest in the nine study sites.
4. An examination of drug court process (see Table A2.1) can also shed some light on this issue. In most of the nine drug courts that participated in this study, the agencies involved in the drug court program all had representatives that attended court sessions and team meetings, while only probation and treatment attend in Monterey, with the other agency representatives attending rarely or not at all. The presence of agency support in Monterey appears to be lacking, which may have an effect on participant outcomes and in turn, outcome costs. Further, the Monterey drug court judge rotates every year. This makes it difficult for the judge to get to know the clients and also makes it difficult for the judge to invest him/herself in the program. Further, since most judges in Monterey rotate through this position, rather than volunteering for the assignment, it is likely that the personality of some judges is not well suited to this kind of program. In addition, there are over 20 treatment providers that serve the drug court clients. It would be very difficult to ensure that all 20 treatment agencies provided consistent information to the judge in a timely fashion. There is also a lack of consistency in the treatment requirements. Rather than having a specific number of required group and individual treatment sessions, the treatment is on an as needed basis. Although this might allow the drug court clients to receive the appropriate amount of services for their needs, it also may result in difficulty in determining whether the client is complying consistently with treatment requirements, as it would be difficult to keep track of each client's specific program.

All these factors combined provide a reasonable hypothesis for the lack of savings due to favorable outcomes experienced in Monterey. It is also possible that these outcomes are more a

reflection of the time period of this sample and the changes that occurred in the drug court at that time. A study of participants from a later time period should be performed to examine this possibility. In addition, the Monterey drug court may want to examine its policies to look for areas where changes, such as greater involvement of the drug court team members, may improve outcomes and increase cost effectiveness.

***Appendix A3: Orange County – Laguna Niguel
Drug Court Site-Specific Report***

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Site 3: Orange County – Laguna Niguel Drug Court

Background/Context

The Laguna Niguel drug court is located within the South Coast census defined place (CDP) of Orange County. This area includes the City of Laguna Niguel and adjacent cities and other urban areas. According to the 2000 Census the total population of this area was 288,077.

Laguna Niguel is a prosperous community that is mostly white (non-Hispanic) (76%) but has a substantial minority Latino population (15%). The percentage of the population living under the poverty rate is one of the lowest in the state (under 6%) although the poverty rate among the Latino population is higher (16%). The unemployment rate is also one of the lowest in the state (under 4%). The average income per capita is quite high, nearly \$40,000 and over 40% of the population has attained a Bachelor's degree or higher.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A3.1 provides an overview of Laguna Niguel's drug court processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main report, Tables 3.8a and 3.8b).

The majority of drug court participants in Laguna Niguel are male (68%) and the large majority are White (83%), followed by a relatively small number of Hispanics (13%, which is similar to the population in the surrounding area). The average age is 33 years and the most frequent drug of choice is methamphetamines (50%), followed by heroin (20%), and then cocaine (14%). The drug court participants have an average of two previous drug arrests and less than one previous treatment episode. The mean length of time participants spend in the program is 18 months.

Table A3.1: Laguna Niguel Drug Court Process Description as of 1998-1999

1) Drug Court Implementation Date	January 1997
2) Number of Participants from Inception to July 2003	Enrolled: 343 Graduated: 186 Terminated: 104 (38 during 2-week window period) Overall graduation rate (since inception): 64% (74% if don't include window period terminations) 1998-1999 sample graduation rate: 68%
3) Pre/post Plea	Post-plea with imposition of sentence suspended. The Program also accepts some probation violations.

4) Time from Arrest to Drug Court Entry	Varies, but usually within 2-3 weeks.
5) Eligibility Criteria	<p>Felony and misdemeanor charges were both previously accepted, but it recently changed to felonies only. Defendants charged with possession or use of a controlled substance (excluding sales) are targeted for drug court entry. To be eligible for drug court, the defendant must:</p> <ul style="list-style-type: none"> Be lawfully living in the U.S. and must be a county resident; Have no history of violence or weapons; Have no prior arrests or convictions for sales or possession for sales; Have no strikes or serious prior felonies; Have no simple assault charges in the last five years; Have no apparent mental health issues; Be capable of gaining employment; Have no gang affiliation; and Admit to having a drug problem. <p>Steps in the eligibility process include:</p> <ul style="list-style-type: none"> Referral by a private attorney, public defender, drug court judge or other judges in county; Explanation of drug court to the defendant by the public defender or private attorney. Law enforcement background check completed by the district attorney and sheriff; Probation and health care agency suitability screening and interview; and Review of health care agency, public defender, and probation recommendations by judge, who makes the final determination for program entry.
6) Incentive to Enter and Complete Program	Case dismissed and plea withdrawn; \$250 court fee is vacated upon graduation.
7) Participant Drugs of Choice	Methamphetamines (50%) and heroin (20%), followed by cocaine (14%).
8) Intake and Number of Treatment Providers in System	<p>The health care agency conducts the initial assessment and intake, as well as outpatient treatment. Participants needing specialized or higher-level treatment (residential treatment) are referred to one of numerous county-contracted residential treatment programs or private treatment programs.</p> <p>Type of treatment is assessed at initial interview and by looking at the ASI assessment. Participants are referred to appropriate treatment based on the assessment and the participant's background or history.</p>
9) Location of Treatment Providers in System	The county's health care agency provides management and coordination of treatment and rehabilitation services. Probation provides the case management.
10) Treatment Model(s)	Cognitive Behavior model, Carl Rodgers approach.
11) Treatment Services	The following services and referrals are available through drug court:

<p>Provided</p>	<p>Individual counseling; Process groups; Specialty groups (anger management, relapse prevention, grief management, etc.); Treatment support groups (such as AA or NA); Mandatory life goals and self-esteem courses at community college; Residential treatment; IV users program; HIV positive program; Continuing education services; Transitional sober living and detoxification referrals; AIDS education; Aftercare services; Residence referrals; Mental health services; Methadone clinic; Job training and work rehabilitation program; Parenting classes; and Perinatal program and services.</p>
<p>12) Method and Consistency of Provider Communication with Court</p>	<p>Health care agency and probation staff provide a weekly progress report to the court. The report includes information on participation, attendance, and treatment progress. Health care agency therapists and probation officers give a verbal progress report when the team meets with the judge before court.</p>
<p>13) Phases</p>	<p>At the time of our drug court sample, the program had orientation and 3 phases. (It recently changed and there are now 4 phases.) Orientation was 30 days, Phases 1 and 2 were 90 days, and Phase 3 was 120 days. It is an 18-month program, but participants are held until all contract requirements are met.</p> <p>There is a 14-day window period in the orientation phase where participants can opt out or the team can pass on them (if any more information from the participant's past or a disqualifier is discovered).</p> <p>Orientation Phase requirements: UAs: 3 times a week minimum Court appearances: Once every 1-2 weeks Individual sessions: Once a week minimum Group sessions: Once a week minimum AA/NA/Self help: 5-7 times a week Other: Report to probation weekly, compliance with additional case management services as determined</p> <p>Phase 1 requirements: UAs: 3 times a week minimum Court appearances: Once every 1-2 weeks Individual sessions: Once a week minimum Group sessions: Once a week minimum</p>

	<p>AA/NA/Self help: 3-5 times a week</p> <p>Other: Report to probation weekly, compliance with additional case management services as determined, actively seek sponsor, participate in clean and sober recreation/fellowship</p> <p>Phase 2 requirements:</p> <p>UAs: 2 times a week minimum</p> <p>Court appearances: Once every 2-4 weeks</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a week minimum</p> <p>AA/NA/Self help: 3-5 times a week</p> <p>Other: Report to probation weekly (or as instructed), compliance with additional case management services as determined by the treatment team, maintain relationship with sponsor, participate in clean and sober recreation/fellowship, work the 12 steps, employment and/or educational goal setting</p> <p>Phase 3 requirements:</p> <p>UAs: 1 time per week minimum</p> <p>Court appearances: Once a month</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a month minimum</p> <p>AA/NA/Self help: 2 times a week</p> <p>Other: Meet with probation officer as needed, compliance with additional case management services as determined by the treatment team, maintain relationship with sponsor, participate in clean and sober recreation/fellowship and community service, maintain full time employment and/or progress toward educational goal, ongoing review and updating of treatment plan, become a mentor to a new drug court participant, prepare and submit application for graduation.</p> <p>Participants are ordered to attend self-esteem and health/nutrition classes at a local community college, and attend civic/cultural events.</p>
<p>14) Requirements to Change Phase</p>	<p>To advance from orientation:</p> <p>No unexcused absences for 14 consecutive days;</p> <p>Submit a written Phase Advancement Request;</p> <p>Have documented attendance of self help meetings for 1 month;</p> <p>No positive drug tests for 30 days;</p> <p>Acknowledgement of extent of substance abuse problem;</p> <p>Commitment to living a drug-free lifestyle.</p> <p>To advance from Phase 1:</p> <p>No positive drug tests for 90 days;</p> <p>No unexcused absences from scheduled health care appointments for 21 consecutive days;</p> <p>Documented minimum required attendance at self help meetings for a minimum 90 days;</p> <p>Submit a written Phase 2 Advancement Request;</p>

	<p>Have a self help sponsor; Be employed or actively pursuing employment or educational goals.</p> <p>To advance from Phase 2: No positive drug tests for 90 days; No unexcused absences from scheduled services for 30 consecutive days; Be employed or actively seeking vocational or educational goals; Continued documented attendance at no fewer than 3 self help meetings a week for 90 days; Verbal expression of the 12-step/self help concepts; Submit a written Phase 3 Advancement Request.</p>
15) UAs	The health care agency and probation coordinate and conduct UAs. Probation gives participants a testing schedule for each phase and conducts tests during home visits; the health care agency has a call-in system for testing. Tests can be breath, saliva, or sweat, but UA testing is the primary method. A drug-testing patch is worn by new drug court participants (up to Phase 1), and other participants as needed.
16) Drug Court Participant Fees	<p>No drug court fee, but there is a court fee of \$250 for all cases (this fee is vacated if the participant graduates)</p> <p>Health care agency fee: Participants pay on a sliding scale for services, based on ability to pay. About 70% of participants pay a majority of their fees</p> <p>Probation fee: \$25 a month is required, which is reduced from the normal probation fee</p>
17) Drug Court Team Members and Other Committees	<p>Drug court team: judge, drug court coordinator, two probation officers, deputy public defender, sheriff's deputy, and two therapists.</p> <p>Drug court oversight committee: representatives from superior court, health care agency, probation, district attorney, public defender, sheriff, local law enforcement agencies, and several community-based organizations.</p>
18) Team Meetings	<p>The therapists, deputy public defender, coordinator, and a probation officer meet 1-2 days before drug court to discuss participant progress, put together reports, and talk over issues.</p> <p>The probation officers, judge, sheriff's deputy, coordinator, a therapist, and deputy public defender meet before drug court sessions to discuss cases, evaluate participant progress, and determine how to proceed with participants.</p> <p>The drug court oversight committee meets monthly to provide continuity and policy decisions.</p>
19) Drug Court Sessions	Drug court sessions are held once a week. About 20-30 participants attend each session. The judge, deputy public defender, coordinator, bailiff, 2 probation officers, a therapist, and 2 court clerks attend every session. The court reporter attends all felony matters. The sheriff's deputy attends occasionally. A deputy district attorney will attend when an eligibility determination needs to be made.
20) Judge	The judge is assigned, but has to agree to assume the duties of drug court. The

	commitment is usually for two years, but judges can stay for as long as they like. The judge hears other cases in addition to drug court.
21) Coordinator	The coordinator is a superior court employee who is responsible solely for this drug court. The coordinator manages the calendar, resolves operational issues, collects data, prepares statistical and data reports, coordinates the team, researches and coordinates ancillary services, posts new evaluations, attends oversight meetings, and reports changes to policy and procedures from the oversight committee to the team.
22) Law Enforcement	Arresting officers occasionally attend graduation ceremonies. The role of the sheriff's deputy assigned to drug court includes: Serving warrants; Assisting with background checks; Tracking down non-compliant participants; Filing charges; Confiscating contraband; Conducting investigations; and Conducting home visits along with probation officers.
23) Probation	All drug court participants are on formal probation and have high supervision. The role of probation in drug court includes: Supervising the participants; Case management; Attending drug court sessions and meetings; Enforcing the rules of the court and the orders of drug court; Monitoring progress, attendance, employment, residence, and phase requirements; Preparing weekly written progress reports; Giving verbal reports in court; Remanding participants that are out of compliance; Implementing special activities; Conducting home visits; and Conducting drug testing.
24) Public Defender	The role of the deputy public defender assigned to drug court includes: Looking for cases that might fit drug court; Attending every drug court session and meeting; Representing the participants and their interests; and Advising participants of their rights and obligations in drug court. No public defender services are contracted out, except in conflict instances in which the alternate public defender must be used.
25) District Attorney	The role of the district attorney includes: Performing background checks for eligibility; Reviewing cases and providing the eligibility recommendation; Dismissing the charges upon the completion of drug court.

	The district attorney doesn't attend drug court sessions or meetings.
26) Rewards	<p>Rewards are given for good behavior, which includes: Attending all appointments; Testing clean; Participating in group or individual treatment sessions; Having a good attitude; Having a sponsor and working the 12 steps of recovery; Being employed or continuing educational goals.</p> <p>The drug court team works together to determine rewards. Rewards include: A raffle drawing for movie tickets and restaurant voucher prizes (for participants with perfect compliance); Positive reinforcement and applause in court; Reading the names in court of those who are in full compliance; T-shirt (upon entering phase 3); A commemorative coin (upon completing each phase); Fewer drug tests and requirements in later phases; Flower and a certificate (for drug court graduates).</p>
27) Sanctions	<p>Sanctions are given for non-compliant behavior. Behaviors that are considered non-compliant include: Continued drug use; Using alcohol; Missing drug tests or testing positive; Not attending treatment sessions or court; Getting behind in self help meetings; Getting a new case; Any violation of the law; Tardiness; Violating curfew; A compromised drug patch; Associating with people or places they are not to associate with.</p> <p>The team works together to determine sanctions. Sanctions are graduated and are fairly consistent. Sanctions imposed include: Being held out of the raffle drawing; Admonishment from the court; Writing an essay; Increased frequency of court appearances or drug testing; Increased participation in counseling or self help meetings; Community service; Residential treatment; Court sit-ins (having to sit through court); Jail time;</p>

	Demotion to an earlier phase of the program.
28) Unsuccessful Termination	<p>A new case or arrest could prompt a termination, as could constantly using drugs. Anything involving violence, weapons, a strike, sales, a DUI, or prostitution is an automatic termination. If it is a drug case, it is up to the judge whether or not to terminate. The longer a participant is away on a failure to appear warrant, the more likely they will be terminated.</p> <p>Upon termination, participants receive the sentence that was determined at the plea before entering drug court. They generally get jail time and go back to formal probation. Sometimes the court will impose a lighter sentence in light of progress the person has made, even though they didn't succeed in the program.</p>
29) Graduation	<p>The requirements for graduation include:</p> <ul style="list-style-type: none"> Complete 8 hours of community service; Attend a civic event and a cultural event; Attend 2 classes at local college (a physical education/health class and a nutrition class); Attend a relapse prevention group and 2 specialty groups; Obtain employment; Obtain GED or high school diploma; Pay all court fees (although these are vacated upon graduation) <p>Complete any individual goals that have been assigned (being off welfare, obtaining a driver's license or independent living, etc);</p> <ul style="list-style-type: none"> No positive drug tests for 180 days; No unexcused absences from scheduled appointments for 45 consecutive days; Have a definitive aftercare program. <p>Graduations are held as needed at the end of drug court sessions, but there were mass graduation ceremonies during the time of our sample.</p> <p>Participants receive a certificate and a flower, a photo is taken, and the case is dismissed.</p>
30) Post-graduation Support	<p>There is an aftercare program available through the health care agency. It is not mandated and has no set requirements, but graduates are encouraged to remain in or return to group sessions and individual counseling. The Drug Court Alumni Association sets up activities for graduates and holds a monthly alumni meeting for graduates and current drug court participants.</p>

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional (or non-drug court) court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or business-as-usual, process did not include Proposition 36. The district attorney reviewed police reports, investigated the case, and decided whether to refuse to prosecute or to move forward and file a complaint. Defendants charged with drug possession had their case calendared for an arraignment and plea hearing. A significant number of defendants settled their cases through a plea agreement and received an indicated sentence. This sentence was generally 3 years of formal probation and possibly incarceration, from 90 days of jail up to a short prison sentence.

Defendants generally served their whole time in probation. As a condition of probation, the court might have ordered that a person go through a treatment program.

If a case did not settle, there would have been a preliminary hearing and the case would have gone to trial. At trials, cases were either dismissed or they proceeded to sentencing. Trials happened very rarely. Of the offenders studied at this site (both drug court and comparison group members), not one had a case that went to trial over a four year time period.

Site-Specific Methods

The general research methods used in Laguna Niguel were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A3.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court participant sample was selected from a database provided by a local researcher who had performed evaluations of several drug courts in the county. All individuals who entered the drug court in 1998 and 1999 were included in the sample, regardless of length of time in the program or completion status.

Drug court participants in Laguna Niguel are chosen via district attorney file review of CLETS rap sheets after a repeated drug offense by a defendant. Police reports are also screened for elements of the case that would make the defendant ineligible such as weapons being present or violent acts in addition to the possession of drugs. Eligible charges include possession of drugs (Health and Safety Codes 11350, 11377, 11357, 11364, 11368, 11550 and Business and Professional Codes 4060 and 4140). Defendants are excluded who have prior charges *or* convictions for selling drugs, violent crimes, “strike” crimes or who have been in prison in the last five years.

The district attorney’s office provided NPC Research with a list of 876 Laguna Niguel cases from 1998-1999 with possession of drugs (11377 and 11350) charges. From these lists, NPC staff searched district attorney and court archives for case files and then reviewed rap sheets for prior offenses or convictions that would make the defendant ineligible for drug court.

For the Laguna Niguel comparison group, 513 files were reviewed and 239 defendants were chosen. The information from the 239 defendants was entered into a database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including CII number, local case numbers, state ID numbers and social security number.

Once the first round of comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final sample consisted of 124 drug court participants and 112 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry) for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A3.2, below.

Table A3.2: Laguna Niguel Drug Court Participant and Comparison Group Demographics

	Drug Court Participants (n=124)	Comparison Group (n=112)
Average Age	33	31
Gender	68% Male	60% Male
Race/Ethnicity	83% White 13% Hispanic 2% African-American 2% Other	83% White 12% Hispanic 2% African-American 3% Other
Previous Treatment	0.57	0.70
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.06	0.10
# of Jail Days	15	22

The majority of the data collected for this study were collected locally at each site. Table A3.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A3.3: Data Collected and Source of Data for Laguna Niguel

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of birth • Race • Gender 	DA and court files	Collected and entered by NPC staff
Drug Court Related Data <ul style="list-style-type: none"> • Case number of the offense that led to drug court • DC case number • Entry date • Exit date • Status at exit (grad./term., etc.) 	Evaluation database and court database	Previous research by California State University, supplemented by data collected by court staff from court database
<ul style="list-style-type: none"> • Hearing dates (or number of hearings) 	Court database	Collected electronically
<ul style="list-style-type: none"> • Jail days sanctioned 	Paper billing records Sheriff database	Coded and entered by NPC staff Paper rap sheets from Sheriff database coded and entered by NPC staff
<ul style="list-style-type: none"> • Home visit dates 	Paper files	Collected via file review by NPC staff

Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual sessions • Dates or number of urinalysis tests • Dates or number of days in residential • Other DC service dates and types 	County health care database Paper files at treatment agency	Collected electronically UA data collected via paper file search by NPC staff and local agency staff, paper records coded and entered by NPC staff
Treatment outside of drug court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDs Statewide treatment database	Collected electronically
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge codes • Dispositions • Sentences 	California Law Enforcement Tracking System (CLETS) Statewide database	Collected electronically
Court Data <ul style="list-style-type: none"> • Case #s • Case dates • Charges • Trial or no-trial • Sentences (prison) 	Court database	Collected electronically
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	Sheriff database	Paper rap sheets coded and entered by NPC staff
Prison Data	CLETS Local Court database	Prison data were collected by court staff on a sample selected of both the drug court and comparison groups. The data will be used to determine the facility and accuracy of using local data versus statewide data for use in the DC-CSET
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	Court database	Court staff collected data on a sample selected of both drug court and comparison groups

Laguna Niguel Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The cost of the transactions related to the drug court eligible case might be considered the taxpayer's *investment* cost when a case is administered through the criminal justice system using the drug court process. The following table (Table A3.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. This is a demonstration of how costs can vary depending on how the system is organized. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of court organization is discussed in more detail in the section on “drug court organization” in Chapter 3.

Table A3.4: The Cost per Participant for a Drug Court Case by Transaction for Laguna Niguel

Transaction	Unit Cost ⁵³	Average # of Transactions	Average Cost per Participant
Arrest	\$174.41	1	\$174.41
Booking	\$178.53	1	\$178.53
Drug Court Appearances	\$155.65	22	\$3,424.30
Drug Court Case Management	\$11.63	549 days ⁵⁴	\$6,384.87
Individual Treatment Sessions	\$64.87	30	\$1,946.10
Group Treatment Sessions	\$10.81	70	\$756.70
Urinalyses (UAs)	\$5.60	71	\$397.60
Jail Days	\$78.76	83	\$6,537.08
Total			\$19,799.59

The largest cost in the drug court is jail days, with drug court case management the second most costly and drug court appearances the third. The jail days accrued were either time served for the drug court eligible case before entering the drug court or time served after terminating from the court. The drug court case management costs represent nearly a third of the total costs and indicate how important the management of the case by the drug court team is to the implementation of the program in Laguna Niguel.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, may also be of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, case management, drug court sessions and frequent urinalyses. In Laguna Niguel, the drug court program alone costs an average of **\$12,909.57** per participant.

Table A3.5 (below) presents the case-related costs for the comparison group (those individuals who went through more traditional court processing).

⁵³ The “unit cost” is the cost per single transaction, e.g., one arrest, or one jail bed day, etc.

⁵⁴ Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program. Case management includes costs from any agency involved in case management (treatment and probation).

Table A3.5: Laguna Niguel Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Offender
Arrest	\$174.41	1	\$174.41
Booking	\$178.53	1	\$178.53
Court Case (no-trial)	\$2,157.28	1	\$2,157.28
D&A Treatment	NA	NA ⁵⁵	\$2,809.18
Jail Bed Days	\$78.76	87	\$6,852.12
Probation Days	\$3.85	266	\$1,024.10
Total			\$13,195.62

The largest cost for the business-as-usual group is in jail bed days, with treatment and court processing costs close behind. It is interesting to note that the drug court sample averaged almost as many jail days (83) as the comparison group (87). It has often been found that drug courts save money because they reduce the time spent in jail. In Laguna Niguel this is not the case. The drug court could reduce their jail costs by either ensuring a quicker time between drug court eligibility and entry or by reducing the jail time that results from termination from drug court.

It is also interesting to note that the comparison group cases average about the same amount of treatment costs as the drug court group (**drug court participant** group treatment and individual treatment = \$2,702 while the **comparison** group treatment = \$2,809). Clearly comparison cases cost the court system significant resources (even without a trial). The substantial difference between drug court and business-as-usual case processing is the case management services that drug court participants receive.

⁵⁵ Because statewide treatment data are not associated with a criminal case, it was not possible to determine the specific amount of treatment received due to the drug court eligible case. The cost amount generated in this table is the average amount of treatment received per court case for the comparison sample.

Figure A3.1: Laguna Niguel Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case.

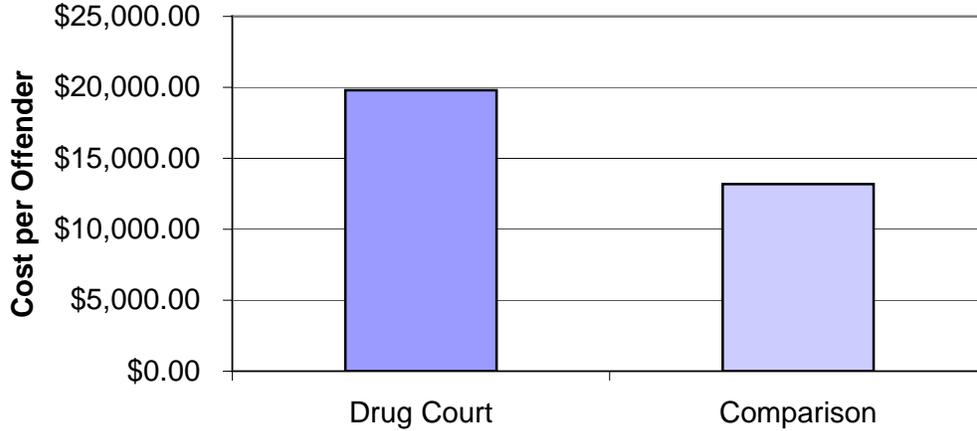


Figure A3.1 illustrates the difference in total cost for those processed through drug court as compared to those processed through business-as-usual. Drug court costs about \$6,600 more per person in total case costs largely due to drug court case management and UA costs.

Table A3.6: Average Cost per Offender by Agency for a Laguna Niguel Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$1,182.72	\$1,262.01	-\$79.29
District Attorney	\$70.84	\$322.34	-\$251.50
Public Defender	\$496.54	\$572.93	-\$76.39
Probation	\$3,167.35	\$1,024.10	\$2,143.25
Treatment Agencies	\$6,617.02	\$2,809.18	\$3,807.84
Law Enforcement	\$8,265.12	\$7,205.06	\$1,060.06
Total	\$19,799.59	\$13,195.62	\$6,603.97*

*This difference is statistically significant ($p < 0.05$)

Table A3.6 illustrates the differences by agency. The superior court, district attorney and public defender all saved money by processing an offender through drug court. Surprisingly, in spite of the perception that drug court is an expensive use of court time, it costs almost the same for the court to pursue this option. Law enforcement, treatment and probation all incur increased costs from the drug court option. However, to understand the overall cost benefit, we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occurred *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁵⁶ Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁵⁷ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry. Table A3.7, below, displays the outcome costs for the drug court participants and comparison group over the four years after drug court entry.

⁵⁶ A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁵⁷ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (18 months on average in Laguna Niguel). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A3.7: Laguna Niguel Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry.

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Individual	Percentage Change
Re-arrests	\$174.41	1.65	\$287.78	2.35	\$409.86	-30%
Bookings	\$178.53	0.84	\$149.97	0.95	\$169.60	-12%
Court Cases (no-trial)	\$2,157.28	0.14	\$302.02	0.32	\$690.33	-56%
Court Cases (trial)	\$3,875.89	0	0	0	0	NA
Jail Days	\$78.76	16.57	\$1,305.05	26.87	\$2,116.28	-38%
Probation Days	\$3.85	25.20	\$97.02	194.11	\$747.32	-87%
Victimizations – Person Crimes ⁵⁸	\$40,698.60	0.04	\$1,627.94	0.10	\$4,069.86	-60%
Victimizations – Property Crimes	\$12,562.35	0.14	\$1,758.87	0.40	\$5,025.34	-65%
Treatment Episodes	NA ⁵⁹	1.79	\$790.10	0.79	\$453.66	+74%
Prison Days	\$84.74	29.82	\$2,526.95	56.21	\$4,763.24	-47%
Total			\$8,845.70		\$18,445.49	-52%

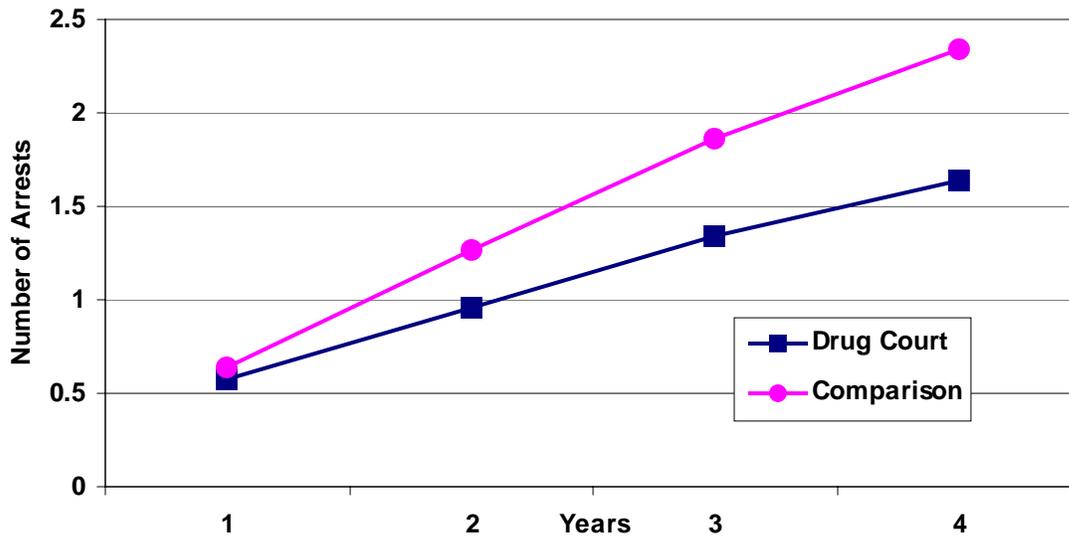
Overall, drug court participants had a reduced frequency of negative criminal justice outcomes, reducing the costs by a total of 52%. The greatest savings were in probation costs (-87% but there were also savings in victimization costs (60% less in person crimes and 65% less in property crime). There were also savings in court cases (-56%), prison days (-47%), jail days (-38%), re-arrests (-30%) (see figure A3.2, below), and bookings (-12%). Only treatment episode costs increased, reflecting the fact that drug court participants had more subsequent treatment episodes. Although this might be viewed by some as evidence that the drug court participants did not become clean and sober, it is more likely this reflects that drug court participants were becoming more engaged in long-term treatment.

⁵⁸ These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

⁵⁹ These treatment data are a combination of several different treatment types with different unit costs, so a single unit cost is not feasible to present here.

The majority of these savings accrue because the drug court participants were simply not arrested as often as the comparison group and therefore accrued fewer recidivism costs. Figure A3.2 illustrates this.

Figure A3.2: Laguna Niguel Re-arrests. Cumulative number of re-arrests following drug court arrest.



As the years progress, the difference between the drug court group and the comparison group widens. This is important because it has been unclear whether the impact of drug court is temporary. These data suggest that in Laguna Niguel it persists over time.

Figure A3.3: Laguna Niguel Outcome Costs. Cumulative total costs four years following drug court arrest.

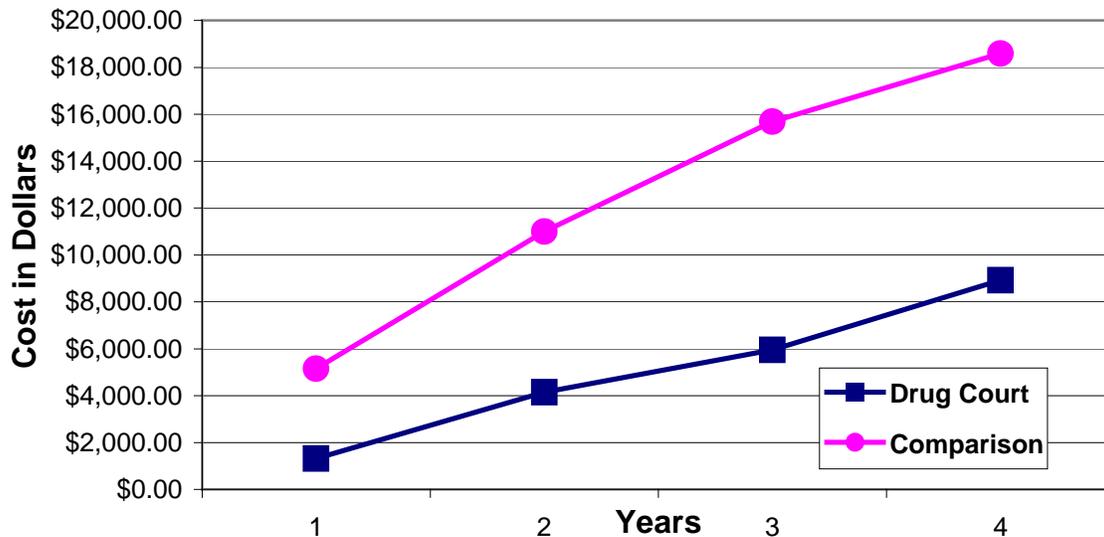


Figure A3.3 illustrates that the savings in avoided costs accumulates over time, suggesting that in further years savings may well continue to accumulate for each cohort that enters the drug court program.

Table A3.8 presents the average total outcome costs per offender over four years since drug court entry. This table also presents the difference in these costs between the drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects a loss due to drug court.

Table A3.8: Laguna Niguel Outcome Costs by Agency. Average total outcome cost per offender by agency over four years.

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$176.68	\$403.84	-\$227.16	-56%
District Attorney	\$45.13	\$103.15	-\$58.02	-56%
Public Defender	\$80.21	\$183.34	-\$103.13	-56%
Probation	\$97.02	\$747.32	-\$650.30	-87%
Treatment Agencies	\$790.10	\$453.66	\$336.44	+74%
Law Enforcement	\$1,742.80	\$2,695.74	-\$952.94	-35%
Corrections	\$2,526.95	\$4,763.24	-\$2,236.29	-47%
Victimization	\$3,386.81	\$9,095.20	-\$5,708.39	-63%
Total	\$8,845.70	\$18,445.49	-\$9,599.79*	-52%

*This difference is statistically significant ($p < 0.05$).

Table A3.8 presents the benefits (savings) as a result of drug court outcomes by agency. This is important because some agencies may gain more from drug court than others. The table shows that probation has the greatest percentage of benefits (-87%) but the superior court, district attorney and public defender also have substantial percentage reductions in costs. Corrections⁶⁰ and law enforcement make reasonable percentage reductions with corrections seeing the highest actual number of dollars saved (except for the savings to the general public due to lower victimization costs). Only treatment agencies experience increases for drug court participants.

However, the final assessment of the cost differences between the drug court approach and business-as-usual requires a matching of outcome costs to investment costs. This is usually expressed as the “cost-benefit ratio.” Table A3.9 indicates this result.

⁶⁰ Prison data were gathered from the statewide CLETS database. Prison data are under-reported in this database. It is reasonable to assume that the under-reporting occurs in both groups in a similar manner. Therefore, the relative cost difference between the two groups should be the same, though the actual number of dollars saved is most likely much higher.

TableA 3.9: Laguna Niguel Total Investment and Outcome Costs per Offender

Type of Cost	Drug Court per Participant	Comparison per Participant	Difference	Ratio
Investment	\$19,799.59	\$13,195.62	+\$6,603.97	1
Outcome	\$8,845.70	\$18,445.49	-\$9,599.79	1.5

The total investment costs per case for drug court is \$6,603.97. This is the amount that a case processed through drug court exceeds the costs of business-as-usual processing. The drug court case has net benefits over four years of \$9,599.79. This is a ratio of one to 1.5. Thus every dollar of drug court investment costs produces \$1.50 of returned benefits. Another way of expressing this is to say that for each person processed through the drug court approach the total system savings over four years is \$2,995.82 (\$9,599.79 minus \$6,603.97).

However, not every agency experiences the savings. Table A3.10 illustrates the total cost (investment and outcome combined) for each agency (over four years).

Table A3.10: Laguna Niguel Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$1,359.40	\$1,665.85	-\$306.45
District Attorney	\$115.97	\$425.49	-\$309.52
Public Defender	\$576.75	\$756.27	-\$179.52
Probation	\$3,264.37	\$1,771.42	+\$1,492.95
Treatment Agencies	\$7,407.12	\$3,262.84	+\$4,144.28
Law Enforcement	\$10,007.92	\$9,900.80	+\$107.12
Corrections	\$2,526.95	\$4,763.24	-\$2,236.29
Victimizations	\$3,386.81	\$9,095.20	-\$5,708.39
Total	\$28,645.29	\$31,641.11	-\$2,995.82

Note: The difference in total costs is not statistically significant

In Laguna Niguel there are increased costs associated with treatment, probation, and law enforcement. However, all other agencies (and the victims of crime) show reductions in total costs. And, if drug court participants continue the trend of reduced outcome costs, law enforcement (at least) may also show a reduction in cost.

Summary and Discussion

Laguna Niguel is a post-plea drug court operating in a relatively affluent community dealing with mostly White (non-Hispanic) low-level offenders. A thorough assessment of its investment costs in drug court as compared to business-as-usual processing shows that the investment costs of drug court per participant are about \$6,603.97. However some agencies (i.e., the court, the district attorney and the public defender) actually have reduced investment costs as compared to standard court processing. An assessment of outcomes over four years shows net outcome benefits of **\$9,599.79** per participant. This suggests that every dollar invested per case in the drug court produces a return of **\$1.50**.

Using the enrollment numbers during the time period of this study, Laguna Niguel averaged 72 new drug court participants per year. If the net cost savings (investment and outcome costs combined) per participant (**\$2,995.82**) are multiplied by the number of new participants per year, the result is a cost savings of **\$215,699.04** each year due to drug court processing.

***Appendix A4: Orange County – Santa Ana
Drug Court Site-Specific Report***

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Site 4: Orange County – Santa Ana Drug Court

Background/Context

The Santa Ana (Central) drug court service area is located in the census defined place (CDP) of Orange County. This area includes the City of Santa Ana and adjacent urban areas. According to the 2000 Census the total population of this area was 337,512.

The Santa Ana drug court jurisdiction is an ethnically mixed community of mostly Hispanics (76%) and a substantial minority of Whites (non-Hispanic) (12%). Unemployment rates are moderately high, averaging 7% for males and 9% for females, but not nearly as high as other jurisdictions in this study. Poverty rates are high with 19% of this population below the poverty level. In addition, educational attainment is low among Hispanics with about 47% of Hispanic males and 51% of Hispanic females having less than a 9th grade education. These demographics can affect the ability of the drug court to succeed. The drug court can be effective in reducing substance abuse and improving attitudes toward successful employment, but if a drug court participant returns to a life of poverty and low employment possibilities, the chances of positive long-term outcomes may diminish.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A4.1 provides an overview of Santa Ana's drug court processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main document, Tables 3.8a and 3.8b).

The majority of drug court participants in Santa Ana are male (71%) and the most common ethnicity is Hispanic (45%), followed closely by White (43%) with a small percentage of African-Americans (8%) and Asians (5%). There are more White and African-American participants but fewer Hispanic participants than might be expected from the ethnic make-up of the population in the surrounding area. The average age of drug court participants is 32 years and the most frequent drug of choice is methamphetamines (38%), followed by an even split between heroin (26%) and cocaine (26%). The drug court participants have an average of almost two and a half previous drug arrests in the two years prior to drug court entry and less than one previous treatment episode. The mean length of time participants spend in the program is 14 months.

Table A4.1: Santa Ana Drug Court Process Description as of 1998-1999

1) Drug Court Implementation Date	March 1995
2) Number of Participants from Inception to July 2003	<p>Enrolled: 932 Graduated: 306 Terminated: 440 (158 during 2-week window period) Overall gradation rate (since inception): 41% (52% if don't include window period terminations) 1998-1999 sample graduation rate: 45%</p>
3) Pre/post Plea	Post-plea with imposition of sentence suspended.
4) Time from Arrest to Drug Court Entry	Varies, but usually within 2-3 weeks.
5) Eligibility Criteria	<p>Felony and misdemeanor charges were both previously accepted, but it recently changed to felonies only. Potential participants are referred to drug court at arraignment or from probation violations. Eligibility requirements:</p> <ul style="list-style-type: none"> Charge must involve possession for personal use of narcotics; No prior arrests or convictions for sales or possession for sales; No indication from police or probation that defendant is involved in drug sales; No strikes or serious prior felonies; No history of violence or weapons; No chronic medical problems or severe mental health issues; Admit to having a drug problem; No simple assault charges in the last five years; Be lawfully living in the U.S. and must be a county resident; No gang affiliation. <p>Steps in the eligibility process include:</p> <ul style="list-style-type: none"> District attorney reviews defendant file and criminal history to determine eligibility, reports finding to drug court team; Public defender interviews candidate, gives necessary legal advisements, and elicits program participation if appropriate; Probation and health care agency therapists jointly interview candidate to determine suitability; Eligible candidates are discussed with the drug court judge in pre-court team staffing meeting; New participant placed on formal probation after a guilty plea is entered. <p>Suitability exceptions are made with judge's consent.</p>
6) Incentive to Enter and Complete Program	<p>\$250 court fee is vacated upon graduation; Case dismissed and plea withdrawn; or If person entered through probation, early termination of probation.</p>

7) Participant Drugs of Choice	Methamphetamines (38%), followed by an even split between heroin (26%) and cocaine (26%).
8) Intake and Number of Treatment Providers in System	The health care agency's Division of Alcohol and Drug Abuse Services conducts the initial assessment and intake. The health care agency is the treatment provider, but drug court participants can be referred out to multiple county-contracted residential treatment providers and private treatment agencies for specialized services.
9) Location of Treatment Providers in System	The county's health care agency provides management and coordination of treatment and rehabilitation services. They perform all outpatient treatment for drug court and also oversee residential treatment. The health care agency makes referrals for ancillary and specialized services. Probation provides the case management.
10) Treatment Model(s)	Cognitive Behavioral.
11) Treatment Services Provided	<p>The following services and referrals are available through drug court:</p> <ul style="list-style-type: none"> Specialty groups (parenting, assertiveness, relaxation, grief and loss, anger management, stress management, relapse prevention); Process groups; Individual counseling; Treatment support groups (such as AA or NA); Prenatal education and support services; Mental health services; Mandatory self-esteem/life goals classes at community college; Methadone clinic; In-custody program; Outreach program for IV drug users; Transitional sober living and detoxification referrals; Aftercare services; AIDS education and HIV positive program; Residence referrals; Financial services referrals; Employment services and vocational training referrals; Education referrals; and Residential treatment program referrals (contracted out).
12) Method and Consistency of Provider Communication with Court	Probation writes weekly progress reports, with the health care agency providing information. Progress reports are given to the judge at each court appearance. The report details drug test results, attendance at treatment sessions and meetings, overall participation.
13) Phases	At the time of our drug court sample, the program had orientation and 3 phases. (It recently changed and there are now 4 phases.) Orientation was a minimum of 30 days, Phase 1 and 2 lasted a minimum of 90 days, and Phase 3 was a minimum of 120 days. Drug court has a 14-day opt-out window at program entry in which the participant can decline the program. This window allows extra time for eligibility and suitability issues to arise as well.

	<p>Orientation Phase requirements:</p> <p>UAs: Three times a week minimum (drug test patch is also used)</p> <p>Court appearances: Once every 1-2 weeks</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a week minimum</p> <p>AA/NA/Self help: Five to seven 12-step meetings per week</p> <p>Other: Report to probation weekly, compliance with additional case management services as determined</p> <p>Phase 1 requirements:</p> <p>UAs: Three times a week minimum (drug test patch is also used)</p> <p>Court appearances: Once every 1-2 weeks</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a week minimum</p> <p>AA/NA/Self help: Three to five 12-step meetings per week minimum</p> <p>Other: Report to probation weekly, compliance with additional case management services as determined, actively seek sponsor, participate in clean and sober recreation/fellowship</p> <p>Phase 2 requirements:</p> <p>UAs: Two times a week minimum (drug test patch is also used)</p> <p>Court appearances: Once every 2-4 weeks</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a week minimum</p> <p>AA/NA/Self help: Three to five 12-step meetings per week</p> <p>Other: Report to probation weekly (or as instructed), compliance with additional case management services as determined by the treatment team, maintain relationship with sponsor, participate in clean and sober recreation/fellowship, work the 12 steps, employment and/or educational goal setting</p> <p>Phase 3 requirements:</p> <p>UAs: Once a week minimum (drug test patch is also used)</p> <p>Court appearances: Once every 4 weeks</p> <p>Individual sessions: Once a week minimum</p> <p>Group sessions: Once a month minimum</p> <p>AA/NA/Self help: Two 12-step meetings per week minimum</p> <p>Other: Report to probation weekly (or as instructed), compliance with additional case management services as determined by the treatment team, maintain relationship with sponsor, participate in clean and sober recreation/fellowship, maintain full time employment and/or progress toward educational goal, ongoing review and updating of treatment plan, participate in community service, become mentor to a new drug court participant, prepare and submit application for graduation</p> <p>In addition to phase requirements, the judge orders all participants to attend a positive lifestyles course at a local community college. The judge may also require participants to enroll in community college courses, attend civic/cultural events, attend an exercise</p>
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	program, or comply with an imposed curfew. Participants are on three years of formal probation while in drug court.
14) Requirements to Change Phase	<p>To advance from the Orientation Phase: No positive drug test results for 30 consecutive days; No unexcused absences from scheduled services for 14 consecutive days; Documentation of required minimum AA/NA/self help attendance for one month; Acknowledgment of extent of his/her substance abuse problem; Commitment to living a drug-free lifestyle; Submittal of written Phase 1 advancement request; Completion of Orientation Phase test.</p> <p>To advance from Phase 1: No positive drug test results for 90 consecutive days; No unexcused absences from scheduled services for 21 consecutive days; Employment or a positive response to vocational/educational goals; Documentation of required minimum AA/NA/self help attendance for 90 days; Have a self help sponsor; Demonstrated positive adjustment to treatment; Submittal of a written Phase 2 advancement request.</p> <p>To advance from Phase 2: No positive drug test results for 90 consecutive days; No unexcused absences from scheduled services for 30 consecutive days; Employment or a positive response to vocational/educational goals; Documented attendance at no fewer than three AA/NA/self help meetings per week for minimum of 90 days; Continued demonstration of a positive adjustment to ongoing treatment; Verbal expression of understanding of 12-step concepts; Progression toward treatment plan goals; Submittal of a written Phase 3 advancement request.</p>
15) UAs	Probation, with the assistance of the health care agency, coordinates and conducts both assigned and random drug tests. Probation uses patch tests in addition to UA tests. Samples are sent to a local university hospital for analysis.
16) Drug Court Participant Fees	<p>No drug court fee, but there is a court fee of \$250 for all court cases (this fee is vacated for program graduates)</p> <p>Health care agency fee: Payment for counseling and treatment services, on a sliding scale based on ability to pay</p> <p>Probation fee: Payments cover formal probation supervision costs and are on a sliding scale based on ability to pay</p>
17) Drug Court Team Members and Other Committees	Drug court team: judge, drug court coordinator, court clerk, deputy district attorney, deputy public defender, probation officers, and health care agency therapists.

Committees	Drug court oversight committee: representatives from superior court, health care agency, probation, district attorney, public defender, sheriff, local law enforcement agencies, and several community-based organizations.
18) Team Meetings	<p>Staffing meetings are held prior to drug court twice a week. The drug court team meetings include the judge, therapist, coordinator, deputy public defender, and probation officers. The purpose of the meeting is to review participant progress and how to proceed with each person. Monthly team meetings are also held to discuss program policy and procedural issues.</p> <p>Probation, the public defender and health care agency meet once a week to go over the drug court docket and participant progress reports.</p> <p>The drug court oversight committee meets once a month to plan and establish or change operational policy for drug court.</p>
19) Drug Court Sessions	Drug court sessions are held twice a week with 15-35 participants at each session. The judge, therapist, probation officers, bailiff, coordinator, court reporter, court clerks, deputy public defender, deputy district attorney, and an interpreter are present at each session.
20) Judge	There is one drug court judge. This is a voluntarily assignment for (preferably) a two-year term. Assignments have typically lasted about one year. Outside drug court, the judge handles new drug possession cases (except for Prop 36 cases), PC1000 cases, Prop 36 case referrals and probation violations.
21) Coordinator	<p>The drug court coordinator is an employee of the superior court. The role of the drug court coordinator includes:</p> <ul style="list-style-type: none"> Managing the drug court calendar; Resolving operational issues; Attending drug court oversight meetings and reporting policy and procedural changes to the team. Collecting statistics on demographics and results; Preparing statistical reports for grant reporting and program data; and Scheduling team meetings.
22) Law Enforcement	<p>The role of law enforcement includes:</p> <ul style="list-style-type: none"> Holding drug court participants in the police department jail for in-custody sanctions; Making space available for regular counseling sessions for participants that are in jail; Attending oversight committee meetings (law enforcement representative); Assisting with warrants when needed; and Accompanying probation on home visits and curfew checks.
23) Probation	<p>The role of probation includes:</p> <ul style="list-style-type: none"> Supervising participants; Administering drug testing; Preparing and writing weekly progress reports; and Conducting home visits.

<p>24) Public Defender</p>	<p>The role of the public defender assigned to drug court includes: Attending drug court sessions and team meetings; Determining defendant’s drug court eligibility, suitability and placement; Explaining constitutional rights to those entering drug court; Negotiating the case; and Representing the defendant as needed.</p> <p>No public defender services are contracted out for drug court, except for use of the alternate public defender in conflict instances.</p>
<p>25) District Attorney</p>	<p>The role of the district attorney includes: Attending staff and team meetings; Attending drug court sessions; Reviewing all drug court applicants and determining eligibility; Obtaining relevant police reports; Making inquiries regarding criminal history; Reviewing cases at drug court completion to determine dismissal of the cases; and Helping determine appropriate sentencing for participants being terminated.</p> <p>Both the public defender and district attorney use a non-adversarial approach in drug Court.</p>
<p>26) Rewards</p>	<p>The team works together to determine rewards. Many of the prizes are paid for by the judge or donated by businesses or individuals.</p> <p>Rewards are given for: Compliance with program rules; Having a positive attitude; and Gaining employment or being employed.</p> <p>Rewards include: Phase promotion; Applause in court; Receiving a day planner or another tangible item; Participating in the drug court drawing (prizes include movie tickets and restaurant vouchers); and A “be called first, leave court early” pass (normally participants are required to attend the entire court session).</p>
<p>27) Sanctions</p>	<p>Sanctions are given in response to: Use of drugs or alcohol; Obtaining new law violations; Missed or positive drug tests; Failure to attend counseling or 12-step meetings; or Failure to appear in court.</p>

	<p>Sanctions vary according to the violation, but can include: Increased drug testing; Writing an essay to be read aloud in a group session; Admonishment from the bench; Increased participation in counseling sessions or treatment; Increased frequency of court appearances; Increased participation in 12-step meetings or community services hours; Commitment to residential treatment; Incarceration; or Being given a formal probation violation.</p> <p>Sanctions are graduated and determined by the team, but the Judge makes the final determination.</p>
<p>28) Unsuccessful Termination</p>	<p>Termination may result from: Repeated violations of program expectations or rules; Failure to progress satisfactorily; Repeatedly missing drug tests; Lack of response to program interventions; Failure to cooperate with treatment; Using violence or threats of violence; and Warrants and/or new arrests.</p> <p>The Judge makes all decisions regarding termination. Failure or discharge from the program will result in the immediate imposition of the suspended sentence.</p>
<p>29) Graduation</p>	<p>The graduation ceremony is usually held at the end of a drug court session, but during the time of our sample there were mass graduation ceremonies. At times there are guest speakers and media attendance. There is an average of four in-court graduations a month and family, friends, and supporters are invited to attend the ceremonies.</p> <p>The graduate's case is dismissed and a diploma is awarded. Also, a \$200 scholarship is given to every graduate who desires to continue his or her education.</p> <p>In order to graduate from drug court, participants must have: No positive drug test results for 180 consecutive days; No unexcused absences from scheduled services for 45 consecutive days; Gainful and consistent employment or involvement in a vocational/academic training program; Consistent attendance at all drug court appearances; Understanding of the personal problems of addiction and relapse prevention; Stable living arrangements and healthy interpersonal relationships; A definitive aftercare plan; Documented required attendance at 12-step meetings for a minimum of 90 days; Attendance at two specialty groups;</p>

	Fulfillment of goals as stated in the individual treatment plan; Proof of completion of required community service hours; Proof of attendance at all other events as required by the drug court judge; Proof of completion of a GED (as applicable); Submission of a graduation application; Probation and treatment fees paid (unless waived); Attended a cultural event and a civic event; and Attended the "Positive Life Attitudes" class at a local community college.
30) Post-graduation Support	Drug court is followed by a 6-month mentorship program and aftercare services. The aftercare program has no set requirements and is not mandated. In addition, the Drug Court Alumni Association sets up many activities and holds a monthly alumni meeting for graduates and current drug court participants.

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional (or non-drug court) court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or business-as-usual, process did not include Proposition 36. In Santa Ana, the district attorney reviewed police reports, investigated, and decided whether to refuse to prosecute or to file a complaint. Misdemeanor cases had an arraignment, pretrial proceedings, and then a trial. Felony cases had an arraignment, a preliminary hearing (where the case is either discharged or held to answer), a felony information hearing (arraignment), pretrial proceedings, and then a trial (which was rare). At trials, cases were either dismissed or proceeded to sentencing.

Defendants charged with a criminal drug case had several options and generally chose a program that was most advantageous for them (the least restrictive). If eligible, defendants could be sentenced to PC 1210 and ordered to report to a counseling program, or enter PC 1000, (both are diversion programs). If they were not eligible for any program, there would probably have been a prison sentence. If it was a new case, time would vary from client to client, depending on what was on the rap sheet. For simple drug cases with no priors, a defendant usually got 3 years of probation and 50-90 days jail. Treatment was usually a condition of the offender's sentence.

Site-Specific Methods

The general research methods used in Santa Ana were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A4.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court participant sample was selected from a database provided by a local researcher who had performed evaluations of several drug courts in the county. All individuals who entered the drug court in 1998 and 1999 were included in the sample, regardless of length of time in the program or completion status.

Drug court participants in Santa Ana are chosen via district attorney file review of CLETS rap sheets after a repeated drug offense by a defendant. Police reports are also screened for elements of the case that would make the defendant ineligible such as weapons being present or violent acts in addition to the possession of drugs. Eligible charges include most drug related charges (Health and Safety Codes 11350, 11377, 11357, 11364, 11368, 11550 and Business and Professional Codes 4060 and 4140). Defendants are excluded who have prior charges or convictions for selling drugs, violent crimes, “strike” crimes or who have been in prison in the last five years.

The district attorney’s office provided NPC Research with a list of 3,206 Santa Ana cases from 1998-1999 with possession of drugs (11377 and 11350) charges. From these lists, NPC staff searched district attorney and court archives for case files and then reviewed rap sheets for prior offenses or convictions that would make the defendant ineligible for drug court.

For the Santa Ana comparison group, 1,267 files were reviewed and 408 defendants were chosen as potential comparison group members and their information was entered into a database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including CII number, local case numbers, state ID numbers and social security number.

Once the first round of comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final sample consisted of 289 drug court participants and 239 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry) for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A4.2, below.

Table A4.2: Santa Ana Drug Court Participant and Comparison Group Demographics

	Drug Court Participants	Comparison Group
Average Age	32	31
Gender	71% Male	77% Male
Race/Ethnicity	45% Hispanic 43% White 8% African-American 4% Other	52% Hispanic 44% White 3% African-American 1% Other
Previous Treatment	0.65	0.54
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.02	0.05
# of Jail Days	17	18

The majority of the data collected for this study were collected locally at each site. Table A4.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A4.3: Data Collected and Source of Data for Santa Ana

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of birth • Race • Gender 	DA and court files	Collected and entered by NPC staff
Drug Court Related Data <ul style="list-style-type: none"> • Case number of the offense that led to drug court • DC case number • Entry date • Exit date • Status at exit (grad./term., etc.) 	Evaluation database and court database	Previous research by California State University, supplemented by court database collected by court staff
<ul style="list-style-type: none"> • Hearing dates (or number of hearings) 	Court database	Collected electronically
<ul style="list-style-type: none"> • Jail days sanctioned 	Paper billing records Sheriff database	Coded and entered by NPC staff Paper rap sheets from sheriff database coded and entered by NPC staff
<ul style="list-style-type: none"> • Home visit dates 	Paper files	Collected via file review by NPC staff
Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual sessions • Dates or number of urinalysis tests • Dates or number of days in residential • Other DC service dates and types 	County health care database Paper files at treatment agency	Collected electronically UA data collected via paper file search by NPC staff and local agency staff, paper records coded and entered by NPC staff
Treatment Outside of Drug Court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDS statewide treatment database	Collected electronically

Data	Source	Comments
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge codes • Dispositions • Sentences 	California Law Enforcement Tracking System (CLETS) Statewide database	Collected electronically
Court Data <ul style="list-style-type: none"> • Case #s • Case dates • Charges • Trial or no-trial • Sentences (prison) 	Court database	Collected electronically
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	Sheriff database	Paper rap sheets coded and entered by NPC staff
Prison Data	CLETS Local court database	Prison data were collected by court staff on a sample selected of both the drug court and comparison groups. The data will be used to determine the facility and accuracy of using local data versus statewide data for use in the DC-CSET
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	Court database	Sample selected of both drug court and comparison groups, collected by court staff

Santa Ana Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The following table (Table A4.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. This is a demonstration of how costs can vary depending on how the system is organized. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of

court organization is discussed in more detail in the section on “drug court organization” in Chapter 3. The cost of the transactions related to the drug court eligible case might be considered the taxpayer’s *investment* cost when a case is administered through the criminal justice system using the drug court process.

Table A4.4: Per Participant Cost for Santa Ana Drug Court Case by Transaction

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$239.57	1	\$239.57
Booking	\$178.53	1	\$178.53
Drug Court Appearances	\$134.03	16	\$2,144.48
Drug Court Case Management	\$4.90	423 days ⁶¹	\$2,072.70
Individual Treatment Sessions	\$58.20	26	\$1,513.20
Group Treatment Sessions	\$10.91	47	\$512.77
Urinalyses (UAs)	\$5.60	39	\$218.40
Jail Days (as sanction)	\$102.05	3	\$306.15
Jail Days	\$78.76	107	\$8,427.32
Total Investment			\$15,613.12

The largest cost for the drug court in Santa Ana is jail days with \$8,427.32 due to an average of 107 days per person. This represents about 54% of the cost of the drug court case. Drug court appearances (the court hearing costs) and drug court case management are the next highest costs, but collectively those items related to treatment are also substantial. Santa Ana has fairly balanced expenditures for treatment, court costs and case management. Its jail day costs are among the highest in the nine sites studied. In some sense these jail costs can be “hidden costs” to a drug court program since often a judge may not consider that in imposing a jail sentence, either as a sanction or as a consequence of termination, the cost of processing an offender through drug court increases.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, may also be of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, drug court sessions, case management, jail sanctions, and frequent urinalyses. In Santa Ana, the drug court program alone costs an average of **\$6,767.70** per participant.

⁶¹ Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program.

Table A4.5: Santa Ana Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Offender
Arrest	\$239.57	1	\$239.57
Booking	\$178.53	1	\$178.53
Court Case	\$2,157.28	1	\$2,157.28
D&A Treatment	NA	NA ¹	\$2,026.83
Jail Bed Days	\$78.76	124	\$9,766.24
Probation Days	\$3.85	209	\$804.65
Total			\$15,173.10

The largest cost for the business-as-usual group is in jail bed days, constituting 64% of total costs of standard processing. Surprisingly, the drug court group has almost as many days in jail (110) as the standard processing group (124). It has often been thought that drug courts save money because they reduce the time spent in jail. In Santa Ana this is not the case.

It is also surprising to note that the amount of money spent on court costs for the comparison group (\$2,157.28) is almost as much as the court appearance cost for the drug court group (\$2,144.48). Clearly comparison cases cost the court system substantial resources.

It is also interesting to note that the comparison group cases average nearly as much treatment as the drug court group, again undermining the notion that a drug court provides more treatment to its participants. Figure A4.1 illustrates the relatively small difference in case costs for the drug court group and the comparison group.

Figure A4.1: Santa Ana Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case

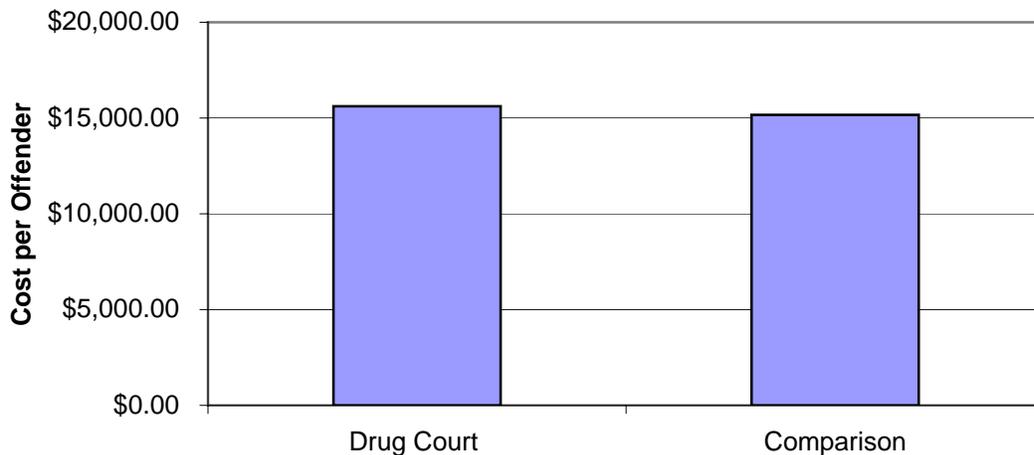


Table A4.6: Average Cost per Offender by Agency for a Santa Ana Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$868.96	\$1,262.01	-\$393.05
District Attorney	\$425.12	\$322.34	\$102.78
Public Defender	\$370.08	\$572.93	-\$202.85
Probation	\$2,064.26	\$804.65	\$1,259.61
Treatment Agencies	\$2,733.13	\$2,026.83	\$706.30
Law Enforcement	\$9,151.57	\$10,184.34	-\$1,032.77
Total	\$15,613.12	\$15,173.10	\$440.02

Note: The difference in total system costs for the drug court eligible case is not statistically significant

Table A4.6 illustrates the differences by agency. The superior court, public defender and law enforcement save money by processing an offender through drug court. The district attorney, probation and treatment have increased costs from the drug court option.

The net investment cost in drug court for Santa Ana is \$440.02 per participant. This shows that drug courts are not necessarily very expensive compared to standard processing. When all the costs are taken into account, in Santa Ana the investment cost in drug court is relatively modest. However, to understand the overall cost benefit, we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occur *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁶² Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁶³ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry. Table A4.7, below, displays the outcome costs for the drug court participants and comparison group over the four years after drug court entry.

⁶² A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁶³ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (14 months on average in Santa Ana). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A4.7: Santa Ana Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Offender	Percentage Change
Re-arrests	\$239.57	2.74	\$656.42	2.65	\$634.86	+3%
Bookings	\$178.53	1.17	\$208.88	0.93	\$166.03	+26%
Court Cases (no-trial)	\$2,157.28	0.30	\$647.18	0.40	\$862.91	-25%
Court Cases (trial)	\$3,868.11	0	0	0.01	\$38.68	-100%
Jail Days	\$78.76	45.38	\$3,574.13	38.33	\$3,018.87	+18%
Probation Days	\$3.85	196.61	\$756.95	73.41	\$282.63	+168%
Victimizations – Person Crimes ⁶⁴	\$40,698.60	0.12	\$4,883.83	0.08	\$3,255.89	+50%
Victimizations – Property Crimes	\$12,563.35	0.30	\$3,769.01	0.38	\$4,774.07	-21%
Treatment Episodes	NA	2.15	\$810.60	0.68	\$561.46	+44%
Prison Days	\$84.74	34.20	\$2,898.11	92.43	\$7,832.52	-63%
Total			\$18,205.11		\$21,427.92	-15%

Overall, drug court reduced the frequency of negative criminal justice outcomes, reducing the costs by about 15%. The bulk of the savings in Santa Ana were in prison costs. There was actually no reduction in the total number of re-arrests, as demonstrated in Figure A4.2, below. However, the drug court participants were re-arrested for less serious crimes (fewer person crimes). The cost savings for this cohort occurs from less probation and prison time for drug court participants (most likely due to less serious crimes) and to the less person-victimization costs. **Note:** The drug court participants in this sample include those that terminated from the drug court program during the dropout period. Although we must include them in our cost analysis because they use some drug court resources, these participants are generally not included in numbers reported by the Santa Ana court. Much of the recidivism shown for drug court participants is due to these individuals who dropped from the program early.

⁶⁴ These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

Figure A4.2: Santa Ana Re-arrests. Cumulative number of re-arrests following drug court arrest.

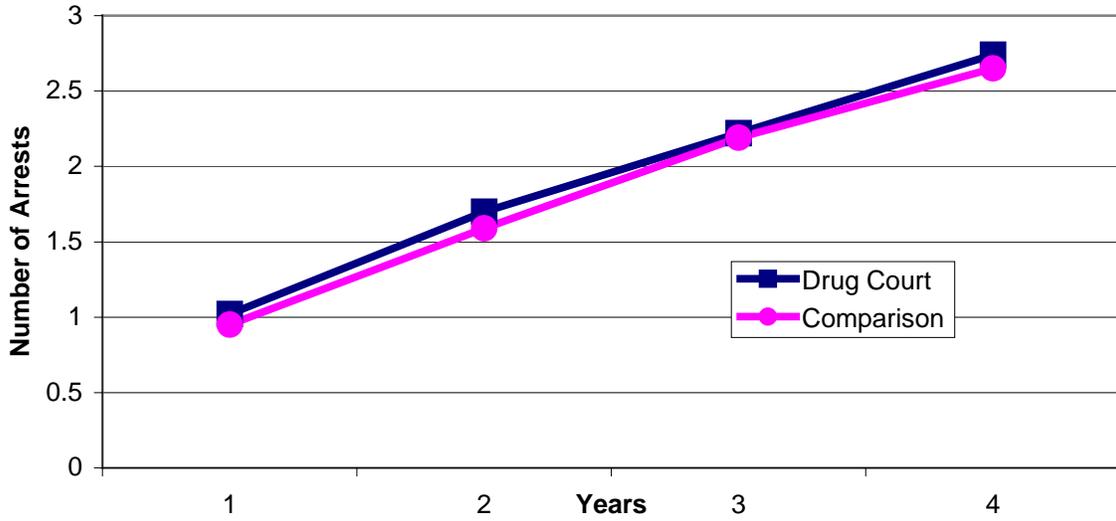


Figure A4.3: Santa Ana Outcome Costs. Cumulative total costs four years following drug court arrest.

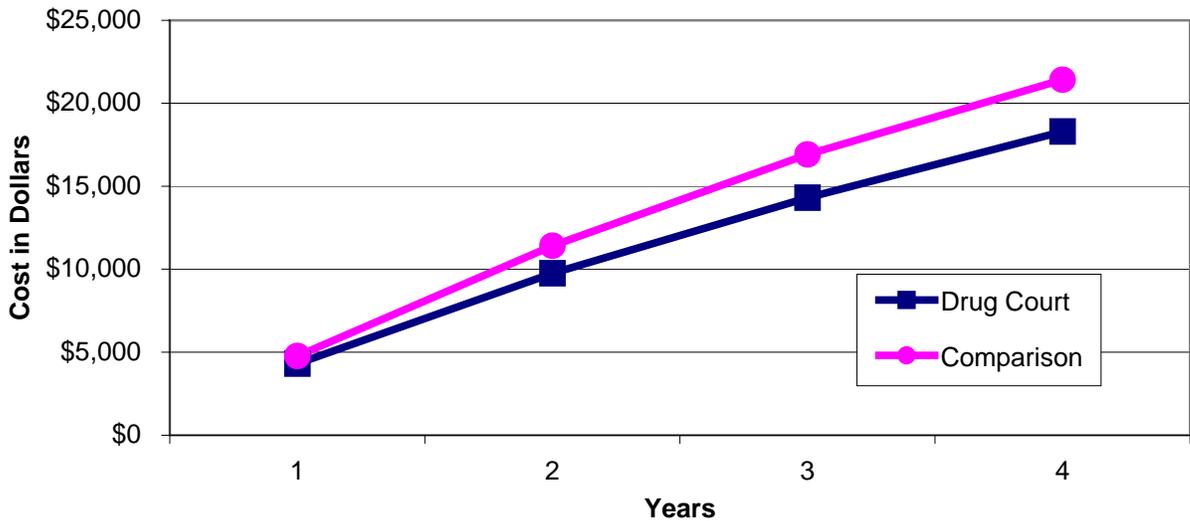


Figure A4.3 shows that savings in outcome costs accumulate over the four-year period. This trend line suggests that if we had more years of data, we might see even further cost savings.

Table A4.8 presents the average total outcome costs per offender by agency over the four years since drug court entry. This table also presents the difference in these costs between the drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects a loss due to drug court.

Table A4.8: Santa Ana Outcome Costs by Agency. Average total outcome cost per offender by agency over four years.

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$378.60	\$526.61	-\$148.01	-28%
District Attorney	\$96.70	\$134.51	-\$37.81	-28%
Public Defender	\$171.88	\$239.07	-\$67.19	-28%
Probation	\$756.95	\$283.30	\$473.65	+167%
Treatment Agencies	\$810.60	\$561.46	\$249.14	+44%
Law Enforcement	\$4,439.43	\$3,819.76	\$619.67	+16%
Corrections	\$2,898.11	\$7,832.52	-\$4,934.41	-63%
Victimizations	\$8,652.84	\$8,029.96	\$622.88	+8%
Total	\$18,205.11	\$21,427.19	-\$3,222.08	-15%

Note: The difference in total system costs for outcomes is not statistically significant

Table A4.8 shows that the superior court, district attorney, public defender and corrections see cost savings due to drug court. Corrections sees the largest total monetary savings. Probation, treatment, and law enforcement see some increases. The victims of crime see a small increase.

However, the final assessment of the cost differences between the drug court approach and business-as-usual requires a matching of outcome costs to investment costs. This is usually expressed as the “cost-benefit ratio.” Table A4.9 indicates this result.

Table A4.9: Cost Benefit Ratio: Santa Ana Total Investment and Outcome Costs per Offender

Type of cost	Drug Court per Participant	Comparison per Participant	Difference	Ratio
Investment	\$15,613.12	\$15,173.10	\$440.02	1
Outcome	\$18,205.11	\$21,427.92	-\$3,222.81	7.3

Every dollar invested in drug court by the court system (over and above what would be spent on standard processing) produces savings of \$7.30 to the taxpayer. It should be noted that most of this cost savings is in reduced corrections costs.

Another way of illustrating this is to combine all costs over the time period for both drug court and non-drug court traditional processing. Table A4.10 illustrates this.

Table A4.10: Santa Ana Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$1,247.56	\$1,788.62	-\$541.06
District Attorney	\$521.82	\$456.85	+\$64.97
Public Defender	\$541.96	\$812.00	-\$270.04
Probation	\$2,821.21	\$1,087.95	+\$1,733.26
Treatment Agencies	\$3,543.73	\$2,588.29	+\$955.44
Law Enforcement	\$13,591.00	\$14,004.10	-\$413.10
Corrections	\$2,898.11	\$7,832.52	-\$4,934.41
Victimizations	\$8,652.84	\$8,029.96	+\$622.88
Total	\$33,818.23	\$36,600.29	-\$2,782.06

Note: The difference in total system costs is not statistically significant.

When the total cost for the drug court approach (investment costs plus outcomes) is compared to the total cost of standard processing, the picture is generally positive. Treatment and probation are the only venues that experience a significant net increase in costs. For treatment this reflects the greater treatment resources available for drug court and the possible greater engagement in treatment.

Summary and Discussion

The Santa Ana drug court jurisdiction is an ethnically mixed community of mostly Hispanics (76%) with a substantial minority of Whites (non-Hispanic) (12%). Unemployment rates are moderately high, averaging 7% for males and 9% for females – but not nearly as high as other jurisdictions in this study. Poverty rates are high, with 19% of this population below the poverty level. In addition, educational attainment is low among Hispanics with about 47% of Hispanic males and 51% of Hispanic females having less than a 9th grade education.

In spite of these difficulties, Santa Ana seems to have developed a successful drug court. The court has been in operation since 1995 and the graduation rate is reasonably high (41% since inception). One of the surprising results of this cost approach is that it has revealed how small the net investment cost can be between the drug court process and the traditional court process. In Santa Ana, compared to standard processing, the drug court costs an average of only \$440.02 per participant. This fact combined with substantial benefits in the subsequent four-year period gives them a positive cost-benefit ratio of 1 to 7.3.

Using the enrollment numbers during the time period of this study, Santa Ana averaged 154 new drug court participants per year. If the net cost savings per participant (**\$2,782.06**) are multiplied by the number of new participants per year, the result is a cost savings of **\$428,437.24** each year due to drug court processing.

***Appendix A5: San Joaquin County Drug Court
Site-Specific Report***

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Site 5: San Joaquin County Drug Court

Background/Context

The San Joaquin County Drug Court is located in the Stockton census defined place (CDP) of San Joaquin County. This area includes the City of Stockton and adjacent urban areas. According to the 2000 Census the total population of this area was 306,656.

The San Joaquin drug court jurisdiction is an ethnically mixed community with Whites (35%) and Hispanics (Latino) (34%) making up the majority. Unemployment rates are relatively high, averaging 13%. Poverty rates are high with 24% of the population below the poverty level. In addition, educational attainment is low among Hispanics with about 34% of Hispanic males and 29% of Hispanic females having less than a 9th grade education. These demographics can affect the ability of the drug court to succeed. The drug court can be effective in reducing substance abuse and improving attitudes toward successful employment, but if a drug court participant returns to a life of poverty and low employment possibilities, the chances of positive long-term outcomes may diminish.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A5.1 provides an overview of San Joaquin's drug court processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main report, Tables 3.8a and 3.8b).

The majority of drug court participants in San Joaquin are male (61%). The percentage of African-Americans in this drug court is higher than that in the population of the surrounding area. The ethnicity in the San Joaquin drug court is diverse with a fairly substantial percentage of three different ethnicities, White (43%), African-American (31%) and Hispanic (24%). The average age is 36 years and the most frequent drug of choice is cocaine (29%) followed closely by methamphetamines (25%) and marijuana (14%). The drug court participants average just over two previous drug arrests and about one and a half previous treatment episodes. The mean length of time participants spend in the program is seven months.

Table A5.1: San Joaquin Drug Court Process Description for 1998-1999

1) Drug Court Implementation Date	July 1995
2) Number of Participants since Inception	<p>Enrolled: Estimated 2,010 Graduated: Estimated 509 Terminated: Estimated 1,152 Overall graduation rate (since inception): 31% 1998-1999 sample graduation rate: 29%</p>
3) Pre/post Plea	Post-plea and post-conviction.
4) Time from Arrest to Drug Court Entry	About 1 month, but the court strives for 2 weeks.
5) Eligibility Criteria	<p>Drug court targets non-violent offenders who have a history of substance abuse and are primarily charged with misdemeanor or felony possession. Offenders charged with the sale of drugs, possession for the sale of drugs, or violent offenses are excluded. Persons are also excluded if they have one of the following: Border Patrol hold; Out of county hold; Prior conviction for a violent crime (except domestic violence).</p> <p>Steps in the eligibility process include: District attorney completes an eligibility screening and approves all participants; Public defender talks to the defendant about all options; Counselors and case managers interview potential candidates and conduct an assessment (for suitability); Drug court team gives the initial recommendations for a person's drug court entry; judge makes the final decision about entry.</p> <p>Offenders with mental health issues are referred to the mental health drug court.</p>
6) Incentive to Enter and Complete Program	<p>Original sentence is permanently stayed; Jail and fine avoidance.</p> <p>Graduates do not get their charges dismissed – the felony conviction stays on the participant's record. Probation time and restitution are never stayed and must be completed in full.</p>
7) Participant Drugs of Choice	Cocaine is the most common drug of choice (29%), followed closely by methamphetamines (25%) and marijuana (14%).
8) Intake and Number of Treatment Providers in	<p>Multiple treatment providers: Office of Substance Abuse (conducts the initial assessment and intake); 2 main agencies provide outpatient treatment services, but 19 different treatment providers are utilized for both residential and outpatient services.</p>

System	<p>providers are utilized for both residential and outpatient services; Participants can be referred out to multiple county and private treatment agencies for specialized services.</p> <p>The case managers perform an intake assessment using a form of the ASI. Case managers refer participants to appropriate treatment based on assessment.</p>
9) Location of Treatment Providers in System	<p>The Office of Substance Abuse is a county agency that provides primary management and coordination of treatment and rehabilitation services. Other treatment providers are both county and private agencies.</p>
10) Treatment Model(s)	<p>Behavioral Modification</p>
11) Treatment Services Provided	<p>Treatment services include:</p> <ul style="list-style-type: none"> Group and individual counseling; Drug testing; Residential treatment; Relapse prevention and coping skills classes; Self help treatment support groups (such as AA or NA); GED assistance; Educational and vocational opportunities; Employment assistance; Health classes. <p>Other services available through referral from drug court include:</p> <ul style="list-style-type: none"> Tai chi; Employment-training program; Mental health services; Job preparation classes and job placement assistance; Acupuncture for heroin addicts.
12) Method and Consistency of Provider Communication with Court	<p>Office of Substance Abuse case managers prepare weekly progress reports. Reports list information on UA results, attendance and participation at treatment sessions, whether the participant has a sponsor, whether there is a safe living environment, and status of employment and school efforts.</p>
13) Phases	<p>There are four phases. Assessment Phase lasts 2 weeks, Phase 1 is a minimum of 6 weeks, Phase 2 is a minimum of 6 months and Phase 3 lasts a minimum of 2 1/2 months.</p> <p>Assessment Phase requirements:</p> <ul style="list-style-type: none"> UAs: Average of 3 random tests per week Court appearances: Once a week or as directed by court Individual sessions: Attend as needed Group sessions: 7 times a week AA/NA/Self help: 7 times a week

	<p>Other: Enroll in treatment program as directed, follow directions of case manager, counselor, and court</p> <p>Phase 1 requirements: UAs: Average of 3 random tests per week Court appearances: Once a week or as directed by court Individual sessions: Attend as needed Group sessions: 5 times a week AA/NA/Self help: Attend daily (30 consecutive meetings) Other: Continue in treatment program as directed, attend a graduation ceremony, obtain a sponsor, follow directions of case manager, counselor, and court</p> <p>Phase 2 requirements: UAs: Average of 2 random tests per week Court appearances: Once every 2 weeks or as directed by court Individual sessions: Attend as needed Group sessions: Attend support group weekly and other groups as required by the treatment plan/program (3 times/week for 2 months, then 2 times/week for 2 months) AA/NA/Self help: 4 to 5 times a week Other: Continue in treatment program as directed, obtain employment or enroll in school/job training as directed, work with sponsor, follow directions of case manager, counselor, and court</p> <p>Phase 3 requirements: UAs: Average of 2 random tests per week Court appearances: Once every 3 weeks or as directed by court Individual sessions: Attend as needed Group sessions: Attend support group weekly and other groups as required by the treatment plan/program AA/NA/Self help: Minimum of 4 times a week Other: Continue in treatment program as directed, continue to work with sponsor, obtain employment or enroll/continue in school/job training as directed, set up payment schedule to pay and fees, follow directions of case manager, counselor, and court</p>
<p>14) Requirements to Change Phase</p>	<p>Movement between phases is based on a participant's individual progress.</p> <p>To advance from Assessment Phase: Comply with all conditions and a minimum of 2 weeks has elapsed.</p> <p>To advance from Phase 1: Comply with all conditions and a minimum of 6 weeks has elapsed.</p> <p>To advance from Phase 2: Comply with all conditions and a minimum of 6 months has elapsed.</p>
<p>15) UAs</p>	<p>The Office of Substance Abuse and individual treatment providers perform random drug testing on a regular basis to monitor compliance. Participants test when appearing for a drug court session or for treatment. Drug tests can also be ordered</p>

	based on a drug court team member's suspicions or after reviewing a participant's progress report.
16) Drug Court Participant Fees	<p>Drug court fee: None</p> <p>Treatment fee: Depending on the treatment provider, participants may pay a minimal fee each week to the provider</p> <p>UA fee: None</p>
17) Drug Court Team Members and Other Committees	<p>Drug court team: judge, drug court coordinator, case managers, and counselors.</p> <p>Drug Court Steering Committee: representatives from Superior Court, county administrator, district attorney, public defender, sheriff, probation, treatment providers, Goodwill Industries, state and local law enforcement, and County Board of Supervisors.</p>
18) Team Meetings	<p>Drug court team meetings are held weekly to discuss participant progress. The case managers and counselors also meet weekly to go over progress reports.</p> <p>Drug Court Steering Committee meetings are usually held once a month to discuss program policy and accomplishments.</p>
19) Drug Court Sessions	Drug court sessions are held once a week along with new participant and termination hearings. The judge, two bailiffs, two court clerks, a case manager, and counselors attend every drug court session. Deputy public defenders, deputy district attorneys, interpreters, and court reporters attend sessions as needed.
20) Judge	The judge is asked to preside over drug court, although the position is voluntary. The position does not rotate on a regular basis and the judge is allowed to stay as long as he or she would like. The drug court judge hears other cases and has other duties outside of drug court, including Prop 36 hearings.
21) Coordinator	<p>The drug court coordinator is a superior court employee who is responsible solely for this drug court. The role of the coordinator includes:</p> <p>Scheduling meetings;</p> <p>Coordinating various drug court functions;</p> <p>Managing the court calendar;</p> <p>Keeping track of statistics;</p> <p>Providing information to the various granting agencies.</p>
22) Law Enforcement	<p>The role of law enforcement includes:</p> <p>Carrying out warrant services on non-compliant participants;</p> <p>Helping supervise participants in the community;</p> <p>Participating as drug court liaison officers and members of the drug court's Law Enforcement Advisory Board.</p> <p>The sheriff has designated beds in the county jail for drug court sanctions.</p>

<p>23) Probation</p>	<p>The role of probation includes: Attending Steering Committee meetings; Amending cases to informal probation so offenders can enter drug court; Communicating with case managers and other agencies involved in drug court.</p> <p>Probation can refer a person to drug court from a probation violation, but probation is not part of the case management or supervision for drug court participants. Participants on probation are “conditional” and do not have to report to a probation officer while in drug court.</p>
<p>24) Public Defender</p>	<p>The role of the public defender includes: Assessing cases; Taking pleas; Advocating for the defendant; Talking to the defendant about all options; Communicating the offer of drug court; Attending termination and probation violation hearings.</p> <p>No public defender services are contracted out.</p>
<p>25) District Attorney</p>	<p>The role of the district attorney includes: Taking pleas; Completing eligibility screenings; Approving participants for the program; Attending termination hearings.</p>
<p>26) Rewards</p>	<p>The drug court is based on a points system. The points are awarded as follows: 1 point for attending each scheduled court appearance on time; 2 points for each clean UA; 1 point for attending the required number of AA/NA meetings; 1 point for attending the treatment program as required; 3 points for the furthering of education; 3 points for obtaining employment; 3 points for completion of the treatment program.</p> <p>Points given for any other milestone are at the discretion of the judge. At every 50-point mark, participants receive one of the following rewards: Address books; Frisbee; Pen; Calendar; Movie pass; Key chain; Gift certificate to a local restaurant.</p> <p>The team works together to determine rewards. Participants doing well in the program</p>

	are rewarded with verbal praise and applause in court. Graduates receive a drug court cup; drug court alumni receive a t-shirt.
27) Sanctions	<p>A series of sanctions are used to respond to program non-compliance. Sanctions are graduated and imposed consistently. Sanctions are imposed for:</p> <ul style="list-style-type: none"> Use incidents or relapse; Missing or failing drug tests; Failing to cooperate with the treatment program; Failure to attend treatment or court; Violence or threats of violence directed at treatment staff or other participants; Conviction of a new criminal case; Participant regression. <p>Some of the sanctions that may be imposed include:</p> <ul style="list-style-type: none"> Terms of incarceration (2-14 days); Two days in the “jury box” (a sit sanction in which the participant must sit through a full day of drug court sessions and watch all of the proceedings); Essay writing; Increased drug testing and supervision; Increased court appearances or AA/NA meetings; Loss of all points accrued; Community service; More frequent UAs; Residential treatment; Increased attendance in therapy; GED requirement; Extension of time in a drug court phase or treatment program; Job training and the obligation to seek and maintain gainful employment. <p>The judge, in collaboration with the case manager, makes all decisions regarding sanctions.</p>
28) Unsuccessful Termination	<p>Participants can be terminated for continued use or positive drug tests, failure or refusal to test, acquiring new charges, excessive absences, or being terminated from a residential program. Termination from drug court results in the original sentence being imposed, which often includes jail or prison time. The judge, in collaboration with the case manager, makes all decisions regarding termination from drug court. At any time, participants can ask to be terminated from the program and be sentenced to serve the original sentence.</p>
29) Graduation	<p>Requirements for graduation include:</p> <ul style="list-style-type: none"> Participating in the program for at least twelve months; 120 current and continuous clean and sober days; Having a 12-step sponsor; Being crime free; Paying all program and drug testing fees; Furthering education or being gainfully employed or actively seeking employment.

	<p>The judge, in collaboration with the case manager, determines advancement to graduation. In addition to the requirements, participants fill out an exit questionnaire and have an oral exit interview with the entire drug court team.</p> <p>Graduation is held about once every two months. The ceremony is held in the courtroom for a small group of graduates at a time. Families, arresting officers, and guest speakers are invited to attend. Graduates receive a completion certificate, a drug court pin, and a reception following the ceremony.</p>
<p>30) Post-graduation Support</p>	<p>There is no mandated aftercare program. Post-graduation activities include an alumni association, aftercare plans, and mentoring projects.</p>

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or business-as-usual, process did not include Proposition 36.

For a misdemeanor case in San Joaquin, after an arrest the defendant was either released with no charges filed, released on bail, or taken into custody. At the arraignment and plea, the defendant could plead not guilty, guilty, or no contest. If there was a guilty or no contest plea, the case was resolved at the time of arraignment with fines or fees or court-ordered programs. Upon a not-guilty plea, there were pre-trial proceedings, which could include discovery exchange, motions, and a change of plea. The jury or court trial followed. A guilty verdict was followed by sentencing.

For a felony case, after an arrest the defendant was either released with no charges filed, released on bail or his or her own recognizance, or taken into custody. Then there was an arraignment, followed by a preliminary hearing. If the judicial officer found insufficient evidence, the defendant was released. If there was sufficient evidence, pre-trial proceedings followed, which could have included pre-trial motions, settlement conferences, and the setting of dates. If a guilty or no contest plea was entered, sentencing occurred. If a not guilty plea was entered, the jury or court trial followed. A guilty verdict was followed by sentencing.

Defendants who were eligible would enter PC 1000. Defendants who were not eligible for a diversion program usually served a 9-month jail sentence and were supervised on probation for 5 years, unless probation was terminated early. Probation generally would not be less than 3 years. Treatment was often a condition of the offender’s sentence.

Site-Specific Methods

The general research methods used in San Joaquin were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A5.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court sample was selected from the San Joaquin drug court database kept by the court. All individuals who entered the drug court in 1998 or 1999 were included in the sample, regardless of length of time in the program or completion status.

Drug court participants in San Joaquin are chosen via district attorney file review of CLETS rap sheets. Eligible charges include most possession of drug charges (Health and Safety Codes 11350-11375, 11377-11550). Defendants are excluded who have prior convictions for selling drugs, violent crimes or “strike” crimes. Both felonies and misdemeanors were accepted during the 1998-1999 sample time period.

The felony arrests portion of the comparison group was chosen from archived “offer sheets” drafted by the district attorney from drug cases in 1998-1999. Drug court participants were eliminated from the pile and the rest were accepted as potential comparison group members. In addition, 267 misdemeanor files were opened and CLETS rap sheets reviewed for any convictions making them ineligible for drug court. A total of 362 potential comparison group defendants were selected with the same proportion of felony and misdemeanor offenders. Information on these individuals was entered into a database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including CII number, local case numbers, state ID numbers and social security number.

Sample Matching. Once the first round of comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final matched sample consisted of 202 drug court participants and 351 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry) for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A5.2, below.

Table A5.2: San Joaquin Drug Court Participant and Comparison Group Demographics

	Drug Court Participants	Comparison Group
Average Age	36	37
Gender	61% Male	67% Male
Race/Ethnicity	43% White 31% African-American 24% Hispanic 2% Other	38% White 33% African-American 28% Hispanic 1% Other
Previous Treatment	1.48	1.39
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.27	0.25
# of Jail Days	51	55

Data Collection. The majority of the data collected for this study were collected locally at each site. Table A5.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A5.3: Data Collected and Source of Data for San Joaquin

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of Birth • Race • Gender 	Court records	Most administrative data sources include demographics. In order to be consistent across the drug court and comparison group, this study used a criminal justice data source
Drug Court Related Data <ul style="list-style-type: none"> • Case # of offense that led to DC • DC case number • Entry date • Exit date • Status at exit (grad/term, etc.) 	Criminal Justice Information System (CJIS)	CJIS is a database that combines data from the sheriff, probation and the courts. The court database kept drug court clients flagged, so drug court related data could be more easily extracted with queries. The data were provided electronically from the court using a query
<ul style="list-style-type: none"> • Hearing dates 	CJIS	This database was case oriented so data were extracted separately for each individual due to the expense of writing a new query
<ul style="list-style-type: none"> • Jail days for drug court related case 	CJIS	This database was case oriented so data were extracted separately for each individual
<ul style="list-style-type: none"> • Home visit dates 	Not tracked	
Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual sessions • Dates or number of UAs • Dates or number of days in residential • Other DC service dates and types 	Treatment provider database and paper files	This site uses multiple treatment providers. Some providers had a database that tracked client use of services. Other providers kept all information in paper files
Treatment outside of drug court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDS Statewide Treatment Database	De-identified matched data provided from state

Data	Source	Comments
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge Codes • Dispositions • Sentences 	CA Law Enforcement Tracking System (CLETS) statewide database	Data were provided from the CA DOJ electronically
Subsequent Court Data <ul style="list-style-type: none"> • Case #s • Case Dates • Trial or no-trial • Sentences (prison) 	CJIS	Data were extracted separately for each individual
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	CJIS	Data were extracted separately for each individual
Prison Data	CLETS CJIS	We were unable to obtain prison time served from the Department of Corrections so prison sentences were collected and time served was calculated based on the average amount of time served per sentence
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	CJIS	Data were extracted separately for each individual
Welfare <ul style="list-style-type: none"> • Cash aid dates received • Cash aid amount • Food stamp date received • Food stamp amount 	CA Department of Social Services Database	Pending
Employment <ul style="list-style-type: none"> • Earnings 	CA Department of Social Services Database	Pending

San Joaquin Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The following table (Table A5.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions

that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of court organization is discussed in more detail in the section on “drug court organization” in Chapter 3. The cost of the transactions related to the drug court eligible case might be considered the taxpayer’s *investment* cost when a case is administered through the criminal justice system using the drug court process.

Table A5.4: Per Participant Cost for San Joaquin Drug Court Eligible Case by Transaction.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$138.49	1	\$138.49
Police Booking ⁶⁵	\$60.37	1	\$60.37
Drug Court Appearances	\$96.87	17	\$1,646.79
Drug Court Case Management	\$1.04	208 days ⁶⁶	\$216.32
Individual Treatment Sessions	\$80.27	3	\$240.81
Group Treatment Sessions	\$37.26	21	\$782.46
ADAP Treatment Monitoring	\$5.83	32	\$186.56
Urinalyses (UAs)	\$7.00	24	\$168.00
Jail Days	\$95.38	92	\$8,774.96
Total			\$12,214.76

The largest cost for the drug court in San Joaquin is jail days with \$8,774.96 due to an average of 92 days per person. This represents about 72% of the cost of the drug court case. This is the highest proportion of cost for jail days of any of the sites in this study. Drug court appearances (the court hearing costs) are the next most costly item. What is surprising is that treatment costs are so low. The nine sites averaged 22 individual sessions per person as compared to 3 in San

⁶⁵ The police booking rate is used because people arrested with a drug court eligible arrest did not go to the county jail.

⁶⁶ Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program.

Joaquin and 69 group sessions as compared to 21 in San Joaquin. However, this could also be due to many participants attending day treatment at ADAP rather than the traditional group and individual sessions at the other outpatient agencies.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, is of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, drug court sessions and frequent UAs. In San Joaquin, the drug court program alone costs an average of **\$3,240.94** per participant. However, it is important to note that the drug court program does not exist in isolation and that it does have an effect on how the system operates outside of drug court. Therefore, the cost of the program alone does not take into account the system changes that exist for drug court operations to occur. These system costs are better demonstrated when the costs of the drug court case as a whole are described (as in Table A5.4, above.)

Table A5.5, below, presents the costs associated with the drug court eligible case for the comparison group. These are offenders who were eligible for drug court but did not attend. These costs are those associated with processing a case through the business-as-usual system.

Table A5.5: San Joaquin Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case

Transaction	Unit Cost	Average # of Transactions	Average Cost per Offender
Arrest	\$138.49	1	\$138.49
Police Booking	\$60.37	1	\$60.37
Court Case	\$2,085.34	1	\$2,085.34
D&A Treatment	NA	NA ⁶⁷	\$1,470.80
Jail Bed Days	\$95.38	91	\$8,679.58
Probation Days	\$0.76	351	\$266.76
Total			\$12,701.34

The largest cost for the business-as-usual group is in jail bed days, constituting 68% of total costs for standard processing. Surprisingly, both the drug court group and the standard processing group average an almost equal number of days in jail. It has often been thought that drug courts save money because they reduce the time spent in jail due to the drug court eligible case. In San Joaquin this is not the case.

It is also surprising to note that the amount of money spent on court appearances for the comparison group (\$2,085.34) is considerably more than the court appearance cost for the drug court group (\$1,646.79). Clearly comparison cases cost the court system substantial resources (even without a trial).

⁶⁷ Because statewide treatment data are not associated with a criminal case, it was not possible to determine the specific amount of treatment received due to the drug court eligible case. The cost amount generated in this table is the average amount of treatment received per court case for the comparison sample.

It is also interesting to note that the comparison group cases averaged more treatment costs than the drug court group, again refuting the idea that a drug court results in higher treatment costs for its participants.

Figure A5.1: San Joaquin Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case

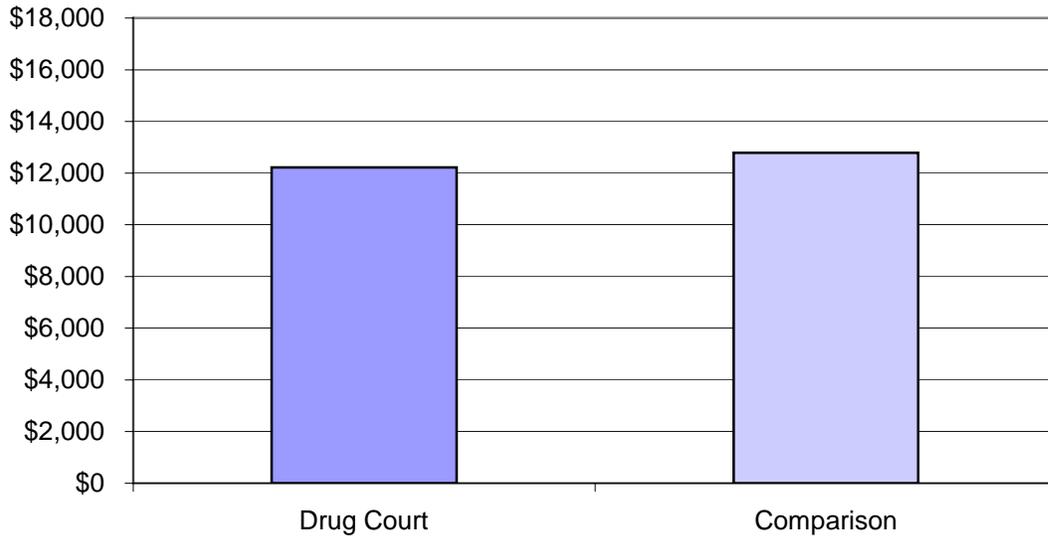


Figure A5.1 (above) illustrates that, in San Joaquin, the cost of processing a case through the drug court is *less* than standard processing.

Table A5.6: Average Cost per Offender by Agency for a San Joaquin Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$727.60	\$1,078.63	-\$351.03
District Attorney	\$55.93	\$466.99	-\$411.06
Public Defender	\$91.63	\$539.72	-\$448.09
Probation	\$50.49	\$266.76	-\$216.27
Treatment Agencies	\$2,282.48	\$1,470.80	\$811.68
Law Enforcement	\$9,006.46	\$8,878.44	\$128.02
Total	\$12,214.59	\$12,701.34	-\$486.75

Note: The difference in total costs for the drug court eligible case is not statistically significant

Table A5.6 illustrates the cost differences by agency. The superior court, district attorney, public defender and probation save money by processing an offender through drug court. Law enforcement basically breaks even. Only with treatment are there increased costs from the drug court option. (Treatment costs in the drug court include not only individual and treatment sessions but also such costs involved in case management.)

The total investment cost in drug court for San Joaquin is, in fact, a small cost savings: \$486.75 (\$12,214.59 minus \$12,701.34) per participant. However, to understand the overall cost benefit, we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occur *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁶⁸ Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁶⁹ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry. Table A5.7, below, displays the outcome costs for the drug court participants and comparison group over the four years after drug court entry.

⁶⁸ A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁶⁹ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (7 months on average in Central Valley). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A5.7: San Joaquin Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Individual	Percentage Change
Re-arrests	\$138.49	3.27	\$452.86	4.54	\$628.74	- 28%
Sheriff Bookings ⁷⁰	\$140.00	3.51	\$491.40	3.98	\$557.20	- 12%
Court Cases (no-trial)	\$2,085.34	1.48	\$3,086.30	1.18	\$2,460.70	+25%
Court Cases (trial)	\$3,708.39	.01	\$37.08	0	0	NA
Jail Days	\$95.38	60.29	\$5,750.46	75.29	\$7,181.16	- 20%
Probation Days	\$0.76	557.40	\$423.62	421.36	\$320.23	+32%
Victimizations – Person Crimes ⁷¹	\$40,698.60	.29	\$11,802.59	.43	\$17,500.40	- 33%
Victimizations – Property Crimes	\$12,563.35	.37	\$4,648.44	.62	\$7,789.28	- 40%
Treatment Episodes	NA	2.20	\$1,108.36	1.73	\$1,139.73	- 3%
Prison Days	\$84.74	91.49	\$7,752.86	154.94	\$13,129.62	- 41%
Total			\$35,553.97		\$50,707.06	- 30%

Overall, drug court reduced the frequency of negative criminal justice outcomes and reduced the costs by a total of 30%. The greatest savings by percentage were in prison days and victimization costs. There were also modest savings in other areas except for court costs and probation costs, which showed increases in outcomes. Oddly, it appears that drug court participants had more court cases subsequent to drug court, even though they were re-arrested less often, and they spent more time on probation. This could be due to the seriousness of their crimes. Drug court participants had fewer person and property crimes. It is possible that the comparison group, with more serious crimes, spent more time in prison and in jail and therefore had less time on probation.

⁷⁰ The sheriff booking rate is used here because our jail data is taken from the county sheriff's database.

⁷¹ These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

Figure A5.2: San Joaquin Re-arrests. Cumulative number of re-arrests following drug court arrest.

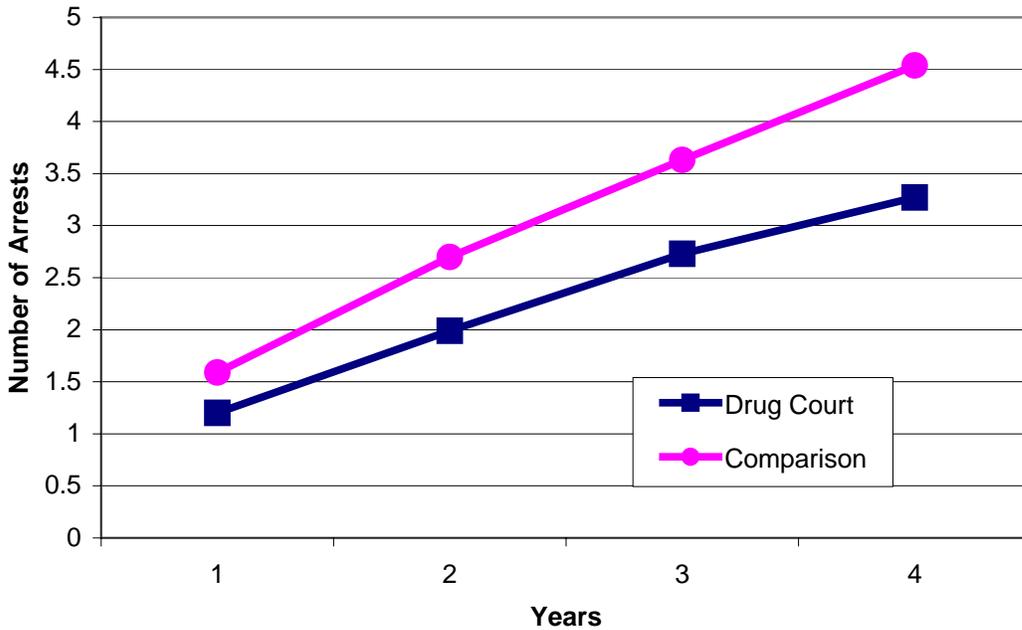


Figure A5.2 illustrates that drug court participants increasingly accumulate fewer subsequent arrests than the comparison group. The trend suggests that should we have more years of data, we might see a continued positive trend and continued cost savings.

Figure A5.3: San Joaquin Outcome Costs. cumulative total costs four years following drug court arrest.

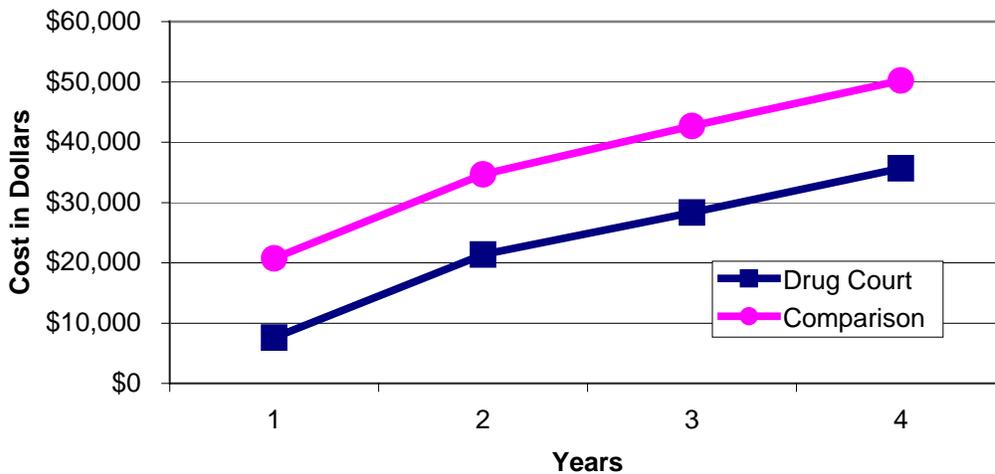


Figure A5.3 illustrates the cost savings over the four years after drug court entry. Drug court cost savings cumulatively increase for every year of the four years. The trend suggests that if we had more years of data, we might continue to see increased benefits.

Table A5.8 (below) presents the average total outcome costs per offender *by agency* over four years since drug court entry. This table also presents the difference in these costs between the drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects a loss due to drug court.

Table A5.8: San Joaquin Outcome Costs by Agency. Average total outcome cost per offender by agency over four years.

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$1,615.01	\$1,272.78	+\$342.23	+27%
District Attorney	\$699.21	\$551.05	+\$148.16	+27%
Public Defender	\$808.11	\$636.87	+\$171.24	+27%
Probation	\$423.96	\$320.23	+\$103.73	+32%
Treatment Agencies	\$1,108.36	\$1,139.73	-\$31.37	-3%
Law Enforcement	\$6,695.44	\$8,367.10	-\$1,671.66	-20%
Corrections	\$7,752.86	\$13,129.62	-\$5,376.76	-41%
Victimizations	\$16,451.03	\$25,289.68	-\$8,838.65	-35%
Total	\$35,553.98	\$50,707.06	-\$15,153.08*	-30%

*This difference is statistically significant ($p < 0.05$).

The superior court, district attorney, public defender and probation see cost increases in outcomes over the four years after drug court entry. This is due to the greater number of court cases the drug court participants had subsequent to drug court. As discussed earlier, the greater number of court cases may be related to the nature of their crimes, with the comparison group having more serious crimes and therefore spending more time in prison. Treatment, law enforcement, corrections and the victims of crime see cost savings due to drug court.

However, the final assessment of the cost differences between the drug court approach and business-as-usual requires a matching of outcome costs to investment costs. Another way of illustrating this is to combine all costs over the time period for both the drug court option and standard processing. Table A5.9 illustrates this.

Table A5.9: San Joaquin Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined.

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$2,342.61	\$2,351.41	-\$8.80	0%
District Attorney	\$755.14	\$1,018.04	-\$262.90	-26%
Public Defender	\$899.74	\$1,176.59	-\$276.85	-24%
Probation	\$474.45	\$586.99	-\$112.54	-19%
Treatment Agencies	\$3,390.84	\$2,610.53	+\$780.31	+30%
Law Enforcement	\$15,701.90	\$17,245.54	-\$1,543.64	-9%
Corrections	\$7,752.86	\$13,129.62	-\$5,376.76	-41%
Victimizations	\$16,451.03	\$25,289.68	-\$8,838.65	-35%
Total	\$47,768.57	\$63,408.40	-\$15,639.83*	-25%

*This difference is statistically significant ($p < 0.05$).

When the total costs for the drug court approach (investment costs plus outcomes) are compared to the total costs of standard processing, the picture is quite positive. Treatment agencies are the only venues that experience a net increase in costs. For treatment this reflects the greater treatment resources available for drug court and the possible greater engagement in treatment. In every other situation (except for the superior court, which basically breaks even) there are substantial reductions in costs that accrue for the drug court participants.

Summary and Discussion

The San Joaquin drug court jurisdiction is an ethnically mixed community of mostly Whites (35%) and Hispanics (Latino) (34%). Unemployment rates are high, averaging 13%. Poverty rates are high with 24% of the population below the poverty level. In addition, educational attainment is low among Hispanics with about 34% of Hispanic males and 29% of Hispanic females having less than a 9th grade education. These demographics affect the ability of the drug court to succeed.

In spite of these difficulties, San Joaquin seems to have developed a successful drug court. The court has been in operation since 1995. One of the surprising results of this cost approach is that it has revealed that in San Joaquin the drug court approach actually saves money over standard processing. That is, there is no investment cost – just a savings from the beginning. When taken together, the drug court approach results in an overall reduction in total costs of 25% over standard processing.

Using the enrollment numbers during the time period of this study, San Joaquin averaged 307 new drug court participants per year. If the net cost savings per participant over four years (\$15,639.83) are multiplied by the number of new participants per year, the result is a cost savings of **\$4,801,427.81** each year due to drug court processing.

***Appendix A6: Stanislaus County Drug Court
Site-Specific Report***

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Site 6: Stanislaus County Drug Court

Background/Context

The Stanislaus drug court is located within the Modesto census defined place (CDP) of Stanislaus County. This area includes the City of Modesto and adjacent urban areas. According to the 2000 Census the total population of this area was 282,217.

The Stanislaus drug court jurisdiction is an ethnically mixed community of mostly Whites (55%) and Hispanics (Latino) (32%). Unemployment rates are relatively high, averaging 11% for males and 14% for females. Poverty rates are high, with 16% of the population below the poverty level. Hispanic poverty rates were 23%. In addition, educational attainment is low among Hispanics with about 50% of Hispanic males and 32% of Hispanic females having less than a 9th grade education. These demographics can affect the ability of the drug court to succeed. The drug court can be effective in reducing substance abuse and improving attitudes toward successful employment, but if a drug court participant returns to a life of poverty and low employment possibilities, the chances of positive long-term outcomes may diminish.

Drug Court Description

As each drug court program serves a different population and also has unique staff members from various combinations of agencies, they must adjust their practices and policies accordingly in order to effect the most positive change in their specific participants. No two drug court programs operate in exactly the same manner. Each drug court is an independent program with unique practices and requirements. Table A6.1 provides an overview of Stanislaus's drug court processes and policies (a comparison across all the drug courts that have participated in this study is provided in Chapter 3 of the main report, Tables 3.8a and 3.8b).

The majority of drug court participants in Stanislaus are male (66%) and the large majority are White (80%), followed by a relatively small number of Hispanics (16%). The percentages of Whites and Hispanics are not proportional to the population in the surrounding area. There are more Whites and fewer Hispanics than might be expected. The average age of the Stanislaus drug court participants is 33 years and the most frequent drug of choice is methamphetamines (76%), followed by marijuana (11%). There is a small number who use heroin (6%). The drug court participants have an average of two previous drug arrests and less than one previous treatment episode in the two years prior to drug court entry. The mean length of time participants spend in the program is just over 8 months.

Table A6.1: Stanislaus Drug Court Process Description as of 1998-1999

1) Drug Court Implementation Date	July 1995
2) Number of Participants since Inception	Enrolled: over 1320 Graduated: 441 Terminated: 926 Overall graduation rate (since inception): 32% 1998-1999 sample graduation rate: 49%
3) Pre/post Plea	Post-plea with deferred judgment, or from probation.
4) Time from Arrest to Drug Court Entry	Varies, but usually within 2-3 weeks.
5) Eligibility Criteria	<p>The program previously accepted both felony and misdemeanor cases. Now eligibility is limited to defendants who are convicted of felonies and placed on formal probation. Possession and other drug related crimes are eligible, as are non-drug crimes committed to support a drug habit. Cases are referred to drug court through the district attorney's office, the public defender, or from in-custody programs. To be eligible for drug court, the defendant must have:</p> <ul style="list-style-type: none"> No prior prison commitments except in unusual circumstances where the judge deems that the defendant will benefit from treatment; No current cases or convictions for violent offenses within the last 5 years; No current cases or convictions for drug sales, trafficking, manufacturing; No current cases or convictions for sex-related offenses; Residency in the county; Admitted current drug abuse problem; No pending cases or warrants in other counties. <p>Steps in the eligibility process include:</p> <ul style="list-style-type: none"> District attorney or public defender review eligibility based on above criteria; Behavioral health specialist or probation officer administer a suitability assessment; Drug court team and judge review assessment; Drug court team must unanimously agree on participant acceptance; Participant goes through drug court orientation. <p>ASAM and ASI assessments are performed after a person is accepted into the program. Dual diagnosis cases are accepted. Eligibility exceptions are made with judge's consent.</p>
6) Incentive to Enter and Complete Program	<p>Probation is terminated (unless restitution is still due) and felony charges are reduced to misdemeanor (when appropriate); or</p> <p>The drug court charges are dismissed (with the participant's record showing no conviction, only an arrest).</p>
7) Participant Drugs of Choice	Methamphetamines (76%), followed by marijuana (11%) and heroin (6%).

8) Intake and Number of Treatment Providers in System	<p>Multiple treatment providers: County's Behavioral Health and Recovery Services (main treatment provider) conducts initial assessment and intake 9 other treatment providers used for specialized services</p> <p>Type of treatment is assessed at initial interview. Participants are referred to appropriate treatment based on assessment.</p>
9) Location of Treatment Providers in System	<p>Behavioral Health and Recovery Services' substance abuse counselors provide primary management and coordination of treatment and rehabilitation services, on site, at the probation department. Probation provides case management. Other treatment providers are private agencies.</p>
10) Treatment Model(s)	<p>Mainly Cognitive Behavioral, with small elements of other models.</p>
11) Treatment Services Provided	<p>Treatment services include: Educational and process group treatment sessions; Individual counseling; Self help/NA/AA meetings; AIDS education; Parenting classes; Aftercare services; and In-custody treatment.</p> <p>The drug court program can also refer out for the following services: Detoxification services; Prenatal services; Clean and sober living programs; Housing programs; Job training and employment services; Education, GED, and literacy programs; Outpatient and residential treatment; Mental health services; and Anger management.</p>
12) Method and Consistency of Provider Communication with Court	<p>Behavioral health counselors and probation officers write monthly progress reports that are shared with the public defender (or private attorney), district attorney, and judge. Reports include information on attendance and participation in treatment, drug testing, fee payment, and program compliance.</p>
13) Phases	<p>Drug court is an intensive outpatient drug rehabilitation program, lasting a minimum of one year. There are 3 phases and aftercare. Phases 1-3 last approximately ten weeks each, and aftercare lasts from two to six months. Aftercare begins before graduation.</p> <p>Phase 1 requirements: UAs: Three times a week minimum</p>

	<p>Court appearances: Once every four weeks Individual sessions: As needed Group sessions: Three 2-hour sessions a week AA/NA/Self help: Three 12-step meetings per week minimum Other: Weekly supervision and monitoring</p> <p>Court Phase 2 requirements: UAs: Two times a week minimum Court appearances: Once every four weeks Individual sessions: As needed Group sessions: Two 2-hour sessions a week AA/NA/Self help: Three 12-step meetings per week minimum Other: Weekly supervision and monitoring, employment/education training, referrals to appropriate outpatient and/or residential treatment programs if necessary.</p> <p>Phase 3 requirements: UAs: Two times a week minimum Court appearances: Once every four weeks Individual sessions: As needed Group sessions: Two 2-hour sessions a week AA/NA/Self help: Three 12-step meetings per week minimum Other: Weekly supervision and monitoring, employment/education training, outpatient or residential treatment program referrals as appropriate.</p> <p>Aftercare requirements: UAs: Once a week minimum Court appearances: Once every six weeks Individual sessions: As needed Group sessions: Continued participation in 2-hour sessions AA/NA/Self help: Continued participation in three 12-step meetings per week minimum Other: Weekly supervision and monitoring, employment/education training.</p>
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<p>14) Requirements to Change Phase</p>	<p>To advance from Phase 1: Recite the first step, complete the first step worksheet, fill out sheets for different groups, attend required groups and meetings, call three drug court peers to discuss the first step, talk to a drug court alumni, attend a drug court graduation, and complete a Phase 1 self assessment.</p> <p>To advance from Phase 2: Demonstrate participation in group, write a paper on the disease concept, obtain a sponsor, attend required groups and meetings, read steps two and three from the 12-step book and discuss with three peers, call two drug court alumni and discuss how to find a sponsor, attend another drug court graduation, and fill out the Phase 2 self assessment.</p> <p>To advance from Phase 3: Write an autobiography, attend required groups and meetings, read steps in the 12-step book and complete the summary, call two peers in aftercare and discuss making new friends and sobriety, call alumni and discuss triggers and training for relapse prevention, and write a farewell letter to drugs and alcohol.</p> <p>To complete aftercare: Complete sixteen hours of volunteer service, attend one group per week, complete a treatment autobiography, co-facilitate a group, call three peers in Phase 1 and offer assistance to them in the program, visit classes on helplessness and chemical dependency, write an aftercare plan, and attend two other classes of choice.</p>
<p>15) UAs</p>	<p>Probation, with the assistance of Behavioral Health and Recovery Services counselors, coordinates and conducts random drug tests. UAs are given at the frequency listed above, unless otherwise ordered by the judge. Participants are tested prior to group sessions and samples are shipped to an outside testing facility. An eye check pupillometer is also used to screen substance use.</p>
<p>16) Drug Court Participant Fees</p>	<p>Case management fee: Up to \$50 a month, as well as restitution, if necessary. Paid on a sliding scale to Behavioral Health and Recovery Services and collected by Probation</p> <p>Treatment fee: \$5 per group session. Payment can be waived if participant is unable to pay</p> <p>UA fee: Participants do not pay for UAs specifically, but will start on October 1, 2004</p>
<p>17) Drug Court Team Members and Other Committees</p>	<p>Drug court team: judge, probation officers, deputy district attorney, deputy public defender, and substance abuse counselors.</p> <p>Advisory Board: representatives from superior court, district attorney, public defender, chief executive office, community services agency, county alcohol and drug programs, Women Lawyers Association, public health services, sheriff, probation, the local Bar Association, Friends Outside, city schools, non-profit organizations, and public members.</p>
<p>18) Team Meetings</p>	<p>Drug court team meetings are held weekly in the judge's chambers before the drug court session. The purpose of the meetings is to review cases and discuss progress reports of participants on the docket and new entrants. The team also discusses policy issues and recommendations for each participant's progress.</p>

	The Drug Court Advisory Board, appointed by the County Board of Supervisors, oversees the operation of drug court and meets every six weeks.
19) Drug Court Sessions	Drug court sessions are held once a week with 30-40 participants in attendance. The judge, public defender, district attorney, probation officers, supervising probation officer, court clerks, court reporter, and bailiff are present at drug court sessions.
20) Judge	There is one drug court judge. This assignment is voluntary and lasts for at least two years, but is not limited to two years. The drug court judge hears other criminal cases outside of drug court (Prop 36, domestic violence court, and deferred judgment cases).
21) Coordinator	The supervising drug court probation officer fulfills the role of a drug court coordinator.
22) Law Enforcement	The police are usually involved only through the time of arrest. Occasionally the arresting officers attend graduation celebrations or work on bench warrants. They can also be called for backup during home visits if needed.
23) Probation	The role of the probation officer includes: Completing participant reviews; Providing case management; Performing the initial assessment and background research; Making home visits; Administering drug testing and sending it for analysis; Delivering a person from in custody to in-patient programs; Checking and reporting on a participant's progress in residential treatment; Helping calculate the custody credits when participants are sentenced; Recording session information in a participant's file; Putting on the new participant orientation; Setting up the group therapy list; Attending drug court sessions.
24) Public Defender	The role of the deputy public defender assigned to drug court includes: Talking to prospective candidates about drug court; Helping candidates decide whether it is an appropriate decision to enter drug court; Discussing the candidate's rights, including rights that are given up in drug court; Attending drug court sessions and team meetings; Acting as an advocate for the defendant. Eighty-five percent of all drug court participants use the public defender as his or her attorney. There are no public defender services contracted out other than the alternate public defenders offices contracted by the county.
25) District Attorney	The role of the deputy district attorney assigned to drug court includes: Administering the initial screening Attending drug court sessions and team meetings;

	<p>Making an offer when there is a plea; Making a sentencing recommendation for drug court terminations.</p> <p>Sometimes the district attorney can refuse a candidate's drug court entry. Both the district attorney and public defender use a non-adversarial approach in drug court.</p>
26) Rewards	<p>Rewards are largely at the discretion of the drug court team, although the judge has the final say. Rewards are given for program compliance and vary as each situation and person is considered individually. Few tangible rewards are given.</p> <p>Rewards for program compliance include: Verbal praise by the judge or a drug court team member; Applause in court; Lightened program requirements; Fewer group sessions; Fewer UAs (only for people whose treatment is sufficiently advanced); and Higher status in group (facilitating meetings, mentoring new participants).</p>
27) Sanctions	<p>Sanctions are given in response to: Positive or diluted drug tests; Failure to test; Tardiness or failure to attend court or treatment sessions; Not following treatment recommendations; Failure to attend the required AA/NA meetings; Traffic citations; Dishonesty or breaking confidentiality.</p> <p>Sanctions include: Attending extra 12-step (AA/NA) meetings; Attending extra drug court sessions; Performing extra homework; Being sent back to an earlier phase; Writing a report or letter to a staff member; Being remanded for up to two weeks in custody; Being ordered into 28-day or 6-month residential treatment; Being ordered into 8-week jail-based residential treatment; Termination.</p> <p>Sanctions vary significantly but are graduated and imposed consistently for similar non-compliant behaviors. There is no standard list of participant non-compliance and associated sanctions.</p>

<p>28) Unsuccessful Termination</p>	<p>Relapse leads to sanctions, but is not necessarily grounds for termination. Positive UA tests, chronic non-compliance, behavior jeopardizing the recovery of peers, and new offenses could all prompt termination from the program. Participants can be terminated if the team determines that the level of care drug court provides is inadequate for the person's needs. After termination, participants enter into the regular court system and proceed to sentencing from the drug court judge.</p>
<p>29) Graduation</p>	<p>Graduation is held once a month. The arresting officer and past graduates are invited, as are family, friends, and sponsors of the graduate. The graduate is provided with a medallion and other awards and a graduation party is given the next day. In order to graduate from drug court, participants must:</p> <ul style="list-style-type: none"> Complete all three drug court phases and aftercare; Be clinically ready to graduate; Have negative UA results for at least 60 days; Have had no recent sanctions; Be participating regularly in AA/NA; Secure a sponsor; Pay all drug court fees in full (unless otherwise arranged); and Complete 16 hours of community service prior to graduation.
<p>30) Post-Graduation Support</p>	<p>Aftercare is one of the program's mandated phases and is completed before graduation. It lasts about three months, has less stringent requirements and is administered by probation and Behavioral Health and Recovery Services counselors. In this phase, the emphasis is on stable housing and employment, and weaning participants from the program.</p> <p>An alumni program is offered for graduates who want to be involved after graduation.</p>

Business-As-Usual Process

In order to cost the transactions that occur in the comparison group, it is necessary to have an understanding of the more traditional (or non-drug court) court process. At the time the offenders in the drug court sample were participating in the program, the non-drug court, or business-as-usual, process did not include Proposition 36.

Defendants charged with a drug offense had an arraignment and plea, at which they pled not guilty, guilty, or no contest. If they didn't plea bargain, they went to a preliminary hearing where they had another opportunity to settle out. Then there was a pretrial readiness hearing, which was followed by a trial. Sometimes defendants pled out somewhere in the process and got probation.

Defendants who were eligible entered PC 1000. Defendants not eligible for a diversion program usually entered a plea bargain and pled guilty to some or all of the charges. They were generally sentenced to 3 years of probation and jail time. Typically, defendants served the entire sentence. Some people chose to do the probation and jail time because they knew exactly how much time they would do. Treatment was commonly a part of the offender's sentence. Probation assisted any person who sought treatment.

Site-Specific Methods

The general research methods used in Stanislaus were the same as those described across all sites in Chapter 2. The main difference between sites was most commonly the selection of the comparison group (because eligibility requirements differed) and the source of the utilization data collected. The following paragraph describes the selection of the drug court and comparison samples. Table A6.3 lists the utilization data collected and the source of the data.

Sample Selection. The drug court sample was selected from the Stanislaus drug court database, housed in probation. All individuals who entered the drug court in 1998 and 1999 were included in the sample, regardless of length of time in the program or completion status.

Unlike the other sites in our study, the Stanislaus drug court program's eligibility is not based on arrest charge. Potential participants may be arrested on a non-drug related charge and then be referred to the drug court based on the existence of a drug abuse problem and the offender's history of drug use as known by the court staff. Eligibility is then determined by California Law Enforcement Tracking System (CLETS) rap sheet review by the district attorney's office. Defendants are screened for convictions for violent crimes, drug sales charges or "strike" crimes, with participation in any of these crimes making them ineligible for drug court.

A list of 1998-1999 participants was obtained from drug court staff and examined for charges that brought defendants to the attention of the district attorney and public defender's office as potential drug court referrals. This list included possession charges (Health and Safety Codes 11377, 11550, 11350), burglary/theft/receiving stolen property/controlled substances (Penal Codes 459, 484a/666, 182/487, 496a, 4573), forgery (Penal Code 470f) and domestic assault (Penal Code 273a). The Stanislaus superior court provided a list of all cases with defendants arrested on these charges in 1998 and 1999 (3,150 cases). Additionally, the district attorney's office provided a similar list with 437 cases not found on the original list. NPC staff reviewed the lists and using the district attorney's computer system, translated court case numbers to district attorney case numbers and searched the archived files for these 3,587 case files. Drug court participants (n=404) were eliminated from the original list. All files were searched for, but only 667 were available. These files were reviewed as though the local district attorney was screening for drug court eligibility. After review, 263 potential comparison group members were chosen and their information was entered into a database. Data collected at this time included: name, date of birth, arrest charges, gender, ethnicity, and all identifying numbers including CII number, local case numbers, state ID numbers and social security number. Of the 263 defendants, 75% were male, 29% were Hispanic and 63% were White, which is similar to the drug court population at that time.

Once the first round of comparison group members was selected, and criminal history and treatment data were collected, this group was matched, using propensity scores (as described in Chapter 2), to the drug court participant sample. The final sample consisted of 399 drug court participants and 206 comparison group members. The following table presents the demographics, treatment history and arrest history (for the two years prior to drug court entry) for both the drug court and comparison groups. After the propensity score matching process, there were no statistically significant differences between the two groups on the matching variables listed in Table A6.2, below.

Table A6.2: Stanislaus Drug Court Participant and Comparison Group Demographics

	Drug Court Participants	Comparison Group
Average Age	33	33
Gender	66% Male	71% Male
Race/Ethnicity	80% White 16% Hispanic 3% African-American 1% Other	74% White 21% Hispanic 4% African-American 1% Other
Previous Treatment	0.46	0.38
# of Previous Drug Arrests	2	2
Previous Violent Arrests	0.12	0.17
# of Jail Days	48	39

The majority of the data collected for this study were collected locally at each site. Table A6.3, below, lists the data collected for this drug court site along with the sources of the data.

Table A6.3: Data Collected and Source of Data for Stanislaus

Data	Source	Comments
Demographics <ul style="list-style-type: none"> • Date of Birth • Race • Gender 	Court records	Most administrative data sources include demographics. In order to be consistent across the drug court and comparison group, this study used a criminal justice data source
Drug Court Related Data <ul style="list-style-type: none"> • Case # of offense that led to DC • DC case number • Entry date • Exit date • Status at exit (grad/term, etc.) 	Drug court database (kept by probation)	Electronic database specifically for drug court. At one time contained all information for drug court clients, but treatment information was removed due to HIPAA
<ul style="list-style-type: none"> • Hearing dates 	Drug court database	Some drug courts kept this data with the courts
<ul style="list-style-type: none"> • Jail days sanctioned 	Drug court database	Some drug courts kept these data with the sheriff

Data	Source	Comments
Drug Court Treatment Data <ul style="list-style-type: none"> • Dates or number of group sessions • Dates or number of individual Sessions • Dates or number of UAs • Dates or number of days in residential • Other DC service dates and types 	Treatment provider database	The treatment provider database included dates and types of treatment sessions as well as the amount of time spent per individual for each session and the amount billed per session
Treatment outside of drug court <ul style="list-style-type: none"> • D&A treatment dates • D&A treatment type 	CADDs Statewide Treatment Database	De-identified matched data provided
Arrest Data <ul style="list-style-type: none"> • Dates of arrest • Charge codes • Dispositions • Sentences 	CA Law Enforcement Tracking System (CLETS) Statewide Database	Data were provided from the CA DOJ electronically
Court Data <ul style="list-style-type: none"> • Case #s • Case dates • Charges • Trial or no-trial • Sentences (prison) 	Court database	This database was case oriented so data were extracted separately for each individual
Jail Data <ul style="list-style-type: none"> • Jail dates in and out 	Sheriff database	This database was case oriented so data were extracted separately for each individual
Prison Data	Court database	We were unable to obtain prison time served from the Department of Corrections so prison sentences were collected and time served was calculated based on the average amount of time served per sentence
Probation Data <ul style="list-style-type: none"> • Probation start date • Probation end date 	Probation data	Data were extracted and sent electronically

Stanislaus Drug Court Cost Results

Drug Court Case Related Costs. The drug court *case* is the court case that led to the opportunity for an offender to enter drug court. For the comparison group, this case was one eligible according to the drug court eligibility criteria, but did not lead to participation in drug court. The following table (Table A6.4) provides a list of the transactions that are related to the court *case* that led to a participant to participate in the drug court program. This table includes all the system transactions related to this case, not just those that occur within the drug court program. For example, drug court sessions and drug court treatment sessions are considered transactions that are directly related to the drug court program, while probation time served as a sentence for the drug court eligible case (before an offender entered drug court) would not be considered a drug court program transaction. However, that time on probation still occurred as a result of the same case that led the participant to enter drug court. The cost of probation in this case is assigned as a cost to the drug court process because it is a part of what happens when that system chooses to send an offender to drug court. This is a demonstration of how costs can vary depending on how the system is organized. A pre-plea drug court may save the system money in court, probation, and jail costs by having an offender sent directly to the drug court program rather than being processed through the traditional criminal justice program first. The impact of court organization is discussed in more detail in the section on drug court organization in Chapter 3. The cost of the transactions related to the drug court eligible case might be considered the taxpayer’s *investment* cost when a case is administered through the criminal justice system using the drug court process.

Table A6.4: Per Participant Cost for a Stanislaus Drug Court Eligible Case by Transaction

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$102.65	1	\$102.65
Police Booking	\$19.65	1	\$19.65
Drug Court Appearances	\$97.23	12	\$1,166.76
Drug Court Case Management	\$2.70	255 days ⁷²	\$688.50
Individual Treatment Sessions	\$99.83	4	\$399.32
Group Treatment Sessions	\$34.66	53	\$1,836.98
Urinalyses (UAs)	\$7.65	60	\$459.00
Jail Days (as sanction)	\$60.18	6	\$361.08
Jail Days	\$60.18	7	\$421.26
Total			\$5,455.20

⁷² Case management is calculated by number of days in drug court, so the average number of transactions in this case is the average number of days spent in the drug court program.

The largest cost for the drug court in Stanislaus is treatment with \$2,236.30 of individual and group sessions per person. This represents about 41% of the cost of the drug court. Drug court appearances are the second most costly expense. Stanislaus drug court participants spend very few days in jail compared to other sites.

The cost of the drug court program alone, outside of the system costs of the case that led to program participation, may also be of interest to program staff and policy makers. This cost includes drug and alcohol treatment sessions, drug court sessions and frequent UAs. In Stanislaus, the drug court program alone costs an average of **\$4,550.56** per participant.

Table A6.5 (below) presents the drug court eligible case costs for the comparison group. These are the “investment” costs in the case that was eligible for drug court but did not result in the offender entering the program.

Table A6.5: Stanislaus Business-as-Usual Costs. Transactions and average cost per transaction for comparison group drug court eligible case.

Transaction	Unit Cost	Average # of Transactions	Average Cost per Participant
Arrest	\$102.65	1	\$102.65
Police Booking	\$19.65	1	\$19.65
Court Case (no-trial)	\$1,965.86	1	\$1,965.86
D&A Treatment	NA	NA ⁷³	\$585.61
Jail Bed Days	\$60.18	24	\$1,444.32
Probation Days	\$1.51	265	\$400.15
Total			\$4,518.24

The largest cost for the business-as-usual group is in court costs with jail bed days a close second. The drug court group spends almost half as many days in jail (13) as the standard processing group (24). It has often been thought that drug courts save money because they reduce the time spent in jail. In a number of other sites, jail days are frequently used as a sanction or as a consequence for termination. In Stanislaus this is not the case.

It is also surprising to note that the amount of money spent on court costs for the comparison group (\$1,965.86) is more than the court appearance cost for the drug court group (\$1,166.76). It has generally been accepted that the drug court model is more expensive to the court system. In Stanislaus this is not the case. Clearly comparison cases cost the court system substantial resources. Figure A6.1 illustrates this finding.

⁷³ Because statewide treatment data are not associated with a criminal case, it was not possible to determine the specific amount of treatment received due to the drug court eligible case. The cost amount generated in this table is the average amount of treatment received per court case for the comparison sample.

Figure A6.1: Stanislaus Investment Costs. Cost per offender for drug court and comparison group for drug court eligible case.

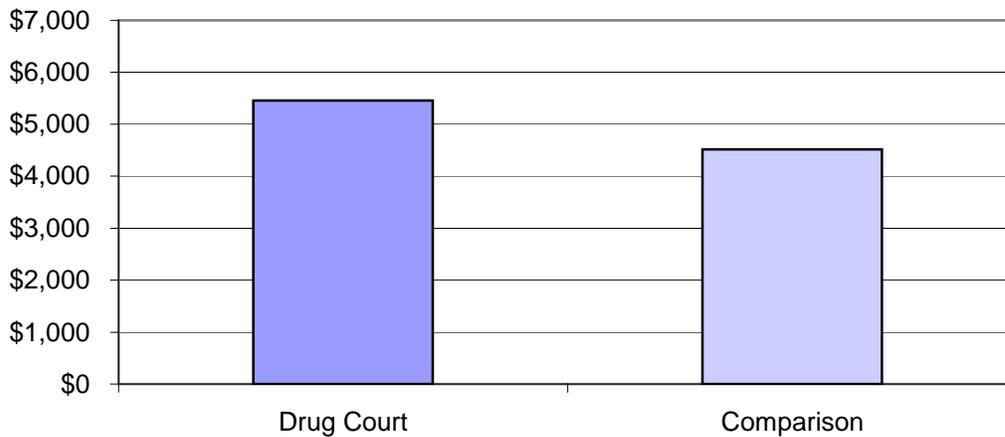


Table A6.6 presents the costs for the drug court eligible case *by agency* as well as the difference in agency cost between the drug court and comparison group.

Table A6.6: Average Cost per Offender by Agency for a Stanislaus Drug Court Eligible Case

Agency	Drug Court	Comparison	Cost Difference
Superior Court	\$309.24	\$910.06	-\$600.82
District Attorney	\$76.56	\$599.11	-\$522.55
Public Defender	\$127.44	\$456.69	-\$329.25
Probation	\$1,122.69	\$400.15	\$722.54
Treatment Agencies	\$2,917.18	\$585.61	\$2,331.57
Law Enforcement	\$904.64	\$1,566.62	-\$661.98
Total	\$5,457.75	\$4,518.24	\$939.51*

*This cost difference is statistically significant ($p < 0.01$)

The superior court, district attorney, public defender and law enforcement all save money by processing an offender through drug court. Only probation and treatment have increased costs from the drug court option.

The net investment cost in drug court for Stanislaus is \$939.51 (\$5,457.75 minus \$4,518.24) per participant, a relatively modest amount. This refutes the argument that drug courts are very expensive compared to standard processing. When all the costs are taken into account, the investment cost in drug court for Stanislaus is relatively small. However, to understand the overall cost benefit we need to assess outcome costs.

Outcome Costs. Outcome costs described in this study are all costs related to transactions that occur *outside* of and subsequent to the drug court eligible case. More specifically, these are transactions that occurred after the drug court entry date, but were not related to the drug court eligible case.⁷⁴ Therefore, these may include transactions that occur while an individual is still participating in drug court (e.g., a participant may be re-arrested while in drug court and still continue in the drug court program, or participants may be receiving cash aid from the welfare system while in the drug court program). The reason for counting outcome costs from drug court entry (rather than drug court exit) is that outcomes (such as re-arrests, social service use, and jail time) do occur while an offender is participating in drug court as well as for the comparison group outside of drug court. Counting costs from drug court entry ensures that the costs to the taxpayer for all transactions that occur from the point of drug court entry are being accounted for. This also ensures that outcomes are measured for an equivalent time period for both groups.⁷⁵ The outcome transactions included in these costs are criminal justice recidivism and victimizations, subsequent court cases, subsequent treatment episodes, and cash aid and food stamps received since drug court entry. Table A6.7, below, displays the outcome costs for the drug court participants and comparison group over the four years after drug court entry.

⁷⁴ A “drug court entry date” was calculated for the comparison group based on the median length of time between arrest and drug court entry for the drug court participants at each site.

⁷⁵ It is possible to create a proxy (estimated) exit date for the comparison group, in order to examine outcomes after “program exit.” However, this would disregard all transactions experienced by both groups during the time period that drug court participants spent in drug court (over 8 months on average in Stanislaus). This is a large amount of time for the comparison group to experience transactions that occur in the business-as-usual system.

Table A6.7: Stanislaus Outcome Costs. Average criminal justice outcome costs per offender for four years after drug court entry.

Transaction	Unit Cost	Avg. # of Transactions Drug Court Participants	Average Cost per Drug Court Participant	Avg. # of Transactions Comparison	Average Cost per Comparison Individual	Percentage Change
Re-arrests	\$102.65	1.89	\$194.01	2.53	\$259.70	-25%
Sheriff Bookings ⁷⁶	\$114.77	1.88	\$215.77	3.34	\$383.33	-44%
Court Cases (no-trial)	\$1,965.86	1.23	\$2,418.01	1.39	\$2,732.55	-12%
Court Cases (trial)	\$3,478.56	0.03	\$104.36	0.04	\$139.14	-25%
Jail Days	\$60.18	78.24	\$4,708.48	134.50	\$8,094.21	-42%
Probation Days	\$1.51	87.32	\$131.85	381.10	\$575.46	-77%
Victimizations – Person Crimes ⁷⁷	\$40,698.60	0.14	\$5,697.80	0.38	\$15,465.47	-63%
Victimizations – Property Crimes	\$12,563.35	0.48	\$6,030.41	0.51	\$6,407.31	-6%
Treatment Episodes	NA	0.92	\$583.26	0.78	\$642.23	-9%
Prison Days	\$84.74	77.39	\$6,558.03	83.77	\$7,098.67	-8%
Total			\$26,641.98		\$41,798.07	-36%

Overall, the drug court participants had a decreased incidence of negative criminal justice outcomes, reducing the costs by a total of 36%. The greatest savings by percentage were in probation costs (-77%), victimization costs for person crimes (-63%), and for bookings (-44%) and jail days (-42%). There were also modest savings in other areas.

Figure A6.2 illustrates that drug court participants increasingly accumulate fewer subsequent arrests than the comparison group. The trend suggests that should we have more years of data, we might see a continued positive trend and continued cost savings.

⁷⁶ The sheriff booking rate is used here because our jail data is taken from the county sheriff's database.

⁷⁷ These costs were based on the National Institute of Justice's *Victim Costs and Consequences: A New Look (1996)*. All costs were updated to fiscal year 2003-2004 dollars.

Figure A6.2: Stanislaus Re-arrests. Cumulative number of re-arrests following drug court arrest.

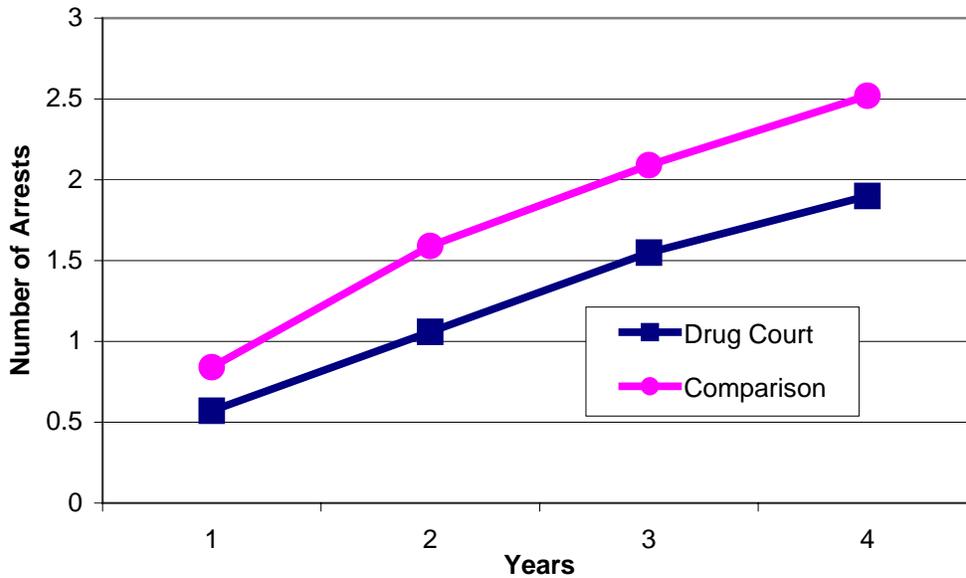


Figure A6.3 illustrates the cost savings over the four years after drug court entry. Drug court cost savings cumulatively increase for every year of the four years. The trend suggests that if we had more years of data, we might continue to see increased benefits.

Figure A6.3: Stanislaus Outcome Costs. Cumulative total costs four years following drug court arrest.

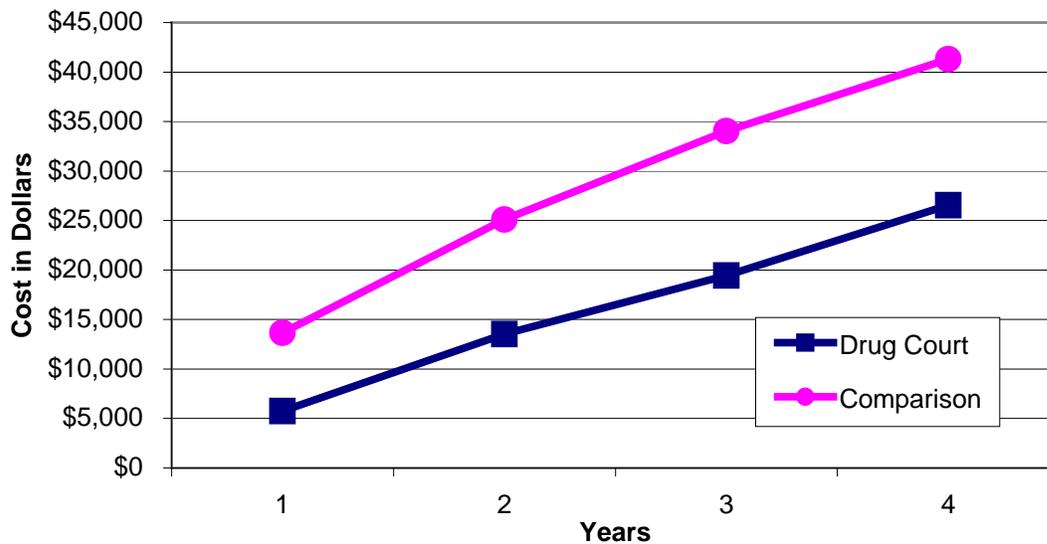


Table A6.8 (below) presents the average total outcome costs per offender over four years since drug court entry by agency. This table also presents the difference in these costs between the

drug court and the comparison group. This difference was calculated by subtracting the comparison group cost from the drug court participant cost. Therefore, a negative number in the difference column reflects a cost savings in the drug court participant group and a positive number reflects a loss due to drug court.

Table A6.8: Stanislaus Outcome Costs by Agency. Average total outcome cost per offender by agency over four years.

Agency	Drug Court	Comparison	Difference in Cost	Percentage Difference
Superior Court	\$1,166.55	\$1,327.88	-\$161.33	-12%
District Attorney	\$767.96	\$874.17	-\$106.21	-12%
Public Defender	\$585.40	\$666.36	-\$80.96	-12%
Probation	\$131.85	\$575.46	-\$443.61	-77%
Treatment Agencies	\$583.26	\$642.23	-\$58.97	-9%
Law Enforcement	\$5,119.73	\$8739.20	-\$3,619.47	-41%
Corrections	\$6,558.03	\$7,098.67	-\$540.64	-8%
Victimizations	\$11,728.21	\$21,872.78	-\$10,144.57	-46%
Total	\$26,640.99	\$41,796.75	-\$15,155.75*	-36%

*This cost difference is statistically significant ($p < 0.01$)

Every agency involved sees cost savings due to drug court. Probation sees the largest percentage savings, although the victims of crime and law enforcement see the most dollars saved.

However, the final assessment of the cost differences between the drug court approach and business-as-usual requires a matching of outcome costs to investment costs. This is usually expressed as the “cost-benefit ratio.” Table A6.9 indicates this result.

Table A6.9: Stanislaus Total Investment and Outcome Costs per Offender

Type of cost	Drug Court per Participant	Comparison per Participant	Difference	Ratio
Investment	\$5,457.75	\$4,518.24	\$939.51	1
Outcome	\$26,640.99	\$41,796.75	-\$15,155.75	16.1

Every dollar invested in drug court by the court system (over and above what would be spent on standard processing) produces savings of \$16 to the taxpayer. It should be noted that most of this cost savings is in reduced victimization costs to the victims of crime. However, even excluding the victimization costs, Stanislaus produces a respectable cost-benefit ratio of 1 to 5.3.

Another way of illustrating this is to combine all costs (both investment and outcome costs) over the time period for both the drug court option and standard processing. Table A6.10 illustrates this.

Table A6.10: Stanislaus Total Costs. Average total cost to the system per offender by agency for drug court eligible case and outcomes combined over four years.

Agency	Drug Court	Comparison	Difference in Cost
Superior Court	\$1,475.79	\$2,237.94	-\$762.15
District Attorney	\$844.52	\$1,473.28	-\$628.76
Public Defender	\$712.84	\$1,123.05	-\$410.21
Probation	\$1,254.54	\$975.61	+\$278.93
Treatment Agencies	\$3,500.44	\$1,227.84	+\$2,272.60
Law Enforcement	\$6,024.37	\$10,305.82	-\$4,281.45
Corrections	\$6,558.03	\$7,098.67	-\$540.64
Victimizations	\$11,728.21	\$21,872.78	-\$10,144.57
Total	\$28,877.23	\$46,314.99	-\$14,216.25

*This cost difference is statistically significant ($p < 0.01$)

When the total costs for the drug court approach (investment costs plus outcomes) are compared to the total costs of standard processing, the picture is quite positive. Treatment and probation are the only venues that experience a net increase in costs. For treatment this reflects the greater treatment resources available for drug court and possibly greater engagement in treatment for participants. Because probation experiences savings in outcomes, over time these savings can be expected to continue to accrue and within a year probation can also expect a net decrease in costs. In every other situation, there are substantial reductions in costs that accrue within a four year period from the drug court approach.

Summary and Discussion

The Stanislaus drug court jurisdiction is an ethnically mixed community of mostly Whites (55%) and Hispanics (Latino) (32%). Unemployment rates are high, averaging 11% for males and 14% for females. Poverty rates are high, with 17% of the population below the poverty level. Hispanic poverty rates were 23%. In addition, educational attainment is low among Hispanics with about 50% of Hispanic males and 32% of Hispanic females having less than a 9th grade education.

In spite of these difficulties, Stanislaus seems to have developed a successful drug court. The court has been in operation since 1995. One of the surprising results of this cost approach is that it has revealed how small the net investment cost can be in the drug court program. In Stanislaus, compared to standard processing, the drug court costs only \$1,146.31 per case. This fact, combined with substantial benefits in the subsequent four-year period, gives them a very positive cost-benefit ratio of 1 to 13.

Using the enrollment numbers during the time period of this study, Stanislaus averaged 231 new drug court participants per year. If the net cost savings per participant over four years (\$14,216.25) are multiplied by the number of new participants per year, the result is a cost savings of **\$3,283,953.75** each year due to drug court processing.